

Access Denied: Protect rights - unblock children's access to information

JOIN THE DEBATE

CRIN aims to promote policy discussions - if your organisation would like to be involved, contact info@crin.org with:

- Comments on this paper
- Information about laws or policies restricting children's access to information
- Relevant positive developments in laws and policies
- Ideas for further regional and international advocacy

Summary

CRIN wants to highlight disproportionate restrictions on children's access to information which are defended on child protection grounds. We recognise the need to protect children, but believe that access to honest and objective information appropriate to their age and capacity is a prerequisite for all children's rights and should be part of any child protection strategy.

We want to work with other organisations and human rights advocates to encourage greater respect for and stronger standards on children's right to information, and ensure that any restrictions are transparent, are in line with all children's rights as set out in the Convention on the Rights of the Child.

CONTENTS

| | |
|------------------------------------|----|
| 1. Introduction | 2 |
| 2. What's happening | 3 |
| 2.1 Sexuality | 3 |
| 2.2 Drug use | 5 |
| 2.3 Internet filters | 5 |
| 2.4 School textbooks | 6 |
| 3. Violations of children's rights | 7 |
| 4. Conclusion and recommendations | 10 |
| 5. Endnotes | 11 |



Acknowledgements

Illustrations by Miriam Sugranyes Coca

Designed by Remember Creative

Published by

Child Rights International Network (CRIN)
Unit W125-127 (West Building)
Westminster Business Square
1-45 Durham Street
London, SE11 5JH
United Kingdom
Tel: +44 20 7401 2257
Email: info@crin.org

First published June 2014.

© Child Rights International Network 2014

The Child Rights International Network is a charity registered in England and Wales (1125925). Registered Company No. 6653398.

CRIN encourages personal and educational use of this publication and grants permission for its reproduction in this capacity where proper credit is given in good faith.

1. Introduction

Increasing numbers of States are censoring children's access to information on spurious grounds of protection - a plain violation of children's rights under the UN Convention on the Rights of the Child (CRC).¹

CRIN has become aware of seven States² that have passed or proposed laws protecting children from 'information deemed harmful to their health and development'. In particular, a pattern of laws is emerging which criminalise the 'promotion of homosexuality to children'.

CRIN believes that access to information is the foundation on which all other children's rights are built - including to life, health and protection. Disproportionate restrictions on children's access to information not only ignite and fuel discrimination, but deny children information which can help them to make informed choices and contribute to rather than detract from their protection.

The problem extends beyond the law. Even in countries with no explicit ban, schools, confidential health services and society as a whole routinely fail to provide children with vital information about sex, sexuality, drug use and mental health - in fact, any issue adults feel uncomfortable talking to children about.

All this is set against a background in which overly broad internet filters - reaching well beyond adult sexual content - are blocking websites containing appropriate information about subjects like sexual health as well as political and advocacy websites.

That is not to say that children should not be protected - there is an obvious need to protect children from violence, obscenity and incitement to hatred, especially within online platforms where they risk the consequences of laying bare their private lives to strangers.

But the misplaced fear (often reinforced by political agendas) that honest information teaches children promiscuity or irresponsibility prevents children from making decisions about their own health, identifying sources of help, and puts them at risk in their first sexual experiences and beyond.

In addition, disproportionate restrictions on children's access to information feed into the idea that children are blank canvases to be painted by adults, rather than human beings with rights, views and feelings of their own. This ignores the wide range of ages and capacities that exist within the span of childhood.

In its recommendations to States, the Committee on the Rights of the Child has expressed concern about discrimination against sexual minorities. It has also recognised that access to information is a matter that impacts the most fundamental of rights - those of life, survival and development. The Committee's General Comment no. 3 on HIV and AIDS states that:

'Effective HIV/AIDS prevention requires States to refrain from censoring, withholding or intentionally misrepresenting health-related information, including sexual education information, and that, consistent with their obligations to ensure the right to life, survival and development of the child (article 6), States parties must ensure children have the ability to acquire the knowledge and skills to protect themselves and others as they begin to express their sexuality.'³

Children can and will find ways around restrictions, so if we really want to protect children, we need to support them to think critically and make safe choices based on honest and objective information and discussion. Where restrictions do exist, they should be transparent, adhere to all children's rights and be determined with input from civil society and children themselves.

