

EXPRESSION - FREEDOM OF - MEDIA

IV. CONCLUDING OBSERVATIONS, CONTINUED

CERD

- Belgium, CERD, A/57/18 (2002) 17 at para. 42.

42. With regard to article 4 of the Convention the Committee notes with appreciation the State party's efforts in the field of legislative reform, especially the amendment to article 150 of the Constitution, which transfers jurisdiction over acts motivated by racism and xenophobia committed through the media to lower instance criminal courts. It also welcomes the imposition of financial sanctions on anti-democratic political parties that disseminate racism and xenophobia.

- Costa Rica, CERD, A/57/18 (2002) 21 at paras. 70 and 77.

70. The Committee welcomes the recent (January 2002) adoption of a resolution by the Office of the National Control of Propaganda prohibiting any radio broadcast or transmission, or any commercial product depicting bias against women, particularly black women.

...

77. The Committee expresses concern at alleged manifestations in the media of racism, xenophobia and intolerance against minority groups. The State party should support the adoption of a code of ethics for the media.

- Denmark, CERD, A/57/18 (2002) 27 at para. 116.

116. The Committee takes note of the information on the temporary suspension of the licence of Radio OASEN owned by a neo-Nazi Association and recommends that the Danish Government take decisive steps to prohibit such organizations in accordance with article 4 (b) of the Convention.

- Lithuania, CERD, A/57/18 (2002) 35 at para. 177.

177. The Committee is concerned about information relating to expressions of racial hatred by politicians and the media. In this regard, the Committee stresses that the new criminal code should satisfy the requirements of article 4 of the Convention, especially paragraphs (a) and (b).

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- Qatar, CERD, A/57/18 (2002) 38 at para. 186.

186. The Committee welcomes the political reforms on which the State party has embarked, and notes in particular the review of legislation on civil liberties, the lifting of censorship on the printed media, the first elections to the Central Municipal Council, conducted with universal and equal suffrage in 1999, and the announcement of the forthcoming establishment of an elected parliament.

- Canada, CERD, A/57/18 (2002) 56 at para. 335.

335. The Committee expresses concern about information on patterns of racial discrimination affecting people of African and Asian descent and at expressions of prejudice in the media against such people, as well as against foreigners and refugees...

- Hungary, CERD, A/57/18 (2002) 63 at para. 372.

372. The Committee...welcomes the positive elements incorporated in...Act I of 1996 on Radio and Television Broadcasting, aiming at preventing hate speech and discrimination on racial, national and ethnic grounds...

- Mali, CERD, A/57/18 (2002) 66 at para. 397.

397. The Committee welcomes the information concerning human rights education as part of the training given to State officials, the promotion of national languages, the development of press freedom and the growing role of NGOs in Mali.

- New Zealand, CERD, A/57/18 (2002) 69 at para. 420.

420. The Committee welcomes the State party's policies and initiatives designed to improve the status and use of the Maori language, including the increase[d] supply of services in the Maori language, including in education and State broadcasting.

- Côte d'Ivoire, CERD, A/58/18 (2003) 19 at paras. 23 and 34.

23. The Committee welcomes the State party's commitment to prosecute any media which incite hatred or racial discrimination.

...

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34. Noting with concern that some of the national media have used propaganda to incite war and encourage hatred and xenophobia, the Committee recommends that the State party continue its efforts to take the necessary measures to put an end to this practice.

- Poland, CERD, A/58/18 (2003) 35 at para. 158.

158. The Committee, while noting the State party's efforts to prohibit, through legislation, all dissemination of ideas based on racial superiority or hatred and incitement to racial hatred, reminds the State party of its obligation under article 4 to prohibit all organizations and activities, including those of the mass media, which promote and incite racial discrimination. It suggests that the State party strengthen its efforts to implement existing legislation in this regard.

- Russian Federation, CERD, A/58/18 (2003) 38 at para. 193.

193. The Committee is concerned about reports that racist materials targeting minority groups and perpetuating negative stereotypes are disseminated in the national media. The Committee recommends that the State party monitor the situation closely...

- Latvia, CERD, A/58/18 (2003) 75 at para. 443.

