Tell me! The right of the child to information
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Chapter 6

Realisation of the right to information

After the analysis of the right to information in the previous chapter, attention may be drawn to the question what perspectives the right to information provides with regard to the situation of children.

Perspectives

The right to information points, firstly, to the perspective of human rights. The basis and function of all human rights is the respect for the rights and dignity of others. In general, the formulation of children’s rights, points to the fact that children are human beings and also have human rights, some of which refer to their specific needs. The necessity of formulating specific rights for children should in fact not exist. Respect for others means that one respects the other in totality, including all his particular traits, characteristics or needs. The drafting process of the Convention shows that the real ambition of the drafters was to make the Convention an independent instrument, with all the risks involved. One can wonder whether a deepening of the principle of human dignity would not yield to the same result: to focus the attention on the attitude towards children and change this attitude into one which considered children as equals. The risk of a separate Convention is that children’s rights will be considered apart from human rights. Since all words starting with ‘child’ seem to be of less value, the Convention on the Rights of the Child has already been shortened to Child Convention, as if it is a kind of minor treaty invented by children and of minor importance.

The Convention has been formulated and internationally acknowledged, it should now be used in the positive sense to focus the attention of adults on their attitudes towards children, and require them to respect the rights of children as human beings. Respect for the dignity of the child includes respect for the child’s privacy. The child’s right to information supports such an attitude and requires adults to answer and fulfil the child’s need for information in accordance with the child’s dignity as a human being. This means that answers are not given mechanically. The child’s process of seeking information is encouraged by the adult’s honest interest in his questions and own search for information as an authentic human being.

A second perspective is the knowledge of rights. The right to information means that the child has a right to know about his rights. All the rights set forth in the Convention can hardly be exercised if children do not know about them. A right to be informed about one’s rights must be presupposed. This is acknowledged in the Convention by an explicit obligation for the state to make the principles and provisions known to adults and children alike. This is also true for the reports of the Committee on the Rights of the Child. Such a provision in the Convention requires a real effort of states to reflect on the best ways to inform children. Article 42 speaks of ‘appropriate and active means’. Such means will necessarily include taking into account the
way in which children of various ages and backgrounds communicate. This requirement leads to careful formulation and presentation. Apart from making the human rights of children generally known, in specific circumstances the state has a specific obligation to inform children about their rights, for example in judicial and administrative procedures, or in the case of minority children. The state will also have to pay attention to the essence of the rights: to create or restore a just situation in which all human beings are respected, to do justice to everyone without discrimination. Human rights seek to protect basic human values in the smaller and larger worlds of human beings. They are not meant to increase litigation in human relationships or to replace human conscience.

In informing adults of the human rights of children, it would be logical to start with those who are most involved with children: their parents, caretakers and teachers; and, those who have frequent contact with children in pleasant and less pleasant circumstances, such as merchants, librarians, TV-producers, policemen, lawyers, judges and doctors. In their communication with children these persons can reflect their understanding and application of children’s rights, and can contribute positively to the child’s right to information.

The obligation of the state to continue to inform adults and children about the states parties reports and the findings of the Committee makes it possible to keep the content of the Convention alive. There can be a continuous stream of information nourishing the various activities in society as a whole, although it will be likely that those working in the field of children’s ombudswork will have a job to do to use the findings in a responsible sense and to be alert in the application of children’s rights in their own work as well.

In this way, the provision in the Convention forms an extra impetus to the lasting efforts of the United Nations and Unesco in the field of teaching human rights. Those efforts which first of all were focused on teaching human rights at universities can actually obtain a much broader and universal application. Teaching human rights can link up with former activities in the field of education for peace, but will also have to pay attention to the situation of children in their daily life and their rights in actual situations at home; in church and youth clubs; and, in school.

A third perspective the right to information refers to, is that access to information be ensured by the state. It is clear that access does not mean much if one does not have the skills to seek and use information. The need to develop information skills is visible in the Convention in the field of reading, as combating illiteracy is one of its international cooperation aims. The encouragement of dissemination of children’s books points in the same direction. The promotion of literacy is understood as an obligation within the field of the child’s right to information. This can be understood in the sense that literacy opens doors to the knowledge and culture of mankind. It makes it possible to know what has been thought, felt and done in one’s own cultural community, and in other cultures. It can also give insight in the basic mechanisms of a human being, and form a mirror for oneself. The ability to read also enables a child to know what is going on in his immediate environment and how he can find his way in it, for practical, educational or recreational reasons. Knowing how to read is, however, not enough. Information skills include the ability to understand the information process and to select one’s sources of information. It means
developing a sense for books and other media. Information skills are often related to new media, as these often require the use of other, mainly technical skills. The processes of selection and interpretation seem sometimes less left to the information seeker. Teaching information skills requires that children know about the intentions and motives of the producers of information, and that they can more easily discern commercial and communicational motives. Learning to make choices also includes the ability to say no. Such a skill or discipline becomes even more important in the case of information overload.

Access to information can also be understood as giving more space to children in the media. The media frequently presents the image of the child as a victim or criminal, which is opposed to the hopeful image of the child who develops himself to his fullest potential, respecting human rights, in a spirit of peace and friendship, in short, his development as an authentic human being. The recognition of children as human beings requires non-discrimination in the media, respect for their privacy and having their voice heard in the media in an honest way. Media should also be their means of expression and be at the service of (local) children's groups to make their voices heard. In specific circumstances, for instance a child seeking information on his identity, access to information held by the state or social institutions should help to establish, verify or maintain a child's knowledge about his identity. Such information is crucial to his development.

A fourth perspective on which the right to information focuses is its relation to human development. The development of human rights, especially from the moment the Charter of the United Nations gave the impetus to a whole catalogue of human rights, shows a choice for human values in the development of mankind. The human values enshrined in the various cultures and traditions, and expressed in their many stories about living as authentic human beings, are actualised in this choice and direction. The Convention on the Rights of the Child stands in the historical development of elaborating human rights, focusing on a group of human beings under eighteen years of age. It is in this Convention that the freedom of expression finds a refinement in the right of access to information. In this elaboration of seeking information, the right of access especially focuses on information and material which supports human values in the said direction. Information and material which is of social and cultural benefit to the child is not enough. The aspiration and intention with which the information is given is clearly pointed out. The right to information is concerned with information which is given to support the development of the child's personality, the development of his talents and mental and physical abilities to their fullest potential. Such information enables the child to form opinions, views and beliefs, and to express them in communication with others. This means that a child has a chance to know himself fully and to decide the best traits to be developed. This type of healthy development flies in the face of the approach that would develop only those qualities which are considered 'economical' in a certain society. Information and education require an approach which considers the human being as a whole, as being unique in his combination of talents, abilities and history of life. A unique story to be told and heard.

The right to information also points to information supporting the development of respect for human rights and fundamental freedoms, and for the principles en-
shrined in the Charter of the United Nations. This formulation goes beyond the mere teaching of human rights as it requires the actual application of human rights in daily life by respecting the rights of others and by being aware of the basis for human rights. Such an awareness cannot be the result of some lessons at school, but is the result of actual experience of being respected and having experienced the difficulties and efforts associated with respecting the rights of others. Human rights education is an ongoing process, both at home and in school, pervading all human relationships.

The development of respect for the child’s parents, his own cultural identity, language and values, the values of the country in which the child is living; the country from which he may originate, and civilisations different from his own, is an objective in disseminating information which is only a step to the more far-reaching objective of living as a human being. Respect for one’s parents is a natural attitude of children. They even defend their parents under difficult circumstances like addiction, depression, divorce or imprisonment. The loyalty of children will only diminish when parents and adults fail themselves in their loyalty towards children or lose respect for themselves. The express formulation on the child’s duty to respect in the Convention and some other human rights instruments seems to be based on fear that parents will fall from their pedestal when information is given to children. When children have learned to rely most on what they experience themselves, and less on what others say or do, there is no need for such fear and the formulation seems superfluous.

The required respect for one’s cultural identity, language and values, and respect for the national values, seem to be directed towards respect for what is established and traditional. However, becoming and living as an authentic human being is based on the value of own experience and reflection and surpasses the attachment to tradition, and nation. Of an authentic human being, it is said that he is able to wear the clothes of the country through which he is passing. An authentic human being is a passer-by. Therefore, he knows many countries and civilisations and respects them all.

The orientation of the information supplied should also support the child in his preparation for a responsible life in a free society. A responsible life refers to a human being who takes the decisions for his life himself. He makes his choices consciously knowing that he himself is responsible for the consequences. Such information should not only support the autonomous decision making of a child but also support his life in a spirit of understanding, peace, tolerance, equality of sexes; and, friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin. All these qualifications point to a mind free from prejudices and fixed concepts. A human being with an open mind for whatever and whoever he may encounter. Such an open mind is fostered by an attitude of non-discrimination, diversity and plurality. Friendship among all peoples refers to a mind and heart of compassion and recognition of oneself in the other, whatever his ethnic, national or religious background may be. It considers mankind to be a union in which all human beings are related to each other.

This all-embracing attitude is enlarged by the respect for the natural environment. Such a respect includes the four basic elements, the flora and fauna and the processes
which take place and of which human beings are part, extending even to the development of the universe. Respect is in the first place attention. Using all one’s senses to be informed without prejudice. Seeing and knowing what happens. Opening up to wonder and retiring to reflect on one’s own life. In the second place, respect requires non-interference, leaving the other or nature to himself. Not in a heartless way, but in a spirit of acceptance and understanding. Such an attitude fosters equanimity, which is the balance an authentic human being attains by avoiding extremes.

The perspectives which the right to information provides are endless. Its significance depends on the way in which everyone is involved and aware of the need to care for realisation of this right of the child as enshrined in the Convention. The attention in this chapter is first drawn to the implementation mechanisms described in the Convention itself. Thereafter, a broader basis is used to describe the legal significance of the right to information. As the realisation of the right to information implies many aspects, two focal points of realisation are discerned: understanding human rights, and developing communication skills. The conditions of realisation are elaborated with the help of the various elements of the information process and form suggestions for policies in various fields. The public library may serve as an example of such a field. This public institution has the task of making information available to the general public, of which children form a substantial part. The chapter concludes with a pre-condition for the realisation of the right to information.

The implementation of the right to information in the Convention

The implementation of international conventions on human rights depends not only on the more or less perfect mechanism for monitoring its realisation, but also on the significance attached to the Convention concerned as such. The desirability and necessity of the Convention is generally acknowledged, according to Doek, pointing to its concretisation and strengthening of children’s rights, larger scope of protection and innovation of participation of children. Nevertheless, doubts have also been raised about the significance of the Convention on the Rights of the Child. Although one could consider the Convention as evidence for the Century of the Child as proclaimed by Ellen Key and deem it proof of the emancipation of the child, some commentators have expressed doubts, especially during the drafting process, about the value of the Convention. These doubts were based on the vagueness of the rights

and duties formulated, and also on the sometimes incorrect or weakened reformulation of human rights already accepted in other human rights instruments, with no clear exception for children. It has been somewhat cynically expressed: ‘So gleich dieses Abkommen gewissermaßen selbst einem Kind, das in mancher Hinsicht von seinen Eltern und Geschwistern abhängig sein wird.’

The way in which the final stage of the drafting process was performed disqualified the Convention as a strongly convincing instrument, because of the hurrying process and the many compromises. Another point of doubt has already been mentioned: The Universal Declaration in itself would suffice to cover the necessary human rights for all human beings. By focusing on children as a separate group the Convention risks becoming an instrument which justifies the continued separate treatment of children, instead of treating them as human beings like anyone else. This latter approach does not exclude paying extra attention to the specific circumstances in which children live.

In a radical mood, one could state that the Universal Declaration suffices as source and guide for all human rights. But as human flesh is weak, one needs to be reminded of it by new stories, elaborations and variations on the theme. The advantage of all the other human right instruments is that they have involved a great number of human beings in the drafting process and the implementation thereafter. This learning process has certainly contributed to a wider dissemination of human rights and a deeper involvement in its essence. The disadvantage has been the dilution of the concept of human rights itself. Human rights are proclaimed in fields in which justice hardly plays a role, or where rights can hardly be implemented, let alone enforced. In such circumstances, the term ‘right’ seems to lose its legal character and is used as an instrument or tool for a desired regulation or policy.

In order not to dwell on the many doubts expressed, one can take the practical approach that as the Convention does exist now, one should make the best use of it. Even in the view of the Committee, the Convention is not the top of the world: ‘We should recall nevertheless, that the Convention sets a list of rights and freedoms reflecting a minimum standard where possible consensus was reached, which means that it is not necessarily intended to cover the whole universe of the rights of the child or establish the highest possible standard.’ In this approach, the question arises how the right to information can be realised. The word ‘realised’ should be taken literally: to make real and to turn into reality. If the child’s right to information was perhaps only a dream or a pious wish, the Convention now urges that it come true, or become truth.

**Monitoring mechanism**

With regard to the implementation of the Convention, states ratifying the Convention pledge themselves, according to article 4, to the following:


Article 4
States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

This provision makes clear that a substantial difference is made between civil and political rights on the one hand and economic, social and cultural rights on the other hand. In the twentieth century, a doctrine has been developed about human rights. As Alston explains: 'One of the fundamental principles upon which the international human rights regime rests is the interdependence and indivisibility of the two sets of human rights. According to this principle the 'traditional' civil and political rights are neither more nor less important than economic, social and cultural rights. (...) Despite the fact that this principle is now enshrined in all of the key international human rights standards from the Universal Declaration of 1948 onwards, it is clear that economic, social and cultural rights continue to be treated as second-class rights in many contexts.'

The arguments used to prioritise civil and political rights are varied. By focusing on these rights, leading to free elections and full democracy the other rights would be satisfied as well. In reality it is, however, quite possible to have full civil and political rights, and still have a discriminatory situation for groups of people, for example children, even if they had the right to vote, which is not a widely accepted idea. Another argument is derived from classical law, regarding human rights as solely designed to protect the individual from the state. However, such a libertarian approach with a minimal role of government is clearly insufficient to protect vulnerable and disadvantaged groups in society, who are often the consequence of an unfettered operation of the free market. There is also an argument put forward that human rights are essentially cost-free, related to the idea that a state should not interfere. Human rights which seek to protect the right of special groups because of their specific needs are also suspect because such rights can hardly be called universal and are therefore not true human rights; they are regarded as special claims made by particular groups. Children, persons with disabilities and pregnant women suffer from this type of argument, which must be counteracted by pointing to the essence of such rights which are universal and shared with all human beings, but require specific measures for their realisation in particular situations. A final argument that the essence of the economic, social and cultural rights can be implemented through the use of the non-discrimination principle, is not satisfactory because such a principle can be implemented too narrowly to provide actual equality.


Since article 4 prescribes that states parties have to fulfil their obligations to the maximum extent of their available resources, the state has to ask itself: Are we really attempting to take measures for children to the maximum extent of our resources? The obligation requires a conscious balancing of interests and requires priorities for children's interests. This political will to prioritise child matters will be a decisive factor in the realisation of the Convention. The state's duties and obligations, imposed by the Convention should therefore be the concern of all political parties. Parliamentarians should within their field of interest pay special attention to the position of children, as the issue of children's rights and the spirit of the Convention regard all aspects of society.

In general, the monitoring of children's situation in a country, based on the Convention, will be executed best when countries with similar social, economic and cultural patterns are compared. At a national, international and non-governmental level such monitoring should take place and prevent self-complacency of states.

After the forty-one substantive articles of the Convention on the Rights of the Child, four articles deal with the implementation of its provisions. One of them has already been described: article 42 prescribing the obligation of the state to make the principles and provisions of the Convention widely known. The abstract provisions of the Convention have to be applied to concrete situations, which will render the social contradictions, implicit in the Convention, visible. Part of the monitoring task should therefore be to permanently underline this arduous social obligation. First and foremost the monitoring structure has to be the authentic voice of the children and not just a voice speaking up for children. (...) We have to ask ourselves how children can possibly be involved in the struggle for their own rights in a social context in which it is assumed that children are there "to be seen but not heard". Methods have to be developed to enable children to tell their own story in their own words.

The monitoring mechanism set up in the Convention on the Rights of the Child does not provide for details on how implementation should take place at the national and local level. Some instruments are created in the articles 42-54, and the provisions and spirit of the Convention give an indication on the perspective to be taken. The instruments mentioned in the Convention are shortly considered here.

The Committee on the Rights of the Child

For the purpose of examining the progress made by states parties in achieving the realisation of the obligations undertaken, a Committee on the Rights of the Child has been established. The Committee consists of ten experts of high moral standing and recognised competence in the fields covered by the Convention, who are elected for a term of four years and can be re-elected. During the drafting process, it was suggested that a Committee on the Rights of the Child would be 'responsible for set-

tling disputes between states and, as an Ombudsman, for receiving and considering communications from persons or groups of persons representing children who are victims of violations of the rights set forth in the Convention.'

The role of the Committee, however, has become a different, but not necessarily less important one. Instead of using the conventional way of monitoring by confrontational measures and sanctions, the Committee on the Rights of the Child has chosen a method of attempting to establish a 'constructive dialogue' with governments in an ongoing process of reports. The report procedure must be seen in the long-term task of uniting nations in the cause of human rights, and in the first place 'as the constructive one of promoting respect of human rights and securing their observance. That is after all what the Universal Declaration calls for. It is therefore, perhaps more important to convince and influence states than to condemn and expose them.'

Accusations and sanctions can often be counter-productive, the Committee instead gathers first hand and background information, defines problems and suggests concrete and innovative solutions, which include technical and developmental assistance. No country has to fear an encounter with the Committee, as the Committee is very long-suffering when even the smallest report arrives more or less in time, or the delegation seems to be not very well prepared. In order to create a dialogue atmosphere the Committee explains its views about the Convention, thereby offering a helpful context to its questions.

The main point of the Committee is to clarify that the Convention calls for a change of attitude; this goes beyond legislative changes and economic issues. Implementation is ultimately shaped by attitudes. The starting point of dialogue is the state's attitude towards children, and what the state is doing to change the public's attitude.' Part of the session is closed, but press releases inform about the content of the dialogue. Nevertheless, the Committee does not hesitate to ask for more information by means of detailed questions. Such questions may lead to an additional session before the Committee publishes its concluding observations. These observations contain introductory remarks on the procedure and the delegation, positive factors, principal subjects of concern and, suggestions and recommendations. The Committee attempts to maintain a good balance between positive remarks and suggestions and recommendations for improvement. Each state is left with a certain amount of homework to do, based on its domestic situation.

The Committee is of the opinion that each state has to raise its standards for the application of the rights of the child, whatever level it has reached. As a result, both developing and more industrialised and affluent countries are under a strict obligation to fulfill their duties. Reviewing some of the comments by the Committee in the Western states reports reveals that a lot still needs to be done. The Committee does not hesitate to take a clear point of view, for example in the case of Norway on the incorporation of the Convention into domestic law, or on children, whose asylum re-

quests have been rejected but nevertheless have their rights to health care and education. In the case of France, the Committee was concerned about the possible negative social impact of decentralisation, involving the risk of aggravating disparities between regions with respect to the standard of living. The Committee has also expressed its concerns to governments about specific and sensitive issues inadequately addressed in the reports, for example flogging and genital mutilation in the Sudan, and excessive force used against child demonstrators in East Timor, Indonesia.

The reporting process soon evolved into a Herculean task for the Committee to read and review the many state reports submitted. Nevertheless, the Committee has also made informal visits to Latin America and Asia to visit projects and gain first hand knowledge. Within the UN organisation, the Committee seems to be an active and persistent group, requiring additional sessions and resources to do its job well.

The right of the Committee to seek expert advice means the involvement of specialised agencies, Unicef and other competent bodies such as NGO’s. As a coordinated group, they can comment, analyse and correct the problems raised in the state reports. Every year the Committee organises a public Theme Day, devoted to a single subject, for example on ‘The role of the family in the promotion of the rights of the child’ in 1994. The idea is to confront and analyse a single issue in depth, to bring together diverse groups in the field to share data and find solutions, to develop guidelines that can serve as a model for other issues and to help mount better-informed public campaigns that will focus attention on issues that many people would rather believe do not exist or have already been cured by legislation. It is suggested that the effect of the day could be increased by narrowing the theme and having a clearer view on envisaged results. In 1996, the theme is ‘The Child and the Media’, an indication of the importance of information. The Committee may also request studies on specific issues relating to the rights of the child.

The Convention contains neither sanctions for infringements nor is there an individual or interstate right to complain. Disputes cannot be taken to the Committee on the Rights of the Child, or another competent body. This shortcoming may be regrettable, but the implication of an individual right of complaint requires a realistic point of view. The idea that children should have to resort to an international Committee seems to be unpractical. Remedies should be nearer to home. National legislation and the judiciary should be better equipped to monitor the application of the Convention. For access to legal advice and, if necessary, legal procedures, children should be supported by advocacy organisations and children’s law shops, or other forms of ombudswork. The Committee in its considerations on the state report from Sweden has suggested that Sweden should consider a public defence counsel for children with legal problems.

15. CRC/C/15/Add. 23, p. 2-3.
16. CRC/C/15/Add. 20, p. 3.
17. CRC/C/SR.175, 13 October 1994.
19. CRC/C/15/Add. 2, p. 3.
than the global Committee. As Van Loon has considered: ‘Man darf in der Zukunft nicht ohne weiteres davon ausgehen, daß die Kinderkonvention Kindern immer den besten Schutz geben wird und daß man sich um andere Übereinkommen überhaupt nicht mehr kümmern braucht.(...) Für die Verwirklichung der Rechte des Kindes werden m. E. nämlich in Europa auch nach dem Inkrafttreten der Kinderkonvention die Europäische Konvention zum Schutz der Menschenrechte von 1950 und ihre Zusatzprotokolle von größter Bedeutung bleiben.’

State reports
The states parties provide the Committee with reports on the measures they have adopted which give effect to the rights recognised in the Convention and on the progress made on the enjoyment of those rights. The first of these state reports has to be submitted within two years of the entry into force of the Convention in the state party concerned. Thereafter every five years a report has to be sent. As to the content of the report, article 44(2) prescribes:

Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

The Committee has set up guidelines for the reports and may also request from states parties further information relevant to the implementation of the Convention. General principles are considered including: non-discrimination (article 2), best interests of the child (article 3), the right to life, survival and development (article 6), and respect for the views of the child (article 12). Article 17, described as access to appropriate information, is included in the section on civil rights and freedoms. Education, leisure and cultural activities (articles 28, 29 and 31) are also grouped together.

It is noteworthy that the Convention even prescribes that the states have to make their reports widely available to the public in their own countries (article 44(6)). It goes without saying that such reports should also be made known to children. The state must decide how it can involve children in the preparation of the report, not in the sense that they should write it, but rather that their views and commentaries are reflected.

It is up to the states to decide how they prepare the report, whether and how de-

21. For the general part of the reports: Consolidated guidelines for the initial part of the reports of States parties: HRI/1991/1; for the implementation part: General guidelines regarding the form and content of initial reports to be submitted by States parties under article 44, paragraph 1 (a), of the Convention, adopted on 15 October 1991. A new overview of reporting procedures is published in CRC/C/33, 24 October 1994.

partments are involved; if and when they should ask for comments from NGO's, or arrange a hearing on the draft report. On the one hand, early involvement of NGO's is profitable as the final report then may have more support; on the other hand, NGO's may feel the need to have some room for final criticism, taking into account their own responsibility.

Verhellen comments: 'While it would be perfectly possible for the state to have civil servants draw up the report by arbitrarily stapling together documents from different departments, obviously this would show lack of respect. Whereas, formally, reporting is a duty for the authorities, in actual fact implementation and monitoring are a responsibility we all share. Therefore the monitoring should be conducted by an independent body,' and he suggests a system of standing committees on various policy levels, based on the structure of the international Committee. One could also think of the ombudsman institution, but in her reflection on the function of the Children's Ombudsman vis-à-vis the Convention, Flekkøy, who was the first Norwegian Children's Ombudsman 1981-1988, has stressed that the Ombudsman should uphold his independence and autonomy in relation to the government and not be given the responsibility for the national report to be submitted to the Committee.

Much of the value of the monitoring mechanism depends on the seriousness with which the report is prepared. In drawing up the report one may find out that necessary statistics are missing, or that relevant research on what children think and feel about their own situation is not available. This astonishing conclusion may provide an impetus to broader research on children's conditions, and also the use of children as direct sources of information. A children's perspective may raise the quality of the report and be more consistent with the spirit of the Convention.

NON-GOVERNMENTAL ORGANISATIONS

Specialised agencies, the United Nations Children's Fund, and other United Nations organs are welcomed by the Committee for representations, expert advice and reports. They have an explicit role in the implementation and monitoring of the Convention. The idea is that in their reports, states may conclude that they are having difficulties in living up to the obligations of the Convention and need specialised help from for example Unicef or Unesco. The specific mandate of the Committee to work with the specialised agencies was a proposal from the NGO's during the drafting process, based on experience with other human rights instruments. Non-governmental organisations in general should fulfil a similar supportive role, but can also serve as watchdogs, being alert to the situation of children and their rights, and the way in which the state fulfils its tasks. The fact that their role is explicitly mentioned marks a clear shift in international conventions as the traditional view held

that such conventions were a matter concerning only states. This shift is evidence of an increasing acknowledgement that international conventions also regard individuals, who mostly in the form of interest groups wield influence in the drafting process during implementation and monitoring. This acknowledged role of non-governmental organisations has been obvious in the case of the Convention on the Rights of the Child.

The first activity which should be undertaken by non-governmental organisations is to study the content and philosophy of the Convention. Before they can inform their members and perform further activities, increased knowledge and understanding of the Convention is necessary. The NGO will then have to determine how its own aim is related to the Convention; in other words, in which way does the NGO support the principles and rights protected in the Convention. On that basis the NGO should study the situation of children and their rights in the particular field of its concern. Fact-finding documents and investigative reports should be supplied to decision makers for consideration. Such information in adequate form should also be made accessible for schools and adults. The documentation and reporting cannot be incidental, aimed only at supplying information for the state report, but should be a continuing process, since in the final analysis the actual situation is more important than the report. The tendency of monitoring mechanisms to turn into bureaucracy should be avoided. This can be done by regular meetings with the children and others actually concerned. NGO’s can thereby test their role as spokesperson for children and verify whether they actually are speaking and acting on behalf of children. Making children aware of their rights is an indispensable element in working with children, meeting and assisting them. Every NGO will have its specific means to achieve this awareness, which presupposes that workers are aware of children’s rights and can recognise them in practice.

As an example of the further role of NGO’s, the Swedish NGO Rädda Barnen advises the NGO’s: ‘to inform and put pressure on decision-makers and lobby national and regional politicians. Ask for political will and courage and resources. Ask for a Government department with overall responsibility for children’s policy and identify officials in the Government department. Strengthen the child’s right in your society. Map out national child policies. Meet with parliamentarians and listen to the debates in Parliament. Ask for reports on government resources allocated for children, and maybe ask for a separate budget for children in your community.’ The message is clear: to stand on the side of the child and to be a reliable advocate and watchdog for children’s rights.

The Committee on the Rights of the Child has pointed to Latin America as the shining example of successful NGO collaboration. With the support of Rädda Barnen in Peru, more than 80 NGO’s in 15 countries have formed national committees and created a Regional Coordinating Committee to develop guidelines, prepare alternative country reports and propose the Lima Declaration. The Committee is pleased with the infrastructure and invited national committees to participate in the pre-sessions on the discussion of the state reports in the case of El Salvador, Mexico.

and Peru. It is considered important that governments share their reports with NGOs in a more timely fashion and include them in the process.26

At the international level, the NGO group which supported the drafting process of the Convention has continued to be active in the monitoring of the Convention. From the base in Geneva, NGOs in countries with a weak political structure are supported in their efforts to distribute information on the Convention and the Committee, and in the drawing up of reports. The NGO group is also critical to the work, working methods and workload of the Committee.

Implementation policy
Implementation of children's rights has generally taken on various forms: advocacy, legislation, social policy, and provision of services.27 Although this is an approach by non-governmental organisations, the same labels can be used for the implementation of the Convention. States which have ratified the Convention subscribe to the very essence that human rights apply to children. The aim of implementation is to make the rights of children count in all circumstances. Some Scandinavian countries take the Convention very seriously and use it as a basic framework for their policies. Therefore examples have mainly been taken from these countries. As an added value, various sources in native languages were accessible for this study.

Planning and involvement
The first task in this respect is to make the Convention widely known. Therefore, article 42 can serve as the basis for the implementation policy and calls for a policy plan. Such a plan is more than the commentary on the Convention presented by the government to its parliament in the procedure of ratification. Such commentary generally only addresses the legislative aspects, and could have a tendency to change as little as possible. A policy plan for the implementation of the Convention includes the above mentioned aspects and should be used as a public yardstick of how the government seeks to fulfil the aim of the Convention with the participation of others, as both obligations and spirit count for the implementation. On the basis of such a plan, it will be easier to systematically describe the achievements and question marks in the state report to the Committee on the Rights of the Child.

An example which partly follows this view is the Children's and Youth Policy Survey composed by the Department of Children and Family in Norway, which was an additional report to the yearly budget discussion for 1994 in Norway. The survey contained a cross-section of all the policies, measures and budgets related to children and youth from all departments. With explicit reference to the Convention, the survey shows the intentions of the government and the need for cooperation by various partners. The aim of the child and youth policy is to create better living circumstances. For younger children, this means that parents should have more time for taking care of their children; and the access and availability of child care facilities is expanded, not as a substitute for home, but because every child will have the pos-

sibility to meet other children and to learn and experience with them. Access to education and vocational training, to housing and jobs are the main elements of the prepared policy. Although the Report does not yet make reference to the separate articles of the Convention, the survey is a valuable tool for an integrated policy.28

The need to review youth policy because of the ratification of the Convention is obvious, even in countries which are considered to have an elaborated youth policy. The need for a change of perspective, for creating new tools and, especially for a common goal which activates the various governmental and other authorities concerned should result in a fresh policy which supports children to live in the best possible circumstances.29 Part of this youth policy should also be to create better conditions for children’s participation in local decision making and democracy. After the Convention it no longer suffices for politicians to say that they have been young or that they have children at home. The obligation to respect the child as an individual and not as an appendix to his parents, involves, according to the Swedish Children’s Ombudsman, regulation by law of children’s influence on issues which affect them. Clear speech and good information are necessary prerequisites for children to express themselves. Local authorities should be obliged to consult and collect the views of children which have no voting rights.30

This study is devoted to the child’s right to information and is therefore now confined to aspects of implementing the right to information. Nonetheless, article 42 shows in itself the interchange between the Convention as a whole and the crucial role of the right to information. The importance of knowing one’s rights has been acknowledged in various attempts to strengthen the position of an individual in the field of the implementation of human rights. For the Draft Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, possible elements were suggested by the Netherlands including the idea that everyone is entitled to be fully informed about his own human rights and to defend them. Everyone is free to inform others about infringements of his human rights, and to seek assistance. One may also defend the human rights of other persons by soliciting the attention of the public at large, through the exercise of the right to freedom of expression, including the right of demonstration, without being subjected to harassment, intimidation or prosecution. Individuals are free to cooperate with each other in the study, the promotion and the defence of human rights.

