

eral concerns over government measures and actions affecting those working in and the operations of media; the arrest of and charges against democracy activists; the arrest of individuals expressing opposition to laws enacted; assaults against and beatings and arrests of persons demonstrating peacefully; and, arrest on charges of undermining public order, spreading false information and inciting the people to break the law.

Commentary on the right to seek and receive information makes a number of points, including that: there must be a general right of access to certain types of information related to what may be called "state activity"; there have been a number of instances in which governments have attempted to prosecute civil servants and others who make available public information which has been classified; states in every region and with different structures of government continue to classify far more information than can be considered necessary; in countries where the right to information is most fully realized, access to governmental information is often guaranteed by freedom of information legislation; governments have a responsibility to facilitate access to information which is already in the public domain; one of the best guarantees of respect for the rights to freedom of expression and information lies in the existence of independent media, electronic and print, in which ownership is diversified and there is a maximum of self-regulation and a minimum of state interference; independent and state-owned media contribute most effectively to the realization of the right to information in countries where there is a statutory presumption that journalists are not required to disclose their sources except in the most limited and clearly defined circumstances; there is an important link between the ability of people — both individually and collectively — to participate in the public life of their communities and country, and the rights to freedom of opinion and expression, including freedom to seek and receive information; and, with regard to the right to development, there is a relationship between information, the active participation of the entire population, and sustainable human development through which every individual can and will benefit.

With regard to country in transition, the report notes important factors related to media and the press, including: the need to establish national independent television and radio services with a public broadcasting mandate, ensure the independence of regulatory frameworks for private broadcasting and ensure that licensing procedures are apolitical and relate to administrative matters only; a careful approach aimed at striking the balance between freedom and responsibility; and — in countries where economic policies are intended to follow the logic of the market rather than the state — the need to establish conditions in which balanced information from a variety of sources is not subsumed by the overwhelming influence of foreign media and/or the control of the main mass communications by powerful interest groups.

With regard to the role of the media in elections, the report emphasizes the need to guarantee the population's

right to receive complete and impartial information so that the electorate can form an opinion on candidates' views and qualifications as well as the programmes of political parties. Following on this, the report sets out some principles that should be observed to establish the minimum conditions for a free flow of information, views and opinions during election periods. These principles include, *inter alia*, that, the media: must inform the public about the political parties, candidates, campaign issues and voting processes and provide voter education; should be balanced and impartial in election reporting and provide equal access and air time to all parties and candidates; should not refuse to transmit an election broadcast unless it constitutes a clear and direct incitement to violence or hatred; and should ensure that news and current affairs programmes are accurate, balanced and impartial. The SR stated that no censorship of election programmes may be allowed; election broadcasts should be monitored and regulated by an independent, impartial body.

The narrative on the impact of new information technologies states that the different views on the issue on the part of governments, non-governmental organizations or individuals often merely reflect a particular aspect of the problem. The report notes that there is often a natural tension between what are viewed as competing or mutually exclusive interests or values; the debate often tends to be less about the present and potential benefits of the new technology than it is about restrictions. The report notes, *inter alia*, that: the use of the new technologies has raised serious concerns particularly related to, for example, racism and hate speech, incitement to violence, pornography (especially child pornography and sex tourism), privacy and reputation and cultural or societal values; the current debate over the use of the Internet by individuals and groups to express and disseminate racist and intolerant views is characterized by ambivalence; and, great care must be taken to achieve an appropriate balance between the rights to freedom of opinion and expression and to receive and impart information and the prohibition on speech and/or activities promoting racist views and inciting violence.

The report states that, with regard to new technologies, the range of national models is so extensive as to raise serious doubt about the possibility of adopting one particular approach to tackle the problems and challenges posed by the Internet in the foreseeable future. Following on this, the report notes that: in some cases free speech on the Internet may deserve or has been given constitutional protection; in some other countries, the actual state of the rights to expression, opinion, information, association and assembly are so restricted as to make any consideration of the dangers presumed to be posed by racism on the Internet virtually irrelevant; and in others, where a balance between rights and restrictions has been established in domestic legislation, the focus has been less on enacting further legislation than on enforcing existing law and working with Internet service providers to ensure that those using the technology to express and promote their views are doing so in conformity with law.