443. The Committee welcomes the Supreme Court ruling of 6 June 2003 declaring unconstitutional section 19, paragraph 5, of the Law on Radio and Television which restricts the airtime of broadcasts in languages spoken by minorities in Latvian private media.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/58/18 (2003) 88 at paras. 531 and 532.

531. The Committee...reiterates its concern over the fact that the State party continues to uphold its restrictive interpretation of the provisions of article 4 of the Convention. It recalls that such interpretation is in conflict with the State party's obligations under article 4 (b) of the Convention and draws the State party's attention to the Committee's general recommendation XV according to which the provisions of article 4 are of a mandatory character.

In the light of the State party's recognition that the right to freedom of expression and opinion are not absolute rights, and in the light of statements by some public officials and media reports that may adversely influence racial harmony, the Committee recommends that

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the State party reconsider its interpretation of article 4.

532. The Committee is concerned about the increasing racial prejudice against ethnic minorities, asylum-seekers and immigrants reflected in the media and the reported lack of effectiveness of the Press Complaints Commission in dealing with this issue. The Committee recommends that the State party consider further how the Press Complaints Commission can be made more effective and can be further empowered to consider complaints received from the Commission for Racial Equality as well as other groups or organizations working in the field of race relations...

- Bahamas, CERD, A/59/18 (2004) 10 at para. 31.

31. The Committee is concerned at reports of statements and press articles inciting racial discrimination against migrants, Haitians in particular, and actual discrimination against migrants in fields such as education and employment. It is disturbed to hear that the State party says it has not been told of such allegations.

The Committee recommends the State party to conduct an inquiry into these allegations and notify the Committee of the outcome. Where appropriate, the State party should take all necessary punitive, educational and other measures to put an end to such conduct.

- Nepal, CERD, A/59/18 (2004) 24 at para. 136.

136. The Committee notes that the Government broadcasts in several national languages. The Committee is concerned, however, with the lack of representation of disadvantaged groups in the State-owned media, and that issues such as racial discrimination and human rights receive little coverage by the media in general.

The Committee invites the State party to consider introducing special measures to ensure due representation in the mass media of members of disadvantaged groups, including Dalits.

- 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

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to racial hatred. It recommends that the State party take appropriate measures to combat racist propaganda in the media...

- Tajikistan, CERD, A/59/18 (2004) 74 at para. 413.

413. The Committee notes with concern that, according to some information, minority languages are rarely used on public television and radio, newspapers and magazines.

The Committee recommends that the State party ensure that sufficient time is devoted to programmes in minority languages on public radio and television. The State party should take steps to facilitate the publication of newspapers in minority languages. Particular efforts should be made in this regard in relation to the use of Uzbek, which is the language spoken by the largest minority.

- Saint Lucia, CERD, A/59/18 (2004) 86 at para. 448.

448. The Committee is concerned at the apparent lack of television programmes in Kweyol on the three national channels.

It recommends that the State party consider the inclusion in public radio and television programmes of broadcasts in Kweyol and other minority languages.

- Australia, CERD, A/60/18 (2005) 13 at para. 34.

34. The Committee is concerned at reports of biased treatment of asylum-seekers by the media (art. 4).

The Committee recommends that the State party take resolute action to counter any tendency to target, stigmatize, stereotype or profile non-citizens, including asylum-seekers, on the basis of race, colour, descent, or national or ethnic origin, especially by the media and the society at large. In this regard, it draws the attention of the State party to its general recommendation XXX on non-citizens.

- Ireland, CERD, A/60/18 (2005) 30 at para. 135.

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135. While noting the continuous efforts undertaken by the State party to combat racial discrimination and related intolerance, the Committee remains concerned that racist and xenophobic incidents and discriminatory attitudes towards ethnic minorities are still encountered in the country (art. 2).

The Committee encourages the State party to continue to combat prejudice and xenophobic stereotyping, especially in the media, and fight prejudice and discriminatory attitudes. In this context, the Committee recommends that the State party introduce in its criminal law a provision that makes committing an offence with a racist motivation or aim an aggravating circumstance allowing for a more severe punishment.

