

the exception; the provisions of article 19 of the ICCPR, however, must be read in conjunction with those of article 20 related to the prohibition on propaganda for war and the advocacy of racial hatred; the tendency to perpetuate or concentrate excessive and arbitrary authority in the executive branch erodes freedom of opinion and expression and restricts the independence of the judiciary and legal system; any appeal on the part of the state to restrict freedom of opinion and expression should meet strict requirements indicating necessity; states should not invoke custom, tradition or religious considerations to restrict the right; states should review specific laws intended to protect national security as well as ordinary criminal laws which may be used to infringe, restrict or obliterate the right; the right to seek, receive and impart information is not simply a converse of the right to opinion and expression but a separate freedom; the right of everyone to receive information must be adequately protected and its protection must be the rule and not the exception; and the tendency of governments to withhold information from the people through measures such as censorship is to be strongly checked.

With these principles in mind, the SR addressed communications to governments related to, for example: actions against editors and journalists for publishing state secrets and publishing false information; deliberate killings of press professionals; closures of newspapers; assaults on journalists; actions against pro-democracy activists; arrests and trials of activists on charges of subversion; violent suppression of student demonstrations; arrests of members of opposition political parties; actions against elected members of national assemblies; and, restrictions on lawyers and persons working for human rights organizations. The section of the report dealing with conclusions and recommendations notes that violations of the rights to freedom of opinion and expression and to seek, receive and impart information often concur with violations of other human rights, including those related to disappearances, summary/arbitrary execution, torture, religious intolerance and arbitrary detention, as well as the problem of terrorism. In this regard, the SR stated that the right to freedom of expression can be described as an essential test right, the enjoyment of which illustrates the degree of enjoyment of all human rights. As well, he emphasized that actions by governments to ban certain publications, disband independent organizations and unions, and rescind or deny licences to independent media are frequently good indicators of situations in which the protection of all human rights will, in future, be weakened.

In the commentary on women's human rights, the SR called on states actively to support women attempting to make their voices heard and to ensure that they are welcomed as active participants in public life. Following on this, he urged governments to take effective measures to eliminate the atmosphere of fear that 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 report also reflected on the need to establish, in cooperation with the SR on violence against women, a framework through which violations of women's right to freedom of expression can be systematically documented and addressed. In this regard, he urged organizations and associations working on women's human rights to establish closer links with NGOs for which freedom of opinion and expression is the primary mandate.

On the right to development, the SR underlined the link between the right of people, both individually and collectively, to participate in public life and the rights to freedom of opinion and expression and to seek, receive and impart information. The report stated that, as discussions on the implementation of the right to development continue, laws and governmental practices which violate the rights to freedom of opinion, expression, information, dissent, association and participation must be taken into account. The SR noted violations in this context, including suppression of political expression, denial of access to family planning information for women, discrimination against women through personal status laws, prohibition on the establishment of independent trade unions, prohibitions or restrictions on the operation of independent media, restrictions on access to information on subjects of public interest and importance, suppression of the use of minority languages, infringements on the right to freedom of conscience, belief and religion, restrictions on the right to peaceful assembly, repression of the right to peaceful dissent, and resort to arguments based on a supposed need to maintain discipline or political order and stability, or respond to the imperative of modernization and nation-building. The SR stated that the rights to freedom of opinion and expression and to seek and receive information are fundamental prerequisites to ensure public participation, without which the realization of the right to development, as a prerogative of people rather than states, will remain in jeopardy.

Renewal of the mandate on freedom of opinion and expression will be considered at the 1999 session of the Commission.

At its 1997 session, the Commission adopted a resolution by consensus (1997/27) related to the mandate in which it, *inter alia*: referred to the rights and duties set out in article 19 of the ICCPR; noted the bases on which the right may be restricted; noted the need to ensure that national security is not used unjustifiably to restrict the right; noted the Johannesburg Principles on National Security, Freedom of Expression and Access to Information; considered the rights to opinion, expression, information, peaceful assembly and association to be essential to popular participation in the decision-making process; considered the possibility that a deterioration in the protection of the right could indicate a weakening in the protection and enjoyment of other rights; reaffirmed the interrelationship and interdependence of the right to opinion and expression and the right to seek, receive and impart information; reaffirmed that education is an integral component of effective participation in a free society and that the eradication of illiteracy is important; expressed concern at the numerous reports of detention, discrimination, acts of violence, harassment, persecution and intimidation against professionals in the field of information; noted the need to raise awareness about the interrelationship between the use and availability of new media of communication, including modern telecommunications technology, and the rights to expression and information; expressed concern at the gap for women between the existence of the right and the actual enjoyment of the right; expressed concern at the extensive occurrence of detention, long-term detention, extrajudicial killing, persecution and harassment, abuse of legal provisions on criminal libel, threats, acts of violence and discrimination directed at persons, including professionals in the field of