This subject has continued in the Commission on Human Rights, which presented the first reading text to the Secretary General in 1992, with the request that the report be circulated and comments invited.31 In November 1992, nine governments, three specialised agencies and six non-governmental organisations had replied,

among them the Bahá'í International Community. In its comments, Bahá'í states that 'the right to freedom of information protected by the agreed chapter II of the text is essential if fundamental freedoms are to become a reality for all human beings. (...) The first step in exercising one's rights is to know them; for without knowledge, no action is possible.' In this respect, 'education in fundamental human rights enables each person to become more sensitive to the rights of others. It permits each person to develop a personal commitment to developing a community ethos - in one's village, town or city, region, country and the entire planet - that encourages mutual respect for others and that upholds basic standards of human dignity.' Such an attitude which is based on genuine respect and compassion cannot be developed by compulsion but must be nurtured through education, using the many proofs that humanity constitutes a single species and one human family. Therefore, Bahá'í considers 'the right to education as the most essential method for not only disseminating knowledge of human rights generally but also building a durable, supportive social order in which human rights are a day-to-day reality for every individual.'

Another point which Bahá'í took up was the notion of the promotion of respect for human rights not only as a right of entitlement, or as only a responsibility but as both. It draws attention to the responsibility of the individual to promote the well-being of others, and to establish a social order at local, national and international levels, in which the human rights can be fully realised. This intermezzo shows the scope of the right to information in the implementation process.

In paragraphs which follow, some examples of what could be undertaken in this respect are presented. A policy plan will only be of use as an instrument of implementation when a monitoring mechanism is set up to make the plan a dynamic tool. The traditional national Commission which advises the government on implementation and policies is such a tool. A more modern form, avoiding hierarchy and bureaucracy, would be to create a facilitating forum which allows various networks to function and to have a place for reflection, debate, and action. Such a forum would allow parliamentarians, officials and interested organisations and groups to meet without the forum itself becoming a rigid advisor. This set-up requires, however, all organisations to be alert to the risk that items are not taken up when a general organisation for children is not available or lacks authority.

For monitoring the implementation process in the legislative field, a network of parliamentarians interested in children's rights and child policy could be set up. Such a network across political party borderlines provides a focal point in parliament for discussion, in-depth dialogues and exchange of information. This group may stimulate the awareness in parliament on childhood matters, by introducing motions, using Question Times, and initiating debates. Experiences in Sweden show that such a Children's Network Group in Parliament offers great advantages, not only for the parliamentarians themselves but also for organisations which would like to contact them, like NGO's. Consultations and regular contacts supply both

33 E/CN.4/1993/WG.6/1, p. 7 (all quotations).
partners with better information which is useful for effective action. A Newsletter informs the interested group with the latest news on the issues in Parliament regarding children. Another instrument could be the publishing of an overview of the parliamentary activities in the field of child politics. A critical survey of motions and bills compared with the actual situation may reveal what needs to be done in this field and may go beyond parliamentary lip-service.34

Another monitoring instrument, which could be an activity for NGO's and go further than the required two and five yearly reports, would be the preparation and publication of an annual report on the situation of children related to the provisions of the Convention. Together with this publication, NGO's could organise a public debate, involving various groups and also government representatives. The subject could be the various aspects of the Convention in general, but preferably it should take a thematic approach after a few years. This type of meeting offers the possibility to attract different audiences and involve more professional disciplines in the issue of children's rights, including those professionals who might not have realised that their work was relevant to the situation of children. In Sweden, for example, annual hearings take place between the Government and NGO's on an annual report, which is set up according to the guidelines of the Committee. About 15 organisations put forward their questions (80-100) on various subjects related to articles in the Convention. Examples include the following: how many of the 1.8 million children have been consulted before the draft Youth Law was sent to Parliament? Will family support be given in the form of special child subsidy to parents in order that they are free to choose the type of child-care they consider best, as some children do not feel comfortable in collective child-care settings? Is the government willing to strengthen the child's right to be heard, by including in the law this obligation to listen to the child taking into account his age and maturity?35

Cooperation between NGO's in a network is advantageous because a common ground for working with the Convention is created. It takes time to understand not only the text of the Convention, but also its implications and consequences for working with children, and to formulate the core of the Convention in plain language as the Child Convention Group in Sweden did: 'The Convention on the Rights of the Child regards the rights of the individual child, not of children as a collective group. The child is a human being of full human value. The child is unique, a child is an individual. The child has special needs, the child needs support and protection. The child has his own rights. The Convention expresses an integral view on children; it is a collection of all kinds of rights: social, economic, cultural, civil and partly political rights. Even some humanitarian rights, for example refugee children and children in armed conflicts are included.'36 Visible cooperation in a platform of NGO's will make it easier for the other organisations involved to address themselves to the platform and will also form a symbol of the presence of the Convention in society. The

34. See for example the Swedish report: Barnfrågor i Riksdagen, Rädda Barnen, Stockholm, 1995.
network or platform could also set up a clearinghouse on children's rights information to enable the organisations to keep track of one another's activities.\textsuperscript{37} Cooperation should not necessarily be restricted to national borders. Many NGO's have international contacts and coordination of the international work on children's rights may be useful. As an example, a Coordination group of NGO's has prepared amendments to the Treaty of Maastricht, aimed at ameliorating the position of children, and making a youth policy based on the Treaty of the European Union possible. It includes proposals on information policy for children and youth, and a policy on participation by children.\textsuperscript{38}

The role of NGO's is crucial, not only in informing decision-making bodies on the actual situation of children, but also in informing workers, the general public, parents and children. The state's obligation to make the Convention widely known requires both general and specific activities. A warning of the work for NGO's involved is at its place: 'It takes time for this kind of information to be absorbed, especially as many of our contemporaries see it more as a curiosity than a problem. But at the very least this gives us the opportunity to take stock of existing rights and work out a basic approach to teaching on human rights.'\textsuperscript{39} An information policy in this respect can distinguish between various groups of the general public, in the first place children themselves, but should not be limited to any of these groups, for example, only launching campaigns for children aged 10-14 years old. No child should be excluded. As a result, extra measures may need to be taken for blind, deaf, handicapped, or refugee children. The Committee on the Rights of the Child also addresses the needs of these children.\textsuperscript{40} Other target groups that should be taken up in the information policy are professionals who work with or come into contact with children: teachers, child-care workers, judges, lawyers, police, medical personnel etc. A third group may be the NGO's themselves, both those working as child advocates and for the 'welfare' of children.\textsuperscript{41}

The state is free to undertake the information campaign itself or to delegate, for example to NGO's or in cooperation with them. The state must provide a budget for realising the obligation under article 42 of the Convention, for instance for an information campaign. The state should also evaluate whether it has succeeded. In Sweden, 35 NGO's applied for a total budget of 10 million crowns annually during a three years period in order to make the Convention known within and via their or-


\textsuperscript{38} \textit{Give children and young people a voice}. Proposals presented by Euronet in a Speech delivered by Herbert de Graaf at the public hearing of the European Parliament on the Inter-Governmental Conference, Brussels, 26 February 1996.


ganisations. It is useful to mention some remarks in the evaluation report. The advantages of involving NGO's include their experiences in propagating messages and their ability to make the content of the Convention more concrete and to stimulate questions. NGO's reach people engaged in and willing to work for the best interests of children. The disadvantages relate to the fact that each NGO has its specific view and may not reach the general public. One disadvantage has become very clear. As the NGO's were publishing the message of the Convention, many municipalities did not understand that it was not a Convention of the NGO's, but a Convention of the United Nations obliging the municipality to take action. A co-ordinated communication plan was missing, resulting in a variety of plain language versions of the Convention, printed in brochures, posters, cards and buttons. Nevertheless, the NGO's have gradually started to work on common information material and to share experiences. It is concluded that the information has reached fewer persons but has been more influential than an information campaign managed by a neutral party. Although material was prepared for schools, this information did not adequately instruct all the schools concerned. The normal aim would be that all children in grammar school are told about the Convention. This would mean that schools undertake the responsibility in informing the children.42 Two groups which hardly have been reached are municipalities and parents. The latter group should at least be addressed when their children are taught at school. Information could also be supplied via health centres, libraries and adult education. Much of the result will depend on the presentation of concrete examples in daily life in which children's rights are involved.

The role of municipalities in the implementation of the Convention is important as in many modern states a number of governmental tasks have been decentralised to the local authorities. In cases of national commitments due to the international treaty obligations, this decentralisation may cause differences as the commitment has to be realised by those not directly involved in the commitment itself. It is an accepted rule of international law that a state may not justify failure to live up to its international obligations by referring to its municipalities. The final responsibility for the implementation of the Convention and for human rights in general remains with the state, as 'non-derogable responsibility'. Part of this responsibility is to inform and enable the authorities concerned to implement the Convention in all areas and to fulfil their obligations. Municipalities have to engage in the work of the Convention, not only by informing those who work with children in the community, but also by considering a section for children in every draft and decision, questioning: What does this imply for children? This obligatory exercise will reveal that many organs and officials are involved in community matters which concern the lives of children and their rights. At local level, a survey of all budgetary provisions in the field of child policy should be related to a critical study of the situation in the community, whereby gaps and missing links will be revealed. This approach is more comprehen-

42. Modig, C., Som ringer på vattnet - Om frivilligorganisationernas information om FN:s barnkonvention, Socialdepartementet, Stockholm, 1993, p. 15.
sive than basic child and youth policy from the perspective of prevention. It is exactly this image of children - being a nuisance - that the Convention wishes to exchange for an image of child participation. This subject is also touched upon in the section on media education, *infra*.

The Committee on the Rights of the Child has on several occasions recommended the establishment of a child commissioner, for example, in the case of Portugal.43 Although the institution of an ombudsman has a long tradition in Sweden, the Convention on the Rights of the Child seems to have been the necessary impetus to the establishment of Barnombudsmannen (BO), the children’s ombudsman, in 1993.44 His task is to take up questions that affect the rights and interests of children and the young. The ombudsman must pay special attention to the questions of whether the laws and other regulations and their application conform to the duties and responsibilities of Sweden pursuant to the UN Convention on the Rights of the Child. The BO’s activities include initiating measures, which are meant to maintain the rights and interests of children and young people; representing and supporting children and young people in the general debate; proposing to the government changes or other measures necessary to preserve the rights and interests of children and young people; and, coordinating preventive efforts of society in the field of child security.

The Children’s Ombudsman must also pay special attention to questions affecting vulnerable children and young people; maintain contact with children, young people, non-profit organisations and authorities; and, also actively follow research and development, pertaining to children and young people.45 As the BO reports annually, an opportunity has arisen to debate the state of the art concerning children, and also to make proposals, for example concerning refugee children, children’s participation at the municipal level and representation on school boards.46

One of the many activities of the Children’s Ombudsman has been to research how well the Convention is known and applied in the municipalities. The results show that few municipalities have taken up the Convention and informed their officials and politicians. Most of them are waiting for more knowledge and information. Five years after the Convention was ratified by Sweden, only one of the 111 replying municipalities had a direct reference to the Convention in its child policy plan. The Government should therefore strengthen the status of the Convention at the local level by creating national goals for child policy, which could support the municipalities.47 It can also be useful to publish a guide for the municipalities on how to implement the Convention and how to involve children in activities and decision making.

Another activity which would assist in the monitoring of the Convention is the support of adequate and coordinated research on children both in general and in difficult circumstances. The first point is to have reliable reports including statistics, which often are lacking with regard to younger children. They are often forgotten,

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43. CRC/C/46, 10th session 1995.
or, literally, do not count. One way to have more statistics on children would be to require more detailed statistics from the national statistical body. To the extent that such needs have not been met, a budget should be made available to keep detailed statistical records on children in cooperation with central institutions. The Children's Ombudsmen in both Norway and Sweden present every year a booklet with facts on children, which provides a common base of facts for discussion on various subjects including health, drugs use, single parent families, accidents, and the use of mass media.48

Participation
The implementation of the right to information is closely related to the way in which child participation is realised. The several stages of development described in Chapter 2, clarified that a child needs sufficient possibilities to interact with his environment, to develop social competence and to form his own values and beliefs. Various developmental tasks can be performed by participation. Learning by doing also applies to moral development, in spite of all the stories told to the child. Nevertheless, good examples will help. Therefore, it is important that by working with others, the child gradually has access to the broader scope of adult life. The right to information is both a prerequisite for participation and is also realised by participation. The right belongs in this respect to the innovative part of the Convention, namely respect for the views of children, in general called participatory rights, with article 12 as its core.

Participation of children has been welcomed by organisations working for children and their rights as a new step forward in the liberation of the child. Participation is an essential means for empowerment, by which children learn to better formulate their social needs and to protect their rights. Participation is also a means of development, as children learn to make choices and to take decisions, to experience responsibility and loyalty, and also to take care of others. Participation has been used in youth policy in several ways: after the Second World War to fit the youth into society; in the sixties to organise the youth in order that they may have a say in schools and communities; and, in the seventies to develop their personalities, form their own opinions, and make their own decisions. In the nineties, participation has made a come-back as a means to appeal to the strengthening and maintainance of the youth's independence, to stimulate their chances and integration thereby preventing social isolation and problems. The preventive aspect has been especially emphasised in the Netherlands.49

One approach of participation is to consider its active and passive aspects. Active in the sense of shared responsibility and active involvement. Passive participation is then the participation in family activities, sport and youth-clubs, education or work. One could also discern in participation its political and social aspects. The active involvement of children in their immediate environment and relevant decision making, as a short-hand definition, seems mainly to refer to social participation, which

still includes influence on the policy which affects daily life, for example at the
neighbourhood or institutional level, but not the political process of decision mak-
ing.\textsuperscript{50} The latter is more concerned with empowerment and has found its expression in, for example, a report of the Council of Europe on local youth policy. Youth participa-
tion is then defined as ‘young people’s right to be included, to be allowed and en-
couraged to assume duties and responsibilities and to make one’s own decisions’. The report is quite firm in rejecting forms of youth policy which use participation as a form of leisure time without real power. Inspiration has been found in the work of Paulo Freire, acknowledging the importance of insight in and power over one’s own reality for liberation. ‘Youth’ in this report envisages young people between 12 and 25 years of age. Furthermore, the report seems more related to the theory of partici-
pation and empowerment and does not clearly relate participation to the actual needs and rights of young people and their social position.\textsuperscript{51}

The other form of participation related to democratic involvement and develop-
ment has been elaborated by Hart. He considers participation important for the ex-
erience and development of autonomy and social cooperation. In order to discern participation from mere symbolic involvement of children, Hart has set up a ladder of participation discerning eight levels. The first three: manipulation, decoration and tokenism are in fact non-participation. At these levels, children are drawing, danc-
ing or demonstrating, without understanding, feedback or involvement in the or-
ganisation. They sit on a conference panel without proper preparation and have lit-
tle or no choice about the subject or the discussion, and little or no opportunity to formulate their own opinions.

Genuine participation has further steps which refer to situations in which the
children are assigned but informed, and participate voluntarily in the project. A next step is when they are both consulted and informed. Consultation of children takes place in various forms, they are listened to because the interviewers are interested in
the children’s views on a programme, a product or a proposal for play-ground plan-
ning. Genuine participation requires that the results of such consultation are shared with the child-consultants. This approach makes the communication a more honest one, as children are informed about the results. Other forms of participation range from adult-initiated projects in which decisions are shared with children and child-
initiated and directed projects to child-initiated projects in which decisions are shared with adults.\textsuperscript{52} Such projects could include adults and children working on newspapers, informing their peers, setting up an association against racism, or running a youth cafe. The model has not been without criticism; in particular there is a fear that this model will become an unquestioned norm.\textsuperscript{53}


\textsuperscript{51} The Development of an Integrated Approach to Youth Policy Planning at Local Level, European Steering Com-
mittee for Intergovernmental Co-operation in the Youth Field (CDEJ), Council of Europe, Strasbourg, 1993.

\textsuperscript{52} Hart, R., Children’s participation. From tokenism to citizenship, Unicef, Florence, 1992, p. 9. (Innocenti Essays,
Vol. 4). See the activities of the Dutch Children’s Group Kinderen voor Vrede.

\textsuperscript{53} Milne, B., Children’s participation. How far can children be involved? in: Verhellen E. (ed.), Monitoring Child-
A child's perspective

For the implementation of the right to information, it is also important that the cooperation between children and adults takes place in an atmosphere of mutual understanding. This understanding requires the ability to relate one's views to those of others. Perspective taking is one of the elements of social cognition, which are primarily learned in the family environment, as was shown in Chapter 2. Parents who do not mainly think of their own needs or base themselves upon conventional rules and norms, but who take into account the needs and position of the child, can appeal to the child's own responsibility and encourage him to take into account the position of others.

The entire implementation of the Convention requires to change to a child's perspective. Such an appeal can be understood in the double sense of a child's perspective. The first meaning is the adults' perspective of the child. The way adults see the child is influenced by their own childhood experiences. It may even be that those experiences are never lost, that childhood continues to live within the adult, although the adult can never achieve it again. A harmonious life style would include a good relationship with the child within oneself. The memory of the lost childhood may cause an idyllisation of childhood, which will put the child in a romantic light, ignoring the many fears and difficulties also involved in childhood. This view can threaten the interests and intentions of taking a child's perspective.\(^\text{54}\)

Adults in many social roles have contact with children, as exemplified in Chapter 1. They all have their own perspective on the child in the way they encounter, listen and reply to children. The Convention urges a change in the adult perspective, in education, care, planning and research. It also wants adults to see things from the child's perspective as much as possible. Such an attitude includes being interested in the knowledge and experiences of the child, showing respect and understanding for his views and treating the child as a reliable source of information.

The second consideration of a child's perspective relates to the way in which a child experiences and sees his own life situation. This process of experiencing impressions, processing them in play and their own culture, starts very early and is gradually extended to other human beings, understanding that they also have feelings and thoughts, that they have their own views. It is remarkable that more research has been done on how children think than what they think. Interviews with children and collections of their commentaries reveal feelings of loneliness, vulnerability, concern for the future and the natural environment.\(^\text{55}\)

Adults and children can have different perspectives on their common situation, for example at home, in schools, in participatory projects. Such differences partly belong to the differences between human beings in general. However, they can also have severe consequences for the development of the child. In those situations, where children inform and adults have to interpret their signals in behaviour and


words, the adults’ ability to take a child’s perspective, to see with the eyes of the child, becomes very important for understanding what the child wishes to communicate. In the encounter between adults and children, one aspect seems to influence their mutual relationship, namely the influence of increasing technology: ‘Because of the rapid developments in the information society adults have to admit more often their ignorance in relation to children. We have to experience that even small children teach us when the computer gets stuck or when we have to find out about the new videorecorder.’

The consequences of taking a child’s perspective in implementing the right to information are that adults have to be aware of their own views and perspective and must be able to criticise them, and not be satisfied by easy interpretation models. The willingness and ability to take a child’s perspective includes creating possibilities for children to express their views and to participate in decision making. The Convention prescribes this approach which be achieved by immediate contacts between children and decision makers, but also indirectly by having adults represent the child’s perspective. Children are often dependent on representatives or ombud. Those ombud can support the child’s perspective by reviewing legislation, reviewing and adjusting political programmes, training of staff, executing municipal programmes of action, being local children’s ombudsmen and organising with children a children’s day, where they can interview politicians and officials.

Involvement of children in activities can take different forms: participation in schools, involvement in local planning, and organisation of leisure time activities. These activities can take place in media projects, local youth councils, youth directed meeting places and courses, and school democracy projects. They form a clear counterweight against the mass media image of youth as a passive group. The state can support these projects through subsidy and stimulating projects which are initiated and organised by young people themselves and are open to a large target group. In general, these projects are for older children, although younger children can also be involved in local planning or local community policy. These projects are often surprising for adults as they do not expect interest and views from children. However, most participation remains on the level of discussion or presenting proposals without much influence on the final decisions or with only a symbolic budget to decide upon.

A different approach has been taken in the Norwegian community Porsgrunn, where a loss of 25% of municipal income caused a need for radical change in local politics. The aim was to create a culture of participation and children and youth were seen as an important target group, because of their own value, as future adults, and their involvement also as a channel to include adults. The establishment of a lo-

cal children's ombudsman led to an all-community strategy including children's participation, school-home cooperation and adults' participation, under the rubric 'Responsibility and care for each other'. The channels used were the councils for school classes, pupils, a community-wide pupil council, leisure time clubs and youth meeting homes. In the course of about five years, a dynamic local democracy has been built up, considered as an example in Norway and abroad. The key elements seem to be psychological and organisational in nature: regarding children as a resource not as a problem; positive expectations influence results positively; and, acquiring knowledge about children by systematic dialogue between 'all' children and political and administrative leadership. The risk of such a scheme is that children will be forced to participate according to adult's ground rules. However, 'the experiences show that children in the first and second class of junior school are quite well able to express their interests in a dialogue, much more than adults often believe. In fact, children dare to take up issues which adults do not dare to take up, and the communication is often so direct that most adults who have participated are enthusiastic and wish to elaborate on that form (even when they may have been insecure about the first encounter).”


The strategy in this form of child policy is to go beyond the stage of discussion meetings and to create an integral approach involving all sections of the administration, supported by a flexible budget. As a preventive approach to risk groups may have discriminating effects, an overall approach is established whereby 'strong' children form networks around 'vulnerable' children. Plurality and open-mindness give room to be different. Among the measures and activities taken on this basis are: training courses for pupils councils; educational material for such councils; training of contact teachers; working books in school classes on issues for participation; open town hall meetings for children, politicians and officials; Children's Week; setting up of a Youth meeting home; and, a Children's Prize for the best non-profit organisation. The most advanced form of decision making is that a budget of 150,000 crowns is made available for projects submitted by the children themselves. This budget makes it possible to take immediate action after a list of priorities is made by the Common Pupils Council based upon all the children's proposals. The actual experience of the child that one's ideas and views can be realised has increased self-respect and interest in political matters. Smaller proposals which have not been prioritised can be realised by a smaller budget, based on the motto 'Try yourself'. The Common Pupils Council has made contact with other councils to stand up in Parliament against reduction of budgets for youth meeting points and succeeded in acquiring a higher budget. In the new National School Plan, several ideas will be taken up and made obligatory, for example on responsibilities and effective execution of the pupils council's activities and training. One of the results of experience in local participation has been that five young people (17-20 years) have been chosen in the town-council from various political parties.

This example shows that when children are offered opportunities to express their
views, as the Convention prescribes in article 12 and 13, social participation may follow in an intensive and dynamic way. Not necessarily all children have to find their way to politics, but the experience of gathering information, forming one’s own opinion, expressing and defending one’s ideas, and working to have ideas realised is useful for all, as it serves one’s self-respect and forms one’s personality. The enormity of the children’s need for someone who listens, gives information and helps is demonstrated by the Children’s Ombudsman, who presented his visiting-card to all pupils at school, and quickly received 4000 responses. Children’s ombudswomen may hope that there will be more adults to whom children may address themselves. One of the explanations given to some adults’ misgivings is a psychological and fundamental one: ‘They would be prepared to listen to what children have to say but are ill at ease with the need to respond to questioning, however nicely put, from children and young people. This is a problem we must address: while the fact that the infans is he who does not speak is a most opportune recollection, this is because individually and collectively we do not know what to say to young people when they ask us the kind of questions we ask ourselves, or those we do not ask ourselves, but to which in any case we would not have the answers.’

The legal significance of the right to information

After the exploration of the right to information in Chapter 5 and the explanation of the implementation mechanism related to the Convention on the Rights of the Child, the legal significance of the right to information is explored in this section.

International instruments

International treaties bind states and define formally agreed legal obligations. Each state ratifying a treaty is legally bound by it, which means that the state agrees with the rights and obligations enshrined in the treaty and shall ensure the implementation of the treaty and the application of the rights protected by it.

Non-treaty standards like declarations have officially non-binding force, but can nevertheless be influential. Frequent reference to such a standard and application by a great number of states can give the standard the status of ‘general principles of law recognized by civilized nations,’ as the Universal Declaration expresses. As such it becomes a part of international customary law. If a right is frequently mentioned in various international instruments this can be an indication of a growing standard in international law. The best example is the Universal Declaration on Human Rights which not only proclaims in its preamble to be ‘a common standard of achievement for all people and all nations’, but has resulted in a wide variety of international human rights instruments implementing its contents. Among the fruits of the Universal Declaration, the Declaration of the Rights of the Child, adopted in 1959, is an ex-

ample of a non-binding treaty; and, the Convention on the Rights of the Child, with its roots also in the former Declaration, is a binding treaty.

What effects does ratification of the Convention have on National states? Can national courts review the acts and omissions of the national authorities in view of the Convention? The answers to these questions depend mainly on the question whether the provisions of the Convention are directly applicable in proceedings before those national courts; and this in turn, depends on the effect of international law on the national legal system.\(^5^2\)

In general, three ‘schools’ of incorporating international law into national legal systems can be discerned.\(^6^3\) In the first system, new implementing national legislation is required to bring the content of the international treaty into the national legal system. This dualistic view considers national and international law as two different systems and is applied, for example, in United Kingdom, Ireland, Norway and Sweden. It has been suggested by the Committee on the Rights of the Child that in the case of Sweden and Norway the provisions of the Convention should be incorporated directly into domestic law or included in a special provision on the incorporation of certain human rights treaties in the national constitution, including also a specific reference to the Convention on the Rights of the Child.\(^6^4\) Flekkøy has proposed ‘umbrella’ legislation defining the rights of children, outlining the responsibilities of local and national governments to provide for the needs of children and their families.\(^6^5\)

According to the second school, a certain transformation is necessary to make the provisions of the Convention effective as national law. Examples are Germany, Italy and Austria. The third school does not require implementing national law after ratification. The ratification itself is an act of Parliament. The Constitution or case-law acknowledges the internal effects of international agreements, based on the monistic view of the all-embracing international legal system; examples are Belgium, France, the Netherlands, United States and Switzerland. This means that the international Convention is directly applicable in the national legal system. Direct applicability of international treaty provisions does not yet mean that they can be invoked automatically before a national court or applied by a national judge. This is only the case when the regulation is capable of being directly applied. In that case, the provisions are called self-executing. This suitability is based on two criteria. The objective criterion requires that the formulation of the provision is sufficiently precise, clear and complete with respect to the content and nature of the obligation. The subjective cri-


\(^{64}\) On the occasion of concluding observations on Norway and Sweden, the Committee on the Rights of the Child, has recommended to take measures to integrate the Convention in the national legal system, for example by a special implementation law. CRC/C/15/Add.23, para. 14 (Norway) and CRC/C/16, para. 55 (Sweden).

terion concerns the intentions or objectives of the parties, already recognised by the Permanent Court of International Justice in 1928.66

Which provisions in the Convention can be considered as self-executing? No absolute answer is possible as the qualifications are interpreted differently in various national systems. The national judge decides upon the self-executing character of the Convention's provisions. Therefore, his role in the implementation process of the Convention is of utmost importance. Alen considers that the judge is not bound by the parliamentary treatment, as direct applicability is an evolutionary concept. The formulation goes beyond what parties, may have explicitly wanted. Even if states have a margin of appreciation in executing international obligations, for example in the case of positive obligations, this does not necessarily exclude direct applicability.67 Alen takes the approach of interpreting the Convention on the Rights of the Child in a way to give it the highest possible effect. Bossuyt is more reserved; he discerns the following types of provisions included in a convention: provisions which are undoubtedly binding; provisions which contain declarations of intention; and, provisions in which Parties oblige themselves to take appropriate measures.68 These three types are derived from the various terms used, for example ‘to ensure’, ‘to encourage’, ‘to take measures’.69 The wording ‘to take measures’ would indicate that the provision is not self-executing; and, the word ‘appropriate’ leaves a considerable margin of appreciation for the states parties. Most provisions already acknowledged in other human rights treaties would be considered as self-executing, for example the right to freedom of expression, the right to freedom of conscience, the right to freedom of association and the right to privacy (articles 13-16); the right to a name (article 7(1)), and the right to have contact with both parents (article 9(3)). Innovative rights in the Convention like the principle of parental guidance with respect to the child’s evolving capacities (article 5), the right to maintenance of identity (article 8), the cultural rights of minority children (article 30) and the right to express views and be heard (article 12) are also provisions which are considered as susceptible to self-executing force by the national legislator, the Netherlands, to be confirmed by the national judge.70

How can state implementation of the Convention be enforced? The implementation of international law, in contrast to national law, does not provide for a method of enforcement. Although binding for the states concerned, their compliance with the treaty obligations is strictly voluntary. This is also the case for the Convention on the Rights of the Child. However, as Doek points out, the fact that the Convention was unanimously adopted by the 159 members of the General Assembly of the United Nations creates a powerful moral obligation to comply with the Convention's standards. The signing of the subsequent World Declaration on the Survival, Protec-

69. See also Chapter 5 on the hierarchy of obligations in the Convention, p. 215-216.
tion and Development and its Plan of Action, at the World Summit on Children in 1990, by seventy one Heads of State is also an indication 'that current international consensus exists that its standards should be respected by all states.'

Can all human rights be invoked before a national court? In general, one could discern two approaches in the evaluation of human rights in international instruments. One approach is, as already mentioned in Chapter 4, that only the traditional political and civil rights are real human rights and are of legal significance. Social, cultural and economic rights are considered as being based on certain social needs and claims and form more of an obligation of the state to develop a policy or programme. The other approach seems to arrive at the same result, although in a different way. Real human rights would require formulation in such a way that they only concern individual rights; and, they should be enforceable before a judge. It is then concluded that social, cultural and economic rights cannot be considered as individual rights, as they are merely broadly formulated programmes for governmental policies in the economic, social and cultural field. The word 'right' in that sense has to be understood in a moral and hortatory sense. In other words, a precise definition of the provision is required for it to be accepted as a legal right. The enforceability of the right relates to questions such as: Can the right to information be invoked before a national organ, especially a national judiciary organ? Can an individual invoke an international norm which guarantees a right to information before a national judge?

The supposed dichotomy between political and civil rights on the one hand and economic, social and cultural rights on the other is contradicted by the notion of the indivisibility and interdependence of the several types of rights, as expressed in various resolutions of the General Assembly and also noted during the drafting process of the Convention on the Rights of the Child. One of the most obstinate supporters of the dichotomy and hierarchy of human rights remains the United States. However, the differences between these rights are not as great as sometimes suggested, as civil and political rights show elements of social, economic or cultural rights and vice versa. Indeed, the Convention on the Rights of the Child has been called unique as it includes all types of human rights in one instrument. One could also point to the unifying factor which is the notion of human dignity, inherent in the realisation of all human rights.