- Luxembourg, CERD, A/60/18 (2005) 40 at paras. 189 and 194.

189. The Committee welcomes the entry into force of the Act of 8 June 2004 on freedom of expression in the media, which calls for a code of ethics to govern the pursuit of journalistic activities.

...

194. While noting the State party's efforts to tighten up its laws and strengthen its institutions combating racial discrimination, the Committee notes that racist and xenophobic incidents, in particular against Arabs and Muslims, and discriminatory attitudes towards ethnic minorities are still encountered.

The Committee encourages the State party to continue to combat prejudice and xenophobic stereotypes, in the media especially, and fight prejudice and discriminatory attitudes. It recommends that the authorities adopt a strategy for making the public at large better aware of the existence and purpose of the institutions established to combat racial discrimination.

- Turkmenistan, CERD, A/60/18 (2005) 61 at paras. 321 and 325.

321. The Committee is concerned about information that persons belonging to national and ethnic minorities are impeded from exercising their right to enjoy their own culture. In particular, it is concerned about...the reduced possibilities for the use of minority languages in the media (arts. 2 and 5).

The Committee recommends that the State party fully respect the cultural rights of persons belonging to national and ethnic minorities...The State party should ensure that members of national and ethnic minorities are not discriminated against in their access to the media and have the possibility of creating and using their own media in their own language.

...

325. The Committee is deeply concerned by information that the State party has adopted

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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...

- Zambia, CERD, A/60/18 (2005) 75 at para. 401.

401. The Committee notes with concern the decision of the State party to appeal the High Court judgement in the case *Roy Clarke v. Attorney-General*, which quashed a deportation order concerning a British long-term resident on the basis that he would not have been punished for his journalistic activities if he were a Zambian citizen (art. 5 (d) (viii)).

The Committee recalls that under the Convention, differential treatment based on citizenship constitutes discrimination if the criteria for such differentiation are not applied pursuant to a legitimate aim, and are not proportional to the achievement of this aim. It recommends to the State party that it respect the right to freedom of expression without any discrimination based on citizenship...

ICCPR

- Ukraine, ICCPR, A/57/40 vol. I (2002) 32 at para. 74(22).

(22) The Committee is concerned about reports of intimidation and harassment of journalists. It is further concerned about the absence of criteria for granting or denying licences to electronic mass media, such as television and radio stations, which has a negative impact on the exercise of freedom of expression and the press provided in article 19 of the Covenant. It is also concerned that the system of government subsidies to the press may be used to stifle freedom of expression.

(a) The State party should ensure that journalists can carry out their activities without fear of being subjected to prosecution and refrain from harassing and intimidating them, in order to give full effect to the right to freedom of expression and of the press provided for in article 19 of the Covenant;

(b) The State party should take effective measures to define clearly in law the functions and competences of the State Communications Committee of Ukraine. The decisions of the State Communications Committee should be subject to judicial control;

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(c) The State party should ensure that clear criteria are established for payment and withdrawal of government subsidies to the press, so as to avoid the disbursement of such subsidies for the purpose of stifling criticism of the Government.

- United Kingdom of Great Britain and Northern Ireland, ICCPR, A/57/40 vol. I (2002) 36 at para. 75(21).

(21) The Committee is concerned that powers under the Official Secrets Act 1989 have been exercised to frustrate former employees of the Crown from bringing into the public domain issues of genuine public concern, and to prevent journalists from publishing such matters.

The State party should ensure that its powers to protect information genuinely related to matters of national security are narrowly utilized and limited to instances where it has been shown to be necessary to suppress release of the information.

- Azerbaijan, ICCPR, A/57/40 vol. I (2002) 47 at para. 77(22).

(22) The Committee is concerned at the extensive limitations on the right to freedom of expression of the media. While noting the explanations given by the delegation with regard to this issue, the Committee remains concerned at reports of harassment and criminal libel suits used to seek to silence journalists critical of the Government or public officials, as well as the closure of print media outlets and the imposition of heavy fines, aimed at undermining freedom of expression (article 19 of the Covenant).

