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Conclusions

At the end of this explorative study on the right of the child to information, the initial questions presented in the Introduction are revisited in order to guide the conclusions of the study. Some general conclusions may be highlighted. As far as the results of the various studies on the more detailed aspects are concerned, they can be found in the previous chapters. Due to the character of the study, the most concrete recommendations have been discussed in Chapter 6.

As to the significance of the right of the child to information, the study concludes the following. Information is of utmost importance to the development of the child as a human being. The perspective on human development offered by the great traditions is formed by the prototype of an authentic human being. As an inherent part of human dignity, every child should be provided with the chance to learn about this perspective and to develop as an authentic human being. This developmental process deserves protection as a human right.

As human rights seek to protect a minimum standard of life, they should be based on the best ideas developed by mankind, including respect for life and the maintenance of human dignity. The right to information should be considered in the light of the overall aim of human rights to protect and respect life and to support the development of every human being to his fullest potential.

The study of the right of the child to information is necessarily related to a child's development, the processes involved in seeking information, the availability and accessibility of sources of information, and the relevant legal protection. Findings of communication science applied to the legal field of the right to information reveal that, in fact, one cannot speak of a right to information, as information is the result of a process, executed by the seeker or receiver of information himself. The result of the process can never be guaranteed. Protection can only be directed to the access to information sources. Therefore, the right to information can be considered as an abbreviation of the correct expression: 'the right of access to sources of information'.

The legal protection of communication processes, of which the information process forms a part, is limited. The roots of the right to information can be found in the freedom of communication and the freedom of information. The right to information as a right of an individual is often invisible. It mainly manifests itself in a right to information of the professional journalist, or in the collective right to information of the general public. The concept of the individual right to information is generally more related to social participation than to personal development. When access to sources of information is mentioned, mostly sources of information controlled by the state are envisaged.

The right to information considered in the light of human development requires a stronger visibility and protection from the perspective of the seeker or receiver of in-

formation. Therefore, a general right to information, as formulated by the German Constitution which provides for the right to educate oneself from generally available sources, should be explicitly enshrined in international treaties and other human rights instruments and be implemented in national constitutions. Further legislation should ensure the free accessibility of public libraries, including databases and networks.

Study of the Convention on the Rights of the Child reveals that the Convention acknowledges the importance of information for a child's development and recognises the right of the child to information. The composition of the right to information is manifold. The content of this right cannot be found in a single article. If confined to the explicit formulations, the right to information would only refer to the child's freedom of expression and the right of access to information, as provided for by the mass media. The right to information gains more significance when implicit formulations are also considered, which refer, for instance, to the information given by parents as child rearers. The broader approach considers the role of information in general to the child's personal development and his social participation. The role of information should be recognised in the protection of the child's identity and private life, in his freedom to think for himself and to express his views. The taking part in discussions, community activities and decision-making processes are other aspects of a child's development recognised in the Convention. All these rights presuppose information and have little meaning if they do not include a child's right to information. This follows from the implementation provision in the Convention which requires that this instrument be made known to children. In this way, it is recognised that knowledge about rights is indispensable. Implementation of the right to information requires a thorough information policy, which itself should be an example of respect for the human rights of children and others.

The right to information has a mixed character of civil, political, social, cultural and economic rights, and cannot be confined to one single category of rights, although often mentioned as a participatory right supporting the empowerment of children. An interpretation of the right to information is complex. One of the reasons is the vagueness in the Convention about who has the obligation to fulfil the child's right to information. The various aspects of the child's information process are consequently not taken into consideration. Therefore, it is unclear who has to provide information to the child, in what circumstances, in which way and with which content; all of them are essential elements of the communication process. As a rule, parents should be the child's primary source of information, who contribute to the child's development in a genuine dialogue. They should educate the child in discerning the value of various sources, on which the child may derive information, which use the child has to decide for himself with increasing independence. These various sources can be other people in interpersonal communication, or mediated information in mass communication. In the case of the mass media, the right to information might be not so much a question of access, as a question of the right to say no to information which obviously, considering the harder forms of violence presented, does not respect the human dignity of its receivers, or contribute to human values in general. Obligations imposed on the state include both non-interference and providing favourable conditions to the child's information process.