As far as the right to information is concerned, it is a right closely related to human development, hence human dignity. It encompasses the very classical civil and political elements of freedom of expression and the more modern right of access to information, beneficial to one's well being and spiritual development. In many

73. GA 32/130 and 40/114 13 December 1985. Also in the Draft of the Declaration on the Right to Development, art. 6(2).
ways, the right to information is a mixed right, demonstrating in itself the indivisibility and interdependence of human rights.

As a general rule, the direct applicability of a provision for the protection of human rights does not depend on the type of right but on the way in which the provision is formulated, the nature of the rights and duties resulting from it, and sometimes the international instrument in which the provision is included.75

**Normative effect of the Convention**

The rights enshrined in the Convention on the Rights of the Child have to be respected by public authorities, but do they also bind private persons and bodies? Alkema takes up this question and points to the historical development of human rights. According to the law of nature, human rights are so fundamental and essential that they deserve protection against any encroachment, be it private or public. Even before the emergence of the modern state, the law protected the right to life of private persons, and the family and the Church were charged with caring for the sick, children and the aged, which nowadays would be called human rights. In France, the Déclaration of 1789 referred to human rights by means of contrast: *l’homme versus la société*; and, *le citoyen versus la loi/force publique*. Human rights did not stem from civil liberties, but their seeds were sown in law and in legal texts such as the *libertés publiques*. When in the national constitutions, for example of Germany, fundamental rights were narrowed down to the relationship between citizen and state, the public character was emphasised, causing a separation from fundamental rights in private civil law. This separation was later bridged by the doctrine of the *objektive Wertordnung*, which implies that fundamental rights not only create subjective rights that protect against interference by public authorities, but also contain values which penetrate the entire legal order.76

Thus, one can no longer state that human rights in the classical sense only aim to protect the individual against interference from the state, as the early declarations of freedom and equality also envisaged basing the general social position of citizens on a number of principles.77 The international dimension of human rights underlines the view which considers human rights as derived from man’s ‘inherent dignity’ and founded in the law of nature, rather than on one single belief or religion. Therefore, the rights of the Universal Declaration are less closely connected to the polarity between of the citizen and the state than to the fundamental rights laid down in national constitutions.78

DRITTWIRKUNG

In modern, complex societies, the state takes on different shapes, when its tasks are fulfilled by various institutions, at an arm's length from the government. There are also other social institutions which although separate from the state, nevertheless have enormous influence on individuals' lives. From the complexity of society also evolves the interdependence of individuals in the realisation of their aims and development, and likewise the impediments caused by powerful social institutions and the interaction of individuals. The protection of human rights should therefore be extended to protection against infringements regardless of their source. This further evolvement of human rights is expressed in the notion of the third party applicability, indicated in German by the term Drittwirkung. The consequence of this development is that not only the state, but also other institutions and all individuals have to respect the rights of others, even if such rights formerly may have been formulated as rights of individuals against the state.

With respect to the terminology, Drittwirkung implies that the relationship between state and individual is taken as the basis. A third party in the form of another individual or private institution is involved. In some legal systems, the term 'horizontal effects' is preferred as it stresses the direction of the human rights, namely between individuals, and leaves out the notion of the state. These horizontal effects can be approached as a question of degree, ranging from instructional norms for the state to positive obligations to implement a certain principle in private relationships; norms which not only appeal to the national legislator but also to the judge. The judge takes human rights into account by the interpretation of general notions such as good will, social responsibility, and fairness. The factual scope of the effects has to be established by an article, or even a part of an article. This approach has also been implicitly affirmed by the declaration of the secretary-general on the draft Covenant on Civil and Political Rights.

In German legal doctrine, direct and indirect effects of Drittwirkung are discerned. The former one implies that Drittwirkung applies to all fields of law. Indirect effects can be found when private law is complemented with norms derived from human rights. The development in Germany tends to acknowledge direct effects of human rights. The direct effects of human rights norms in treaties are also considered more plausible than the direct effects of constitutional rights as these treaty rights are more concerned with the rule of law and less with the principle of legality.

In the European Convention, Drittwirkung was not considered during its drafting process. In the literature, some have referred to various formulations which either

point to Drittwirkung or do not exclude it. Alternatively, the development of societies in Europe makes such a wider interpretation necessary. Therefore, article 1 should be regarded as acknowledgement of human rights *erga omnes*. Individual complaints submitted to the European Commission on Human Rights can only be considered if they concern infringements by the state. Complaints against other individuals can only be accepted when the state is involved as legislator, judge or whatever. The indirect horizontal effects of human rights have been acknowledged, as Alkema describes. 'The opinions in favour of Drittwirkung show various degrees of commitment, but no one assumes that the Convention's rights and freedoms have exactly the same legal force for private persons as they have for states parties. Those rights may be applicable between persons, but their extent will depend on the domestic law and the Convention's status therein.'

The European Court has for example stated: 'Like article 8, article 11 sometimes requires positive measures to be taken, even in the sphere of relations between individuals, if need be.' It is noteworthy that one of the early indications of Drittwirkung for article 8 is mentioned in the Declaration of the Council of Europe on mass media and human rights, where it is considered that article 8 should not only protect against interference by the state, but also by other institutions or persons, including mass media. In addition to states' positive obligations, states have the obligation not to maintain their attitude of non-interference when apparent infringements of human rights occur in horizontal relationships protected by the Convention.

In relation to the Convention on the Rights of the Child, the notion of Drittwirkung means that the Convention not only binds states, imposing obligations on the state but also third parties. Third parties are frequently involved in the case of children. The Convention not only requires parents or legal guardians to provide an adequate standard of living (article 27), but also schools in the case of maintaining order in school (article 28(2)); and, other citizens, in the case of respecting privacy of children (article 16). Examples of the civil rights (articles 13, 14 and 15) are also mentioned and have consequences for others, i.e. direct horizontal effects.

In the case of the right to information, the application of Drittwirkung would imply that every aspect has to be taken into account when invoking this right. As has been demonstrated in Chapter 5, the right to information encompasses a whole range of rights enshrined in the Convention. The core of the right to information points to an underlying principle rather than a narrowly described right. This prin-

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principle should be the basis of concern in every judgement in which the right to information is at stake. In general, it is no longer a question whether there is Drittwirkung, but to what degree it works in a specific case. Whereas most of the elements of the right to information consist of civil and political rights, Drittwirkung can generally be assumed. This seems quite plausible. The respect for the human rights of children is of the highest importance not so much with regard to their relationship with the state, but primarily with other human beings. However, one should keep in mind Alkema’s warning: ‘Many factors may account for the Drittwirkung of human rights: differences in origin, in the power structure of society, in relationships between the persons involved and in the values embodied in those rights. Accordingly, the third-party applicability will vary.’

**Limitations**

It is generally accepted that no right is absolute in its content, or in its exercise. The concrete circumstances in society, and public opinion and norms are factors on which a right depends. Human rights apply to everyone, and therefore they are necessarily limited, where the freedom of others must also be protected. The state is, under certain circumstances, allowed to act in spite of the rights guaranteed. In order to take such interfering measures, the state has to fulfil certain conditions. When these qualifications are met, they necessarily put limitations on the human rights of an individual. A possible classification is introduced by Burkens, who discerns for example limitations related to specific aims such as the protection of public order, or national security; and, limitations based on a behavioural code such as the requirement of interference necessary in a democratic society.

In some human rights treaties, ‘the protection of youth’ is taken up as ground for restricting the right to freedom of expression. In the Convention, limitations based on general public aims can be found in the classical human rights of freedom of expression and freedom of conscience.

In the judicial procedures based on the European Convention, the Commission examines the admissibility of limitations, but allows states a broad margin of appreciation. Moreover, some provisions do not clearly define the rights which they are intended to guarantee, or a generally accepted meaning is missing. Finally, other provisions leave it to the states to choose the appropriate means to guarantee protected rights, for instance when the Convention refers to the obligation to take measures or to adapt national legislation.

Limitations on children’s rights can also be created by states’ reservations and declarations. States can submit unilateral statements such as understandings or interpretative declarations when signing or ratifying a multilateral treaty. These statements can be considered as political manifestatons, but also constitute a reservation to the Treaty, which will then form a limitation on the effects of the treaty.

This may be difficult to distinguish. According to the Vienna Convention on the Law of Treaties, a reservation is defined as

a unilateral statement, however phrased or named, made by a State, when signing, ratifying, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State.\(^92\)

It is only in practice that the exact nature of the unilateral statements, whether a reservation or not, can be established. The Convention on the Rights of the Child states in article 51(2) that

a reservation incompatible with the object and purpose of the present Convention shall not be permitted.

During the drafting process, delegations threatened several times that they would be forced to make a reservation, whenever a certain provision was on the verge of acceptance. The result was often a compromise in order to include as many countries as possible in the ratification of the Convention. Nevertheless, states parties have upon signature or ratification made interpretative declarations or reservations. After the euphoria stemming from the rapid and broad ratification of the Convention, a more critical approach has led the Committee to consider the various declarations and reservations and to introduce a policy of friendly, but persevering requests for reconsideration of such limitations on the Convention. Several states parties have also objected to the declarations and reservations of others.

For instance, Indonesia declared upon ratification of the Convention that this ‘does not imply the acceptance of obligations going beyond the constitutional limits nor the acceptance of any obligation to introduce any right beyond those prescribed under the Constitution’ and declared that it will apply articles 1, 14, 16, 17, 21, 22, and 29 in conformity with its Constitution.\(^93\) In its initial report, Indonesia writes that in order ‘to protect children against hazardous information which is incompatible with the national philosophy and ideology, the Law on Publication restricts certain reading materials, videos and cassettes, particularly pornography. (...) Some difficulties have been faced by Indonesia recently because of the introduction of satellite technology which can broadcast foreign programmes and which are not fit for Indonesian children because they are vulgar, violent, contain sex, etc.’\(^94\)

Finland, Norway and Sweden and, later, Ireland, the Netherlands and Portugal have raised objections to a number of declarations and reservations, including the Indonesian declaration. For example: ‘In the view of the Government of Finland this reservation is subject to the general principle of treaty interpretation according to


\(^{93}\) CRC/C/2/Rev.3, p. 21.

\(^{94}\) CRC/C/3/Add.10, para. 54.
which a party may not invoke the provisions of its internal law as justification for failure to perform a treaty. For the above reason the Government of Finland objects to the said reservation. However, the Government of Finland does not consider that this objection constitutes an obstacle of the entry into force of the said Convention between Finland and the Republic of Indonesia.95 The general reservation by Djibouti that ‘it shall not consider itself bound by any provisions or articles that are incompatible with its religions and its traditional values’, met with an objection from Norway which stated: ‘A reservation by which a state party limits its responsibilities under the Convention by invoking general principles of national law may create doubts about the commitment of the reserving state to the object and purpose of the Convention, and moreover, contribute to undermining the basis of the international treaty law. It is in the common interest of states that treaties to which they have chosen to become parties are respected, as to object and purpose, by all parties.’96 Most reservations are made to the articles on freedom of religion (12), adoption (12) and deprivation of liberty (8).97

As human rights have effects in the relationships between human beings - see the aspects of Drittwirkung, supra - human rights are also limited by human rights of other persons. In the case of children, conflicts of human rights may arise between human rights of the child and those of his parents. This tension is exactly the reason why some have been reluctant to acknowledge human rights in the case of children, especially when children might be allowed to bring suit, independently of their parents. Human rights can collide in many areas: the child’s right to join an association versus the parents’ right to guidance; the child’s right to family life versus the parents’ right to privacy; the child’s right to access of information versus the parents’ right to guidance and protection; the child’s right to protection versus the media’s freedom of expression. Resolution of these human rights collisions present a complex problem. In the Convention, some principles are applied in order to balance these rights, for example the principle of the best interests of the child being a paramount consideration or basic concern. The notion of ‘evolving capacities’ also includes a limitation on the all-encompassing parental rights.

It should also be noted that the social circumstances are specifically relevant in case of a collision of human rights, but not always acknowledged, as Baarda writes: ‘The political discussion on collision of fundamental rights and the establishment of norms is split: on the one hand rather impulsive, sometimes emotional, but with great personal involvement; on the other hand official, regularly technical-juridical and at a large distance of what happens in the street.’98 He makes a plea for the importance of meta-juridical aspects, as long as positive law has not found a solution, and points to the necessity of being more explicit about the image of the human person underlying human rights.

95. CRC/C/2/Rev.3, p. 31.
96. CRC/C/2/Rev.1, p. 22.
97. CRC/C/2/Rev.5, 30 July 1996.
A major limitation which often applies to children's human rights are age restrictions on the exercise of rights. These restrictions are often defended by referring to the child's competence, meaning his lack of competence. The Convention is clearly devoid of age limits and is reluctant to apply them, introducing the notion of evolving capacities, derived from developmental psychology. In general, the use of age limits, which results in decreasing the exercise of children's rights, is contrary to the letter and spirit of the Convention and should be avoided. The use of age limits shows that they rather serve adults' routines than that they support children. The human rights of the individual child have to be respected, and should not be covered by general limiting measures for children as a social group.

**Normative force**

The elaboration on the legal significance of the Convention shows that the judicial possibilities of invoking the Convention before a national judge or an international body are limited, depending on the internal effects of the Convention, the self-executing force of its provisions and, in relation to others, also on the requirements of Drittwirkung. Nevertheless, the Convention has its effects on legislation and the judiciary in another sense, which is derived from its nature as human rights convention, elaborating human rights rooted in the Universal Declaration, for application in the case of children. In that grand tradition, the Convention affirms the human dignity of children and shows the consequences of this acknowledgement in broad but normative terms. The long range of articles exemplifies how one should relate to a child, in a balance of rights and duties.

Therefore, not only the legal but also the normative force of the Convention should be valued. A normative force is often found in declarations, such as the Declaration of the Rights of the Child, which strives for the ideal that the rights of children be acknowledged and accepted on a universal basis.99 This normative force, however, is formulated in the Convention in a less eloquent and inspiring style than before, as Wiarda writes: 'The Universal Declaration on Human Rights (10 December 1948) has developed into the Treaty of Rome (4 November 1950). The Declaration on the Rights of the Child likewise into the Convention of 20 November 1989, in force since 2 September 1990. And yet... To me there is something which radiates from a "Declaration", what is missing in a "Convention". The "Universal Declaration", in the words of J. Remmelink: "our highest legal document" (...). This applies for me also to the Declaration of the Rights of the Child.'100

In a comment on the usefulness of the Convention on the Rights of the Child, Bossuyt declares that its force lies not so much in the legal field, as much as in the political level. It provides pressure groups for children's rights with a point of reference, supporting their actions aimed at urging the national authorities to better protect the rights of the child. He admits that this improper use of international conven-

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tions is not conducive to the strengthening of international law, but that was not the main concern of the Convention’s ardent advocates.\footnote{101}

These advocates make clear that they will not stop at the literal text of the Convention and state, for example: ‘Rights make only sense when they can be turned into facts. Even for adults many rights have been formulated, which have remained a dead letter, either because the available resources or the organisation of the society did not permit to realise them, or because the so called claimants remained incapable to exercise their rights or to defend them (...) This applies even more to children (...) Maybe there has been too little reflection about what the evident counterpart of children’s rights should be, namely duties of adults with regard to children, not only of parents or of the very vaguely and generally indicated ‘society’, but of every adult, with regard to all children, in accordance with everyone’s own possibilities, needs and situational context.’\footnote{102}

Apart from many criticisms Milne also admits: ‘One very attractive aspect of the Convention is that it is also what I would like to see for all people. Behind the façade of children’s rights a unique expression of rights that should be enjoyed by all human beings throughout their lives is ever present. As a document to express our social conscience in a truly democratic world we would ideally live up to all standards expressed.’\footnote{103}

In the Nordic region, the force of the Convention has been compared to a law without sanctions like the Swedish anti-spanking law (1979). The purpose is to influence, to set the goals and direct attitudes. An example is the anti-spanking law: although the percentage of parents in favour of spanking has decreased from 53 to 26\% between 1965 and 1981, probably partly due to information and debate surrounding the passage of the law, parents have not stopped spanking their children, but there are less who think they are right to do so. It takes time and effort to change views on educational methods. Opinion-building, information, legislation and change of circumstances are mentioned as effective factors in achieving better circumstances for children.\footnote{104}

\textit{Application in national and international law}

As a general supra-national body has not been charged with monitoring the implementation of international treaties, most international conventions provide for means of monitoring implementation which may include the possibility to invoke the rights protected by the said Convention. The International Covenant on Civil and Political Rights has an optional Protocol for the individual right of complaint, which enables the individual to submit his complaint to the Commission on Human

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Rights. The International Covenant on Economic, Social and Cultural Rights has no provisions for individuals. The European Convention has a strong mechanism for individual complaints against the national authority by means of the European Commission, the European Court, and the Committee of Ministers.

However, in the case of the Convention on the Rights of the Child, an individual right of complaint has not been taken up. This shortcoming is regretted and has led to proposals for an optional protocol to the Convention or the establishment of a legal ombudsperson on a national level, both of which may take years to be effected. In most national legal systems, children do not have procedural rights in the sense that they can initiate a procedure themselves. They are dependent on their parents or legal guardians, based on the presumption that parents know best the interests of their children. When parents apparently do not affirm this presumption in their behaviour, the child himself has few means with which to protect his rights. This is also the reason why regional instruments which have a procedure for individual complaints, like the European Convention on Human Rights, are considered much more effective; maybe only relatively for the individual child, but an independent complaint of a child could bring certain abuses into publicity. 'No government appreciates the honour of being requested to answer for its actions in the dock, certainly not before the European Commission in Strasbourg, and least of all on the initiative of a child.' This fact brings into question the legal value of the Convention.

First of all, one can point to the application of the Convention by national legislation and judiciary. As described above, states are obliged to implement the Convention, which means if need be adapting its legislation and taking all measures necessary. The legislator can revise or introduce new legislation with reference to and in accordance with the Convention. In this way the Convention can be used as a standard-setting instrument. NGO's and others involved have to be cautious that such a reference is adequate and legitimate. The motivation behind legislation may be different. Legislation might be enacted in order to implement the Convention, or it might be used to serve other aims, which may use the reference to the Convention as an easy cover. Furthermore, such legislation may never go below the highest standard, either the one already achieved before the Convention was ratified or the standard of the Convention or other human rights instruments.

The standard-setting significance of the Convention as a binding instrument, will also have its effects on the application of central principles, such as 'the best interests of the child' in widely different cultures. Ekelaar elaborates this point in the following sense. 'Conceptions of children's best interests are strongly rooted in the self-images of world cultures. These objectivizations of children's interests will inevitably largely constitute the way the "principle" is viewed in those cultures. But the introduction of dynamic self-determinism has something important to add. It is not equivalent to collective self-determination. It appeals directly to each indi-


individual child within each culture and demands that such a child, as it develops, be allowed space within the culture to find its own mode of fulfilment. This may imply adjustments to that culture, though the extent to which this can or should be achieved through the "principle" cannot be laid down with precision. But it is essential that a dialogue should take place within the culture about the scope to be given to self-determinism. Where it is given little or no scope, the adults take of a heavy responsibility for imposing a replication of their own order on the succeeding generation. 107

In the European context, attempts have been made to strengthen the applicability of children's rights and the exercise of them by children, especially in family proceedings. As mentioned in Chapter 4, within the Council of Europe, the initiative has been taken to establish a Convention on the Exercise of Children’s Rights. The Convention discerns various procedural measures to promote the exercise of children’s rights. ‘Relevant information’ plays a key role and is defined in article 2 as ‘information which is appropriate to the age and understanding of the child and which will be given to enable the child to exercise his or her rights fully unless the provision of such information were contrary to the welfare of the child’. Article 3, for example, elaborates the right to be informed and to express views in proceedings:

A child considered by internal law as having sufficient understanding, in the case of proceedings before a judicial authority affecting him or her, shall be granted, and shall be entitled to request, the following rights:

a) to receive all relevant information;

b) to be consulted and express his or her views;

c) to be informed of the possible consequences of compliance with these views and the possible consequences of any decision. 108

Apart from the right to apply for the appointment of a special representative and other procedural rights, the role of the judicial authorities is also treated and concerns the decision-making process, based on sufficient information from the holders of parental responsibilities and the child, and the obligation to act speedily. Representatives of the child should inform him and provide explanations on possible consequences and present the views of the child.

The Convention includes the state's obligation to encourage through bodies the promotion and the exercise of children’s rights, including 'to provide general information concerning the exercise of children’s rights to the media, the public and persons and bodies dealing with questions relating to children; and to seek the views of children and provide them with relevant information' (article 12). A Standing Com-


Committee is proposed for interpretation and implementation of the Convention, including the adoption of recommendations.109

Although this European Convention mainly is an elaboration of article 12, especially paragraph 2, of the UN Convention on the Rights of the Child, it draws attention to the necessary implications of children's rights in judicial and other proceedings and attempts to create better conditions for the child in such situations, whereby information plays a crucial role. In the field of legislation, one can point to the initiatives within the European field for common action to protect children against violence on the screen, based on article 17(e) of the Convention on the Rights of the Child.110

The implementation of the Convention will also be reflected in national jurisprudence. In fact, jurisprudence has often been ahead of legislation in applying human rights to children.111 The role of the judge in the interpretation of the Convention's provisions, deciding on their internal effects and direct applicability has already been mentioned. Much will depend on his sensitivity to the intentions and spirit of the Convention. More or less taking a child's perspective may lead to differences in application. Some examples from France and Belgium show that a difference of opinions exists with respect to the self-executing force of article 12, as this was denied by the French judiciary.112 These differing opinions might also be due to a lack of knowledge about the intentions of the Convention.113 Nevertheless, much confusion over the direct applicability of the Convention's provisions seems to remain. Such confusion could be counteracted by setting up an international clearinghouse of comparative judicial information on the self-executing provisions of the Convention. NGO's could be supportive in drawing up reasonable legal interpretations of the provisions and spreading this information to less equipped organisations. These attempts of jurists, NGO's and the Committee should be aimed at making the best use of the Convention and raising the level of awareness among jurists and the judiciary about children's rights.

The judges and other persons working within the judicial system will also experience the changes caused by the Convention, especially by the application of the child's right to be heard. The Swedish Barnombudsmannen (BO), although belonging neither to the legislature nor the judiciary power, but still an interpretative authority on the Convention, has commented on various articles of the Convention, including the application of article 12 in legal and administrative procedures, as proposed by the Department of Legal Affairs. The BO points at the insufficient education of social civil servants and jurists in the field of human conflict solving and proposes shared

110. See the Childhood Policies Project of the Council of Europe, and its report: Blin, B., Televisie en Children, Strasbourg, 1995 (CDIP CP (95)1).
training on questions of care, respect, co-operation and communication, children's ways of expressing themselves, etc. The principle of 'the best interests of the child' has to be seen from the perspective of the individual child and aim at the best possible solution for every individual child. 'A child's perspective with a starting-point in the UN Convention on the Rights of the Child means, to respect the child as a competent individual. When the child has access to correct information, presented in such a way that he can understand the content, the child can also take reasonable decisions in questions which affect his personal circumstances.'¹¹⁴ When a judge takes decisions, for example on the child's custody after his parents' divorce, he should show the highest respect for the views of the child. When he decides against these views, the child should receive information on the decision and its motivation. Clear information is also advised in questions of adoption, 'as it is general knowledge that children have a right to know their roots and that secretiveness will be more injurious to children'. This interpretation is repeated in the BO's views on the various forms of artificial insemination. She doubts that all those techniques are in line with the best interests of the child. Although Sweden has a law which gives the child the right to know the truth about his origin and background, the BO points to article 7 of the Convention to enforce better respect for the law, and proposes changing the registry-office law, in order to have more truthful information on the child's origin in case of donor insemination.¹¹⁵ The consequences of the Convention can be far-reaching if human beings with a child's perspective take its provisions as the basis and support for implementing better protection of human rights for children. The final monitoring and protection of human rights appeals to every human being. As Vasak points out: 'In the last analysis, it is on ourselves, the people, that the state's observance of human rights depends. It is public opinion, especially when the nationals of several countries are involved, which alone is capable of forcing states to respect human rights. For in today's world, the only effective sanction against the violation of human rights remains, whether one likes, it or not, public opinion.'¹¹⁶

Two focal points of realisation

The broad scope of the right to information makes it impossible to describe the various fields of implementation where the right could and should be realised. It is therefore preferred to focus on two points of realisation which seem vital to the right to information, namely understanding human rights, and developing communication skills. In order to give more concrete ideas of what can be undertaken in these fields, some examples for further implementation are given. These examples are not necessarily new. However, their relation to the right to information is new. This

sometimes unexpected combination may give a new impulse and thereby support the realisation of the child’s right to information.

**Understanding human rights**

Understanding human rights implies various elements of the right to information. The basis is the right to be informed about one’s rights. Without knowing about one’s rights, even the right to information is useless. Understanding rights, however, points to a further process: not only knowing that rights exists or that one has rights, or knowing their content, but also knowing the background of human rights. This background necessarily involves being or becoming sensitive to the values, that are sought to be protected by human rights. In understanding these values, it will become clear what role human rights can play in the human community and how important it is to respect them, in the same way as one expects others to respect them for the protection of oneself. Understanding human rights is an educational process in which one not only learns about one’s rights and those of others, but also develops a view on the values protected by such rights. Discovering values and discussing them is preferably both a philosophical undertaking and a practical exercise. Learning about human rights and applying them in situations in which children live form the best proof of understanding them. Those situations can also be schools and youth organisations.

This approach makes clear that understanding human rights is much broader than information on rights, given by, for example children’s law shops or a Children’s Ombudsman. Such information is also necessary, but focuses more on the legal aspects of a particular situation. Human rights have a more normative approach. They are not always legally enforceable, but pinpoint unjust situations, which need to be changed. Awareness of this broader scope supports further reflection and extended participation by children. It also avoids unnecessary juridification of human relationships and subsequent litigation for example within the family or in school. In the following section, understanding human rights as a corollary of the right to information will be discussed by focusing on education in human rights, values education, philosophy for children and, as a field of application, youth organisations.

**Education in human rights**

The Universal Declaration can be regarded as the starting point for education in human rights. It mentions teaching and education to promote and strengthen the respect for human rights and requires every individual and every organ to keep this Declaration constantly in mind. As was demonstrated in Chapter 5 in the section on educational aims, a lot has been undertaken, especially by Unesco, to spread knowledge about human rights and to promote respect for them. Gradually, a change has taken place from the traditional teaching-lessons approach to the necessity of a lifelong process and acknowledging the role information plays in ensuring human rights. The most recent projects point to actual implementation of human rights, for example in schools. This is different from the traditional approach of teaching human rights to children, which mainly concerned telling moving stories about people or children in poor circumstances, in countries far away.
The new challenge is to experience human rights close-up and form a yardstick for one's own country and the situations in which one finds oneself. In general, in human rights a distinction is made between education aimed at learning to know and protect one's own rights and learning to know and protect the rights of others. Applied to the situation of children, the latter form of education points to the need for respect for others in general, and particular awareness of the situation of children in developing countries or in countries where there is war, conflict or disaster. This subject is often combined with global development and peace education. It is the former type of education which has received a new impetus from the Convention, not as human rights in general, but as the rights of children themselves as the subject. It offers the possibility to learn not only about children's rights, but to actually verify how they apply to one's own situation. It will be clear, however, that this subject will not always be easily approached by teachers. Nevertheless, as many international declarations and conventions have indicated: education in human rights should be part of the pedagogical task of the school and be reflected in the curriculum. The World Conference on Human Rights in Vienna 1993, for example, expressly stated that it

considers human rights education, training and public information essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace. (...) The World Conference calls on all States and institutions to include human rights, humanitarian law, democracy and rule of law as subjects in the curricula of all learning institutions in formal and non formal settings. Human rights education should include peace, democracy, development and social justice, as set forth in international and regional human rights instruments, in order to achieve common understanding and awareness with a view to strengthening universal commitment to human rights.¹¹⁷

For a more specific aim, article 7 of the United Nations Convention on the Elimination of All Forms of Racial Discrimination prescribes states to take effective measures, especially in the field of education, culture and information in order to counteract prejudices leading to racial discrimination. Along this line it would not be far-fetched to speak of the right to human rights education.¹¹⁸

The general aim of human rights education is to make people aware of their own rights, but also to develop respect for the rights of others. Better knowledge of human rights helps to prevent prejudices and misunderstandings and to protect human rights. The importance of human rights education is recently stressed by the UN Commission of Human Rights who adopted two Resolutions at its 51st Meeting, to introduce a Decade for Human Rights Education, and a World Public Information Campaign for Human Rights.¹¹⁹


On a regional level, the Council of Europe has also taken initiatives to support education on human rights. After its Resolution (78)41 on Teaching of Human Rights, and its Recommendation (83)13 on The Role of the Secondary School in Preparing Young People for Life, the Council adopted the more elaborated Recommendation on Human Rights Education:

Throughout their school career, all young people should learn about human rights as part of their preparation for life in a pluralistic democracy. Schools are communities which can and should be an example of respect for the dignity of the individual and for difference, for tolerance, and for equality of opportunity, (...) Recommends that the governments of members states, having regard to their national educational systems and to the legislative basis for them, encourage teaching and learning about human rights in schools in line with the suggestions.120

An appendix gives suggestions for teaching and learning. Among the skills associated with understanding and supporting human rights, the following are mentioned: skills associated with written and oral expression, including the ability to listen and discuss, and to defend one’s opinions; and, skills involving judgement, such as the collection and examination of material from various sources, including the mass media, and the ability to analyse it and to arrive at fair and balanced conclusions. It is further elaborated that the study of human rights in schools should lead to an understanding of, and sympathy for, the concepts of justice, equality, freedom, peace, dignity, rights and democracy. Such an understanding should be both cognitive and based on experience and feelings. Schools should, therefore, provide opportunities for pupils to experience affective involvement in human rights and to express their feelings through drama, art, music, creative writing and audiovisual media. The emphasis is on the need of an appropriate climate where there is freedom of expression for pupils and teachers.

In an elaboration of concepts, attitudes and skills related to human rights, Heater explains how a teacher can help young people understand that in expressing certain views they are dealing with issues of fundamental rights. Examples of such expressions are: ‘That’s not fair!’ (Justice); ‘He/she is your favourite!’ (Equality); ‘You’re always picking on me!’ (Discrimination); ‘Why can’t I stay up late?’ (Freedom to...); ‘Why do I have to visit those relatives?’ (Freedom from...); ‘We want to choose our own team.’ (Self-determination). It is also important to underline the reciprocity of rights: ‘Rights are not intended to be interpreted in a selfish sense. There is a difference between freedom and licence, between economic rights and needs. Rights carry responsibilities. (...) Young adolescents especially think in egocentric terms. It would be most unfortunate if an early impression were acquired that rights are what ‘I’ or ‘my country’ must claim and exercise.’121

120. Council of Europe, Recommendation R (85)7 of the Committee of Ministers to members States on teaching and learning about human rights in schools, Strasbourg, 1985.
The Council of Europe organised a series of educational research meetings. One of them, held in 1989, was devoted to 'Socialisation of School Children and their Education for Democratic Values and Human Rights'. The conference took place right before the final decision on the Convention on the Rights of the Child was made, nevertheless, no reference was made to the Convention except for the Swedish contribution, although Thelin in his lecture focused on the global approach. He stated that school education had failed to take seriously the global aspects of human rights, ecology and peace and underlined the right to know about world reality without fear. Young people do not feel that school deals thoroughly enough on nuclear war and environmental threats. Most students learn about global issues via the media, particularly television. They receive very fragmented messages. The role of education is to give frameworks which can make sense of these fragments. 'There is no reason (or right) for education to disguise reality, although judgment and caution, of course, are highly important, especially in the junior grades. Children and youngsters have the right to know and in fact also to be upset.' Referring to the European Human Rights Institutions, he said: 'Legislation is one thing, implementation and information something else. It is in the information work that education and schools have a fundamental role to play.'

