

The report also notes that there is a difference to be drawn between speech which offends and hurts, and that which exceeds the threshold of tolerance, ceases to be speech and becomes crime under international law. It is vital that, while governments consider the challenges posed by the Internet, attention continue to be given to the incidence of governments cooperating or being directly active in the manipulation of media for the promotion of racist views and incitement to violence. The SR stated, *inter alia*, that the new technologies and, in particular the Internet, are inherently democratic, provide the public and individuals with access to information sources and enable all to participate actively in the communication process.

With regard to national security, the report notes that many governments use national security laws to restrict freedom of opinion and expression and the right to receive and impart information. Further, it notes that state abuse of the powers granted under such laws often leads to both prolonged and short-term arbitrary detention, torture, extrajudicial, summary or arbitrary execution, disappearances, threats and intimidation, the closure of various media outlets, the banning of publications and programming, bans on public gatherings, bans and prohibitions on organizations, groups and associations that are in no way associated with terrorism and violence, strict censorship on all forms of communication, and tolerance of, if not actual support for, the abuses and crimes committed by police and paramilitary groups.

The section of the report addressing the issue of women and freedom of expression refers to comments in the 1997 report (E/CN.4/1997/31), in which the SR: called upon states actively to support women attempting to make their voices heard and to ensure that they are welcomed as active participants in public life; and urged governments to ensure that effective measures are taken to eliminate the atmosphere of fear that often prevents many women from communicating freely on their own behalf or on behalf of other women who have been victims of violence, either in domestic or community settings, or as a result of internal or transborder conflict.

The 1998 report makes a number of points including, *inter alia*, that: violence against women has been one of the most enduring features of war and conflict and terrible atrocities committed against women must find an expression of protest; such protest should come out clearly to the media and no restrictions whatsoever should be maintained which would suppress the voices of women; witness protection programmes are needed, for it is partly through such programmes that women and girls will be able fully to exercise their right to expression without shame and without fear of social exclusion, retribution or reprisals against them or members of their families; fear, shame and exclusion not only have an enormous impact on the ability of women to exercise freely their right to expression but also reflect, in some countries, inadequacies in the legal protections available to women and, in others, continuing attitudes and practices that are justified on the basis of customary prac-

tices, cultural history and social norms; and General Recommendation No. 23 — related to political and public life — issued in 1997 by the Committee on the Elimination of Discrimination against Women (CEDAW), notes that “despite women’s central role in sustaining the family and society and their contribution to development, they have been excluded from political life and the decision-making process, which nonetheless determine the pattern of their daily lives and the future of societies. Particularly in times of crisis, this exclusion has silenced women’s voices and rendered invisible their contribution and experiences.”

The report concludes by stating that the SR has noted no significant changes in the evolution of overall respect for the right to freedom of opinion and expression and that, *inter alia*: long-standing patterns of harassment and oppression of persons whose views and opinions differ from those holding power persist in a number of countries; restrictions on the freedom of opinion and expression limit to a significant extent knowledge about violations and keep investigation of abuses minimal and such trends perpetuate patterns of government corruption and impunity; in a number of countries, the authorities continue to maintain a firm control over the media and individuals’ free speech, often hand in hand with undue restrictions on public protests and demonstrations, as well as restrictions on the activities of independent trade unions or organizations of civil society; action taken by states and their agents against individuals seriously erode the public’s right to know and to receive and impart information; the right of the people to elect their government is compromised in many cases by the lack of access to information about candidates and their respective policies as well as the crucial issues at stake; with regard to the Internet, utmost care must be taken to consider all possible consequences of governmental measures and, as a rule, the best way to fight speech is through more speech; and, human rights for women will exist in name only to the extent that governments — irrespective of region, history and tradition — continue to fail to address such needs as witness protection programmes, the right to effective remedy for violence done against them, and their right to speak freely, publicly and without fear about those issues and difficulties of greatest importance to them.

The report recommends, *inter alia*, that:

- ♦ all states that have not ratified the International Covenants on Human Rights do so;
- ♦ all governments review domestic legal systems with a view to bringing them into line with international standards governing the right to freedom of opinion and expression;
- ♦ with regard to the issue of national security, all governments review not only laws specifically intended to protect national security but also ordinary criminal laws which may be used to infringe the rights to freedom of opinion and expression and information;