The Committee urges the State party to take the necessary measures to put an end to direct and indirect restrictions on freedom of expression. Criminal defamation legislation should be brought into line with article 19 by ensuring a proper balance between the protection of a person's reputation and freedom of expression.

- Viet Nam, ICCPR, A/57/40 vol. I (2002) 67 at para. 82(18).

(18) The Committee is concerned at reports of the extensive limitations on the right to freedom of expression in the media and the fact that the Press Law does not allow the existence of privately owned media. It is also concerned at the press laws which impose restrictions on publications which, *inter alia*, are said to cause harm to political stability or insult national institutions. These broadly defined offences are incompatible with paragraph 3 of article 19 of the Covenant.

The State party should take all necessary measures to put an end to direct and indirect

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restrictions on freedom of expression. The press laws should be brought into compliance with article 19 of the Covenant.

- Yemen, ICCPR, A/57/40 vol. I (2002) 72 at para. 83(21).

(21) The Committee expresses its concern about some restrictions under Yemeni legislation on freedom of the press and about the difficulties encountered by journalists in practising their profession when they criticise the authorities (article 19 of the Covenant).

The State party should ensure that the provisions of article 19 of the Covenant are respected.

- Republic of Moldova, ICCPR, A/57/40 vol. I (2002) 76 at para. 84(14).

(14) The Committee is concerned that, contrary to articles 19 and 26 of the Covenant, the State television and radio broadcasting service (Tele-Radio Moldova) has been subject to directives inconsistent with the requirements of impartiality and non-discrimination with respect to political opinion.

The State party should take the necessary steps, including legislative measures, to ensure that the State broadcaster enjoys broad discretion as to programming content, and that competing views, including those of political parties opposed to government policy, are appropriately reflected in the broadcaster's transmissions.

- Egypt, ICCPR, A/58/40 vol. I (2002) 31 at para. 77(18).

(18) The Committee is deeply concerned at the State party's failure to take action following the publication of some very violent articles against the Jews in the Egyptian press, which in fact constitute advocacy of racial and religious hatred and incitement to discrimination, hostility and violence.

The State party must take whatever action is necessary to punish such acts by ensuring respect for article 20, paragraph 2, of the Covenant.

- Togo, ICCPR, A/58/40 vol. I (2002) 36 at paras. 78(13), 78(16) and 78(17).

(13) The Committee, taking note of the State party's acknowledgment that arbitrary arrests sometimes take place, is concerned at the many reports of the arbitrary arrest of members of the opposition and civil society, human rights defenders and journalists, in violation of

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article 9 of the Covenant.

The State party should identify the prisoners who have allegedly been detained for political reasons in Togo, and review their situation. The State party should also ensure that persons who have been arbitrarily arrested are released as soon as possible, and that judicial proceedings are instituted against the perpetrators of such violations.

...

(16) The Committee is deeply concerned at the alleged harassment, continuous intimidation and arrest of journalists, including incidents that took place in 2001 and 2002, and at reports that several independent publications and radio stations have been banned since the beginning of the year. The Committee takes note of the delegation's assertions that such restrictions on freedom of expression are imposed in accordance with article 26 of the Constitution but finds that the Press and Broadcasting Code has been amended over the past two years in a particularly repressive spirit.

The State party should review the Press and Broadcasting Code and ensure that it is consistent with article 19 of the Covenant.

(17) The Committee is concerned at reports that opposition political parties lack practical access to public audio-visual and sound media and that the members of such parties are the target of continuous public slander campaigns in the media (articles 19 and 26 of the Covenant).

The State party should guarantee the fair access of political parties to public and private media and ensure that their members are protected against slander...

- Philippines, ICCPR, A/59/40 vol. I (2003) 15 at para. 63(8).

(8) The Committee is concerned about the lack of appropriate measures to investigate crimes allegedly committed by State security forces and agents, in particular those committed against human rights defenders, journalists and leaders of indigenous peoples, and the lack of measures taken to prosecute and punish the perpetrators. Furthermore, the Committee is concerned at reports of intimidation and threats of retaliation impeding the right to an effective remedy for persons whose rights and freedoms have been violated.

