

---

## **United Nations Convention on the Rights of Child: Right to Information under Article 13 of the Convention**

---

*Aryan Kumar*  
*Amity University*

### **Introduction**

The United Nation Convention on the child's right is an international agreement based on the civil, political, economic, social, and cultural right of every child irrespective of his religion, race, caste or gender. The entire functioning of the Unicef is based on the stated convention and it the most widely ratified international treaty on the human rights.

The convention consists of 54 Article and direct the government to make it available to every child possible. It is the duty of the government to check whether basic needs are made available to every child. The basic need such as:

- Sustainability, progress, and production
- A healthy community free of crime, bullying, and negligence
- proper education that encourages children to achieve their full potential
- the child must be under the guidance of their parents and have cordial relation with them
- Be able to voice their thoughts and be heard.

The additional protocols were introduced in the UNCRC in year 2000: first was that the countries shall not compelled children under the age of 18 to join their military forces. The second encourages states to ban child trafficking, child pornography, and the enslavement of girls. More than 120 nations have already ratified these arrangements.<sup>1</sup>

In 2011, a new optional protocol was introduced. This helps children who have had their rights abused to file a lawsuit directly with the United Nations Committee on the Rights of the Child. The UNCRC has been ratified by 196 countries since its ratification by the United Nations in November 1989, with only one country yet to ratify it.<sup>2</sup>

International legislation binds those nations who sign up and the UNCRC to guarantee that it is enforced. The Commission on the Welfare of the Child holds an eye on this. Under Article 45a, the UNCRC is also the only universal human rights treaty that allows non-governmental organisations (NGOs), such as Save the Children, a significant role in its application. Eglantyne Jebb, the founder of Save the Children, wrote the world's first declaration on child rights in 1923.

---

<sup>1</sup> A summary guide to the UN Convention on the rights of the child, <https://www.savethechildren.net/sites/www.savethechildren.net/files/A%20summary%20guide%20to%20the%20UN%20Convention%20on%20the%20rights%20of%20the%20child.pdf>

<sup>2</sup> UN Convention on the right of the child, *Every child has the right to survival, protection and education*, <https://www.savethechildren.org.uk/what-we-do/childrens-rights/united-nations-convention-of-the-rights-of-the-child>

Information is an important source to seek justice or know individual's rights. The right to information are supposed to be important weapons in the hands of conscientious people in the battle against corruption and the implementation of transparency and accountability.

- To maintain access to information under the supervision of public bodies, it is important to shape, execute, conform, and amend.
- To facilitate transparency
- To inspire elected leaders to be more transparent in their duties.
- To hold corruption at bay
- To ensure that citizens are well-informed
- Democracy necessitates responsibility, which necessitates openness.

Article 13 of the convention states about the freedom to information. Therefore, right to information becomes the important aspect of the considering the children rights under the given convention.

### **ARTICLE 13 OF UNCRC**

*“1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child’s choice.*

*2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:*

*(a) For respect of the rights or reputations of others; or*

*(b) For the protection of national security or of public order (ordre public), or of public health or morals”<sup>3</sup>*

The right to freedom of speech for children is protected under Article 13. The article's first segment protects children's freedom to "search, obtain, and propagate information and ideas in all sorts" in a form that can be understood across boundaries. The second section restricts the limitations that can be placed on this privilege. Article 13 is part of a collection of rights of the children stating the details of children's civil and political rights.<sup>4</sup>

### **Importance of convention on the rights of children**

Children's freedom of speech is barely debated, but it is a significant predictor of how well they are handled as people with rights. Children learn to explain how their rights are respected or infringed upon by voicing their feelings and opinions, and to speak up for the

---

<sup>3</sup> *Convention on the Rights of the Child, Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in accordance with article 49, <https://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>*

<sup>4</sup> *UN Convention on the right of the child, Every child has the right to survival, protection and education, <https://www.savethechildren.org.uk/what-we-do/childrens-rights/united-nations-convention-of-the-rights-of-the-child>*

rights of others, by expressing their feelings and opinions. This right is enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (Article 19)<sup>5</sup>, but the addition of a particular article on freedom of speech in the Convention of Right to Child stresses that civil and political rights extend equally to children and all humans. After all, in order for society to develop in a transparent and inclusive fashion, all citizen classes, not only the most dominant, must be represented.<sup>6</sup>

Despite the hurdles, children's involvement in recent protest protests around the world shows their determination to make their voices heard and their interests upheld on topics ranging from who controls them to respect for and power over their own bodies (Chile, UK).

According to the Committee on the Rights of the Child, the right of children to freely express themselves should be specifically mentioned in the legislation.

Articles 14 (freedom of speech, conscience, and religion), 15 (freedom of association), and 17 (freedom of expression) all apply to children's right to freedom of expression (access to information). It's also related to article 12 (the right of children to be heard). The Committee's General Statement on article 12 acknowledges the parallels but clarifies the distinctions between these two articles. Although States are required by Article 12 to provide the legislative structure and processes sufficient to assist children in taking an active role in all matters concerning them, the right to freedom of speech does not require such intervention. Instead of competing with this privilege, states should try to promote an atmosphere that supports children's right to express themselves.<sup>7</sup>

Early on, children grow their ability to express themselves by play. As a result, it's important that they have access to leisure sports, community events, and the arts (article 31). Children from ethnic communities have a right to follow their own traditions, to follow and profess their own faith, and communicate in the language of their choice, which should be included in attempts to promote children's involvement (article 30).

## **CONCLUSION**

The right of children to freedom of speech has also been extensively discussed elsewhere. For example, the Committee's Day of General Debate on the Media encouraged children's media ownership rights. Meanwhile, the general comment on educational objectives notes that children should have the ability to share their viewpoints not only on educational material, but also on teaching practises and the school atmosphere in general. In other cases, the Committee has voiced reservations over bans on religious symbols being worn in schools, which it considers to be a breach of article 13.

---

<sup>5</sup> Convention on the Rights of the Child, Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in accordance with article 49, <https://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>

<sup>6</sup> Child Right International Network, **ARTICLE 13: FREEDOM OF EXPRESSION**, [HTTPS://ARCHIVE.CRIN.ORG/EN/HOME/RIGHTS/CONVENTION/ARTICLES/ARTICLE-13-FREEDOM-EXPRESSION.HTML](https://archive.crin.org/en/home/rights/convention/articles/article-13-freedom-expression.html)

<sup>7</sup> *ibid*

There may be some restrictions on article 13, such as in the case of violent or obscene content, but they must comply to the CRC's guidelines. Furthermore, the publication of information in the media that could contribute to the discovery of real children is subject to stringent guidelines. Any requirements, however, must still be balanced against a child's right to access and share information, as well as be lawfully enforceable. Children in prison should have recourse to parts of this privilege that are not incompatible with their deprivation of liberty, according to Rule 13 of the Law on the Protection of Minors Deprived of their Liberty.