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INTRODUCTION

Children are conceived and born in conflict. They arrive in this world with a cry or a scream, regardless of the outer circumstances, rich or poor, warm or cold. Human development begins with a sense of suffering. The newborn child is ignorant of his surroundings and cannot care for himself; he wants only food and warmth.

By nature children begin as very dependent beings. They have to grow up. Yet growing up as a human being is not a matter of nature alone. Children are dependent on a human community of at least one person to grow up. Other human beings have to take care of them and educate them how to grow up and live as a human being.

Although all grown-ups began as children, a significant distinction is made between adults and children. Children are treated as a special kind of people. Sometimes they are overprotected, and sometimes they are neglected. Children do not count, they should be seen and not heard... until much later. The main point is that they are not respected as human beings or recognised as fellow men. As a result, the essential information that a child needs is difficult to acquire, as seen in the Prologue.

Choice of subject

This study relates information to the essence of human life. Parents and other adults have a duty to offer children at least the means to live a bearable life in society. Human rights are regarded as necessary to protect and safeguard a minimum standard for human life. This necessity increases when individuals belonging to a vulnerable group, like children are concerned. A study on children's rights does not exclude a general human perspective. On the contrary, in the case of children, the human condition and the essence of human life are more visible as values and traditions become more explicit in the process of education and growing up.

The Convention on the Rights of the Child is a recent international treaty, adopted on 20 November 1989 by the General Assembly of the United Nations. It lists a great number of human rights and states explicitly their application to children, which are defined as all human beings below 18 years of age. In doing so, the Convention expresses the human dignity of children and the obligation of others to respect them as such. The Convention covers a number of rights including the right to protection, to education, to social provisions, to care, to access of information and to freedom of expression. The latter two rights clearly point to a right of the child to information.

Main question

The main question of this study is the significance of a right of the child to information. This question involves several related aspects: the composition of such a right, the nature of this right and, whether it mainly plays a role in private life or is also significant to the child's participation in society. Another question concerns the value to be attached to the fact that such a right is explicitly mentioned in a Convention

on human rights for children. The issue is whether this right is only a right for children or is it a general human right which could also be claimed by other human beings. As a right to information seems rather vague, the actual meaning of the right must be interpreted. The last question relates to the practical realisation of this right. Such a question refers to the prerequisites for implementation; the possibilities for realisation; and, the necessary policies and instruments. Before such questions can be answered, it will be necessary to study both the role which information plays in the development of children and the process of information itself.

Choice of method

The Convention on the Rights of the Child and other international human rights instruments form the basic framework for the study on the right of the child to information. A strictly juridical approach, however, risks yielding only one-sided and meagre results, when it comes to a formulation of the significance of the right to information to children. The Convention is a rather recent treaty and has not yet been studied in full by legal commentators.

A multidisciplinary approach is advisable in the case of children's rights as so many aspects are involved. Children's rights as human rights do not exist in a vacuum but rather are a reaction to the need to protect and preserve the values of all human beings.

The literature on the Convention is meagre, but even less has been written about the right of the child to information. In such a situation, the goal of this study is to offer a useful contribution to the understanding and interpretation of the Convention with regard to the right to information. Due to a general lack of commentary, however, refuge is taken to other disciplines, as a support for interpretation. This study has therefore more the character of an exploration and interpretation than a reflection of and an addition to an established tradition.

Nevertheless, in another sense, the study is also explorative. It confronts the 'statistical' approach of some social sciences and takes the view that science needs more than statistics. There is always a story behind the figures, which in themselves do not say much. The requirement of a story in order to understand and interpret is recognised by this study through the introduction of an element of narration.

Composition

The composition of the study comprises the following elements, treated in separate chapters. As a Prologue, the essence of the right of the child to information is introduced in the form of a story. The child seeking to grow up, needs information and calls upon the adults in his immediate environment. The story reflects the tradition in which essential education is given in the form of recognisable and memorisable stories.

This approach is continued in Chapter 1 which is a philosophical exploration about what it means to grow up as a human being. The adults, described as prototypes according to various traditions, are confronted with reality. The result of this confrontation points at the need for the protection and preservation of values, formulated as human rights. It also shows the relationship between traditions and human rights, as both point to the essence of human life: living as an authentic human being.