(a) The State party should adopt legislative and other measures to prevent such violations, in keeping with articles 2, 6 and 9 of the Covenant, and ensure effective enforcement of the legislation.

...

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- Russian Federation, ICCPR, A/59/40 vol. I (2003) 20 at paras. 64(18), 64(19), 64(21) and 64(22).

(18) The Committee notes with concern the closure in recent years of a number of independent media companies and an increase in State control of major media outlets (TV channels, radio stations and newspapers), either directly or indirectly through State-owned corporations, such as the State-run company Gazprom, which took over the independent nationwide television network NTV in 2001.

The State party is invited to protect media pluralism and avoid state monopolization of mass media, which would undermine the principle of freedom of expression enshrined in article 19 of the Covenant.

(19) The Committee is concerned that the proposed amendments to the law "On Mass Media" and the law "On Combating Terrorism", adopted by the State Duma in 2001 in the aftermath of the events of 11 September 2001, are incompatible with article 19 of the Covenant. It notes with satisfaction that the President of the Russian Federation vetoed the amendments in November 2002.

The State party should ensure that the above-mentioned amendments, which were put in abeyance in November 2002, but are due to be debated again by a parliamentary commission, are brought into conformity with the State party's obligations under the Covenant.

...

(21) The Committee is concerned that journalists, researchers and environmental activists have been tried and convicted on treason charges, essentially for having disseminated information of legitimate public interest, and that in some cases where the charges were not proven, the courts have referred the matter back to prosecutors instead of dismissing the charges.

The State party should ensure that no one is subjected to criminal charges or conviction for carrying out legitimate journalistic or investigative scientific work, within the terms covered by article 19 of the Covenant.

(22) The Committee expresses its concern at the high incidence of harassment, violent attacks and murders of journalists in the State party.

The State party should ensure that all cases of threats against and violent assault and murder of journalists are promptly and thoroughly investigated and that those found responsible are brought to justice (arts. 19 and 6).

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- Sri Lanka, ICCPR, A/59/40 vol. I (2003) 30 at paras. 66(17) and 66(18).

(17) While appreciating the repeal of the statutory provisions relating to criminal defamation, the Committee notes with concern that State radio and television programmes still enjoy broader dissemination than privately owned stations, even though the Government has taken media-related initiatives, by repealing the laws that provide for State control of the media, by amending the National Security Act and by creating a Press Complaints Commission (art. 19).

The State party is urged to protect media pluralism and avoid state monopolization of media, which would undermine the principle of freedom of expression enshrined in article 19 of the Covenant. The State party should take measures to ensure the impartiality of the Press Complaints Commission.

(18) The Committee is concerned about persistent reports that media personnel and journalists face harassment, and that the majority of allegations of violations of freedom of expression have been ignored or rejected by the competent authorities. The Committee observes that the police and other government agencies frequently do not appear to take the required measures of protection to combat such practices (arts. 7, 14 and 19).

The State party should take appropriate steps to prevent all cases of harassment of media personnel and journalists, and ensure that such cases are investigated promptly, thoroughly and impartially, and that those found responsible are prosecuted.

- Colombia, ICCPR, A/59/40 vol. I (2004) 35 at para. 67(11).

(11) The Committee is concerned about the fact that a significant number of arbitrary detentions, abductions, forced disappearances, cases of torture, extrajudicial executions and murders continue to occur in the State party... Human rights defenders, political and trade union leaders, judges and journalists continue to be targets of such actions... The Committee is also disturbed about the participation of agents of the State party in the commission of such acts, and the apparent impunity enjoyed by their perpetrators.

The State party should take immediate and effective steps to investigate these incidents, punish and dismiss those found responsible and compensate the victims, so as to ensure compliance with the guarantees set forth in articles 2 (3), 6, 7 and 9 of the Covenant.

- Germany, ICCPR, A/59/40 vol. I (2004) 39 at para. 68(20).

(20) While it takes note of the firm stance of Germany in favour of respect for human rights

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within the framework of the anti-terrorism measures it adopted subsequent to the events of 11 September 2001, the Committee expresses its concern regarding the effect of those measures on the situation of human rights in Germany, in particular for certain persons of foreign extraction, because of an atmosphere of latent suspicion towards them (arts. 17, 19, 22 and 26).