From the various contributions to this conference, it became clear that a difference had to be made between education on human rights as a subject and applying them in the school situation. The training of teachers deals mostly with international declarations and domestic and world affairs. Yet, in addition to information, teachers should also be taught to identify and combat all forms of discrimination in schools and society and be encouraged to confront and overcome their own prejudices. This brings human rights education to the core of the educational aim and practice. At various occasions, the Committee on the Rights of the Child has recommended education in human rights, both in the curriculum for children and the training of teachers and other professional groups.

The relationship between international agreements on educational aims and the aims of education at the level of national states seems sometimes be forgotten. For example, in the national discussion in the Netherlands, organised during the years 1993-1995 on the pedagogical task of the school, not a single reference to rights of children was made. This is in sheer contrast to, for example, the activities in Sweden where various school organisations have set up new school plans and used the international agreements, including the Convention on the Rights of the Child as a background, basis and explanation for the various values and aims formulated in the


124. For example at the occasion of concluding observations on Italy and Portugal, CRC/C/46, para. 39, resp. 164.
School Programme.\textsuperscript{125} A publication clarifies the value of international commitments by a country, and the consequences for its citizens. The publication also makes the Convention more widely known, and shows that children’s rights have to be integrated in the programmes at school. It is noteworthy that a children’s author, Gunnel Linde, introduces the theme of the publication. Children’s literature can be very useful in exemplifying situations in which human rights play a role.

In fact, stories about different children from different ages and in different circumstances have been used in a project aimed at working with the Convention within schools. The central question was: whether the Convention could contribute changing the way the school is run, with a greater openness in all relationships, and with more security and solidarity among pupils. It was also envisaged to make the Convention known to children, teachers and parents; to give examples for practical implementation of the Convention; and, to combine the project with further training courses for school staff. The project was the result of cooperation between Rädda Barnen and the Association of Swedish Municipalities. Parts of the project were also used for radio- and television programmes for various groups: pupils of secondary schools, teachers, adults in general, children of nursery schools, and their parents. The results were presented as being only the beginning of the work on children’s rights in schools, as teachers and children in every school have to find out and decide for themselves how to work and apply the Convention.\textsuperscript{126}

The project in Härnösand merits a description as it shows the many implications of working on human rights education. Discussion groups of eight to twelve pupils of the same age group were created. Every class in the school, children aged 7-18 years old, participated. A teacher led the discussion on various subjects covered by the Convention. During the preparation of the project it was noted that in working with the text of the Convention three difficulties must be overcome: (1) the language used is too difficult and needs translation into common language; and (2) in several versions, depending on various age groups; teachers might have a tendency to depart from the abstract, i.e. the text of articles, instead of starting with concrete examples from children’s life; and, (3) teachers might also be inclined to teach about children’s rights instead of understanding that the force of the Convention text lies in its application to daily life. It was therefore advised to start with a concrete case, a child with a name, identity, and an image. Three examples are generally enough to indicate the subject. The cases should be put in context by asking: why things have happened in this way? What were the contributing circumstances? What were the motivating factors? Even when cases about children in far away countries are discussed, the subject should be related to a local situation which the children know. Apart from the knowledge transmitted, children will also react to the subject, with fear, pessimism etc.

\textsuperscript{125} Overenskommel! Fyra internationella överenskommelser som ligger till grund för de nya läroplanerna, Skolverket, Stockholm, 1994.

\textsuperscript{126} Det här är bara början... Rapport från ett skolprojekt att undervisa om barns rättigheter; att förverkliga barns rättigheter i skolans vardagsarbete; att utveckla skola för barns bästa med FN:s Barnkonvention som redskap, Utbildningsradion, Stockholm, 1992.
Therefore, it is necessary to point to the possibilities for action, which forms the fundamental attitude: bad circumstances can be changed, and people can help each other.

The teachers’ course which took place at the same time that the project was run, focused on how the changes in the environment influence children’s living conditions. Children’s rights as formulated in the Convention were considered from the international, national and local perspective. Theory and practice were used to find and elaborate working methods with the active participation from children. The training course and the project itself benefitted reciprocally. It is noteworthy that the Social Board, police and others participated in the course, and explained the backgrounds of their work. In Sweden, schools, teachers, nurses and social workers are obliged to report to the Social Board when a child is in serious difficulties, but most of them feel uncomfortable doing so.\textsuperscript{127}

The parents were informed by the participating schools and were in general positive about the whole project, although the method of child discussion groups and the subject of the Convention were new to them. In total, 47 teachers of various school levels had a discussion group. Scheduling the various groups for discussion of 80 minutes was sometimes difficult. One of the positive aspects was that as children of one family discussed the same subjects in their respective groups, there was also more discussion at home about the subjects which they had in common.

The booklet which was prepared for the project contained 30 stories and served only as a point of departure. Very soon children came up with examples from their own or other’s experiences. They were sometimes underestimated by their teachers. For example, children were hardly prepared to speak on the child’s right to play and leisure time, but discussed instead life and death, street children, refugees and violence. One teacher admitted to having changed, as she found out about the importance of these talks at school. ‘Normally I would have passed certain things we now have talked about, thinking they would not understand, it would be too heavy, too sensitive. But in fact, it was most difficult and sensitive for myself. Now I don’t omit difficult subjects.’\textsuperscript{128}

The need for communication, including communication on difficult subjects, was also experienced in the significance attached to diaries, which children kept as a reflection of the discussions in the group and their own thoughts. Children seemed to have preferred to write and communicate first of all with themselves, and were almost surprised that one could communicate in such a way. It could be seen as a step in first attempting to formulate things for oneself and organise one’s thoughts and feelings. The children wrote out of free will and decided for themselves what they wished to share with others.

Other unexpected results from the project were a play and a revue by the children. The interest from radio, television and press contributed positively to all involved in the project, ‘as we all sometimes need a form of confirmation that we work on something important and that it is also considered important by people in the surrounding society.’\textsuperscript{129} It was concluded that, in general, most children and teach-

\textsuperscript{127} Socialtjänstlagen para. 71.

\textsuperscript{128} Det har är bara början..., Utbildningsradion, Stockholm, 1992, p. 55.

\textsuperscript{129} Idem, p. 139.
ers reacted positively, although it would have been better to have the children involved in the set-up from the very beginning. The role of the teacher is still dominating. The climate among pupils seems to have improved, as children seem to be more aware of what they are saying and shouting. The life stories of the refugee children impressed the other participants and contributed to a better understanding of their plight and of their different religious backgrounds. With respect to school democracy, little has changed. In general, the system of pupil councils is not satisfactory, but there is no alternative. The direction of the school is more dependent on local authorities than pupils can sometimes imagine. Actions therefore often get stuck in local bureaucracy, unnecessarily disturbing the relationship between pupils and school management. It was further proposed that the editors of the school newspapers could be involved more in the follow-up to the discussions.

Most studies on possible ways of teaching and learning human rights are concerned with human rights, as the Convention and children’s rights are rather recent. Sometimes non-jurists even have difficulties in discerning the Declaration of 1959 from the Convention of 1989, or regard the Universal Declaration as the only source. These misunderstandings and mistakes also continue in the material prepared for education and for children and cause confusion.

In some older studies, psychological and pedagogical conditions of concern for the rights of, and solidarity with others are mentioned. It is said that genuine altruism is based on inner motivation and relatively independent of expectations of others. A basic attitude of empathy; a positive self-image and feeling of competence; knowledge about the situation of the other; and, a feeling of responsibility, as one knows one can do something, are important. Such an attitude is fostered by a psychological climate in which responsibility and independence are stimulated; in which there is room for experiments; in which norms and values are presented by educators themselves as models for pro-social behaviour; in which attention is paid to the development of an emotional life for oneself; and, in which cooperation is valued more than competition.130

Apart from the cognitive and the affective aspects of education in human rights, it is important to provide possibilities to take specific action or implement general changes. It is noteworthy that sometimes the discussion and regulation of pupil councils, and the rights and duties of pupils and teachers have not been related to human rights,131 or that ‘successive Educations Acts have shamefully refused to acknowledge children’s rights in the area of education.’132 Many aspects in school life can be related to children’s rights. In the field of the right to information, one can point not only to the right to education itself, or to the right to have access to the school library, but also to the right to have access to one’s personal files, or a regula-

tion which governs the release of information to third parties. Many other rights are
good for further research and discussion, for example, the right to practice one’s
own language.

Values education
A type of education closely related to human rights is values education. Education
has always concerned itself with the issue of the values to be transmitted to the
young. Schools have taught values almost unconsciously by rewarding or proscrib-
ing behaviour, by their daily routines, and more consciously by making specific cur-
riculum provisions on subjects such as religion and ethics, civics and character edu-
cation. Values education has been based on various motives.

One approach taken in values education is the relation to social and emotional
development. It is considered that certain types of behavioural problems are related
to emotional disturbances. Apart from factors such as low IQ, physical circumstanc-
es and pressure or climate in the peer group, a lack of values is discerned. Frequency
and intensity of psychological problems diminish when a child is confronted with values
in a certain way. It is important that he can make a critical test of the world view: a
number of convictions about his relationship to his social and physical environment,
which have enough scope, are not conflicting with each other and prove to be reli-
able in practice. When such convictions are lacking, existential insecurity arises: not
knowing what is worthwhile to work for, or - one might add - to live for. Values ed-
ucation in this sense stresses formulating values, and not so much particular values.
Values are considered personal. One has a right to develop one’s own value system.
Such personal choices can be learned in a process of choosing, evaluating and acting
accordingly, a combination of a choice determined by the head and heart. It is con-
sidered important to be sufficiently informed or able to gather determined informa-
tion, and to examine alternatives intelligently.133

Increasing complexity and pluralism in society are other motives mentioned in
the development of values education in school. The individual has to find a way to
adapt himself to the changing society, balancing between his personal and social
identity, and playing an active role in his own process of socialisation. Although
schools are considered as being instruments in the service of conservation, values
education, in the sense of the development and not the transfer or tradition of val-
ues, could decrease the risk of indoctrination. There is no question of whether
schools should be engaged in values, the only question is the way in which the
school should perform its pedagogical task: helping the pupils; encouraging them in
a dialogue, or teaching unconsciously and based on one-sided information. In one
study, it was noted that little time in school was spent on relating and validating val-
ues and feelings. The continuous change of teachers in secondary schools was also
considered deleterious to values education.134

134. Plas, P. van der, Waardenontwikkeling in het onderwijs. Een studie over lessen in waardenontwikkeling en de rol
van de leerkracht daarbij, Stichting voor Onderzoek van het Onderwijs, Staatsuitgeverij, 's-Gravenhage, 1981
(SVO-reeks, Vol. 51).
The interest in values education seems to increase in different parts of the world. Whereas schools in the United States have been reluctant to teach religious and moral education, and have kept to only civic education, both forms can be found in European countries, and moral or interpersonal values are taught with greater stress in Asia. A distinction should be made between values clarification and values instruction. In the former approach, it is assumed that pupils have values, which rather than being questioned and possibly altered, should be accepted and used as a basis for clarifying the range of application. The latter approach assumes that pupils may not have been exposed to the best influences and hence need to be taught appropriate values. A second difference is the approach to the subject by cognitive instruction or by real-life experience. It is said that ‘there is evidence that the content of the formal curriculum is only effective in instilling values if the classroom and the school climate provide appropriate reinforcement of those values. That is, students learn as much or more from what they experience and from the models they see as from what is told to them.’ Much depends on the individual teacher’s commitment to promote open-ended discussions on the issues, even controversial ones; and, on his belief that his students are capable of actively constructing and reflecting on their own value systems.

The renewed interest in values education is related to various factors, including the laxity in schools following the students’ movements in the 1960s; visible differences in religious and other values due to extensive immigration; and, the elections of conservative politicians which demonstrate the public’s desire for a return to traditional values. Most importantly the renewed values of punctuality, discipline, pride in hard work, especially transmitted in vocational programmes, are caused by economic concerns; therefore, economic values and institutions form a vital underlying context. Values education proclaimed by policy-makers or educators seems to focus more on the interests of society. It is concluded that the more complex a nation, the more difficult it is to develop a values education programme acceptable for or appropriate to all the members of that society. Nevertheless, human rights education can be regarded as the necessary minimum of values in common to be taught and applied to all.

In the above described comparative study of values education in Asia and the West, it was noted that the religious background and values of the family and their relation to values education have to be studied as factors: ‘This is obvious when one studies countries such as the Netherlands where schooling is segregated on a religious basis. One might ask, for example, how much emphasis the family places on the child adopting values associated with religious beliefs without exploring alternatives?’

One is immediately reminded of article 14 of the Convention, regarding the child’s freedom of religion. How is the child informed about other values, other religions? When and how does he hear other stories which may appeal to him. It is noteworthy that more societies have to reconsider their educational programmes as

the plurality of ethnic groups has grown and now involves a further plurality of beliefs. There seems to be a tendency to replace education in religion by education on religions, a shift from unquestioned engagement to balanced and objective information. Against this background, the Children's Ombudsman in Sweden concurred with the state proposal that parents have no longer a right to withdraw their children from education on religious knowledge, referring to articles 28-30 of the Convention, which require that the child has a right to education and that the education of the child shall be aimed at developing respect for human rights in a spirit of understanding, peace and tolerance.136

Information on religions is considered as an integral part of and fundamental to the curriculum from which no exemption can be allowed. In one of the very few studies on the child’s right in churches and communities, Håkansson notices in this respect that the Swedish law on freedom of religion hardly corresponds with the Convention’s idea of respect for the views of the child, as young people have few possibilities to leave the state Church.137 In the same study, Straarup points to a different dilemma: as a child has a right to spiritual development, what should the state do when parents are indifferent to religion and churches, thereby denying the child his right? According to the Convention, the state should interfere pursuant to article 19 (the child’s right to protection from neglect); but it is clear that the state will refrain from doing so, as it will respect the freedom of religion of the parents. In not interfering the state acts against the spirit of the Convention.138 The dilemma makes clear that whether or not parents are aware of their duty in this respect, a child will be influenced by the implicit values parents transmit through their behaviour. When any spiritual thought or feeling is considered by parents as non-value, or not even considered, a child may not experience such thoughts and feelings. His right to information in this respect can then only be fulfilled by the objective presentations at school, which is a poor substitute. One should, however, be cautious to equate non-interest in religions and churches with an absence of spiritual life. It should also be noted that, recently, a new approach to children seems to develop in the theological field, based on the child as a subject and provided with rights, which protect his autonomy in belief and experience of faith. Therefore, the child should be taken more seriously by the churches, and be put in the middle.139

The process of collecting the various perspectives on human rights and values education permits the formulation of a few recommendations. Education as such and education policy should be legitimised by stricter reference to human rights. The ed-


ucational aims can thereby find an international, non-discriminatory basis. The interrelationship of education and human rights includes the pedagogical tasks of the school. As children's rights are a new impetus to education and life at school, not only children but also teachers, all the staff of the school and parents should be involved in rethinking relationships and school regulations based on the Convention. Human rights should not be a specific subject, but instead form an integral part of the basic attitude at school and can from time to time give rise to an overall school project. History, literature, biology, religion/philosophy are some of the fields which will necessarily take up aspects of human rights. It is understandable that at first attention has to be paid to the dimension of children's rights. Teachers should receive extra training in working with the Convention, with possible relations to values education and philosophy for children,140 and the corresponding working methods of expression and discussion. Materials should be related to the interests and capabilities of the various groups, as children under the age of 12 are more susceptible to developing a positive attitude, due to their greater plasticity of attitude;141 whereas older children will be more interested in facts and background information. Both cognitive and affective aspects should be reflected in the materials. During the preparations, room must be made for action resulting from the discussions. Such action can be found in projects, school newspaper, theatre and other means of expression. The schools should cooperate with suitable contacts and institutions in order to guarantee required expertise in matters concerning the Convention and the application of children's rights. Presenting children's views on their rights can serve educational aims and satisfy the need for concreteness and visibility of children's rights.

In the end, human rights or children's rights as labels to identify claims and freedoms within a certain situation, can be forgotten, when their essence has been understood and taken to heart. Acting with an informed heart will then guide the self-evident approach and attitude in every situation. Until then, the reminder of the Universal Declaration remains.

Philosophy for children
Understanding human rights also has to do with understanding its underlying questions on justice and morals; and, the way in which the world, society, and relationships between human beings are regarded. A possible source of assistance in this field can also be the attempts to discuss philosophical questions with children. Lipman, the founding father of philosophy for children, noted that his idealistic students in the roaring seventies had difficulties with clear and logical thinking and reasoning and therefore were not very good at transmitting their ideas. He concluded that clear thinking should start at an early age. Children have a natural tendency to inquire and it would be a waste not to exploit this ability for educational purposes. Thinking well is a form of self-reflection, but also includes the willingness to present one's opinion in a group dialogue and to draw conclusions from that dia-

140. Philosophy for children will be treated in the next section.
logic. Formulating an argument, however simple, should be logical and coherent. Thinking well is necessary. One has to be able to do so in all areas, including the moral field.142 In the past twenty years, educational programmes have been developed for children of five years and older, based on simple stories which evoke the larger questions of life. Such stories can be found in children's literature, or be written by the dialogue leader and the children themselves.

Describing the philosophy for children in its historical context, Mulvaney points to the 'great heroes of modern democratic theory'. The first hero is John Amos Comenius, the last champion of an encyclopedic ideal in education, who expressed: 'Zunächst wünschen wir, daß in dieser volkommene[n] Weise nicht nur irgendein Mensch, wenige oder viele zum wahren Menschentum geformt werden, sondern alle Menschen, und zwar jeder einzelne, jung und alt, arm und reich, adelig und nicht-adelig, Männer und Frauen, kurz jeder, der als Mensch geboren ist. So soll künftig die ganze Menschheit dieser vervollkommnenden Wartung zugeführt werden, alle Alterstufen, alle Stände, Geschlechter und Völker.'143 Comenius was convinced that education should start early, for the young child in the 'motherschool'.144 He made a great effort to ameliorate schools and schoolbooks. He introduced pictures as illustrative material in schoolbooks. According to Comenius, the school should be a pleasant place where children would come with joy. Children of all social classes, both boys and girls, should be taught but not for the sake of learning and knowledge itself, but for life. An example of his pedagogical work is Orbis Pictus (1658) in which literal images of the world are presented together with text in several languages, beginning with a simple pictorial ABC.145 The idea that the central task of the school is not to transmit knowledge can also be found in the works of Plato, Rousseau and Dewey, who have 'provided themes in foundational theory which have ripened conditions for the discovery of programs such as Philosophy for Children. (...) In particular they set the scene for the dialogical, child-oriented and communitarian goals of the Philosophy for Children program.' Lipman's contribution is that he made a felicitous conjunction of these theoreists.146

Philosophy for children has been further elaborated by another Professor, Gareth Matthews, in Edinburgh.147 He noted: 'It occurred to me that my task as a college

philosophy teacher was to reintroduce my students to an activity that they had once enjoyed and found natural, but that they had later been socialized to abandon.‘ Young children have no difficulty in asking philosophical questions. ‘For many young members of the human race, philosophical thinking - including, on occasion, subtle and ingenious reasoning – is as natural as making music and playing games, and quite as much part of being human.’

The initiative of philosophy for children has found interest in several countries. A European foundation has been established to provide a forum for exchange of ideas and programmes and, to promote doing philosophy with children. In Austria, Belgium, Netherlands and mediterranean countries, but also in Scotland and, recently, Poland courses are held and, material prepared such as stories for children at the grammar school. The aim is the develop the ability to ask questions, and to get ideas. Project 100 has been launched to establish a European children’s newspaper.

Whereas, Lipman has stressed analytical thinking, Matthews and others, for example Heesen, have been interested in speculative thinking, stimulating fantasy and imagination. The idea is even applied to dialogues with children in nursery schools. In fact, as soon as children can speak, have a certain notion of their own identity and have developed a naive framework of reference in order to understand the actions of others and themselves, they are active members of the language community and are persons with an opinion, worth listening to. The natural ease with which philosophical questions are posed differs, according to the child’s development: ‘Children of five, six or perhaps seven are much more likely to ask philosophical questions and make philosophical comments than children of twelve or fourteen years. The explanation of this phenomenon is complex. In part it has to do with the nature of philosophy. There is a certain innocence and naiveté about many, perhaps most, philosophical questions. (...) It is something natural to children. Another part of the explanation has to do with the socialization processes in our society that turn children into adults. Adults discourage children from asking philosophical questions, first by being patronizing to them and then by directing their inquiring minds toward more “useful” investigations. Most adults aren’t themselves interested in philosophical questions. They may be threatened by some of them. Moreover, it doesn’t occur to most adults that there are questions that a child can ask that they can’t provide a definitive answer to and that aren’t answered in a standard dictionary or encyclopedia either.’

149. Sophia, The European Foundation for the Advancement of Doing Philosophy with Children, Amsterdam.
Note also the difference in the terms used: Philosophy for children - Doing Philosophy with children; See Filosoferen niet kinderen, Nieuwsbrief 21, January 1996, and the first Newspaper called ‘100’.
151. This is at about the age of three, according to: Heesen, B., Korczak en Filosoferen met kinderen. Lecture at a one-day conference on Janusz Korczak, 19 May 1992, Amsterdam, p. 3. (University of Amsterdam / Janusz Korczak Stichting); slightly revised and published in: Görtzen, R. (ed.), Een mensenleven voor het kind: Janusz Korczak (1878-1942), Kok, Kampen, 1994. p. 130-144.
Philosophy for children takes as its basis it is that exactly these questions which put children and adults on an equal footing for further inquiry. Much of the natural search for meaning starts with the child's nagging 'why?', but what also matters is how adults respond. 'Much of what we adults tell children is highly questionable, at best and deserves to be challenged. Yet we adults usually turn aside a child's challenge with an irritated: "Oh, you know what I mean!" How intimidating, how unfair, how desensitizing that response of annoyance can be! (...) Parents and teachers who always refuse this [philosophical] game with children impoverish their own intellectual lives, diminish their relationships with their children and discourage in their children the spirit of independent intellectual inquiry.'

From the point of view of adults, a successful philosophic exchange with children requires ridding oneself of all defensiveness. One should not be embarrassed to admit that one doesn't have a ready analysis of the concept of lying, or of time. One should simply enlist the child's help so that together a satisfactory answer can be worked out. Some adults are, however, not prepared to face a child stripped of the automatic presumption of adults' superiority in knowledge and experience. Nevertheless, the philosophical encounter of a child and an adult is a very special relationship which can make the inquiry a genuine joint venture. 'The adult has a better command of the language than the child and, latently at least, a surer command of the concepts expressed in the language. It is the child, however, who has fresh eyes and ears for perplexity and incongruity. Children also have, typically, a degree of candour and spontaneity that is hard for an adult to match.'

Whereas Matthews also refers to individual discussions with children, most philosophy with children is done in groups. Pritchard reports on his experiences in the Ransom Public Library in Michigan, taking up such topics as fairness, lying, identity, language, and the relationship between science and reality. Pritchard admits that he has underestimated children's ability to sustain a philosophical discussion without his intervention. He also considers a library a better place for philosophy for children than school as the meeting has less the character of a lesson. However, most meetings on philosophy for children take place at school. It should be clear that such group dialogues are more than a thinking skills programme, but instead a programme in philosophy appropriately geared to the growing child, which seeks to maintain and develop more the general educational dispositions of curiosity and wonder. As philosophy serves to make children think and reason creatively and independently, a key is offered to a good moral development of children, in which children themselves search for the ethical fundamentals, and can judge and decide for themselves on certain issues and actions. Such an ability is important as they soon discover that rights and freedoms are only active when they are respected by others.

Philosophy for children also requires a democratic mode of procedure in the classroom, where the teacher does not act as a teacher in the usual sense of transmitting knowledge. The dialogue can only be open when nobody knows what will come of it. The teacher participates and leads the dialogue by active listening and by processing contributions from the children, even when the teacher cannot classify them, because of his limited frame of reference. A teacher may make proposals but when they are not accepted, they wither on the spot. Interaction and the results of the dialogue are what counts: ideas, speculative thoughts, critical remarks, and reconsidering opinions. Children and all participants learn to take notice of the context in which events take place and words are spoken. Sensitivity for the contextuality of words and acts is a fundamental element of philosophy, as judgements change according to a valuation of the situation which is always unique.\textsuperscript{155}

Three elements are important for philosophy with children in the classroom. First of all, thoughts, arguments and reasoning by children should be treated as interesting and taken seriously. This respect for children’s questions and thoughts forms the basis for the discussion in the classroom. Secondly, it is considered important that discussion and deliberation are organised. There must be a framework in which children’s thoughts can find room to be expressed. Discussions in the classroom offer an organised deliberation aimed at stimulating the discourse between children on philosophical questions, by reflecting together and inquiring each other’s opinions and arguments. The accent must therefore be on questions and issues put forward by the children themselves. Thirdly, the school situation itself can be a subject for discussion. Globally speaking, three areas of questions can be discerned. The first area is general philosophical questions, which are considered as unsolved in society. For example: what is conscience? What is the relation between language and reality?

The second group of questions is concerned with thinking itself: how are results achieved by thinking? Different types of thinking exist, like solving a problem or creating a new question. The third type of philosophical questions is the relationship between children and adults. What is clear to adults, but not obvious to children? Why is the school organised as it is? This last question points to the actual situation at school. Philosophy in the classroom offers the possibility to question the rules and practice of the school; in other words, questioning authority. To speak frankly on such a subject involves a risk for children as they never can be sure about the reaction of the teachers. However, such a discussion can be quite revealing to teachers, sometimes not being aware of the anxieties that the school situation itself imposes on young children. Children in a nursery school discussed how to avoid failure in school, although the teacher was convinced that there was no question of failure. The children’s impression was different.\textsuperscript{156} This example shows that reflecting on the actual situation supplies the children with information, which they can use to adjust their image of school, or at least to reconsider their reactions.

\textsuperscript{155} Heesen, B., Korczak en Filosoferen met kinderen. Lecture at a one-day conference on Janusz Korczak, 19 May 1992, Amsterdam, p. 9.
\textsuperscript{156} Idem, p. 6.
Matthews is well aware that some questions may cause emotional problems or anxiety. Evasion is not the solution: 'It is well to remember, though, that what an adult intends to be reassurance may actually have the opposite effect. In many cases it is best to include an honest consideration of the question in whatever response seems appropriate. In all of us there is, no doubt, an undercurrent of existential anguish. Sometimes our effort to protect children from thinking about death simply masks an effort to protect ourselves.' In a foot note is added: 'Sometimes the anxiety we think we find in children is a projection of our own anxiety.'

An example of what a discussion with a child, Michael, aged seven, may touch upon is recorded by Matthews, after a student of his had read a chapter of C.S. Lewis's tales of Narnia:

The discussion began with worries about evil and the origin of evil: 'What makes people bad?' 'Have all people always been bad?' and so on. Talk eventually turned to the universe and its character and finally to whether or not the universe is infinite. My student, I judge, had never before worried seriously about whether the universe is infinite. Michael said: 'I don't like to [think] about the universe without an end. It gives me a funny feeling in my stomach. If the universe goes on forever, there is no place for God to live, who made it.' (....)

'Why is that so important?' asked my student, obviously surprised to find Michael concerned about it.

'It's nice to know you're here,' replied Michael. 'It's not nice to know about nothing. I hope [the universe] doesn't go on and on forever. I don't like the idea of it going on forever because it's obvious it can't be anywhere.'

The child's question on the universe cannot be answered by an encyclopedia, or the Internet. Yet, all great traditions have something to say in this respect, as the fear of being nobody or going nowhere has been recognised already by many other human beings, seeking an answer. In contrast to the many other examples given, the philosophical question comes close to an existential one. Matthews points to the fact that Michael's willingness to open up to an adult suggests that someone has treated him, and what he has to say, with respect. Such respect is necessary and points to the climate in which children themselves can discover values which they find worth internalising. To stimulate this process, situations have to be created which increase such discoveries. These situations and moments permit free thought; put time at a standstill; and, challenge the intelligence without applying pressure. Pressure on the child is one of the factors created by others who point to the future: when you are grown up, when you will have to bear responsibility, etc. Such pressure impedes free and creative thinking in the present.

Although doing philosophy with children is not to be equated with moral education or against it, it certainly has an influence on the moral education of children themselves. Philosophy with children is an exercise in overcoming the boundaries of

what is taken for granted or accepted. Applied to the school situation, it also is a way of breaking through the one-dimensional pedagogical reality which is defended by the norm of equality. Cloaked under the guise of wanting to treat children equally, the possibility of a child becoming an individual with a view of his own is consequently denied. Philosophy, which creates space for free thinking may help children to reflect on open questions of life for which every individual has to find an answer.158

Yet, one may also point to the force which is likewise the weakness of doing philosophy with children. When reading these philosophical conversations, one has to admit that they are interesting and surprising as children have a fresh way of looking at things. Children seem more able to ‘think’ than adults generally realised; the human philosophical issues do not differ so much from youth to old age; and, questions of life seem to be universal, or ‘eternal’. However, the issues are mostly of ‘philosophical’ and not of ‘existential’ concern. There seems to be a lack of human engagement in the sense that the problems are not just theoretical problems, or just interesting questions, but the problem is a real problem, personally or for the world, and an answer has to be found! It is clear that Matthews regards philosophy as a serious game, an intellectual adventure. He ends his book stating that there is more to life than philosophy. This ending demonstrates exactly the limit of philosophy with children. If the questions are really fundamental and existential, one could not easily skip them, because there are life.