In order to understand the significance of the right of the child to information, it is necessary to determine the role information plays in the development of children. This research is undertaken in Chapter 2. This chapter discerns not only several stages of development, but also the various aspects at each stage: physical, emotional, cognitive and social development. The findings are related to the role of information and are summarised in a number of implications.

Another pillar of support for the interpretation of the right to information is sought in research on information itself. The term 'information' is not only a broad term but also a confusing one, as it is used in different ways by different disciplines. Chapter 3 tries to clarify the term and to give a description of how information works, with the help of communication science. Different forms of communication are discerned with implications for the information a child seeks to gain. One of the difficulties is the lack of communication models which pay specific attention to children. A matrix maps the various forms of the communication processes which children encounter in seeking information.

The significance of human rights for children is the main subject of Chapter 4, which gives an overview of the history of children's rights. It clarifies the concept of children's rights, and the evolution of children as legal objects to children as legal subjects. Attempts to formulate children's rights are reflected in international law. Such rights are found in both general human rights instruments and treaties adopted for a specific group such as children. Such instruments can be global, regional or sectorial in their scope. Several specific Declarations on the Rights of the Child preceded the Convention on the Rights of the Child which is a specific international instrument for children. As this treaty is the most recent international formulation of children's rights, the drafting process and the content of the Convention are discussed and evaluated in relation to other instruments.

At this point in the study, an analysis based on the various approaches to study the right to information in the Convention on the Rights of the Child is possible. In Chapter 5 the right to information as a legal concept is explored, followed by relating the implications of the previous chapters to trace elements of the right to information in the Convention, such as human development, evolving capacities and the information process. The focus then turns to the explicit right of the child to information, found in two articles 13 and 17. Both articles are described in the context of their legislative history and different elements of the Convention. With reference to the role of information in the development of the child's personality and his social participation, the research continues by describing various forms of an implicit right to information. The analysis of the right to information is further developed by this broader approach which also permits some conclusions.

In the final Chapter the realisation of the right to information is the focal point. Firstly, the implementation machinery prescribed by the Convention is presented and elaborated in an implementation policy. Secondly, the legal significance is discussed with reference to the various effects and possibilities of the Convention, with respect to application in national and international law.

Two focal points in the realisation of the right to information are discerned: understanding human rights and developing communication skills. Some areas of applications are briefly explored. A need for further elaboration of the conditions for

realisation is indicated with regard to suppliers of information, and the content of information. Requirements for the environment in which the information process takes place also have to be formulated.

In order to make the realisation of the right to information more concrete, public libraries are taken as an example. Their public character, ideological aim and involvement in providing information make them suitable for further consideration in this respect.

A pre-condition takes up the implications of the first Chapter and underlines the potential of every child as an authentic human being. The final conclusions highlight the findings of the various chapters. It then becomes clear that the story in the Prologue was not finished and must be continued in the Epilogue.

With regard to the text the English spelling has been used, except in American quotations. German and French sources are cited in original, or English when an English version was readily available. Quotations from other languages, such as Dutch or Swedish have been translated by the author into English.

The texts of the most important documents are taken up in the Appendices. Other relevant documents, to which the study refers, especially in the Chapters 4 and 5, can be found in the national United Nations and Unesco deposit libraries. Apart from the compilation of basic documents on human rights and international law,¹ compilations of basic documents on children's rights have recently been published.² The presented material covers the study conducted by the author until 1 July 1996.

1. Brownlie, I., *Basic Documents on Human Rights*, Clarendon Press, Oxford, 1992³; idem, *Basic Documents in International Law*, Clarendon Press, Oxford, 1995⁴.
2. Legislative History of the Convention on the Rights of the Child (1978-1989), Centre for Human Rights, United Nations, Geneva, 1996; Saulle, M., *The rights of the child*. International instruments, Transnational Publishers, Irvington on Hudson NY, 1995; Van Bueren, G., *International Documents on Children's Rights*, Nijhoff, Dordrecht, 1994; and, Detrick, S. (ed.), *The United Nations Convention on the Rights of the Child*. A Guide to the "Travaux Préparatoires", Nijhoff/DCl, Dordrecht, 1992.