...

(b) The State party is also requested to undertake an educational campaign through the media to protect persons of foreign extraction, in particular Arabs and Muslims, from stereotypes associating them with terrorism, extremism and fanaticism.

- Namibia, ICCPR, A/59/40 vol. I (2004) 64 at para. 74(15).

(15) The Committee takes note of the reports that certain media personnel and journalists have faced harassment and that these allegations have not been investigated either promptly or thoroughly by the competent authorities.

The State party should take appropriate steps to prevent threats to and harassment of media personnel and journalists, and ensure that such cases are investigated promptly and with the requisite thoroughness and that suitable action is taken against those responsible.

- Serbia and Montenegro, ICCPR, A/59/40 vol. I (2004) 68 at para. 75(22).

(22) The Committee is concerned at the high number of proceedings initiated against journalists for media-related offences, in particular as a result of complaints filed by political personalities who feel that they have been subject to defamation because of their functions.

The State party, in its application of the law on criminal defamation, should take into consideration on the one hand the principle that the limits for acceptable criticism for public figures are wider than for private individuals, and on the other hand the provisions of article 19 (3), which do not allow restrictions to freedom of expression for political purposes.

- Albania, ICCPR, A/60/40 vol. I (2004) 25 at para. 82(19).

(19) The Committee is concerned about instances of harassment and physical violence against journalists as well as about threats of defamation suits against them, and with the lack of information provided by the State party about those situations (art. 19).

The State party should fully guarantee and protect the right of freedom of opinion and expression of journalists and media representatives and introduce legal mechanisms and

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practical measures to that effect, and should prosecute and punish perpetrators of interference with those rights.

- Benin, ICCPR, A/60/40 vol. I (2004) 30 at para. 83(22).

(22) The Committee notes with concern that under the Act of 30 June 1960 and the Act of 20 August 1997 press offences are punishable by up to five years imprisonment, which is a disproportionate duration in the light of article 19 of the Covenant.

The State party should abolish prison sentences for press offences.

- Morocco, ICCPR, A/60/40 vol. I (2004) 35 at para. 84(23).

(23) The Committee is concerned about the persistent reports that journalists have been fined or harassed in the exercise of their profession.

The State party should take the necessary measures to prevent any harassment of journalists and to ensure that its legislation and practices give full effect to the requirements of article 19 of the Covenant.

- Uzbekistan, ICCPR, A/60/40 vol. I (2005) 56 at para. 89(20).

(20) The Committee is concerned about persistent reports that journalists have been harassed in the exercise of their profession (Covenant, art. 19).

The State party should adopt appropriate measures to prevent any harassment or intimidation of journalists and ensure that its legislation and practice give full effect to the requirements of article 19 of the Covenant.

- Yemen, ICCPR, A/60/40 vol. I (2005) 65 at para. 91(20).

(20) The Committee is concerned about reported violations of freedom of the press, including arrest and harassment of journalists, as well as about reports regarding the restrictive character of the new draft Press and Publications Act currently under review.

The State party should respect freedom of the press and ensure that the new Press and Publications Act will be in full conformity with the provisions of article 19 of the Covenant.

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- Tajikistan, ICCPR, A/60/40 vol. I (2005) 70 at para. 92(21).

(21) The Committee is concerned about persistent reports that journalists have been harassed by State officials in the exercise of their profession and that newspapers have been seized (art. 19).

The State party should avoid any harassment or intimidation of journalists and ensure that its legislation and practice give full effect to the requirements of article 19 of the Covenant.

- Slovenia, ICCPR, A/60/40 vol. I (2005) 74 at para. 93(13).

(13) The Committee is concerned about manifestations of hate speech and intolerance in the public domain which are occasionally echoed by certain media in the State party (art. 20).

The State party should adopt strong measures to prevent and prohibit the advocacy of hate and intolerance that constitutes prohibited incitement and fulfil the provisions of article 20.