The legal protection offered by the Convention serves mainly in the normative sense as a guideline for legislation and jurisprudence. It can be regarded as an instrument for policies departing from a child's perspective. The way in which the right to information is applied can be structured on the basis of the following principle. The highest form of legal protection should be provided to those situations in which an absence of information most endangers the human dignity of the child. In other words, with respect to information crucial to the child's ability to live as a human being, his right to information should be prioritised. The identity of the child may serve as an example. Legal protection should follow the very actual facts of a child's birth and family relationships. Information is also considered more crucial when it is related to the child's life as a whole. The child's cultural identity deserves respect and legal protection as a basis for his development. Both fundamental and long-term effects should be taken into account.

As far as the content and effects of the information process are concerned, a key to a plausible and workable interpretation of the provisions concerning the right to information is found in the explicit relation to the educational aim, elaborated in article 29. The Convention mentions the development of one's personality, talents and physical abilities to their fullest potential; the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations; the development of respect for one's parents, one's cultural identity, language and values, the values of one's own nation and those of other cultures; the development contributing to a responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin; and, finally, the development of respect for the natural environment. These basic human values reflect a human image which comes within the spirit of developing and living as an authentic human being.

Information related to human development sheds a special light on the right to information. Human development as such is not confined to a certain age but is a lifelong process. The development as an authentic human being is not a task for children alone but for every human being, as it is the potential of all human beings to realise basic human values. Therefore, the right to information is significant not only for the child, but also for every human being and must be considered not only as a child's right, but also as a general human right.

The right to information has significance both in the private and public sphere. The double character of mass media impact, its positive and negative effects are acknowledged in article 17 of the Convention. The policies of both the state and mass media institutions should focus more on providing information and materials which appeal to basic human values. Working for such goals should be seen as more productive and stimulating than the easy repetition of violence and other forms of human behaviour which are injurious, *inter alia*, to the child's well-being. On a global human scale, it cannot be considered a wise economic policy to spend large sums in order to make children believe the messages of the mass media, such as television programmes, films and magazines, and, at the same time to spend large sums on media education to make them *not* believe what mass media tell them.

The notion of human rights applies to all forms of communication, and means that information can only be exchanged on a basis of equality. The treatment of the child as an equal partner requires honesty. The scrutiny of one's intentions and motives is an individual responsibility. Public debate may help to re-introduce the role and value of the individual in social communication processes. Considered in the context of human rights, communication processes appeal to fundamental values which should not be destroyed by competitive interests and the lust for gain or social power. This requirement applies to all human beings, regardless of their role as parents, teachers, politicians, businessmen, programme-makers, priests, doctors, lawyers, judges, artists or librarians.

As a general human right, the right to information should provide human beings with possibilities to taste the quality of authentic life. This quality is present as a dynamic force, a source from which all traditions and all creative beings have drawn. The results of these processes should be made visible in a cultural monument, in which the right to information could be realised. This plea for the 'inexploitable' or the 'useless' could find its form in a Silent Library. The authentic texts of various cultures and traditions should be brought together and presented. The library should be open to everyone for self-education. By its mere presence the library would also serve as a silent spot for those who wish to retire from the abundance of obtruding information. It could be considered a task of Unesco to support the provision of a Silent Library in every country. Regardless of its use, the Silent Library is a refuge for those who take refuge in themselves. Relying on their own experience, they have taken to heart the warning:

> Be not be misled by report or traditions or hearsay
> Be not be misled by proficiency in the collections,
> nor by mere logic or inference,
> nor after considering reasons,
> nor after reflection on and approval of some theory,
> nor because it fits becoming,
> nor out of respect for an authority.[1]

1. According to Anguttara-Nikaya, III, 7, 65, Woodward, F., *The Book of the Gradual Sayings*, Vol. I, The Pali Text Society, London, 1979[4], p. 171-172.