YOUTH ORGANISATIONS

The forgoing subjects were concerned with various approaches to the content of human rights, within the school system. The following subject provides a different framework within which understanding human rights can take a more practical form. Youth organisations form another field of action and policy with which to understand human rights for children. Not only has a child the right to associate himself with such organisations, but these organisations often aim at a positive contribution to the child’s personal development within a specific social context. The circumstances in youth work, for example Scouting, are suitable to learning about human rights in practice. Living in a community, even temporarily, with rules and conflicting interests, but also with a unifying aim provides an appropriate working place for children’s rights in practice. To mention another example: the ideas of Janusz Korczak on the child’s right to respect and on the practising of rights by children themselves are based on his early experiences during summer camps.159

In the early years of Unesco, the role of the youth in realising the ideals of the United Nations was studied and stimulated, as shown in Chapter 5. Youth organisations are especially mentioned in the United Nations Declaration on Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples in Principle V:

158. It is noteworthy that within Unesco the first philosophy forum has taken place, as it felt need to inform citizens on the actual knowledge and ignorance, and to give an impulse to the theme of ethical questions and science, Paris, 14-17 March 1995.
National and international associations of young people should be encouraged
to promote the purposes of the United Nations, particularly international
peace and security, friendly relations among nations based on respect for the
equal sovereignty of States, the final abolition of colonialism and of racial dis-
crimination and other violations of human rights.
Youth organizations in accordance with this Declaration, should take all appro-
priate measures within their respective fields of activity in order to make their
contribution without any discrimination to the work of educating the young
generation in accordance with these ideals.
Such organizations, in conformity with the principle of freedom of associa-
tion, should promote the free exchange of ideas in the spirit of the principles
of this Declaration and of the purposes of the United Nations set forth in the
Charter. All youth organizations should conform to the principles set forth in
this Declaration.160

Another Resolution of the General Assembly also presented a positive image of the
youth as well as hopeful expectations for youth organisations and youth leaders:

Conscious of the importance of extending to young people an education in the
spirit of the most noble humanitarian ideals of mankind and therefore con-
vinced that States, the United Nations and other international organizations,
youth organizations and society in general should undertake continuous and
permanent efforts to that effect,
Convinced that the enthusiasm and creative ability of the young could be a
major factor in the spiritual and material advancement of all peoples, the uni-
versal promotion of human rights and world-wide economic and social develop-
ment, (...)
Requests the Secretary-General to organize, within the framework of the pro-
gramme of advisory services in the field of human rights, and in co-operation
with interested Governments, seminars with the participation of persons special-
ly qualified in subjects of particular concern to youth, including youth leaders.161

At the twentieth anniversary of the Universal Declaration, a resolution was adopted
which

Recommends that youth organizations should pay special attention to interna-
tional gatherings and exchanges which should lead to better knowledge and
better exchanges of views among the young in order to arouse in them an ac-
tive interest in the cause of human rights and fundamental freedoms.162

160. General Assembly Resolution 2037 (XX), Declaration on the Promotion among Youths of the Ideals of Peace,
    Mutual Respect and Understanding between Peoples, 7 December 1965. Implementation of this Declaration
    was requested by the General Assembly in 1972, 1976 and 1988.
161. General Assembly Resolution 2447 (XXIII), Education of youth in the respect for human rights and fundamen-
    tal freedoms, 19 December 1968.
162. Proclamation of Teheran, International Conference on Human Rights, 22 April - 13 May 1968, Resolution XX,
The idea of involving youth organisations in the promotion of ideals is typical of the twentieth century, at least the first half of it, and seems to have continued within the United Nations. In a historical-sociological essay on the image of youth, Van Hessen points to the negative image of youth throughout the centuries, with the exception of young boys educated in the monasteries to lead a the religious life. The Jesuits attempted to counteract the negative image of youth by organising and educating religious oriented groups of boys, outside the walls of the monasteries. Using a rather militaristic symbolism, these groups were therefore called 'soldalities'. They were in fact the first youth associations with leadership, regulations and rules for young people. In the nineteenth century, the group life of young people started as a form of youth care, especially for apprentices in cities like Zurich and Stuttgart, who were far away from home and were at a loose end on their rare free sundays. Associations were established for meetings after church to help boys with presentations and programmes on religious matters and some recreation. These mostly confessional organisations were joined by the coming of sports organisations, which were both socially controlled by adults. Although suspected by young people themselves as being artificial and 'decent', the positive effects of these youth organisations changed the older, negative image. The organisations offered adults a perfect tool with which to colonise the youth; and at the same time, they probably offered young people a means to innovate and get away from the old village-based model of group life.

The largest change in the image of the youth took place in the beginning of the twentieth century, starting with the 'youth movement' around 1910. Within a decade two different forms had developed independently and expanded worldwide: Wandervögel in Germany and Scouting in England. These organisations were in some ways complementary, but mostly replaced the existing youth clubs in villages and neighbourhoods. They were characterised by permitting free time, free public space and group activities of their own for the young. Specifically, these new forms allowed the youth to introduce more youth-like activities and take over the leadership of the groups: adults had become superfluous in a structure of self-government. Young people claimed a special place in society, which surprised and shocked the interested adult world. The youth organisations made a massive effort to present and put themselves in the forum of public interest, with banners and other symbols, singing and yelling, vocalising their motives and aims in pamphlets and magazines. They were present at public meetings, showed up in the world of the elite and formed a grateful subject for modern media. As a consequence, political leaders, scientists and artists felt the need to address themselves to 'the youth'. This approach reflected the totally opposite image of youth.

Although not representative of the youth in general – only 5% and mainly new middle class youth participated – youth organisations have been significant with regard to their quality and respect for culture. Because many ideologies had developed in the nineteenth century, and their effects were felt in engaged young people in many different organisations, no general ideology of youth can itself be described

as a historical phenomenon. Yet, an ideology of the new image of youth can be characterised by the following points: (1) during the stage of youth, the human psyche is most sensitive to inspiring ideas of a higher order and most inclined to identify with and devote oneself to these ideals; (2) as the new generation, the youth is the exclusive bearer of the future, and therefore naturally on the forefront to progress; (3) due to their proximity to the original, authentic and sound childhood, youth is not yet or only to a small extent injured by the alienation and corruption of the adult world; and, (4) youth, as a biologically energetic stage of life, guarantees action, psycho-social unrest and social dynamics. These elements of idealism, generationism, non-conformism and activism supported the engaged youth in such organisations and were seen as emancipating and self-organising in the eyes of the public.164

After the First World War, the intellectual interest in the image of youth increased and led to mythical heights and politicising aggression. Adulthood was no longer the ideal image of man, as adults were considered responsible for all the misery in the world; being young was the superior form of a human being. Especially in the German context, youth movements were drawn into the conflicting ideologies, breeding intolerance and the threat of violence. No ideology could afford to abstain from its ‘own’ youth movement. Whereas the German form was ‘more idea than system’, the English Scouting had a stronger system, which could be applied and developed all over the world, idealistically being oriented towards world brotherhood.165 Elements of this system have also been used by others: national-socialists, catholics and socialists. Van Hessen points at the fact that even before the Second World War the youth movement was already in decline. Modern forms of youth radicalism no longer build on charismatic, youth movements, but are eruptions of ad hoc manifestations of spontaneous, brief youth coherence.166

Apart from the experience of a positive youth image, other effects of this shift can be mentioned: innovation in pedagogy and education; youth tourism, camping and youth hostels; renewal of religious tendencies; engagement in nature and culture; sport fashion; emancipation; and, change in the relationship between the young and the old.

Going back to the roots of the youth ideology, and causing a new image of youth, Van Hessen notes the fact that parents of young people participating in the youth movement were in general very positive about youth activities. The positive points of this youth were considered as the following: the service of higher values; working on the future of mankind; working for good goals in general; and, the wish to remain a child for a longer time.167

165. Note the similarity with article 1 of the United Nations Universal Declaration: All human beings (...) should act towards each other in a spirit of brotherhood.

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Whereas the German youth movement came to an end in 1934, when all youth organisations were forbidden, the Scouting movement is still a worldwide organisation in which several changes have taken place, not without struggle. The exterior characteristics of uniforms and flag ceremonies are maintained but in a modern form and seem to have a less dominant influence. The relation of its members to the basic principles, the Promise and Law also seem to have changed, but commitment to their essence has endured. In a comment on the difficulties facing Scouting in the late sixties, Van Hessen suggested that the Scouting style reflected in the repeated ritual of the Promise and Law was causing a kind of influence and indoctrination, which should be replaced by the gradual discovery by the children themselves of valuable principles and their commitment to them.\textsuperscript{168} The Scout Promise and Law contain several principles which reflect values also promoted and protected by human rights, for example, duty to others and to the Brotherhood of Man, self-discipline and respect for all living things, and human dignity in thoughts, words and deeds.

Nowadays, Scouting seems to have found a new modus for its ideal and spirit. Individual national associations can re-word the Promise and Law to ensure a continuing relevance to their national and cultural circumstances. The core of the organisation is offering the game of Scouting, based on the ideas of Lord Baden-Powell, in order to make free time pleasant for boys and girls, thereby contributing to the forming of their personalities. The game of Scouting is a form of youth work in which boys and/or girls with increasing autonomy and therefore decreasing guidance from adults, following a certain code of game and inspired by outdoor life, discover their own potential and that of the world by choosing from various activities. Scouting has a general character and is open to all beliefs.\textsuperscript{169}

Lord Baden-Powell described the aim of his work as ‘to develop good citizenship among boys by forming their character, training them’ in all kinds of skills.\textsuperscript{170} His proven method is based on commitment, progressive self-development, learning by doing, teamwork, service in the community, and outdoor activities. Stories play a large role in linking activities and setting up programmes, especially for the younger children. Most well known is Kipling’s story on Mowgli, used for the Scouting game of the younger boys, who are called cubs. Additional new stories have been written for the various games played by the younger children, either playing apart or together. Although mainly an organisation of volunteers, much attention is paid to the training of staff and stimulating the renewal of programmes and activities through creativity.

On an international level the movement is active in the United Nations’ work and executes programmes together with Unesco and Unicef. The World Association of Girl Guides and Girl Scouts launched the Peace Initiative, including a three year modular programme on Culture and International Understanding for leaders to

\textsuperscript{168} Hessen, Van, J., Spoorzoeken in de tijd, Lecture for the Board of Catholic Scouts, Bunnik, 30 March 1968, p. 2.
\textsuperscript{169} Translated from the aim of Scouting Nederland, which is associated with the World Association of Girl Guides and Girl Scouts and the Boy Scouts World Bureau.
\textsuperscript{170} Baden-Powell, R., Scouting for Boys. A handbook for instruction on good citizenship, Cox, London, 1908.
work on pluralism and diversity, conflict resolution, partnership, inner peace, etc. International understanding is promoted intensively: ‘Through international education programmes the World Association can encourage each Girl Guide/Girl Scout to have a global outlook and appreciate the diversity and similarity of peoples and cultures. By discovering the international nature of Girl Guiding/Girl Scouting and experiencing other countries and cultures through activities, projects and exchanges, each girl can become aware of global issues and, by exploration and understanding, try to find solutions. International education helps each member to understand the world around her by fostering awareness of world events and their implications and by developing international knowledge, understanding, respect and friendship.’171

International friendship is practised by means of opportunities to experience life in other countries, such as pen pal systems, international camps, ‘home hospitality’ and Jamborees. In 1995, the World Jamboree in the Netherlands attracted 30,000 people from all over the world. The extensive organisation and range of events at the Jamboree demonstrate the vibrancy and effectiveness of Scouting skills. Human rights were one of the subjects of workshops and walk-in activities. The Jamboree Friendship Award badge could be earned after participating in a large number of activities in an international community. The Jamboree provided ample possibilities for such contacts and experiences. In an international group, scouts worked on different forms of Community Involvement, a programme which enables scout groups to contribute to development in their own community or elsewhere, a form of global development. Such projects take place worldwide and range from health and environmental projects to anti-racism, peace education, narrative research and cultural partnerships. Workshops stimulated both children and staff to invent new projects and to seek cooperation with United Nations organisations, Amnesty International, the World Wildlife Fund and others.

During the Jamboree, an International Youth Conference took place, where the participants worked on various themes such as freedom of expression, the principle of non-discrimination, and international cooperation. A final declaration, ‘the Flevoland Charter’, called upon world leaders to listen to the youth of today: ‘The ability to express our opinion and to listen to the opinions of others is essential to improve mutual understanding and co-operation. Thus it is necessary to provide education and combat illiteracy, and at the same time promote tolerance. (...) We would like the United Nations to be more pro-active with respect to human rights and youth issues. In particular, more input by youth into the work of the United Nations is needed. (...) We believe that everybody has a role to play with respect to human rights. Putting rights into practice starts in everyday life. We ask the countries of the world to implement the Universal Declaration of Human Rights and the Convention on the Rights of the Child. (...) We will not accept a world without hope and without humanity.’172

The evaluation report also reveals that the various forms of spirituality generated a lot of interest. Spiritual activities provided participants with expression and experience in The Other Corner; in the common inter-religious meeting, and through the use of the religious facilities, such as a Christian church, Mosque, Synagogue, Buddhist and Hindu-temple tent, as well as giving information by means of an exhibition and related activities.173

Long before mentioned as such, the Scout Law contained general principles closely related to human rights. The Scouting organisation is concerned about various aspects of human rights and also children’s rights. The formulation of increasing independence of children comes close to the formulation of evolving capacities in the Convention.

This short background and some examples show that Scouting is well placed to contribute to the implementation of the Convention on the Rights of the Child, to the child’s right to information and to increasing the understanding of human rights. It seems, however, that this relationship and its possibilities are not yet fully understood.174 It is therefore recommended that Scouting principles, human rights and children’s rights are studied and linked together. Maintaining high values is not nostalgic romanticism, nor a luxury, but a necessity in the human community.

The interest in other cultures, other religions, demonstrated during the recent World Jamboree, shows the need to provide more possibilities of exchange on spiritual matters. The challenge will be to balance genuine encounters and experiences with well-founded information and explanation, while leaving room for self-discovery. Various Scouting instruments could support the genuine experience of other cultures, for example ‘home-hospitality’.

A final recommendation lies in the field of using media. From the orientation on outdoor activities, it can be derived that Scouting provides certain alternatives to watching television and playing with computers. On the other hand, developing skills has also led scout groups to present themselves as radio-amateurs. The use of technical communication skills is also presented as adventure. The challenge for Scouting will be to present an acceptable alternative to the TV and computer game dominated lives of today’s youth. This challenge may sound like an idealistic credo from the twenties. Nevertheless, as the effects of too much electronic media interaction include a tendency to become easily bored, lack of dynamism, poor health, and a distorted sense of reality, one can only conclude that scouting, which leads children to explore other sources, is necessary.

Developing communication skills
The implementation of the right to information can also find application in developing communications skills. A child has to be able to communicate with others, to make himself understood, by expressing his thoughts and feelings, to ask questions

174. Yet a number of activities envisage to create better circumstances for children, for example also: Right to Read, Contemporary issues: literacy, Girl Scouts of the U.S.A., New York, 1990.
and to reply to others, to engage in playing, working and living with others. In developing both verbal and non-verbal communication, the child is depending on others communicating with him: either speaking or listening to him, or at least being at hand. Feeling the presence of the other is the first and foremost form of communication. Direct communication between human beings is most important for human development.

As has become clear from Chapter 2, human communication takes different forms according to the development of the child; and, the presence and active communication of parents is the most supportive force. Development of proper language, which is important both for interpersonal and social communication, is mainly learned at home and requires daily impulses and exercise. The awareness of parents of the importance of developing communication skills, and their ability to communicate themselves are the key to the child’s well-being and development. Child-psychiatry is often confronted with situations of no or poor communication with the child, often resulting in total lack of confidence of the child in himself and/or others. His main sources of information seem to be absent, inaccessible or unreliable. His right to information included in his parents’ responsibility to raise and educate him is then violated. Only in severe cases will such a violation lead to legally supported measures. Small violations remain a private matter, although their cumulation will have effect on the family and other relationships. Such a tendency should be counteracted by offering the child possibilities to communicate in various contexts.

With respect to communication skills, other forms of communication are often mentioned, including mass media communication. Two forms of this mediated communication are considered here: media education and the use of newspapers in education.

Developing communication skills in this form of communication does not only imply technical skills. The underlying point remains the right to information related to development. Using these forms of communication, a child may experience the difference between social communication and electronic interaction. He may also experience silence and reading discipline, confront violent programmes and the necessity to select, or learn to say no. Media education or the use of newspapers in education could be seen as a means of implementing the right to information, as formulated especially in the articles 13 and 17 of the Convention on the Rights of the Child.

**Media education**

The idea of educating children in the use of media is possibly as old as the media themselves. Learning how to use smoke signals, or how to read a book, preferably the Bible or other holy texts, are more historical examples. Media education in the modern sense started with the advent of film in the beginning of the twentieth century, especially after the First World War during which the power of film as propaganda was experienced as a threat against which the youth had to be protected. The first regulations on the showing of films in cinemas date back to the twenties. The roots of media education lie in the protection of the youth against the negative effects of the media, a notion also found in the last paragraph of article 17.

During its short history, media education has been approached in various ways, as a Unesco study makes clear. The ethical approach stresses learning to see the me-

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dia products according to ethical or normative yardsticks. For example, although some papal encyclics warned that film could encourage the youth to do evil, film could also be used for good purposes, which was supported by catholic film bureaus, followed by similar protestant organisations, controlling and reviewing films and then distributing 'good' films. An aesthetic approach aims at learning to value media products as expressions of art. This form of media education was started and became popular in the fifties. Film-clubs were set up and high quality films were shown at school as a form of teaching all kinds of artistic aspects of film. Learning the typical language of image and sound was a further elaboration resulting in a communicative approach, in which children were encouraged to use media themselves, both for understanding the media and for learning to express themselves in that language. With the arrival of television, new approaches developed. The influence of the media, statistics on use, production and structure are elements to be learned in the social approach.175

A critical attitude towards mass communication was developed by the Frankfurter Schule, which pointed to the industrial character of media: bringing more of the same in an increasing number of forms, whereby the reality created by the media is hardly discernable from reality, which impedes critical reflection. Media education in this view should be directed towards understanding the various functions of the media in society and the way in which they sustain society. A similar critical approach attempted to use the media as means of emancipating various groups by making their own productions of their social situation.176

Elements of the various approaches can still be found in current media education. Generally speaking the education in schools is aimed at knowledge about the make-up of mass media; how they are produced and used; learning the techniques of the media by making productions; and, understanding the personal impact of media, by learning a conscious and critical attitude towards the media. In some countries, like Norway and Sweden, media education is part of the school curriculum. The experiences, however, are not always positive. Teachers feel like they are working by trial and error and want to rely more on proper educational materials and have more room in the school-programme. They also feel the subject is beyond their expertise and the underlying aim, to protect children from the negative effects of mass media, is beyond their powers. With the arrival of electronic media, their situation has worsened as they also feel overtaken and replaced by technology. From the view of the pupils, media education sometimes tells them what they already think they know. Children often have better skills in some new media, like the computer, than their teachers; and, they are not willing to speak about their media-use and interests, if their integrity and personal choice is not respected.177

175. The first Unesco document in this respect is Media Studies in Education from 1977. Based on the course programmes from many countries a general model was presented by Minkkinen, S., A General Curricular Model for Mass Media Education, Unesco, Paris, 1978.


It seems against the background of the increasing stream of applications of communication-technology and in the light of the Convention on the Rights of the Child media education has to be refreshed. Media education should support the child’s right to information. This support implies that the education is aimed at a child’s development as a human being in the sense described in article 29. In short, an alternative approach and attitude towards the media must be encouraged. Media education should be aimed at learning to gain information from the media, serving the development of the child’s personality and his social participation. The Convention obliges the state to formulate a policy, which takes into account both positive and negative effects of the media. In the past the main concern has been the negative effects. More recently formulated policies show a slightly broader approach. The recent activities of Unesco have already been mentioned in Chapter 5. They are mainly aimed at decreasing violence on the screen, focusing on self-regulation by the media. Media education is not mentioned. This subject should be taken up in the programmes on basic education by children’s empowerment in school.

The Norwegian government sees its policy against media violence as a means to develop a safer, warmer and more righteous society, with an increased quality of life for the individual. Although a creative encounter with the information society is used as the general attitude, the policy focuses on violence as one of the negative aspects, but takes an overall approach, including all forms of media, and engaging all possible departments, institutions, professional groups, as well as parents and the general public. The Norwegian Plan of Action is expressly based on article 17 of the Convention, and the European agreements in the field of child protection from the media.178

The Plan points not only to the known aspects of an increasing supply of information and experiences, produced by an international and commercial media industry, but also to the decrease in culture which all national inhabitants, or even all members of the family, have in common. The controlling and corrective role of parents with regard to media use by their children is decreasing. In socially and culturally poor environments, the risks of children being affected by media violence are even greater. At the same time, as modern technology allows interactivity, whereby the receiver can decide on the viewing and timing of programmes, a direct line between the media provider and the individual media consumer is created which impedes a national media policy, based on regulating the access to certain programmes, for example, a prohibition on violent programmes.

The Plan aims at mobilising against violence in the media, by public debate, making the public aware of its power and responsibility and by making children and the young a priority. Critical and conscious use of the media must be supported by knowledge of and insight into media language. In order to make those who supply violence in the media responsible, nordic and international cooperation must be achieved. Measures taken include media education, control, legislation and evaluation by research. Media education has a broader scope and includes measures in the field of information on films, video and computer games for both children and

adults by a special telephone line; a newspaper on good children's films on video; courses on violence in the media for trainers; materials for parents in other languages; youth theatre; intercultural media workshops; and, production of other materials supporting analysis of films. The legislative norms for violent content will be the same for film, video and television. Advertisements and commercials will be subjected to self-regulation. Computer games will be regulated as video. Distribution of information via the electronic super highways will, as much as possible, follow the traditional legislation. Such services include video on demand and electronic bulletin boards. Research will also focus on violence in computer games and comics. The police academy will research the use of media by deprived groups of children and youth. It is noteworthy that although parents are mentioned and the power of the public is being mobilised by public debate and discussion fora, the school is seen as the primary institution in forming the media attitudes of children.

A somewhat similar approach is taken in Germany where a common commission of the Federation and the Länder has set up a framework for media education. Existing activities of the school in the field of the media include the use of media in the lessons and infrastructure of the school; the strengthening of reading culture; media technical education; and, analysis of media messages. New tasks have been added, as the use of computers leads to a change in professional life, and real life encounters can be exchanged through simulation. Interaction is performed more indirectly and electronically. The school should help to evaluate the various possibilities of the media, to look through the processes and effects and, if necessary, to correct them. The idea is to formulate a media education which is not relying on or related to the technical aspects of ever newer media, but on the relatively continuous needs of the users, for example the need for care, social acknowledgment, orientation and security.

In this approach, the context in which the media use takes place is taken more into account. The analysis notices the self-evidence with which the media are integrated into the daily life of children; the agenda-setting role of the media for public debate and political life; and, the domination of experience at the cost of information value in the media messages. Children and young people often place a higher value on what happened in the media than what happens in their immediate environment. The media provide adventure and discovery, in a social context in which children have few places to play and move around. In the same way, media seem to replace the lack of common activities at home and to substitute care and attention from others. Experiences by means of the media and direct experiences in reality are blurred. The media offer an illusory perfection of what is usually a struggle in real life. The attitudes and world views presented by the media form an important source of information for children, and serve as a point of reference which could be contrary to socially responsible behaviour.

In the German report, the aim of media education is related to the right to free development of the personality with social responsibility. Children should be educated to be self-determined, creative and socially responsible. Media education should take their abilities and maturity – the Convention uses the term 'evolving capacities' – into account. The principle for such a media education is orientation of experience in which senses and feelings are also involved; and, orientation of action in which processes of problem solving, decision making, evaluation and formulation are in-
included. The aim is then formulated as follows: ‘Auf der Basis dieser Orientierungen geht es um die Anregung und Unterstützung der Kinder und Jugendlichen bei der Mediennutzung, bei der Verarbeitung von Medieneinflüssen, bei der Unterscheidung und Analyse von Medienaussagen sowie bei der Medienproduktion mit dem Ziel einer eigenständigen Mitgestaltung der Medienkultur.’

Media education is seen as a task for the whole society in which various partners play a role. First of all, the family, which is responsible for the child’s access to the media must provide alternative choices and set the example for media attitudes. Open dialogue with respect to media experiences is stressed. The school has to support knowledge and experience, media choices, value judgements and awareness. Social and cultural associations can support children in offering possibilities for further experience and activities and can have an influence on their behaviour, as their participation is free. Producers and media institutions also have a central responsibility for the programmes which they the supply, especially the provision of programmes to children and youth, and for supporting children’s development and orientation. They are obliged to produce general programmes in such a way that children are not injuriously or unfavourably influenced. Such programming requires the respect of a code of ethics by journalists. Although article 17 of the Convention is not mentioned, these last points have a clear reference to it.

In the further elaboration, one notices the urgency of the effective use of media in education, of counter-acting receptive forms of information acquisition, stressing real experience and the critical attitude of the pupils themselves. It is remarkable that the school also should counteract the rapidly changing content of the media by stressing the skill of detailed and concentrated observation and perception. Pupils should be made aware of the ‘Reiz der Langsamkeit’ which allows situations to develop, and to observe, understand and analyse such situations in a balanced way.

Overlooking the various initiatives, which show that at least there is concern and willingness to develop policies, the crucial factor seems to be the value one attaches to the use of media, its contents and its effects, and the way in which one responds to the issues which arise. When parents are convinced of positive effects, they support these effects by speaking about media content with their children. When they are convinced of negative effects, they will restrict viewing time or watch together with their children. In sum, those parents who are aware of both the positive and negative effects, are more active in media education. In general, this applies to the higher educated and social families.

A more immediate response to children’s experiences with the media should take place, both at home and in school. Such a response is easier to achieve with respect to younger children than older children, who are more aware that a dialogue in class, differs from the general structure of lessons.

The question of values makes them more insecure. Moreover, the reading or viewing of various media is considered a private matter. Such a dialogue, however, can only take place if adults are willing to question their own habits of media use. At this point, the question of whether only children need media education is relevant. When adults know that there is more to life than media consumption, but do not have the inner discipline to switch off the button and arrange alternative activities, how can children learn an independent attitude towards the media? In the end, it seems that one has to taste and evaluate the difference between doing things oneself, in real encounters with others, and consuming what is programmed by others, which means depending on their views and what they have to offer.

Media education is first of all education, learning to make responsible choices, in view of a certain aim. The main skill is to be aware of one’s mental attitude when using media. The first thing to learn in the field of the media seems to be that there is a choice, and that one can limit the interaction with media oneself. The second thing to learn is that the media itself teaches mainly the opposite: keeping the attention of the user as long as possible, by all kinds of techniques. The third thing to learn is that reality as one experiences it oneself is the primary source of information. The fourth thing to learn is that the media present its content with the force and illusion of reality. One of the recurring issues in children’s philosophy is the discussion on ‘real versus not-real’, which shows how children are confused by television.

When the aim and essence of information is human development, the possibility of learning from the media about how to become a real grown-up human being should be questioned. This question may underlie all media education. In this way, attention can be focused on both aspects mentioned in article 17: not only protecting the child against injurious materials; but, also, pro-actively stimulating the quest for beneficial information. In this approach, a continuous dialogue regarding the child’s experiences, including those encounters with the media seems to be the most natural and best tool to broaden his view on himself and the world. In those dialogues, the child’s negative experiences, for example fear or misunderstanding, can be met and turned into an awareness of media influence and use. Conversations can also take place within the scope of philosophy for children or in the framework of values education. This approach makes media education independent of the actual media form regardless of whether the experiences are based on surfing the Internet, watching a video or playing a computer game. It should be noted that most media education is still media-related, focusing on television, although the use of computers, for example for searching the Internet, becomes far more important, and there is even less regulation protecting children. Media education should be balanced by paying atten-

184. This method of increasing awareness of one’s reactions to media content, not necessarily limited to the case of children, is also advised by the Dalai Lama in: The Dalai Lama, The Power of Compassion. A Collection of Lectures by his Holiness the XIV Dalai Lama, Thorsons, London, 1995. p. 135-137.
185. See for example, the concern about unfair marketing practices also threatening also the privacy of children, in: Montgomery, K., S. Pasnik, Web of Deception. Threats to Children from Online Marketing, Center for Media Education, Washington, 1996.
tion to the print media which will in general promote reading. The technical skills seem to need less attention as most children will independently start to use media, but as a social and professional skill the necessity of computer education is apparent.

**Newspapers in education**

Implementation of the right to information should also take place in the world of newspapers. As far as it is still a print medium, it offers the opportunity to read at one’s own pace and to read at random or to select after browsing. The newspaper can serve as an instrument for seeking information. It can also be used as a means of expression. Mostly, this freedom of expression is considered as a journalist’s right, but a newspaper is still expected to present information as objectively and pluralistically as possible. Yet, the freedom of expression of the individual can be served by newspapers, when space is provided for letters to the editor.

What do newspapers have to offer when it comes to the right of the child to information? Most newspapers aim at the general public, but are often not accessible for children. Yet, historical examples prove that newspapers can be a useful instrument for children, in which to find information and to express themselves. Janusz Korczak, who as a doctor, author and pedagogue, established an orphanage for Jewish children in Warsaw, and clearly saw the value of children’s newspapers. He organised a weekly newspaper in which the children and workers at the orphanage wrote about their experiences and exchanged messages. He wrote: ‘In an educational institution without a newspaper the staff seems to me uncoordinated and desperate, pottering and grumbling, going around in circles, leaving the children without orientation and control, proceeding ad hoc and at random, without a developmental path to the future. A newspaper links firmly one week to another; it binds the children, the professional staff and the service staff into an integral whole.’

The newspaper served as the conscience of the orphanage, from which everyone could learn something about himself and others. The importance of the newspaper as a form of communication in the eyes of Korczak as pedagogue is revealed in his essay ‘On the School Newspaper’ in which he set up the requirements for a good school newspaper, and gave advice to the editors. Combining all his capabilities, Korczak managed in 1926 to set up a newspaper for and with children, *Little Review*, which was distributed as a weekly supplement to the Polish national newspaper, *Our Review*. The children were reporters and regional correspondents and were encouraged to comment on their situation in daily life. Korczak himself wrote from time to time about political and official news, explaining it to the older children. He ordered that like all journalists the children had to be paid for their work. Within a year, *Little Review* had 2000 very young correspondents, and was extended from two to four pages. It was Korczak’s belief that everything a child wrote about was important. The response to the newspaper surprised everyone as hundreds of letters

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poured into the editorial office. To the boy who reported being slapped by his mother and father for sliding on the carpet, Korczak wrote: 'Parents hit when they have problems and they’re short of patience. Tell them not to hit you immediately, but to warn you that if you don’t do as you are told, they will hit you in half an hour. That will give them time to calm down.'\textsuperscript{189} It is noteworthy that Korczak retired as editor when the very young reporters were edged out by teenagers, and the topics of relationships between parents or teachers and children shifted to politics, dating and sex.

In the last decade, many more children’s newspapers have appeared. These publications take different forms, sometimes blurring the distinction between newspaper and magazine. A typology of children’s newspapers is discussed in the following paragraphs.