- Syrian Arab Republic, ICCPR, A/60/40 vol. I (2005) 78 at para. 94(14).

(14) While welcoming the statement by the delegation that the Publications Act of 2001 is in the process of being appropriately revised, the Committee is concerned at its nature and application. The Committee has also noted in this regard the information provided by the delegation that a new law for audio-visual media is being prepared (art. 19).

The State party should ensure that all legislation governing audio-visual and print media and the licensing regime are in full compliance with the requirements of article 19, and that any limitations on the content of publications and media broadcasts fall within the strict limits permissible under article 19 (3).

- Thailand, ICCPR, A/60/40 vol. I (2005) 83 at para. 95(18).

(18) The Committee is concerned about reports of intimidation and harassment against local and foreign journalists and media personnel as well as of defamation suits against them, originating at the highest political level. It is also concerned at the impact of the Emergency Decree on Government Administration in States of Emergency which imposes serious restrictions on media freedom (art. 19, para. 3).

The State party should take adequate measures to prevent further erosion of freedom of

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expression, in particular, threats to and harassment of media personnel and journalists, and ensure that such cases are investigated promptly and that suitable action is taken against those responsible, regardless of rank or status.

ICESCR

- Poland, ICESCR, E/2003/22 (2002)54 at para. 352.

352. The Committee notes with appreciation the initiatives undertaken by the State party to reduce alcohol consumption and tobacco smoking in the country, including the recent ban on the selling of alcohol to minors and on the promotion and advertising of tobacco products.

- Iceland, ICESCR, E/2004/22 (2003) 39 at para. 219.

219. The Committee notes with satisfaction the amendments enacted in the Tobacco Control Act, the objective of which is to reduce the consumption of tobacco products by imposing supplementary restrictions on their sale and by reinforcing the prohibition of their advertisement.

- Greece, ICESCR, E/2005/22 (2004) 23 at paras. 145 and 167.

145. The Committee notes with concern that the State party has one of the highest tobacco and alcohol consumption rates in Europe, in particular, among minors.

...

167. The Committee recommends that the State party strictly enforce the prohibition of smoking in public areas and of the sale of strong alcoholic beverages to minors, adopt effective measures against “subtle” forms of tobacco and alcohol advertisement, in addition to existing restrictions, and intensify its efforts in the field of anti-smoking education and information campaigns.

CEDAW

- Saint Kitts and Nevis, CEDAW, A/57/38 part II (2002) 90 at para. 90.

90. The Committee is pleased to note that the State party has achieved great success in promoting gender equality in the information media through close collaboration with the Ministry of Gender Affairs. In this respect, the Committee particularly appreciates the prohibition laid down in the Law Reform Act on reporting or broadcasting matters which

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might lead to the identification of the defendants in sex offence cases.

- Belgium, CEDAW, A/57/38 part II (2002) 95 at para. 138.

138. The Committee...commends the State party for the development by the Ethics Commission, pursuant to the law of March 1995, of a code of ethics for telecommunications information services in an effort to protect minors, in particular the girl child, by monitoring the presence of violence and sex in media programmes.

- Germany, CEDAW, A/59/38 part I (2004) 62 at paras. 384 and 385.

384. The Committee is concerned about the continuation of pervasive stereotypical and conservative views of the role and responsibilities of women and men. It is also concerned that women are sometimes depicted by the media and in advertising as sex objects and in traditional roles.

385. The Committee recommends that policies be strengthened and programmes implemented, including awareness-raising and educational campaigns directed at women and men, and specifically at media and advertising agencies, to help ensure the elimination of stereotypes associated with traditional roles in the family and the workplace, and in society at large. It also recommends that the media be encouraged to project a positive image of women and that concerted efforts be made to change men's and society's perception of women as sex objects.

CAT

- Ukraine, CAT, A/57/44 (2002) 31 at para. 57.

57. The Committee expresses its concern about the following:

...

(i) Reported threats and harassment, including ill-treatment, of independent journalists and others who have raised allegations of abuses by officials;

...

CRC

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

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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.

- Zambia, CRC, CRC/C/132 (2003) 32 at para. 223.

