

General (E/CN.4/1998/77/Add.2) notes that participants included invited experts and representatives from governments, intergovernmental bodies and non-governmental organizations.

Seven background papers were prepared for the seminar: (a) "Racisms and racial discrimination on the Internet" (HR/GVA/DRI/SEM/1997/BP.6); (b) "Prohibition of racist propaganda on the Internet: juridical aspects, national measures" (HR/GVA/DRI/SEM/1997/BP.5); (c) "Technical aspects of screening racist propaganda on the Internet: national measures" (HR/GVA/DRI/SEM/1997/BP.2; HR/GVA/DRI/SEM/1997/BP.7); (d) "Prohibition of racist propaganda on the Internet: juridical aspects, international measures" (HR/GVA/DRI/SEM/1997/BP.3); (e) "Elements relating to conduct and good practice for Internet-based materials" (HR/GVA/DRI/SEM/1997/BP.1; HR/GVA/DRI/SEM/1997/BP.4).

The report includes summaries of points raised during discussion of these subjects as well comments on regional and national approaches to the issue, technical solutions, education, self-regulation and a code of conduct, financial implications and, finally, the effects of excessive control.

On the issue of racism and racial discrimination on the Internet, the report notes that there is a general consensus among computer communications leaders and on-line activists worldwide that there should be no regulation. Commentary on juridical aspects and national measures related to the prohibition of racist propaganda on the Internet was mainly focussed on legal protections of speech in the United States. In a larger context, however, the report notes that the Internet had undeniably had positive implications for human rights and freedom and offered a means both of bridging cultural divides and promoting cultural diversity. Following on this, the report notes the assertion that the challenge was to decide how best to respond to racist propaganda.

Discussion of the technical aspects of national measures to screen racist propaganda on the Internet noted that the elimination of electronic racism required affirmative actions to assure de facto racial equality in the enjoyment of the Internet as well as the prevention of explicit abuses, especially for young people, indigenous peoples and migrant workers. The report then notes, *inter alia*: the industrialized countries of the North have been the primary beneficiaries of the Internet with ownership and control of 80 per cent of all related resources; there is a danger that if this increasing racial imbalance is not reversed, the peoples of the South will become the victims of the Internet rather than its beneficiaries; the Internet has an alarming potential to create and reinforce an electronically disenfranchised underclass, which will prevent the improvement of racial equality in a growing range of human and social needs and transactions; in order to stop and prevent the trend towards an electronic form of economic and cultural imperialism, massive efforts are required to train, equip and connect disadvantaged people and societies to the Internet, with a special

emphasis on youth; through equal access to the Internet, all people will be able to tell their own stories to a worldwide audience in their own words, sounds and images; with intelligent social engineering, the Internet has the capacity to be a cultural and racial bridge instead of a wedge or barrier; and means must be found to lower the costs for hardware, software and carrier services to enable those with minimal resources and understanding to gain Internet access without the need for expensive personal computer and telephone line ownership.

Points raised during consideration of international measures related to the technical aspects of screening racist propaganda on the Internet included that: an understanding of the basic underlying technology of the Internet was essential, since its limitations and possibilities shaped potential public policy options; at a minimum such policies must be balanced between rights and legal obligations, technologically feasible, economically reasonable and technologically effective; it was desirable and appropriate for the UN and the international community to examine several related questions, one of the most important of which was whether additional restrictions were being considered for the Internet compared to other media and why the Internet should be singled out; and dealing with racist and hate content also set a precedent for other forms of online content, such as discrimination on the basis of gender, religion, national origin, sexual orientation, and political content.

Consideration of the juridical aspects and international measures related to the prohibition of racist propaganda referred to article 4 of the Convention on the Elimination of All Forms of Racial Discrimination and its stipulations that states are required to punish dissemination of ideas based upon racial superiority or hatred, incitement to racial hatred, acts of violence against any race or group of persons of another colour or ethnic origin, and incitement to such acts. The report also notes that article 4 penalizes the financing of racist activities, a provision that has been interpreted by the Committee on the Elimination of Racial Discrimination (CERD) to include activities deriving from ethnic as well as racial differences. The point was made that article 4 is mandatory in its provisions, aims at prevention rather than cure, requires states to declare illegal and prohibit all organizations as well as organized and other propaganda activities and to punish participation in them, outlines the obligations of public authorities at all administrative levels, imposes an obligation on states to pay "due regard" to the principles set out in the Universal Declaration and article 5 of the Convention, and is as much applicable to the dissemination on the Internet of racist ideas as it is to such offences and illegal acts in the press, radio, television or any other media. The report then notes that CERD has consistently rejected any construction of "due regard" for freedom of expression as neutralizing the obligation to prohibit and punish dissemination of ideas based on racial superiority or hatred or incitement to racial discrimination or acts of violence.