The children’s column in the typical newspaper aims expressly at children and appears at a fixed time and place. The children’s pages in a general newspaper usually only comprise one or two pages and often appear weekly rather than daily. An exception is ‘Kik-page’ in the Belgian \textit{De Gazet}. Newspapers for children go a bit further as they are separate publications aimed at children, but written mostly by grown-up professional journalists. The \textit{Primeur} is such a Dutch newspaper, which, after heavy financial injection and editorial planning, has survived\textsuperscript{190} and has solved the problem of expensive independent distribution, as it is now delivered free, along with some regional newspapers. Another example is the French weekly \textit{Le Journal des Enfants}. In contrast to newspapers for children, the children’s newspaper, like the \textit{Little Review}, is a publication by and for children.

School newspapers are often also written by and for children, but their content and distribution is often limited to the school and its pupils. Such newspapers give an immediate possibility to comment on daily life in school. Although they are called newspaper they are mainly produced in offset, and not printed on newsprint. Newspapers for pupils often use the newspaper form and material, but are incidental and contain educational material written by adults to be used in lessons at school. An example was the \textit{Kinderrechtszeitung}, a special of the \textit{Ruhr Nachrichten} on children’s rights. A different example is the British \textit{YX, Youth Express}, published by Daily Express and Crime Concern, directly distributed to secondary schools once a term. It is comprised of one-third ‘hard issues’ and two-third ‘lifestyle issues’.

Other newspapers, either regular or incidental, can also be written by children or often young people, covering general news or specific serious youth topics, treated from the children’s point of view and explained in terms understandable for children. Such topics can be human rights, developmental cooperation or the environment. \textit{Children’s Express} is an example in the United States of a newspaper composed and written by child journalists. Such press offices run by children give insight into the selection by children and provide them with media experience ‘behind the scenes’. General newspapers can also be used by children as an educational tool. The newspaper in the classroom becomes a reading matter and educational matter, as children develop skills to read and use newspapers, understanding that information


is important to world orientation and to participation in democratic decision making.

In this provisory typology, newspapers for children differ according to frequency of circulation, the active involvement of children, the role of adults, aim and scope. From the point of view of children's rights, the active involvement of children should take priority. The main motives behind providing a newspaper for children include: keeping in touch with customers; recognising that the young are the readers of the future; meeting the needs of every target group, by creating for them a special space; and, providing information to a specific group. Interests are divided among marketing specialists, journalists and media educators.

As long as the newspaper as such is not accessible to children, a youth page or children's newspaper provides children with the possibility of acquainting themselves with a newspaper and informing themselves. However, this is will only work when the content is related to the world of children, in order that they can recognise their own life environment. Writing for children is not very easy: 'The most difficult aspect of children's newspapers is the fact that you have to be on the same wavelength as the young reader. Children and young people want to know something, they are curious. What you are writing must be simple and accessible, but not childish or patronising. You are not allowed to be unclear; you cannot expect previous knowledge. This puts a heavy burden on the journalist, who has to go one more time through all news and current events, and reproduce them in a short and lively way. And how independent are you in fact vis-à-vis the children? What elements do you offer to help them to read and think critically?'

An example of a combination of the two focal points, understanding human rights and developing communication skills, can be found in the newspaper projects in the classroom. One of the efforts of the media to reach children is the project Newspapers in Education (NiE), which is executed in many countries, and coordinated by a national foundation or organisation. In essence it is a service to schools, which can decide to run a project on the news or other items, with the help of regular newspapers. For a certain period, newspapers, sometimes from different publishers, are delivered in the classroom. The national organisation provides the teachers with proposals for lessons and relevant material.

The positive side of such a project is that children are consciously confronted with newspaper reading. For the benefit of their socialisation process, they can learn to read a newspaper, and can form the habit of informing themselves in this way. The negative side could affect the developmental process of their personalities. This is because news, in whatever way it is presented, is a selection. In most cases, the selection shows the extreme phenomena of the world and mankind: war, catastrophes, conflicts, violence, murder, the polished words of the world leaders, and the glamour and fall of entertainment stars. Such sensationalism may give rise to distorted views of reality.

191. Halewijn, M. van, De strijd om de jonge lezer, in: De Standaard, 8 September 1990.
Much of the value of the project depends on the consciousness and attitude of the teacher. How critically can he look at the production of news? Is he able to analyse the way in which articles are built up? Does he know the mechanisms which work within an editorial meeting where decisions are made on the total presentation of today’s newspaper? Does he knows the power play between management, shareholders, advertising companies, editors and journalists? In short, knowledge of the communication processes within the media institutions is also necessary.

Recently, a newspaper project was related to human rights. Newspapers can provide children with the right to the ‘free word’ and the right to be heard and seen, as expressed in a Swedish Newspapers in Education project on the Rights of the Child. In cooperation with Rädda Barnen, the Children’s Ombudsman and financed by the Ministry of Social Affairs, a competition was launched for school children under the name *Fri Fantasi* which encouraged children to express themselves in whatever form: poetry, theatre, newspaper, exhibition, video or film on the rights of children. General newspapers published advertisements, telling the general public that 90,000 children were working on their rights. School classes, about 3200, received information on the Convention on the Rights of the Child and the Children’s Ombudsman. In an evaluation of the project, it was mentioned, that although journalists were especially informed about the background of the competition, namely to make the Convention widely known, their well-meant articles showed interest in the activities of the children, but often lacked the perspective of the child, one of the main points in the Convention’s implementation. Many teachers found it very difficult to let their pupils be on their own for these studies on children’s rights and to let them take care of their own learning processes. These teachers could not abstain from their traditional role as teachers. Although the focus of the preparatory material was on the children’s situation in their own country and in their own neighbourhoods, the media and the pupils/teachers tended to focus on children far way, which often resulted in a more generalised and static image of the child.193

Following up this project, Newspaper associations in Norway and Sweden engaged in a survey based on panels of young people in which 110 newspapers participated. Three hundred young people, 15-16 years of age, took part in panel discussions, expressing how they felt about the way their own age group is depicted in the press. Not only did they all agree that newspapers presented them in a negative light, but they provided concrete examples of the lack of truth in much of what is written. These young people could not recognise themselves in the articles written. Newspapers were considered as enemies, out to get young people to boost their sales by painting a distorted picture of young people. Front-page headlines could not be relied upon: newspapers suffered from a loss of credibility. These youth panels enabled the young people to regain some confidence as they could give their views and provide information on their own terms, which supported their positive self-image. As far as young people are depicted positively in the newspapers, it is only in the context of sports or raising money for good causes. In general, young

people are not covered much in the newspapers; and, most are left with the feeling that their daily lives are not valued highly. With regard to news coverage, the youth panels preferred to read about young people, work, future possibilities and leisure. Confronted with the contemporary pressure presented by the media, focusing on the world problems of war, hunger, poverty, disaster, conflict, violence, crime, rape, abuse, threats to the environment; and, health hazards such as Aids, cancer and more recent fatal diseases, young people are feeling helpless as the future of the world lies in the hands of people they can never influence. Caring for the environment is something for younger children. Older children are realistic: any contribution, like collecting batteries, is insignificant in relation to the global game being played with the future of the world as object. Most young people have no strategy to cope with this helpless situation. As they can hardly shut their eyes to it, they are preparing themselves mentally for possible unemployment, a reduced standard of living, lower consumption and restrictions on motoring.\(^{194}\)

Both Nordic experiences have given impetus to a global opinion poll organised by the Newspapers in Education projects which have asked children from twelve years old and upwards to give a commentary on what they have read in the newspapers and to write in fifty words what they would like to have changed in their own life or in the world. The results of this poll Give a Voice to the Children, in which more than 300 newspapers from at least 20 countries took part, were presented at the Stockholm Conference on Newspapers in Education and the Rights of the Child, 14-15 September 1995.\(^{195}\)

Three fundamental items were abundantly required by the responding children: peace, equality and freedom for everyone. Some of their expressions included: ‘War should stop because they shoot people and children lose their parents and become dependent on rich people’ (Noël Steve, 4 years, Belgium); ‘Quiero que haya muchos libros, quiero que haya muchas bibliotecas y muchas pizarras para escribir y dibujar. Quiero que hayan más bibliotecas con muchos libros de todas las clasas, para que la gente estudie y aprenda’ (Marco Augusto De la Cruz Martínez, 7 years, Dominican Republic); ‘The one thing which I find destroying our world is money. Money is given to ordinary people in millions. People who entertain us or play a game for a living get millions. What really gets me is that there are starving people in other countries who need that money’ (Danielle Samways, 8 years, United Kingdom); and, ‘An inexpressible human being is worse than a dumb animal! Right of expression should top the list of all other rights given to human beings’ (Ulhas Shashikant Shete, IX A, India).

In reading the many comments by the young people on this unusual opinion poll, Professor Kazunao Miura expressed his conclusion: ‘Children view the world through innocent eyes. They respond candidly and openly to the things that grown-ups have taken for granted or have given up as impossible or have consciously

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stayed away from. This kind of innocent awareness should be the starting point or the basis for problem solving, whether it’s an environmental problem or a problem of war. By listening to the voices of children, grown-ups can gain insight into the state of our world. As this Global Opinion Poll has astonished many journalists and editors of newspapers, it has been decided to continue this new form of communication between the younger generation and grown-ups in a yearly publication of messages from children in newspapers.

The Newspapers in Education projects can be related to human rights in several ways. As the above mentioned examples have shown, newspapers can help to realise the child’s right to information by providing him with information about his generation, their interests and views; and, information on events in the neighbourhood, country and world can help him to understand, to form his views and to prepare for participation. Children have a right to know, as the Swedish project brochure said. Newspapers can help to realise the child’s freedom of expression by giving him space to comment and to contribute; and also by paying attention to his views on community events and activities. Newspapers should be accessible to children.

Another relation between newspapers and human rights for children is the use of newspapers as a tool for learning about human rights. In newspapers mostly violations of human rights are found. There are several possibilities on which to focus in projects: human rights in general, internationally or locally and, children’s rights in general, also internationally or locally. It is only in the latter case that children can possibly speak from their own experience and give an opinion on situations at home, in the street, at school or clubs. In the classroom, the paragraphs of the Convention which seem important and interesting can be discussed, and then children can read the newspapers to determine if there is any relationship between the articles and the paragraphs. The possible questions include: Are children and their situations presented as problematic or are children presented as a vital force? Is there a tendency to focus on children far away and to ignore the situation at home? Another approach could be to take something interesting and timely from the newspapers and to look for related paragraphs in the Convention. These approaches would be a means of informing children of their own rights, as prescribed by the Convention in article 42. It is noteworthy that only in the Swedish project were the Rights of the Child taken as the focal point. In materials from the Netherlands, for example, the Universal Declaration was used for describing human rights. This example relates more to the implementation of article 29(b) than to article 42 of the Convention on the Rights of the Child.

Children and newspapers could have a fruitful relation, if some of the recommendations on the purposes and practice of newspaper reading were taken into account. Such recommendations would include the practice of children learning how to deal with newspapers in a critical manner. Not only visiting but actually working at a

newspaper, in the form of an apprenticeship or otherwise would reveal the mechanisms with which newspapers are produced. Children should be seriously approached and informed. It is beneath their dignity and a misunderstanding of development to print only recreational matters on the youth-page. Children should not only be informed, but also have the opportunity and means to express themselves in various ways through the media. Such expression could be realised, for example, through youth-commentaries, diaries such as ‘A day or week in the life of...’, a special telephone-line for reporting to the newspaper, and writing articles. These media activities could provide adults with an interesting view on the situation of children. Children should receive serious commentary from the people involved, or at least a response to their views. Following up on all of the ‘custom-panels’ is important to show that the opinion of children counts.

As a newspaper by and for children was already possible at the time of Korczak, such children-run newspapers should also be possible nowadays. Affluent societies have even less of an excuse for denying the necessary means to children. One might argue that children would rather use the Internet as a means of communication among each other. This argument may be true but might also have some possible negative implications: the ability to read printed matter would decrease even more; the challenge of writing and expressing something of value in public decreases as the electronic medium is even more timely than printed newspapers and often reflects a quick dialogue or chat rather than a well-founded and thoroughly elaborated presentation of facts and opinions. When the latter occurs on the Internet, such parts will necessarily be printed. Stressing the merits of newspapers and print media, the century old Malayala Manorama, India’s largest selling daily, expresses its concern: ‘It is true that radio and audio/video cassettes have made a great impact on children. They provide a great amount of information too. But mostly children’s programmes on the TV fail to develop an ability to synthesize information, which is vital in moulding one’s attitudes and values at an early age. The images that appear on the TV in rapid succession reduce the mind to a sponge, merely absorbing all that it sees. Reading, on the other hand, acts as a catalyst for the imagination and encourages creativity.’

Most of the activities of the Newspapers in Education projects have been set up in response to the awareness on the part of newspapers that newspaper reading is declining and they clearly want to invest in children as readers and future subscribers. As long as newspapers are just looking for a new group of readers or wanting to establish reading habits for the new generation, the motives are self-serving. This motive was openly admitted at the opening of the Stockholm conference by the Director-General of the International Federation of Newspapers Publishers (FIEP), but he found no contradiction in it as the written press is a pre-condition to democracy and prosperity. This freedom and affluence is made possible not only through the existence of honest, professional and talented journalists, but also by able and ambitious entrepreneurs ready to invest their money in publishing. They are not all idealists, but what counts is that as many citizens as possible should have access to the writ-

ten information and analysis provided by the press. No one could possibly pretend 'that the role of informing, of educating, of providing critical analysis of the day-to-day events and movements in our societies can be provided by the visual media, however important their role may be in other respects, in alerting us, for example, through their immediacy and impact, on matters which deserve our attention.'

The right to information in the Convention requires, nevertheless, the true motive which is to honestly listen to children, regardless of age, and be moved by their need for real answers and information. It is important to take into account the needs of younger children, as there is a tendency to write for older children. Article 17, with its reference to the aims of education in article 29, gives ample indication of the attitude which is expected of mass media with regard to children. Time and again the attitude of adults is decisive in the realisation of children's rights. Journalists should receive extra training in taking a child's perspective on the world's events, and enlarge their knowledge of children's rights, on the understanding that much of disseminating knowledge of the Convention depends on their activities and conscience.

In a practical sense, projects on media use could be carried out with the cooperation of schools and libraries. Libraries possess materials for comparative and additional information. As children are used to visiting libraries, they will learn to find these materials as well. Media projects on human rights should concentrate on informing children of their own rights, related to the Convention, and on encouraging them to express their opinions and feelings about justice and injustice; the balance of rights and duties; and, the balance between adults and children. Such expressions require a response from the adults, responsible for youth policy, activities or otherwise involved. In addition to such responses, input from wise human beings would go a long way towards helping to understand the complexities of life.

**Conditions of realisation**

In the foregoing section, some possibilities for the implementation of the right to information are roughly described. As the right to information includes so many different aspects, another approach might be to return to the theoretical concept of the information process. The right to information points to the information process, underlying the act of informing oneself or being informed. Concerned with the question how the right to information can be realised, one can also consider what conditions of the information process should be necessary to the implementation of the right to information.

These necessary conditions can also be helpful in forming an information policy based on the Convention. Voorhoof concludes that, based on the wording of articles 13 and 17, the Convention requires States to develop an information and media policy: 'The coherence between article 13 and 17 is important because it includes a positive obligation of the state to develop a pro-active policy for the benefit of the child’s

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right to freedom of expression and his right to information. That is precisely the political interest and the potential added value of the UN Convention with regard to the freedom of expression and information for children. The implementation of the right to information should be based on the various requirements with which the child’s information process should comply. The different forms of communication processes of which the information process forms a part, as discussed in Chapter 3, show that one can discern information suppliers, information content and receiversseekers of information. A fourth element is the environment in which the information process takes place. The requirements for the child’s information process will also have to take into account the various aspects of the child’s developmental process, as referred to in Chapter 2. The following describes the general conditions for realisation of the child’s right to information.

Information suppliers
With regard to the requirements to be imposed on information suppliers, an initial question concerns who are these suppliers of information. The Convention on the Rights of the Child mentions, inter alia, parents, legal guardians, family members, schools, mass media, and the State. Both individuals and institutions are mentioned, but in fact only individuals can act and bear responsibility. This individual responsibility is of utmost importance in the implementation of human rights, especially where the normative force pervades all acts and activities. ‘Mit anderen Worten, hinter jeder Handlung eines Menschen wird eine Wille vermutet, und daher ist er auch “verantwortlich” für diese Handlung. Tatsache jedoch ist, daß die Menschen was auch immer sie tun, gewöhnlich nicht “handeln”, sondern auf einen äußeren Impuls “reagieren”. The first condition regarding information suppliers is therefore that they act with conscious responsibility, which means not out of reflex and social conditioning. This condition applies not only to parents but to the political officials as well because in as much as responsibility is concerned, they have much in common.

According to Jonas, parents and statesmen have three aspects in common. The first aspect relates to the totality or globality of their responsibility. Parental responsibility is concerned with all aspects of the child’s well-being, physical health, personality development, language development, and play. Nothing is excluded. The same holds true for political responsibility. It is impossible to think of something for which the State is not responsible. Every modern State, even a democracy, is in a certain sense total; care or responsibility is applied to the totality of life. The second common aspect is the continuity of this responsibility. There are no holidays in parenthood, nor can statesman just turn off. The third aspect is the most important. This notion of parental and political responsibility includes a duty with regard to the future. The goal is to raise a happy human being; someone who is able to live and to bear this responsibility in the future. The same goal applies to the political scene.

This approach should also create and enable human beings to be responsible and autonomous.\textsuperscript{201}

The Convention clearly provides for the duty to take responsibility in the general article on parental responsibilities, article 18, and in the specific article on mass media, article 17. The responsibility of those involved with mass media must be particularly stressed as the child often has direct access to the media, and his use cannot be completely covered by the parental responsibility. The omnipresence of media, which blurs the demarcation line between the public and private spheres, is exactly the reason why media institutions, and the individuals involved, are held responsible for the media’s effects on society. In the same way as the State has to respect human rights, as an impediment to its all-pervading power. In essence, everyone is responsible for ensuring the child’s right to information. The burden may not be placed on the shoulders of one party, for example parents or the State, in an effort to shirk one’s responsibility. The motivation for this common responsibility must be the protection of the rights of the child and hence his dignity and well-being within the meaning of article 29 of the Convention, the aims of education.

In the background of the modern information society and the rapid development of the information super highway, lurks the character of information which causes difficulties for the legal formulations of rights and duties in the information sphere. The traditional concepts and definitions have been superseded. Although technical inventions have always given impulses and affected the communication processes – one only has to think of the invention of the printing press – modern inventions are affecting communication in an accelerating sense. Telecommunication has extended the scope of interest and activities both in the private and the public sphere, by means of satellite television. Most broadcast systems in Europe have developed commercial broadcasting, which surpasses public broadcasting, and brought the foundation of the latter for discussion. The improvement of computers has led to the extension of telematics whereby various ‘media’ are combined and integrated. Convergence of techniques have also made it possible to digitalise information, and make sources of information available in various forms. The technical impulses have mainly affected the various ways of producing and supplying information. Less attention has been drawn to the variety of users and their needs - many new information products are made available, accompanied by the story of user needs, but these often seem to be imposed ‘needs’; technical applications in search of users. Many products based on new technology and infrastructure, like the Internet, still have to prove for what type of communication processes they are useful.

In an attempt to clarify the justifiable expectations and activities on this highway, debates have been launched in the form of a proposed charter. Koers discerns the informational relationship between individuals, between individuals and private organisations, and between individuals and the State. Information is defined as every combination of data, speech, sound and/or image, admittedly a non-definition, as

everything is considered as information. ‘The reason for this choice is that every definition of the concept of information draws limits which can detract from the envisaged vast influence of the charter. (...) Even a rather neutral definition raises extremely fundamental questions, which are better left open when the aim is: to have the widest freedom possible for the individual.’202 This argument can also be used with respect to the Convention. In every informational relationship, everyone has the right of ‘informational self-determination’. Koers considers this term better than ‘informational self-development’, because the latter term is more socially related, and involves a developmental process and aspiration. Freedom and control (right to have a say) are essential to self-determination, as they concern all aspects of the communication event: form (technology used), process (with whom), content (of the message), and aim (why and where to) of informational relationships. Restrictions are permitted to the extent they are necessary to protect public interests. Additional noteworthy rights include the right to refuse to receive certain information, or to supply to others; and, the right to information about information...! Without information about information, an individual cannot determine whether he actually wishes to exchange information; and, the duty to make clear the aim and nature of information offered, before actually exchanging information. Individuals also need to be protected against overly aggressive and obtrusive companies.

Therefore, an exemption from these duties related to personal information should only be allowed by law in order to prevent the socially/economically weaker from too willingly yielding their rights. The specific responsibilities of the State include preserving the plurality of information; ensuring equal conditions of access to information provision and exchange, both for citizens and social organisations; and, taking care that information funded by the State, will be available to citizens in a basic form for the lowest possible cost and with the least possible hindrances.203

This summary shows that no special mention is made of children. The notion of self-development is excluded in this context. The access to information funded by the State, is a right of the citizen and is related to costs. The Convention on the Rights of the Child points in a different direction, as the access to information is clearly related to self-development.

Another condition for information suppliers is openness with regard to their sources and work methods. This condition requires that the intentions of the information suppliers must be honest. A mixture of information and advertisements cannot be discerned by young children, and does not support their development, but mainly their consumption. In general, when adults or the media behave as though lying and betrayal are acceptably as normal conduct - ‘that’s the way it is’ - they cannot require or expect that children all by themselves will refrain from imitating such behaviour. Openness and honesty also impose on information suppliers, the duty to avoid manipulating information in order to serve their own aims. Necessary adaptation of information should only serve the needs of the child and his development as a

human being. Such conditions inevitably apply to parents as well as to the media or the State.

A further condition is to put the accent on quality products. There is no excuse for unqualified or subliminal answers to children or for cheap and easy productions made simply because they are only for children. Learning to be critical and to discern quality is an important part of the child’s developmental process. Children should therefore be offered high-quality products.

In the sphere of the media, Van Run has said: ‘Good journalism is always the fruit of talent, diligence and erudition, and the lubricant of money from the general budget should preferably never come up.’ He notes that the quality of information can be endangered when the freedom of the journalist is affected by the mental environment in which he works, and he, therefore, feels unable to write freely. Alternative information and opinions are then sifted and not taken up. He is also critical of what is really worthwhile and says that ‘plurality can help to overcome the self-restraint applied by the press. But for the receiver of coloured or one-sided messages this helps only halfway. He should not be charged to run errands at various information suppliers. Besides, information which really counts is more thinly sowed than one may think. Apart from the daily newspapers and the weekly opinion magazines half of all printed matter could disappear without making the audience poorer in the informative sense.’204 If this holds true for the print media, what would be left of the audio-visual sector, especially when one notes the lack of child-oriented information. The small number of programmes makes the requirement to create quality products even more cumbersome.

Accessibility and availability are two other conditions for the implementation of the right to information. Accessibility requires that the library be public; be accessible and intended for all; and, offer a plurality of information, reflected in the selection of materials. Free access points to the necessity of not hindering the use of information sources. These hindrances could take various forms. Physical hindrances can be related to buildings and furnishings. They should be fit for use, by young and old. Technical equipment must meet the needs of the users, be both easy and quick to use, and provide the basis for thorough research. In other words, differentiated access according to the skills of the users. Psychological hindrances may also be caused by the style of presenting services, for instance, when services are not presented as being intended and open for all. People with a social and cultural background different from the dominant society, should be able to recognise that services are also intended and beneficial for them. Free access to a service means little when this service is miles from home. A geographic spread of facilities serves the accessibility of information by ensuring that children do not have to travel long distances or wait long before using the facilities themselves. Sources of information have to be made accessible by understandable cataloguing and signposting, from the perspective of the user.

Accessibility also requires that arrangements be made for the financial aspects of information, as no one should be excluded, for example, from use of the library and access to information for financial reasons. Access to information protected as a human right should not be limited by financial hindrances, but instead be considered

as a state's obligation to provide free access to the public domain. Legal obstacles may also negatively affect the use of information as a general source for citizens. The state should therefore protect the rights of users to have access to information which has been funded by public money and which serves the general organisation of society. This public information which belongs in the public domain, should be made freely accessible and available through modern technology. The state is not a merchant but a servant for its citizens. With respect to other types of information, the state should create a balance between the justified rights of authors to remuneration and the equally justified rights of the general public to take note of another human being's expression of ideas.

The requirement of availability refers to the way in which sources of information are presented. A too small collection will offer too little free choice for the users. Large collections need understandable guidance and cataloguing. Opening hours must meet the needs of the users and be adapted to their patterns and life styles. Although technology makes it possible to consult many services at home, the physical availability of sources in the form of books and other media must be the final result, to which requirements of efficiency and prompt service must be applied. Good cooperation between various media institutions increases the availability of the required sources of information.

In a broader sense, media institutions, schools and libraries form institutional distributors of information for children. They should also meet the condition of professional guidance. Such guidance involves teaching how to seek, process and evaluate information. As no institution can fulfil all information needs, good references to alternative sources or institutions are also part of guidance.

As in this study, information is put in the context of human development, a preference for human encounter and contact could be expressed. This contact provides possibilities for both guidance and an information source in itself, a factor sometimes underestimated.

**Information content**

Based on the provisions of the Convention, a whole range of criteria applicable to the content of information can be listed. Quality criteria refer to the positive effects expected: social, spiritual and moral well-being and physical and mental health; and, the social and cultural benefit. These criteria can also refer to the envisaged direction: developing the child's personality and talents; preparing him for an active life as adult, and, fostering respect for basic human rights, cultural values, and, the natural environment. Other criteria point to expected negative effects: not-injurious to the child's well-being. The requirement of pluralistic information is satisfied by the Convention's requirement of a diversity of cultural, national and international sources. Information studies also point to other requirements such as that infor-

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206. Most studies do not taken children into account, but can be useful as a general guideline. See for example: Cuilenburg, J. van, D. McQuail, *Media en pluriformiteit*, Wetenschappelijke Raad voor het Regeringsbeleid, Den Haag, 1982.
information should be reliable, useful and understandable for children. Based on a human right, the content of information should also invite to self-judgement.

Although it is difficult to establish quality criteria in general, some approaches have been developed for various types of media, including those related to children. Quality criteria for children’s books are the object of an ‘age-old’ discussion, which never stops, and perhaps should not stop. In the more recent field of youth information, brochures play an important role. Criteria for brochures aimed at younger people take into account both form and content. Brochures should be attractive, with a balanced typography in ‘youth style’, and maintain a good balance between form, content, seriousness and humour. Readability is related to an accessible style with not too many difficult words or an explanation of such words and, no long sentences, with a pleasant tone, not paternalistic or too popular. Other criteria are reliability, including correctness and actual validity with references to concrete situations and procedures; and, completeness with regard to the approach to the subject, and references to other organisations.

The quality of children’s programmes on television has been researched by Nikken. He admits that no objective criteria or instruments exist with which to measure quality levels. Evaluation of quality has therefore to rely on individual judgements of the groups involved: children, parents, producers and critics. Parents discern seven quality criteria: understandability, aesthetic quality, engagement, entertainment, harmlessness, reliability and models of identification. Compared to their judgements of programmes for adults, the criteria understandability, identification models and aesthetic quality identified by them for children’s programmes are new. Understandability can be satisfied by a more simple structure when telling stories and by an adequate content and choice of words. It is also noted: ‘Obwohl die Eltern der Anwesendheit von Identifikationsmodellen am wenigsten Bedeutung beimaßen, ist sie dennoch charakteristisch für Kinderfernsehprogramme, da die soziale emotionale Entwicklung der Kinder in vollem Gange ist. Auch Kinderprogramme sollten den Kindern geeignete Vorbilder menschlichen Verhaltens bieten.’

Parents who are not aware of the importance of identification models on television, are also probably not aware that their own behaviour is a model for their children. Harmlessness is the only criterion applied to all researched types of programmes: news, drama, education and comics. Criteria also differ according to the educational background of parents, and to the age of the children. ‘Offensichtlich legen gebildete Eltern mehr Wert auf ein lehrreiches Kinderprogramm, während weniger gebildete Eltern das Fernsehen für ihre Kinder eher als Unterhaltungsmedium betrachten.’ Parents consider the criteria of harmlessness and identification models for older children less important than reliability.

In the field of social or community information for young people, attention has been focused on the communication process where use is made of both electronic

data and an intermediary. It is often thought that once all information has been stored in a database, all problems are solved. However, the primary flow of information is between the young client and the intermediary, and this is interpersonal communication. Only the secondary flow is between the information source and the intermediary. Quality criteria for the intermediary related to the primary flow include a preference for a generalistic approach beyond specialisation; flexibility, sensitivity for the context of the question and the client; a preference for immediate action instead of references; cooperation with local networks; immediate accessibility to various and adequate sources of information; a preference for problem-solving with the social structure of the client; and, sufficient knowledge and ability for this information work.210

In general, the aim of youth information is related to counselling, mostly on practical matters like work, education, finance, health and housing. The target group is generally young people from about 15 years old and on.211 The Council of Europe has promoted this form of providing information to young people by a Recommendation, which has been elaborated in a European Youth Information Charter.212

Two remarks are relevant at this point. The UN Convention on the Rights of the Child does not mention any age categories, so all children up until 18 years old are included and should be enabled to exercise their right to information. Furthermore, the aim of information and education as described in the Convention not only points to social participation, but especially to personal development, and even beyond. The information envisaged indicates further development: from information to knowledge, to insight, to wisdom.

**Environment**

The environment in which information processes take place influences the processes themselves. The environment can be adapted according to an integration of information and youth policy at various administrative levels. The aim should be to provide a stimulating environment in which children are invited to use their curiosity and critical sense; and, to seek by themselves what they might find interesting or necessary. The environment may also bear witness to the understanding that processing information requires an absence of disturbing elements, in other words: a silent space is the natural environment for working with information and reflection. Such an environment excludes other disturbing sources of information like advertisements. The environment should support the need for the reliability of information and avoid being influenced by introducing other motives.

The envisaged information and media policy should of course take into account the societal context in which the information processes take place. A policy which

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212. Council of Europe R (90) 7, Recommendation concerning information and counselling for young people in Europe. The European Youth Information Charter was adopted in Bratislava by the 4th General Assembly of the European Youth Information and Counselling Agency (ERYICA).
only seeks to react to market conditions, and for instance, sees public institutions as the public library as only additional to the free market, is based on an overly narrow view of society and democracy. Human rights, and institutions working for their realisation, should be considered and supported, regardless of economic circumstances. Their legitimacy goes beyond the impulses of daily politics. The technological impulses should be judged on their contribution to society's sustainability and not stimulate unhampered production. Innovations should benefit the general public and improve communication processes instead of confusing people with unwanted information and applications. The free choice of every human being should be the basis for improvements. If necessary, regulations should be made based on this fundamental freedom.