223. ...[T]he Committee specifically recommends that the State party:

...

(h) Ensure that the right to privacy of juvenile offenders is guaranteed and take all necessary measures to ensure that the identity of the juvenile offender is not revealed by the media;

(i) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice, including journalists;

...

- Kazakhstan, CRC, CRC/C/132 (2003) 129 at paras. 615 and 616.

615. In light of articles 13 and 17 of the Convention, the Committee is concerned that the quality and quantity of printed information, including children's books, available to children have decreased in recent years, while at the same time there is a lack of mechanisms to protect children from information and material injurious to their well-being. Furthermore, the Committee is concerned that the amendments to the Media Law may limit access to information.

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

- 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

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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.

- Sao Tome and Principe, CRC, CRC/C/140 (2004) 54 at paras. 270 and 271.

270. The Committee is concerned that children have easy access to pornographic DVDs sold locally.

271. In the light of article 17 (e) of the Convention, the Committee recommends that the State party take all necessary measures to protect children from exposure to harmful information, including pornography. The Committee further recommends that the State party take into consideration the Committee's recommendations emanating from its day of general discussion on the child and the media during its thirteenth session (CRC/C/57).

- Croatia, CRC, CRC/C/143 (2004) 36 at paras. 200-203.

200. The Committee joins the State party in its concern about violations of the right to privacy of children by the media...

201. The Committee recommends that the State party take the necessary measures to ensure that the media fully respect the right to privacy of children...

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

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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.

- Angola, CRC, CRC/C/143 (2004) 78 at paras. 405 and 406.

405. The Committee expresses its concern at reports of the lack of respect for the privacy of children in the media...

406. The Committee recommends that the State party take the necessary measures to ensure respect for the child's right to privacy, particularly by the media...

- Albania, CRC, CRC/C/146 (2005) 19 at paras. 113 and 114.

113. The Committee welcomes that children have improved access to information technologies, but is concerned at the lack of an efficient system to protect children from harmful information, including television programmes, printed material and other media containing, *inter alia*, violence, racism and pornography and at the accessibility of these to children.

114. The Committee recommends that the State party enact special legislation and develop appropriate guidelines to protect children from harmful information while fully guaranteeing their access to appropriate information. The Committee further recommends that the State party take into consideration the Committee's recommendations emanating from its day of general discussion on "The child and the media" (see CRC/C/57, paras. 242-257).

- 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,

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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.

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

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.

- Bosnia and Herzegovina, CRC, CRC/C/150 (2005) 49 at paras. 227, 228, 236 and 237.

227. The Committee is concerned that discrimination on grounds of ethnicity, political affiliation, national origin, social status, status as internally displaced persons or returnees, residence in rural areas and gender or disability continues to be widespread. The Committee also expresses concern at the information that - despite some improvements - the media sometimes contribute to stigmatization and social exclusion by conveying stereotyped messages and distrust of people belonging to minority and/or ethnic groups.

228. In accordance with article 2 of the Convention, the Committee recommends that the State party carefully and regularly evaluate existing disparities in the enjoyment by children of their rights and undertake on the basis of that evaluation the necessary steps to prevent and combat all discriminatory disparities... The State party is also encouraged to develop, in consultation with the media, a code of conduct with a view to eliminating stereotyping and stigmatization of minority and/or ethnic groups in the media.

...

236. The Committee is concerned that children's right to privacy is not fully respected, in schools, media and other institutions.

237. The Committee recommends that the State party take all possible measures to guarantee the conditions for respecting the right to privacy for children.

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- Nepal, CRC, CRC/C/150 (2005) 66 at paras. 326 and 327.

326. The Committee notes with concern that “the identity of child offenders, rape victims or children in difficult circumstances continues to be disclosed in the media” ([CRC/C/65/Add.30,] para. 124), which is a clear infringement of article 16 of the Convention.

327. The Committee urges the State party to establish mechanisms to ensure that all materials broadcast in Nepal respect the child’s right to privacy such as a code of conduct and/or self-regulation, and to ensure that appropriate human rights training is given to media professionals, paying particular attention to children’s rights to privacy.

- 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.