In this respect, one may also view a change of paradigm, which points to the higher ideals of the Convention. Laszlo describes this change as follows. The cognitive maps that shaped the modern world are in rapid evolution. Now that humanity is about to enter the third millennium, the cognitive map of mastery over people and nature had better shift to a map highlighting cooperation and co-evolution. Such a shift is happening today, as human consciousness is being raised and contrasted with the previous domination map: anthropocentric, eurocentric, atomistic, consumptive, hierarchial elements are exchanged for elements of organic approach, diversity, connection and communication, sustainability, and participation. In its application to society and the economy, the domination map highlighted the applications of technology and the accumulation of material goods, and promoted a power-hungry, compete-to-win work ethos. The holistic map emphasizes the importance of information, and hence of education, communication, and human services over and above technological fixes, the accumulation of material goods, and the control of people and nature.213

The need for a media policy based on human rights is a demonstration of this new paradigm. The short history of the Children's Ombudsman in Sweden shows that in the field of mass media a number of comments have been prepared as a commentary on article 17 of the Convention. This clearly shows the need of the active involvement of a child's advocate in the field of media policy, as otherwise children's rights and interests are overlooked when, for example, new media law, film censorship, public broadcasting and media research are on the political agenda.214

Voorhoof requires an active media policy of the state, as choices in the field of media have a wide ranging effect on society and children. The role of the state in media policy is to regulate, organise, finance and stimulate, and to create the main conditions for the maximum benefit of the democratic, cultural and educational capacities of the information and communication structures.

There is a need for the extension of a media structure which provides sufficient guarantees that the viewer, reader, listener will be inspired to think critically. There is a need for information media which instead of rocking the individual to sleep, stimulate young people and adults to conscious and active participation in their environment. Such a constructive active stimulating policy is based on fundamental rights in which children’s rights are integrated. Attention should be paid to the informative and educational function of the media for all ages. Self-determination should be ensured. An active information and media policy includes the positive stimulation and active support of national and local initiatives.

The policy should be directed more towards positive stimulation than restrictive and negative regulation. The dominance of economic values should be exchanged for the value of democratic use, the basis for alternative media policy. Voorhoof also proposes looking at the effect of the media. The distinction is not between printed and other media, but between alienating and emancipating culture; between repression and liberation.215

These conclusions parallel the earlier mentioned aspects of the implementation of the right to information. However, some developments show that the consequences of the Convention have not yet been integrated in the various forms of policy regarding children up to 18 years old. A main problem is the decentralisation of integrated youth policy: the knowledge about human rights should not stay at national level, but should also be present at local level. With the promises of the Convention and the rapid change of subsidiary policy, new institutions are sometimes created which quickly contribute to over-bureaucratisation. If it is not possible to avoid creating such new centres, their activities should be restricted to five years, to see whether they really have contributed to the rights and interests of children. In the field of information policy a more integrative approach is needed as the availability of various sources of information makes it more difficult for children to decide what direction to take.

As an example: public libraries

In seeking the means of realising the child’s right to information, the public library may prove to be an institution which would meet the above mentioned realisation conditions and also contribute to a necessarily integrated information policy with regard to children. In short, the aim, tools and conditions of the public library will be considered to verify this possibility and to see whether public libraries can serve as an example.

Aims
The eldest examples of public libraries underline the public access and the benefit for children. ‘In Halicarnassus in Asia Minor in the second Century A.D., the works of a man honoured by the city were placed in the city’s libraries at public expense in

order to instruct the youth; this provision, while instructing broad access, was probably of greatest benefit to the children of the local aristocracy.\textsuperscript{216} The extension to other social groups in society took a long time and is not yet finished. The development of public libraries finds its roots in the nineteenth century. The historical development of libraries reveals their aim and role in society. The first public library activities began in the social and economic context of the transition to an industrialised society which formed an industrial proletariat. In the cultural and political context, spiritual, social and political movements gave birth to bourgeois liberalism and, later, the socialist labour movements. The first free public library, sponsored by tax finances was established in Petersborough, New Hampshire, United States. The first 'Library Act' was passed in 1848, when the Commonwealth of Massachusetts, enabled the City of Boston to establish a free library. The Public Libraries Act of 1850 in the United Kingdom gave rise to the Public Library of Manchester in 1852. The examples in the United States and the United Kingdom were followed by European countries, each in their own pace and form.\textsuperscript{217}

As a result of private initiative, libraries were also established for certain social groups: labourers and factory workers, the middle-class, or the upper-class, according to their inclination to provide educational relaxation, or refinement of culture. These libraries reflected social classes and were considered by the liberals as insufficient and discriminating. They therefore envisaged a public service, initiated or at least sponsored by public finances, which would be intended for all and freely accessible to all.\textsuperscript{218} Public funding, free accessibility, and a general plurality of available collections and services have remained the professional criteria for using the term 'public library'. Interference from the authorities was considered contrary to the aim of the public library. Nevertheless, it was argued that state interference was necessary to provide the legal bases for establishing public libraries in local communities.\textsuperscript{219}

McColvin pleaded for 'the chance to read' and considered the five fundamental principles endorsed by the public library movement. These included the ideal that public library support is an obligation of government and should not be left to private initiative. Management and financing should likewise be executed by the government. The public library should be freely available for use by all citizens. The contents of the library should, within limits, meet the needs and wishes of citizens in the field of reading and information. The public library should be independent and safeguarded against political, moral or religious interference. Financial support, especially for book selection should be refused.\textsuperscript{220}


\textsuperscript{219} This argument was for example put forward by Greve - librarian of the Dutch Parliament -, in his dissertation, which introduced the first public libraries in the Netherlands, although legally supported State financing did not occur until 1921. See: Greve, H., \textit{Openbare leenmusea en volksbibliotheken}, Maas & Van Suchtelen, Amsterdam, 1906.

\textsuperscript{220} McColvin, L., \textit{The chance to read}. Public libraries in the world today, Phoenix House, London, 1956, p. 12.
Not only was the role of public libraries debated by the social movements and professionals involved, but it was also discussed at an international level. Within the ambit of Unesco and supported by the International Federation of Library Associations and Institutions (IFLA), a Public Library Manifesto was adopted in 1949, to support the development and spread of public libraries.

The Unesco Manifesto is reflected in many national library laws and policies. The Manifesto was revised in 1972 and again in 1994. The revised Manifesto is now aimed at convincing local and national authorities of the fundamental values protected by public libraries and their important contribution to the community and democracy in general.

The Manifesto derives from the fundamental human values of freedom, prosperity, the development of society and individuals, and the need for well-informed citizens who are able to exercise their democratic rights and play an active role in society. In turn, participation and democracy rely on satisfactory education and free and unlimited access to knowledge, thought, culture and information. The public library is defined as the local gateway to knowledge, which provides a basic condition of life-long learning, independent decision making and cultural development for the individual and social groups. Furthermore, the Manifesto is related to the Statute of Unesco as it proclaims Unesco’s belief in the public library as a living force for education, culture and information, and as an essential agent for the fostering of peace and spiritual welfare through the minds of men and women.

The Manifesto sets forth the principles of public library services, such as equal accessibility for all, without discrimination. The principle of plurality requires that material must be relevant to the needs of the different age groups and reflect current trends and the evolution of society, as well as the memory of human endeavour and imagination. The principle is further safeguarded by the principle of independence: collections and services should not be subject to any form of ideological, political or religious censorship, or commercial pressures.

In the key missions which relate to information, literacy, education and culture, explicit references to children are taken up as the core of public library service. Creating and strengthening reading habits in children from an early age, is mentioned first of all. Furthermore, the imagination and creativity of children and young people should be stimulated. The other items of the mission do not mention children specifically, but are generally applicable to them as well. Such items take up various forms of education, including self-conducted education; and, opportunities for personal creative development.

With respect to cultural life, the Manifesto seeks to promote awareness of cultural heritage, appreciation of the arts, scientific achievements and innovations; provide access to cultural expressions of all the performing arts; foster inter-cultural dialogue; and, favour cultural diversity, by supporting, *inter alia*, the oral tradition.

In order to serve the community, the library should aim at ensuring access for cit-


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izens to all sorts of community information and at providing adequate information services to local enterprises, associations and interest groups. It is also considered a task of the library to promote literacy, both in the traditional and modern sense by supporting and participating in literacy activities and programmes for all age groups, initiating such activities if necessary; and, by facilitating the development of information and computer literacy skills.

A short comparison with the previous formulations of the Manifesto makes clear that the main elements of free access for all; promoting reading habits with varied collections; public funding; and, specific legislation have remained, but differences in accents and approaches are significant. Whereas the formulation of 1949 considers the public library as 'an agency for popular education', the 1972 text speaks of 'a principle means to make culture available to all'. In 1994, the public library is 'the local centre of information'. A shift in accent is made from education (1949) to culture (1972) and then to information (1994), although these three terms are present in all manifesto's related to the goals of Unesco. Another point of difference is the focus on children. Although public libraries were 'primarily intended to serve the educational needs of adults they should also supplement the work of the schools in developing the reading tastes of children and young people helping them to become adults who can use books with appreciation and profit'. The orientation on the future overshadows the child's joy of the present. In 1972, children's library usage deserved a special paragraph focused on special provisions for children. 'Youth-land' should be created in the libraries. 'The children's library can then become a lively, stimulating place, in which activities of various kinds will be a source of cultural inspiration.' Age is mentioned as the first intolerable discrimination in access to the public library in the 1994-version. 'All age groups must find material relevant to their needs.' As already mentioned, this version addresses governments, both national and local. In 1949, an appeal was made to every citizen as a potential user of the library which should be an institution operated by people for people. Educationists, social and cultural workers and community leaders were addressed in 1972. In line with this historical development, the international community and its institutions can be considered as the next stage of a supportive and legislative framework. The focus and definition of the public library's aim can also again turn to education, stressing one's possibilities and responsibilities for self-education and life-long learning. Some expressions begin to sound familiar. The work of the public library, however, is beyond labels.

A comparison with the articles of the Convention on the Rights of the Child and especially its reference to the aim of education in article 29 reveals various similar references. Personal development is mentioned in the Manifesto several times. Respect for different civilisations corresponds with the Manifesto's aim of fostering intercultural dialogue and favouring cultural diversity. The fostering of peace and spiritual welfare is a Unesco expression which is found in both texts. Preparation for a responsible life in a free society, an aspiration of the Convention, can be achieved by the library services of community information and support of interests groups, which may also include educational and vocational information as mentioned in article 28(d) of the Convention. The right to participation in cultural life, mentioned in
article 31 of the Convention includes access to performing arts, and opportunities for personal creative development, as proclaimed by the Manifesto.

In the field of literacy, the Manifesto provides references similar to those in the Convention’s article 28(3). As was shown in Chapter 5, explicit reference to the habit of reading, as proposed by IBBY, was not accepted in the final text, but the dissemination of books remained, and, public libraries can be seen as one of the main distribution channels for children’s books. Respect for minority languages is expressed both in the Convention, articles 17(d) and article 30, and in the Manifesto. The library’s support of oral tradition may also serve this aim. The Manifesto explicitly mentions the principle of non-discrimination including a prohibition against age discrimination. As a result, one has to conclude that children have access to the library services, as a right.224

This short study of the development of the Manifesto and the comparison with the Convention on the Rights of the Child, reveal that the Manifesto is in line with the spirit and many provisions of the Convention on the Rights of the Child. On the basis of their aims, the Manifesto and the public library should therefore be considered as means of contributing to the implementation of the child’s right to information.

The legal status of the Manifesto is limited. It has been formally approved by the Intergovernmental Council of the Unesco General Information Programme, but not presented and adopted by, for example, the General Conference. The Manifesto is, nevertheless, the basic document for public libraries on an international level and from the viewpoint of human rights. It protects fundamental human values. As the Manifesto has inspired other Charters and Declarations with regard to the aims of the public library, additional support for its goals can be found in these texts at a national level. The Charter for Public Libraries in the Netherlands, for example, explicitly states: ‘Public libraries play an important practical role and have substantial professional responsibility with regard to human rights and fundamental freedoms which are recognised by international law and the Dutch Constitution. These include the freedom of expression, the right to take part in cultural life, the freedom to seek, receive and impart information and ideas, the freedom of thought, conscience and belief and the right of citizens to have their privacy respected.’225 The explanatory note to the Charter explicitly refers to the international standards set by, among others, the International Convention on Civil and Political Rights (articles 17, 18, 19), the International Convention on Economic, Social and Cultural Rights (article 15); and, the European Convention on Human Rights (articles 8, 9 and 10) and the corresponding articles in the Dutch Constitution.

A distinction must be made between the aims of the public library as adopted by professional associations and the aims formulated in national legislation. The latter acknowledges the values to be realised by public libraries and gives legal protection to those values and the role of the library.

224. Discrimination based on age may have recently become a highly debated topic in society. Children are, however, never mentioned. Even when age-discrimination is said to occur at ‘all ages’, adults of 30, 40, and 50 years old are envisaged, not children.

Funding and Legislation
The Manifesto also focuses attention on funding and legislation, and states explicitly:

The public library in principle shall be free of charge. The public library is the responsibility of local and national authorities. It must be supported by specific legislation and financed by national and local governments. It has to be an essential component of any long-term strategy for culture, information provision, literacy and education.

The principle that the public library shall be free of charge has always been ardently defended by libraries and needs legal protection to be guaranteed in periods of economic crisis or political change.226 Based on the principle that public libraries should provide general access to information and be available to everyone, libraries must, as a consequence, avoid creating barriers in any form. Free access to public libraries can only be guaranteed by considering them as collective facilities financed by public funds. According to Danish Library Law, the responsibility for the selection of the media may not be delegated to a private company. Efforts in Sweden to run libraries by contracting out have dramatically failed.227 As a result, the threat of local budget cuts have evoked a large campaign228 and an official proposal for a library law, which is to be decided upon at the end of 1996.229 The activities of the public libraries which are aimed at attracting children and adults with poor reading habits would be contradictory, if at the same time financial barriers were created which impede people from using the library. The impact of the principle of free library use can be measured by the effects the Public Libraries Act introduced in 1975, in the Netherlands, when this freedom was legally established for children up to eighteen years of age. As a result, 500,000 new readers were registered as members.230 Nevertheless, the Netherlands should not be considered a good example in so far as principles of funding are concerned. In contravention of all library principles, the same Act obliged the libraries to charge adults a fee. The situation has worsened since 1987 as legislation has weakened the position of users, especially children. Decentralisation leaves the issues of funding and children's services to the

229. SOU 1995:84, Kulturpolitikens infriktion. Slutbetänkande av Kulturutredningen, Kulturdepartementet, Stockholm, 1995; See also the commentary of the Swedish Council for Cultural Affairs, which stresses the necessity of a special paragraph for children and young people in the proposed library law: Yttrande över Kulturutredningens slutbetänkande, Kulturrådet, Stockholm, 1995, p. 136-144.
local authorities. In stark contrast to the rest of the world, including the profit-oriented United States and developing countries, Dutch authorities can and have obliged the libraries to charge even children. As demonstrated in an example, younger children up to the age of ten were no longer individual members of the library, when children have in fact been charged. In comparison to similar libraries the decreasing percentages were significant and the decline in children’s membership has not been restored after five years. Charges imposed on children in other communities yield similar results of decline and only a part restoration of the former number of members. Children with poor reading habits are quick to stop using the library and seek other activities and passivities. Such a tendency will counteract all the efforts to combat the various forms of illiteracy. Although some children have probably continued reading, ‘illegally’ using the membership card of another family member, this development demonstrates a lack of respect for children as individuals and does not support their personal choice and responsibility to use the library.

Kohnstamm takes up the library in his study on the social and personal development of the young child and states with regard to the situation in the Netherlands: ‘Our country is rich in children’s books, children’s book shops and children’s libraries. The local government has nothing to do but to finance libraries in such a broad way that children can have a free membership. Computerisation and security require investments which formerly were not necessary, so the library cannot be a cheap service. But an easily accessible public library with a beautiful department for children should be the pride of every town and village. Unfortunately, this is far from the case everywhere. Attracting adults and children who have Dutch as a second language, also costs a lot of money. But the money spent here [on the library] seems better spent than on language lessons for unwilling nippers.’ Subsequently, Kohnstamm makes a plea for more information for parents with regard to language development and the importance of reading; and, for the national government to recommend that local governments spare the libraries in further budget cuts.

In fact, the reading ability of school children requires frequent reading, to a degree which can only be met by the public library. Schools will find it more difficult to refer to the library when children have to pay for it. This situation has created an illogical state of affairs in which children have a right to education (in fact an obligation), but the necessary provisions are not governed by the same regime. If parents


are so easily impeded from arranging a library membership for their children, children should not be dependent on them for their access to information at the library. Children should have an equal opportunity to benefit from the library services.

Therefore Nuis declared: 'Freedom of charge, no fees for children is an achievement which has amply proved and deserved its cultural meaning. Certainly, it is a lure. But every civilized country lures its children to books. There is no shame in that. Not doing so is a shame.'\textsuperscript{235} The political will to prioritise the library board's freedom of appreciation has been greater than the government's will to take responsibility for the rights of children.\textsuperscript{236} However, prevention against the charging of children for the use of libraries can only be effectively achieved through national legislation.

Hoefnagel has analysed the Dutch Library Act of 1975. The principles of freedom, equality, plurality, development, protection of the vulnerable and quality are all acknowledged, but the aim is to provide equal opportunities of development for all. The focus of the Library Act is on permanent education. Therefore, the educational and informational roles of the public library are stressed. The classical freedoms are acknowledged, the library is instrumental in ensuring the freedom of citizens, but the aim is the stimulation of higher forms of freedom: to develop one's talents, to unfold.\textsuperscript{237}

In the course of time, the aim of the public library has been variously formulated to be instrumental to the more limiting aims of culture or welfare as set by occasional policies. Thereby, the library risks losing its character as a basic service,\textsuperscript{238} fundamental to the needs of all, and not only to those social groups or priorities which have been suddenly discovered by an inventive bureaucracy. Due to its universal orientation, the public library can be easily related to other fields of society like education, welfare, culture, information provisions and leisure time. The public library can and should, however, never fully identify or be identified with any of these fields, as it will thereby lose its uniqueness and essential identity. 'The library, established at the crossroads [of education, information, cultural and social networks], does not identify itself solely with the movements of the lofty, nor solely with market activities. Who enters a library will not be smashed by a sultry silence, nor overpowered by a noisy market. The library keeps to the middle way, connecting temple and agora, and lets them co-exist, open to everyone.'\textsuperscript{239}

\textsuperscript{235} Nuis, A., cited in: \textit{Feiten en Meningen}, Vol. 9, 1992, 2, p. 3. His opinion expressed as Member of Parliament has changed, having become State Secretary for Culture.


\textsuperscript{237} Hoefnagel, F., \textit{Wetgever en cultuur}. Uitgangspunten en beginzellen van de wetgeving op de terreinen van het onderwijs, de wetenschap, de publieke omroep, het openbare bibliotheekwerk, het sociaal-cultureel werk, de kunsten en de musea in de jaren 1973 tot eind 1987, Tjeenk Willink, Zwolle, 1988, p. 204 (Dissertation).


The efforts of the library aim at keeping all roads open to the many places of interest in order to prevent certain fields from becoming inaccessible and unattainable for human beings. The accessibility has to be defended by the library to protect equal opportunities for personal development and for participation in social life for everyone: democracy. Such a role is vulnerable and deserves therefore a democratic basis in national law, which acknowledges the public library’s identity and mission.

The Manifesto also requires that nationwide library coordination and cooperation be ensured. Therefore, legislation and strategic plans must also define and promote a national library network based on agreed standards of service. Moreover, the public library network must be designed in relation to other types of libraries at various levels. A nationwide network-approach will only come about when a national policy is developed, based on legislation, which sets a premium on cooperation. Furthermore, no national policy on for example the promotion of reading can be executed, unless the basic services of the public library are legally acknowledged.

Decentralisation of national responsibility has become common in several European countries, including the Nordic countries and the Netherlands. The protection of human rights is, however, an obligation of all governmental authorities, on whatever level, with the final responsibility falling to the national authority, since the state has signed and ratified human rights treaties and is bound by international obligation. If decentralisation cannot prevent national legislation from requiring the public libraries to charge for book lending - known as the lending right in copyright law, or perhaps more aptly called a ‘library tax’? - then it should not be able to prevent the government from legislation that public libraries are obliged not to charge children for making use of libraries services. In short, to impose various forms of financial charges on children, on whatever legislation they may be based, is contrary to their human rights, especially their right of access to information.

Role in society

The enormous changes that have taken place in society due to the continuous development and expansion of communication have also impacted on libraries, particularly with respect to the infrastructure for the collection, transmission and dissemination of various messages. In this respect, the MacBride Commission described the changing role of libraries, under the title ‘From Libraries to Data Banks’: ‘Libraries and documentation centres are probably the oldest and most common sources of classified, stored knowledge and information. Nevertheless, there are no satisfactory analytical surveys or statistics on the number of libraries in the world today. (...) The

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uneven expansion of libraries and their services is indicative, particularly since it shows the low priority given to book collection in many countries. Originally, librarians were simply custodians. But libraries have gradually become service centres for the general or specialised public. Public libraries now have a central role in the social, educational and cultural life of many communities, providing more than facilities for reading and study. (...) Both social and technological changes are in many places challenging some of the traditional roles of the library, no longer the sole important source of collected information, and causing transformations in library organizations and services. (...) Multiplication of such [new electronic computerized] networks is a significant part of the changing library scene in the most developing countries. But even developed countries are discovering many difficulties in adapting to new technological possibilities for information collection, storage and dissemination. A particular drawback is that the procedure and methods of the traditional library are often outmoded.244

In the recommendations of the MacBride Commission, public libraries are not explicitly mentioned, but the library world is debating the various forms its role should take. One of the changes includes the transformation of paradigm resulting in taking more account of users’ views. This change of paradigm has also led to the formulation of principles from the user’s perspective. In line with other public services, a Charter for Public Libraries, has been presented by the Library Association of the United Kingdom. All the provisions are written from the perspective of what the library user would expect from the modern public library.245

In a practical sense, public libraries are making an considerable effort to replace working methods, for example introducing the concept of the Dreigeteilte Bibliothek, or rearrangements of stock by categorisation. The concept of user-friendliness does not only relate to collections, presentation, housing and public relations, but also to the necessary change of attitude in library workers. These concepts have also been applied to library services for children.246

Orientation on the role of information technology in libraries is an ongoing debate which has led to some statements. The proclamation ‘Access to Electronic Information, Services and Networks’ is based on an interpretation of the Library Bill of Rights, as presented by the American Library Association, which states that ‘all library system and network policies, procedures or regulations relating to electronic resources and services should be scrutinized for potential violation of user rights.’ Such rights include confidentiality and privacy, although it is admitted that security is technically difficult to achieve and electronic transactions and files could become public.

With regard to children, their rights as users must in no way abridged. The ALA requires equal access and opposes the charging of user fees for the provision of services by all libraries that receive the majority of their support from public funds.

Since 'providing connections to global information services and networks is not the same as selecting and purchasing material for a library connection, determining the accuracy or authenticity of electronic information may present special problems. Some information accessed electronically may not meet a library's selection or collection development policy. It is, therefore, left to each user to determine what is appropriate. Parents and legal guardians who are concerned about their children's use of electronic resources should provide guidance to their own children.247

In the same way as for traditional sources of information, providing access does not imply sponsorship or endorsement. The ALA stresses, against the background of American practices, that libraries, acting within the ambit of their mission and objectives, must support access to information on all subjects that serve the needs or interests of each user, regardless of the user's age or the content of the material. They also have an obligation to provide access to government information available in electronic form; and, should not deny access to information, solely on the grounds that it is perceived as lacking in value. The ALA's Library Bill of Rights states that libraries should challenge censorship in the fulfilment of their responsibility to provide information and enlightenment.248

In the context of Scandinavian research, Vestheim takes up the question of information and enlightenment. He analyses the role of public libraries in a broad social context which is in transition. The Nordic countries are intimately connected with a broad, democratic Enlightenment movement. As the Enlightenment project and its basic ideology are questioned by economists, rational bureaucrats and post-modernist philosophers, public libraries now have to make a decisive choice between information and enlightenment. His statement is that what we need in the highly industrialised countries today is not more information but more enlightenment, and he argues that information is approached too much in terms of quantity, whereby dissemination is regarded as a question of technology and the 'information issue' as a question of production and dissemination. A market for information services is created but for the benefit of whom? Librarians should pose this ideological and political question. Vestheim takes a different approach, divorced from the interests of the producers, as the idea of enlightenment is anchored in the interests of the individuals or citizens in a society. 'Accessible information is interesting only to the degree that it is relevant for the aims of people's lives. When people are striving to reach a deeper understanding of themselves and their society, they need information that can "highlight" their total life situation. What they need is "Aufklärung", an enlightenment perspective that can relate detailed information to a life totality. Within this logic an information search is only one among several alternative means of becoming enlightened, and of gaining insight and understanding.' As a result, the question of enlightenment or not is a question of quality, which has very little to do

with the technical mediation of information. It deals with politics, culture and even with existential questions. According to Vestheim, librarians should worry about their professional integrity. Market-oriented and technology politics favour an economic understanding of political and social issues. When cultural politics also take the same orientation, and cultural aspects of life are understood in economic and technical terms and categories, the total, manifold perspective of life will disappear. This is not a technical or economic problem, so there is no technical and economic solution.

Vestheim does not forget that public libraries have also played an important role as part of the infrastructure for the formation of public opinion since the early nineteenth century and onwards. Libraries serve as a meeting place for cultural and social activities. Even in this respect, integrity is at stake. 'If public libraries, as representatives and agents for the formation of free public opinion, should be compelled to adapt to a fluctuating market of information services, to adapt to political pressure groups, and government demands for economic efficiency, then the library's role in the process of forming a free opinion might be questioned. (...) To take care of its duties as an agent for the critical mind in a democratic society, the public library should not be the guarantor and advocate for money and power interests.'

The Nordic Library Associations have also published a Statement on the impact of Information Technology (IT) on the work of public libraries. In the use of IT, it is essential that the special Nordic values and traditions regarding general education and democracy are taken into account. In many ways, these values reflect the social purpose of the public libraries which is a manifestation of the desire to ensure that citizens have the opportunity of intellectual, informational, cultural and human development. Society in the information technology age - including public libraries - must strengthen democracy, equality, freedom of speech, welfare and security. Therefore, IT must support free access; support democracy's and the individual's joint influences; contribute to personal development; open up the public sector; support the weaker members of society; and, consolidate the competitiveness of trade and industry. Furthermore, libraries must provide free access to databases and public information and avoid passing the cost on to the user. It is essential that copyright legislation is seen to facilitate and not obstruct the libraries' access to the dissemination of digitised information.

Public libraries must provide citizens with access to text-based materials in many forms. In spite of multimedia, sound and pictures, the citizens of the future will be unable to function properly without a high degree of literacy. Libraries will actively counteract functional illiteracy. The public libraries will maintain 'the good room'. A place where the social and cultural human being can experience culture, literature and art.

The Plan of Action reveals that public libraries will work to provide access-points to electronic networks and to ensure that the requirements of citizens are met in the

overall municipal communication and computer strategies. A larger part of the budget will be spent on non-printed materials.250

This statement shows the awareness of public libraries that they have to react to the changes in society, described as the information or network society, and to the social aspects of new media.251 Fundamental debate can hardly blossom in view of the daily constraints and the fear of being considered as outdated. Consolidated action in for example Belgium and United Kingdom252 has therefore led public libraries to request collectively the provision of connection to electronic networks and the use of IT, with some positive replies from the relevant governments.253

**Tools**

Public libraries have various tools with which to realise their aim as described above. The collections of books and other media form the heart of the matter, to which other tools are added to retrieve information, to provide better access, etc. Operation and management have to be supportive of the final goal, and are not ends in themselves. Public libraries are especially geared towards the needs and interests of human beings and less to the preservation of stock. Professionalism and research are tools to maintain and raise the quality of the services provided.

**Operation and management**

The way in which the public library operates in order to realise its aims, which may also serve the realisation of the right to information, and the management of its services, has been subjected to change. However, how the library should work has been summarised by Ranganathan who, in 1931, formulated his Five laws for library science:

Books are for use.
Every reader his book.
Every book, its reader.
Save the time of the reader.
A library is a growing organism.254

These five laws point to the use and the actual premises of the library. Recently, Gorman has actualised these laws in the form of a recommendation in the following way. (1) Libraries serve humanity. The dominant ethic of librarianship is based on

252. The library's bid to get wired, in: The Bookseller, 29 March 1996. The Library Association of the United Kingdom has submitted a £45 bid to the Millennium Commission for a project designed to support increased access to the Internet in libraries across the country.
service to the individual, community and society as a whole. Service means the readiness to help the individual, but also to serve the higher aspirations of human-kind. Altruism and humanity are qualities which serve both the individual seeker of truth and the wider goals and aspirations of culture. (2) Respect all forms by which knowledge is communicated. This means to acknowledge all forms of communication on their own merits and utility, as they all have their characteristics in conquering time and space. In addition, (3) use technological intelligence to improve service. Intelligent use of technology involves seeking answers to problems, rather than seeking applications for interesting new technology. The different roles of electronic and non-electronic media become apparent. Electronic methods are best for 'house-keeping' and for giving access to small packages of textual, numeric and visual information, such as that found in reference works. Print on paper remains the preeminent medium for the communication of cumulative knowledge through sustained reading.

(4) Protect free access to knowledge. This law refers to two professional values. The first one is to take responsibility for the library as an institution. People of the future will only know about that which is preserved by the libraries. Intellectual freedom should also be protected for older materials, otherwise censorship is at hand. Librarians' consciousness must protect the destruction of older stock. The second value is the protection of democratic values. Libraries are essential for freedom - social, political, and intellectual. A truly free society without libraries which are freely available to all, amounts to an oxymoron and is open to tyranny. Therefore, libraries have to collect all materials from all societies and communities and make those records available to all. (5) Honour the past and create the future is the last advice. Integration of the past is important for current action. The library of tomorrow must be one that retains not only the best of the past but also is sensitive to history and knowledge of enduring values, and is aware of continuity in its mission.255

Professionalsim and research
Libraries are vulnerable institutions as choices are made about what is to be included in the collections. Librarians seek to protect the delicate aspects of selection in various ways. One such way is to have a transparent policy on the acquisition and maintenance of stock. The mere formulation and publication of such a policy seems to be beneficial to the audience and sponsors, but also for the quality of the stock itself, as the selection process appears to be executed more consciously.256 One may also point here to the fundamental difference of acquisition policy between a private library and the public library. A difference which may be illustrated by an encouragement of Erasmus: Nunc adeamus bibliothecam, non illam quidem multis instructam libris, sed exquisites. Let us now go to a library where there are not many but valuable books. The private library has a clear and specific aim. The content of the books

guides the acquisition. In the situation of the public library, the content of the media cannot be the leading principle, at least one subject has to be balanced by another subject, due to the principles of representation and diversity. Furthermore, the potential use of the selected books or other media has to be appraised on the basis of the characteristics of the user community. Even specialised libraries, if publicly funded, have to legitimate their policies in a different way than private libraries, as the freedom to select is finally subjected to democratic control. Such control always risks infringing continuity in selection and formation of stock.

Librarians may also seek to protect their selection work by anticipating possible reactions and taking the attitude of political correctness by executing self-censorship. Research on censorship in libraries has been especially executed in American libraries, as they seem to be more easily prone to attacks or pressure from groups of citizens or the authorities. Among the variables influencing the selection process in libraries are institutional variables and personal characteristics, in the same way as for example for journalists, as described in Chapter 3. Other variables go beyond the librarian and libraries and include community, legal and mass media variables. American research on attitudes of librarians towards censorship shows a significant relationship between level of education and censorship attitudes: librarians with higher levels were more positive in their attitudes and less willing to restrict. Librarians working in larger schools or for older children also were more positive and less restrictive.257 Although one should be careful in equating the role of school libraries with public libraries, the ethical aspects of librarianship are equally involved. School libraries have also provided some case-law, as shown by the example of the removal of books from a school library, which was considered unlawful if the intention of the removers was to suppress an expression of ideas and not to serve the educational process.258 Hins has commented: 'When a book is removed from a public library, one may require a clarification of the director. Why could the book not be saved? The situation is different when it is a question of limited capacity.'259 It should be noted that this comment makes no distinction between public and school libraries, as is more often the case.

A Swedish study on reception of children's literature underlines that differences exist between school libraries and public libraries because of the different context in which books and reading are offered. 'This means that results within literary pedagogic cannot simply be transferred to the library scene. (...) Library and the school have in common that they both act as intermediaries of literature and envisage reaching all readers. But the teacher's reading lessons at school have a very different context for book reading than the public library which offers its services to all who wish to come and use them.'260 For children, the public library provides a freedom of choice which is not present in school. As Farson noted in his comment on the Right


to Information. ‘As middle-of-the-road and noncontroversial as libraries may be, they present an extremely broad range of information compared to the limited information that comes to the child through the compulsory education system.’

Awareness of the ethical mandate embedded in the librarian’s profession has also led to the formulation of a professional code of ethics in various countries, in addition to a Charter for the public library as an institution. Although the daily practice of a children’s librarian may differ considerably from a librarian in a hospital or a large scientific library, with different ethical and professional considerations involved, they may nevertheless, be conceived as one profession based on the same training and professional values. The similarities form the basis for a professional code of ethics, which provides guidelines on the general attitude which should be taken by a librarian; treatment of users, the profession and others; and, the views which should be held with respect to work. Such guidelines may include the following taken from the Swedish example: ‘The foremost task of the librarian is always to defend and further democracy, freedom of expression and free dissemination of knowledge by actively promoting access to our cultural heritage in literature and to information in various media. (...) The librarian’s behaviour towards the users shall be based on respect and good judgement, impartiality and equality, and the individual’s right to integrity must be protected as regards private life, information received and materials loaned by the library.’ It goes without saying that the privacy of the child should be equally respected. With reference to Chapter 5, the librarian may find herself in a similar position as the teacher, who is requested to give information on a child to a parent, especially when this parent does not have full parental powers. A firmer protection of the librarian’s professional privilege might be needed, when the informational rights of parents, custodians and others increase, at the expense of the child’s privacy.

In order to support studies of the right to information and the role of public libraries in the realisation of this right, further scientific study is necessary. Library science, however, has mainly been occupied by studies on the book and on scientific libraries. Outside the United Kingdom and the United States, public libraries have seldom been the object of study, in spite of their broad development. In the Netherlands, for example, there are less than ten dissertations devoted to aspects of public libraries. In the Scandinavian countries some initiatives have been taken. In Norway, a scholarship was offered to write a dissertation on the socio-cultural development of the public libraries. In 1987 a Study Centre for Library Research was established at the University of Gothenburg, which forms a platform for library scientists, supports research projects and attempts to develop a curriculum for scientific re-


262. See for example, the Dutch Professioneel statuut voor bibliothecarissen in openbare bibliotheken, Nederlandse Vereniging van Bibliothecarissen, Documentalisten en Literatuuronderzoekers, Afdeling Openbare Bibliotheken, s.l., 1993.

263. The librarians guide to professional ethics, adopted 18 November 1992, DIK-Förbundet, Nacka.

264. The scholarship was offered to Geir Vestheim, who has published studies on recent changes in public libraries: Vestheim, G., Folkebibliotek i forvandling. Det Norska Samlaget, Oslo, 1992.
Research related to librarian education. The first projects show that particularly the research on public libraries requires a multidisciplinary approach. Contributions are expected from the fields of sociology, sociology of literature, pedagogy and psychology, ethnology, history of ideas, information and communication science, science of literature and economics. The legislative and legal aspects of public libraries are not mentioned in the Swedish Study Centre, but should be included, as human rights and national legislation are involved. More legislation in the field of public libraries can be expected. This legislation is developed, not so much to grant and guarantee the existence of public libraries, but on the contrary, to safeguard the exploitation of intellectual property and to serve the interests of the information technology industry. Even the Charter of the Reader, sponsored by Unesco, has a taste of commercial influences. The protection of the public domain, public access to information, the social position of the user seem to have become neglected or dismissed aspects in the political debate, which is dominated by the advance of information technology and the economic approach.

The direction in which such research on public libraries should be undertaken is well expressed by one of the initiators of the Study Centre: 'Library research (especially library and information science) relies mainly on the objectifying tradition of ideas. Anglo-saxon research is more positivistic than any other field of research within humanities and social studies (with the exception of economy and statistics), I have met. That is very surprising because at least I associate libraries with activities and effects of a non-quantifiable nature, like mediation of culture, public education etc. Without disparaging the objectifying research tradition, I think that this will limit the possibilities of library research. It has a tendency to continuously reduce the research attempts to quantifiable questions like “How many loans”, “Who borrows”, “How big is the flood of information” etcetera. Those questions are important, of course, but they should not prevent us from attempts to clarify more complex connect. The moment that research intensifies its efforts to clarify the qualitative questions, it is likely that library science will have to go into the deep waters of “empathic” research. It is for example impossible to discuss the significance of libraries for democracy, education and culture without arriving at such methodical problems, which I have tried to explain. It is a positive point that library scientists are getting more interested in such questions."

Realisation of the right to information

After this description of the aims of public libraries and instrumental aspects, attention may now be drawn to what the public library offers the individual to realise his right to information. First of all, the library has built up and made accessible to all a variety of collections of written and audio-visual material and sources of information in computerised form, which are of current interest, and meet the requirements


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of plurality and equal representation. These materials may serve as sources of information for every human being regardless of age, who seeks information to support his personal development and his social participation. The library uses quality criteria in building up its collections. These criteria are professional criteria but differ from the narrow quality criteria set by the cultural élite. 'The library, from the point of view of its role in society, does not wish to neglect the principle of quality, or the principle of plurality. The principles of freedom for and equality of the users are central to the actual realisation of the right to information. This democratic principle overrides, on other grounds, the liberty of a library to follow elitist principles with respect to quality.'267

The library provides information services which include information on the collection at hand, and the collections of other libraries; and, references to other organisations and institutes, especially in the local community, which may provide the required sources of information. Collections are available for consultation on spot and users may borrow materials for use outside the library. Together with other public libraries, a network has been formed which collectively seeks to meet the needs of users, by providing additional and specialised services. On a local level, the library may be regarded as part of the communication infrastructure of the social and cultural community.

The library offers an open and free atmosphere, which invites knowledge, participation, and expression. Storytelling, information programmes on various topics, exhibitions, performances, and bookreading by authors are organised to encourage the, often young, public. Children will find a safe place in the library which may be one of the first societal institutions in which a child can enter on his own and make choices for himself. The library also provides assistance in seeking information. Not only the mysteries of the catalogue and signposting can be unveiled, but also the skills to use print and electronic resources can be learned. Public libraries and schools cooperate in such training which may preferably go beyond a single library tour and form part of media education. Such an education can also be effected for school libraries which are large enough to require search strategies. Swedish research in school libraries has shown that children can improve their information seeking strategies and can work better and more effectively when they work investigating, through free inquiry learning or resource based learning. Efforts to integrate the library in the curriculum have proven to be successful. Pupils are better able to locate information. Their attitudes to working in and with a library were very positive. 'Between 80 and 90% thought they had learnt more and remembered more when they had located their own information, had worked with it and had transformed it into knowledge in their own minds.'268

In the introduction of new media in the library attention has been given to the use of computers, also in the children's department. The various experiments with CD-

ROM, wordprocessor software, computer workshops demonstrate that children are eager to learn to use new equipment. Special workshops for girls also provide more results than for mixed groups; most computer games, however, are typically boys games. A computer programme to guide users through the library has also been developed in cooperation with children. Most activities have supported children's self-confidence, especially when they can show and explain to adults how things work.\textsuperscript{269}

The Convention and the Public Libraries

The role of the public libraries in relation to the Convention on the Rights of the Child can be considered in various ways. First of all, it should be noted that until now the library world has paid little attention to the Convention. While, at the same time, organisations involved with the implementation of the Convention on the Rights of the Child have hardly thought of integrating public libraries in their implementation plans. The few exceptions are the following.

The clearest and most striking exception is a Japanese conference on library activities and the Convention on the Rights of the Child held in 1991.\textsuperscript{270} The basic principles of the Convention were discussed in relation to the library. The right to use the library was considered one of the rights, derived from articles 12, 13, 17, and related to articles 16, 28 and 42 of the Convention. According to Shiomi, the main task of the library in the Japanese context will be to attract more people to libraries and have materials to inform them. The protective measure in article 17(e) is not so much about removing bad comics from the library, but the obligation of adults to create a good cultural climate, with good books, good libraries and good librarians. Libraries have the possibility to bring about a transformation in people's lives from material riches to spiritual wealth. The Convention is only a step in the relation between the child and the library. Librarians should go beyond and reflect on education and culture, and enlarge the use of libraries.\textsuperscript{271} Yano elaborates on further aspects of the library and wonders whether children receive the same attention as adults and the same special services. There is a lack of specialised librarians and the research on their work is meagre. Opening hours should not be shorter for children. Yano's view on children is that children are tired and oppressed because they live in a bureaucratic society. The library should stand out and make clear that books can be nice and interesting. Older children prefer easy books, probably because they are too tired. The library should acknowledge that, but nevertheless also suggest and offer other books, without being oppressive.\textsuperscript{272}


A second example is the Pacific Rim Conference on Children's Literature which took up the theme of Children's Rights in the Multimedia Age. In his comments on article 17(c), Stephens states that although 60% of the Australian publishing output regards children's books, they do not live up to the spirit of the Convention, as the books tend to re-inscribe a cultural formation which is ultimately Western European in origin and source. Very few of these books are genuinely multicultural, bilingual or in a language other than English. The mass media's role should, according to the Convention, contribute to the dissemination of books, but information on children's books remains a specialised area of teachers and librarians which has never reached a mass market. Children's books remain largely absent from the media. They take for example only 2% of the review space in newspapers and magazines. Apart from an outstanding Canadian programme, The Magic Library, the sample study of television programmes and the stories recounted in them reveal a lack of compassion, an undermining of knowledge and very little that has to do with article 17. 'There is nothing in it "of social and cultural benefit to the child" - quite the reverse; it is culturally monolithic, without trace of diversity or sense of cultural otherness; and, it extends the meaning of "information and material injurious to his or her well-being" into the domain of cultural meaning.'

The IFLA Section of Children's Libraries will take up 'Children's right to know (UN Convention)' in its activities. However, the subject is scheduled for the Medium Term Program 1998-2003, which leaves quite some time before children's rights will come into the limelight. Nevertheless, a Russian Conference in Ivanovo, in September 1996, on Children, Books, and the Library will discuss the Convention under the topic 'Children's Reading and the State'. Those librarians who have considered the Convention on the Rights of the Child approach the Convention from different viewpoints and do not seem to have discovered the full extent of its impact. For example, a brochure which introduces children's library work, referred to article 31 on leisure time and cultural life, but not to the access of information in article 17. A further example, already mentioned in Chapter 5, are questions posed by Dutch members of Parliament on the relation of public libraries to article 17. The Dutch librarians have not commented on or reacted to the explanations presented by the Minister of Culture. Earlier references to children's rights and the Convention from a library perspective can also be found into two Dutch articles which preceded the present study.

In the state reports presented to the Committee on the Rights of the Child, few references to libraries can be found. Vietnam reports that local libraries have had to close, as they were unable to pay for new books and periodicals. Due to economic

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problems both Russia and Vietnam could not provide literature in minority languages. The acute shortage of children's literature reduces the children's interest in learning their native tongues. In another exceptional case, Canada, only the activities of the National Library are mentioned, including a reading promotion campaign, a survey of Canadian children's literature, and a collection of books for children. No mention is made of the many public libraries which also must exist in Canada and likewise have to do with the dissemination of books. This example shows not only that public libraries are quite invisible, but also that the issue of implementation and the reporting of the Convention has largely remained at the national level, without engaging the provincial and local authorities, who also have obligations to the extent that the responsibility for public libraries has been decentralised.

Library services for children are, in spite of their clear purpose, threatened by the lack of understanding on the part of local politicians. A new Swedish handbook for children's librarians takes up different approaches, practical examples and lists arguments with which to defend and promote library work for children. Among the arguments, reference is made to article 17(c) of the Convention. In the light of the many budget cuts which have affected children's libraries, the spirit of the Convention to undertake measures to the maximum extent of available resources, is threatened and should, if necessary, lead to a re-arrangement of society's priorities with respect to children. Decisions on budget cuts have not taken into account the binding norms of the Convention and the authorities' obligation to disseminate children's books. The state responsibility for the overall implementation of the Convention implies a national policy for children's rights, in the field of public libraries as well.

In surveying the role of the public library in relation to the rights of children, the following points can be discerned. Public libraries can provide information and material on children's rights. This provision should not only contain some brochures, with practical references to a children's law shop, or youth organisations, but also include references to other materials available. The mere reproduction of the text of the Convention or a shortened version will make little sense. The provisions of the Convention have to be related to real life situations. This can only be done by creative authors who are sensitive to the meaning of human rights. Books for children can illustrate the principle of non-discrimination, can explain the importance of speaking in one's native language, or can form a reference in case of parents' divorce. Libraries can provide book lists and programmes on the subject of children's rights. They may also inform parents, other adults and the community at large about the Convention and its consequences for adults' attitudes and the policies of organisations and local government.

The public library can also serve as a forum for opinion building for children. It may offer a meeting place for children's groups, and support their activities and actions in helping them in seeking relevant materials. In a less action-ready form, the

278. CRC/C/11/Add.3, p. 19. See for a library-approach: CRC/C/11 Add. 9 (Hong Kong).
library may serve as an adequate environment for children interested in discussing philosophical questions. Philosophy for children may be developed as a school subject, but doing philosophy with children is free. It only needs one wise person to be present in such conversation.

Realisation of the right to information, as mentioned in the Convention on the Rights of the Child, parallels the realisation of the public library's aim as set forth in the Unesco Public Library Manifesto. This becomes especially clear in the reference to the educational aims of both: human development and participation in social life, based on fulfilling human values. The public library is instrumental to these aims, as is the notion of human rights. Both international agreements refer to fundamental human values and the exercise of democratic rights. Therefore, the right to information should also be realised through the public library. The collections and the services which the public library provide may serve the exercise of the right to education, especially in the form of non-formal and self-education. Its activities like storytelling, workshops, and exhibitions may help the child to fulfil his right to culture and cultural participation, especially when various languages of minorities are taken into account, both in the media collections and in performances. Themes of a library week or a library programme may reflect the notion that people think differently, have different beliefs, and express themselves in different behaviour and clothing; yet, they belong all to the population of the earth and have also things in common because they are human beings. Freedom of thought and religion may take many different forms. The child's right to freedom of expression can be satisfied by various library activities which encourage writing or performing about what children have been reading. Reading aloud manifestations is also a form of expression. Children may also express themselves by selecting books in an annual Children's Jury.

Libraries play a role in cultural life and provide possibilities for participation in this life. The role of the children's library in children's culture has been the subject of various debates in those countries where library services are identified with culture. An early example of the library's contribution to children's culture begins with pointing to the lack of free choice for children as commercial interests increasingly direct children's activities. Adults, including librarians, have a responsibility to indicate and provide for alternatives. Everyone involved in children's education should cooperate in order to realise a true freedom of choice for the child. Local authorities should support this approach by providing adequate resources. In the local debates about the usefulness of libraries, the larger perspective is often forgotten, as expressed by Tove Nilsen: 'The library has always been the symbol of how a society takes care of its own and ancient culture. Therefore - not for reasons of spiritual snobism - libraries deserve their marble. Between the covers of the books there are not only dry words but there are questions and answers to the mysteries of human life.'

Another approach of realising children's rights, including their right to information, is to consider the rights of children in the library. First of all, the library itself should respect the rights of children. The library has an obligation to respect the child's privacy, for example on the literature or information required by the child, the records of his loans, and his opinions. The library should also provide the means for children to express their views on the collections and services of the library, opening hours, the building and furnishing, the programmes and activities and the service of the staff. Such hearings or customer panels will give the children a feeling of participation, when their views are followed-up in one way or another. Furthermore, a right of complaint, including a clear and easy procedure should also be established for children. Communicating with children will also provide possibilities for clarifying the acquisition policy of the library.

Various possibilities of participation in the library may also be offered. The staff should be careful not to offer only symbolic participation. Efforts can be made to create a library as a Children's Information Centre in which especially the participatory rights of children are respected.282

On the whole, the realisation of children's rights in the library may mean a change of attitude and also make adjustments in staff management necessary. Willingness for change and creativity have always been higher among children's librarians. A Swedish project attempted to use ongoing change as a method to develop information services in public libraries, inspired by the Danish library consultant Marianne Hiort-Lorenzen. Starting as a project for children's departments, the experiments spread to other areas of the public library. New staff proved to be most enthusiastic, but all participating libraries have attained new perspectives and transformed working methods.283

Awareness of human rights and their moral implications should be daily work. They may make the library into a transparent, learning organisation from which staff and users may benefit. A striking respect for human rights, including those of children, may turn the library into a different place, a source of different experience. The library is not only a mirror reflecting human society, but also an institution which can hold a mirror up to society.284

Conditions
These various descriptions and explanations lead to the question whether libraries are prepared for such role in the realisation of human rights, both for children and adults. In theory the answer is affirmative, the aim of the institution is absolutely clear in this respect. In practice, a great deal of the library activities and practices definitely serve children and adults in developing themselves as human

beings. However, some aspects may need further consideration. These aspects can be considered as recommendations to meet the conditions set by the information process related to the right to information. These conditions require that the child has free access to information. Social, financial or other barriers infringe the principle of equality. The material and services of the library should be regarded as an offer. The child as a user may decide upon his use of the library, which can never be compulsory. The communication between librarian and child is worthy of the same respect. The librarian is a competent professional who knows about stories in the many meanings of the word and who is aware of children’s rights. The librarian’s integrity is ensured by being a reliable person, who may serve as an example. The integrity of the library as an institution must be protected by providing a commercial free environment.

In order to further the right to information, libraries should become more involved in the human values they seek to protect. The surplus value of libraries should be more widely known and made explicit. A transparent acquisition policy would provide a solid and legitimising instrument for the library’s democratic role.

As to the availability and accessibility of sources, some material could be better catalogued and presented more attractively, for example brochures and documentation portfolios. Librarians should take more into account the different styles of library use of their patrons. Browsing requires a different approach than seeking information on a specific disease or a language course. Further efforts to adapt the library as a whole to the needs of children would be stimulated by a debate on user-friendliness and quality in children’s services. Children should also participate in such a debate which would be held on various levels in the library community.

The manifold aim of the library would be well served by an extension of networks, not so much in the sense of electronic networks, but in the sense of functional relations to other fields of society. In some countries, public libraries are less identified with information and far more with culture. Hence, the child’s right to information is formulated in terms of the child’s right to culture. Such approaches have much to teach about the possible tensions between information and culture.

A library can only serve the community when it plays its role in local policy. It should therefore claim a role in the set up of an integrated youth policy, thereby offering a broader scope of activities than a preventive approach would provide for. Working relations with youth organisations and other organisations involved in youth affairs may prove to engender further cooperation. The library should also be a partner in the local information policy. The type of services included in community information should not exclude children, but also be aimed at serving the community of children and young adults. The latter group may be served by the concerted action of already existing services and the library.

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287. See the development of Youth Information Points in various European countries, especially where public library services are less developed.
are mentioned as the main alternative institutional source of information for children and young people, apart from children's parents. Librarians could be more aware of this intermediary role in providing social information.288

The idea that using a library and having access to sources of information is something granted to children, should be reconsidered in the light of the Convention on the Rights of the Child. A debate on the transition 'from grant to right'289 may support a change of attitude. In general, libraries should be more knowledgeable about the Convention and should also work more with the Unesco Public Library Manifesto.

As a support to the envisaged change, a basic document on libraries and children's rights, including the right to information would be useful. A formulation of a plan of action at all levels of the library infrastructure should follow. Furthermore, the notion 'to be at the service of children' should be elaborated in a joint effort of library professionals and scientists of various disciplines.

In summary, the public library plays a crucial role in the realisation of the right to information. It fulfils the state's obligation to provide information, both for the development of the child's personality and his social and cultural participation. Due to the libraries' clear public tasks, the monitoring mechanism of the Committee on the Rights of the Child should scrutinise the organisation of public library work and its service to children, including a check on free basic services, and on possible legislation safeguarding library principles as enshrined in the Unesco Public Library Manifesto.

Another recommendation regards the obligation to make the Convention widely known. Although this is an obligation of the states who are parties to the Convention, the NGO's also have a role in the monitoring process. Therefore, the international library association, IFLA, should make a serious effort to relate the Unesco Public Library Manifesto to the Convention on the Rights of the Child, and encourage its member associations to make the public and other libraries play their role in the realisation of the child's right to information.

The process of seeking information in the library is described by Kuhlthau.290 She has discerned several stages in the process and the possible role and interventions by the librarian. The initiative for searching the library comes in those cases mostly from the teacher. The subjects chosen are more or less interesting to the pupils. Other factors like time, ease of access to documents, etc. play a role. The results of the search mostly do not affect the life of the pupil in any way other than having taught him about an interesting subject, and having given him a skill. In other words, from the view of content, the search is noncommittal.

Based on the point of departure of this study, seeking information is considered as committal, as information is necessary for development. In an authentic life as a

human being the leading of one's life cannot be noncommittal. Life is taken seriously, every inch, and every minute of it. It does not just exist, human beings cannot just exist, they have to develop themselves, they have to learn, during their whole life. During this life-long learning process, selection, decision making, focusing and investigating; formulating one's aim and gathering information; and, concluding the search are all important skills.

Therefore, underlying seeking information in a library, is seeking information on how to live as an authentic human being. The interventions proposed could be communication between authentic human beings. It depends on the human-beingness of the librarian and his own skills and process of seeking information. The librarian should show genuine interest both in the subject and in the child, considering what the subject means to the child. If appropriate, the librarian should relate the subject to the broader world of authentic life. In this sense, seeking information in a library can be seen as a living metaphor for life itself.

The image of the library has inspired authors as a symbol of knowledge, and the ultimate aim of a thinking human being, but also as the bulwark of hidden knowledge and hence the key to power. Umberto Eco has also demonstrated a knowledge of the routines and possibilities of library work and holds up a mirror for librarians. He underlines the Unesco-definition (1972) of the Library, that 'the library must be readily accessible, and its doors open for free and equal use by all members of the community regardless of race, colour, nationality, age, sex, religion, language, status or educational attainment. (...) The public library building should be centrally situated, accessible to the physically handicapped and open at times convenient to the user. The building and its furnishings should be attractive, informal and welcoming, and direct access by readers to the shelves is essential. 'In his negative model of the good library he refers in the last characteristic to the right of access to the library, based on the principles of 1789; a clear reference to the ideals of Enlightenment and human rights.

On a national level, libraries are considered to constitute a form of cultural power held by a nation, which should be made visible in an impressive modern building. Therefore, very big libraries were constructed, for example in Paris and London. They may vaguely reflect the former Egyptian example of the Alexandrian library, as centre of all cultural heritage. Both the aspirations and the disappearance of this library have created the dream to have at least one spot on earth which contains all the world's publications. New efforts are being made to reconstruct such a library.

With the advent of the printing press, the possibility of hiding or protecting certain information or knowledge has all but vanished. It is also useless to keep others from spreading information contrary to one's own beliefs. Nevertheless, the history of the book is also the history of its destruction. Books and libraries have proven to be vulnerable, and very often religious works have been the first and foremost vic-

tims of theft or burning. Ray Bradbury’s film based on the book *Fahrenheit 451* shows in its own way how books can survive in the minds of human beings. On the other hand, human beings also seek to survive with the help of books and spiritual products as exemplified by the memoir of the Warsaw Ghetto: ‘The cruel struggle for a slice of bread, for a few square feet of shelter, for the preservation of health, energy and life leaves hardly any strength that could be devoted to spiritual matters, and this is not even taking into account the german restrictions and injunctions. It is forbidden to print, teach, learn anything; it is illegal to form associations and engage in any kind of cultural exchange. We are cut off from the world of books; we are not allowed to open libraries, school or scientific institutions. There are no movie theatres, no radio stations, no contacts with the cultural activities in the rest of the world. Nothing reaches us, the creations of the human mind are not permitted to enter our prison. Not only groceries and industrial goods, but cultural products as well have to be smuggled into the ghetto. This is why everything we can obtain and accomplish in this field deserves recognition, regardless of quantity and quality.’ The freedom of a human being is first of all a freedom of heart and mind.

The history of the public libraries began with the establishment of the first free public library. The notion of ‘free’ gradually unfolds. For a human being the library is free in the sense that the use of the library is based on free choice, a voluntary decision. The library is also free if no financial impediments are attached to its use. Free access and free use do not make a free library, unless the library remains free from political and commercial attachments and influences. A true free library sets human beings free by its services. The library offers sources of information which may help human beings to free themselves from whatever they feel binds them. Free human beings deserve to have their right to information protected by libraries.

**A pre-condition**

In this chapter the realisation of the right to information has been the focus of study. Implementation of human rights is never an automatic process. The awareness, both of the essence of the right and its implications, is the prerequisite for further effects. The very nature of the right to information, its close relationship to human dignity and human development, and its explicit and implicit formulations, require even more attention in many respects. Various aspects and possibilities of implementation have been sketched, involving different fields of society.

Implementation involves the monitoring mechanism of the Committee on the Rights of the Child, state reports and the activities of non-governmental organisations. The right to information should be implemented in national legislation and ju-
dicial practice. Educational initiatives focusing on understanding human rights and developing communications skills should be developed. National and local authorities should affirm the importance of information for children in policies and plans, aimed at improving the conditions of providing information. They should support and strengthen the structure of the public libraries and guarantee their public mission.

All these forms of implementation can be based on the Convention and would meet the needs and rights of children. One condition, however, is underlying all other requirements. This pre-requisite is hardly surprising as it has been touched upon in the previous chapters. This pre-condition concerns the individual human being. The implementation of the right to information relies on individual responsibility. It appeals to the individual, who, in whatever way, is involved in or concerned with the child seeking information. No law, policy, plan or institution can guarantee proper implementation, as the right to information has to be realised in daily life, by living human beings. The role of the individual may be underestimated, and his valuation may run counter to policies fearing egocentrism and social disinterest. Nevertheless, only the individual disposes of conscience and self-reflection.

The importance of the individual is present in the traditions and the change of paradigms. ‘The individual is the origin of historical changes and the bearer of society, in the same way as he is also the one who bears and realises the religious changes. He is the one who realises life. Collectivities in the biological, social and political life are constituted and consist of individuals. They are the per-formers of life and “only in the individual human being life can fulfil its meaning”. The general task of a human being is to develop in every human being the highest possible fullness of life. The way in which this perspective is formulated may differ. The main element is the consciousness that life is more than being born. Something has to be done, to be learned. Being born is just the condition of life, which includes the potential of a human being. ‘Every human being is an unfinished product. And this being unfinished, in different degrees, is the source of creativity, communication at the most profound level, interdependence, culture,...’

The possible development of a human being has been formulated differently according to traditions and historical conditions. Gebser considers the tendency of a new paradigm resulting in the integral human being: ‘Die Konkretisierung dessen, was sich in der Zeit entfaltend und im Räumlichen erstarrend auffächerte, ist der integralen Versuch, die ‘Größe’ Mensch so weit aus ihren Teilen wieder herzustellen, das sie sich selber bewußt dem Ganzen integrieren kann.’ He foresees a new period in which ‘eine Welt entstehen kann, die weder mutter- noch vaterbetont und auch keine bloß vermännlichte Welt ist, sondern die in Frau und Mann den Menschen ehrt, und nicht nur menschlich, sondern menschheitlich denkt.’

The idea of the necessity to re-create the human being is also very vivid within international organisations, concerned with the present state and future of mankind. For example, at the First General Conference of Unesco, Sarvedallahi Radhakrishnan declared that the urge is not so much rebuilding schools and libraries, but re-structuring man.301 This idea finds its modern response in the incentive by Federico Mayor, Secretary-General of Unesco, to re-create the human being. He considers the implications for education, namely education by example. The need for personal examples seems greater than ever before.302

The right to information has been related in this study to the child’s potential as an authentic being. The implementation of the right to information requires therefore that the child is offered the possibility to know about authentic human beings, and preferably to experience personal examples. The right to information points to the child’s right to hear the stories about authentic human beings, but also to hear stories by authentic human beings. This condition urges every human being to reflect on his life and understand himself. Self-knowledge is a key found in many traditions, as was mentioned in Chapter 1, and is exemplified in the following expression. ‘Von jeher hat die Welt nicht der sogenannten großen Männer bedurft, sondern der Lehrer, und von jeher ist für den Denkenden die größte Tat nicht Sieg und Eroberung, nicht Entdeckung und Erfindung gewesen, nicht Meisterung der Welt, sondern Meisterung seiner selbst. Und der einzige wirkliche Weg hierzu ist der: sich selber zu begreifen.’303

Self-knowledge is the signature of a full-grown human being. Being full-grown begins with dedicating one’s life to the question of life. Dedication means to become aware of the necessity to put one’s actions in one focus, i.e. to gain insight into what it means to be an authentic human being, and as a fellow human being bear the responsibilities of this insight and, impart it to others, if needed. A dedicated life requires discipline and creativity. ‘To be a human being is a profession, a discipline, which can be learned on the condition that the talents are known and are not buried.’304 A human being becomes an artist of life. His daily work is to make authentic life visible through his activities. Although his work of art is necessarily born in the traditions, civilisations and cultures he lives in, the authentic background remains present. It forms the foundation of beneficial communication. A meeting with the artist may take place in silence. His works of life provide the child with the necessary information to live as an authentic human being.