This paper presents evidence of laws and policies restricting children's right to information, explains how children's right to information is fundamental to all other rights, and calls for stronger standards on children's access to information.

2. What's happening

Some countries limit the sources of information to which the population in general has access, such as the ongoing programme of censorship in countries like North Korea or in temporary communications blackouts aimed at quelling protests.

In other countries, where adults' right to access information is well-established, young people's access is subject to disproportionate restrictions because of their young age, relative lack of experience and the range of situations - at school, home, etc. - in which they are dependent on adults for information.

Children's right to information is therefore violated in ways in which adults' is not. Such violations are widespread and take many forms: from bans on sex education, to overly broad internet filters, through to biased accounts of history in school textbooks.

Highlighted below are laws and policies from around the world that curtail this right for children, focusing in particular on those that are justified as being for their own protection. These issues and examples are emblematic of how children's access to information is violated, but are by no means exhaustive.

2.1 Sexuality

LGBT children

While many countries have granted greater recognition to LGBT rights in recent years, others are ramping up repression. Most notably, a swath of countries have passed or proposed laws using the notion of 'child protection' to deny children information about same-sex relationships and legitimise discrimination against these groups. This also has serious implications for LGBT children's mental and physical health because they are barred from receiving relevant information and persecuted by teachers, their peers and society alike.

In **Russia** in July 2013, amendments to the Administrative Code and law protecting children from harmful information⁴ entered into force, making 'propaganda' about non-traditional sexual relations among minors unlawful. The law imposes a fine of 5000 roubles (£100) for individuals who infringe this ban. The penalty for schools is 100 times that amount.

In 2002, **Lithuania** adopted a law,⁵ with amendments in 2009, which bans the distribution to minors of any information where 'homosexual, bisexual or polygamous relations are

promoted' and where 'family relations are distorted and their values scorned'.⁶

One of the most troubling aspects of this trend is that at least three countries - Kazakhstan,⁷ Kyrgyzstan⁸ and Uzbekistan⁹ - have subverted the meaning of articles of the UN Convention on the Rights of the Child (13 and 17 on freedom of expression and access to information and 35 on sexual abuse) as a justification for these laws. But the caveats in these articles about protecting children from harmful information arose, at least in part, from the racist ideologies of the apartheid era, so are meant to eliminate prejudice, not spread it.¹⁰

But even places with positive records on LGBT rights have demonstrated homophobia when it comes to children. In January 2013, a private school teacher in **Mexico** City was fired after showing her students the 2008 film 'Milk', which tells the story of gay rights activist Harvey Milk, who was murdered in San Francisco in the 1970s.¹¹ This is in spite of the fact that Mexico's capital has been celebrated as a champion of gay rights in the region, permitting civil unions in 2006 and approving gay marriage in 2009.

Poland was also criticised by human rights advocates when its Education Ministry announced plans to dismiss teachers who 'promote[d] homosexuality'.¹² The country's head of teacher training was sacked for using COMPASS, a human rights education manual commissioned by the Council of Europe, because it states that same sex relationships are equal to relations between a man and a woman. Shortly afterwards, in May 2007, the children's ombudsperson ordered a psychological investigation into whether popular BBC TV show Teletubbies promoted a homosexual lifestyle, singling out Tinky Winky, a purple character (whose gender is unclear) with a triangular aerial on his head, because she noticed he/she was carrying a woman's handbag.¹³

The results of prejudice and discrimination seep through the generations - from homophobic bullying in the UK,¹⁴ to 'corrective boot camps' in Malaysia for 'effeminate boys'.¹⁵ Children are pressured to conform to cultural values and social attitudes of what it means to be 'masculine' or 'feminine'.

Children with disabilities

LGBT children are not the only children whose sexuality is controlled and denied. The sexuality of children with disabilities is even more invisible, with some countries continuing to practice forced sterilisation. In March 2013, Colombia's Constitutional Court upheld the national

prohibition on performing surgical sterilisation of children.¹⁶ The decision sets out two exceptions to this rule, however: when a pregnancy endangers the child's health, and where the child has a severe and permanent mental disability and lacks capacity to give consent or understanding of the responsibilities of being a parent. In response to this decision, sociologist Claudia Malacrida at the University of Lethbridge in Canada, argued that "Involuntary sterilisation can ... often have the effect of hiding the outcomes of sexual abuse; it is not a way of protecting disabled people from abuse or unwanted sexual contact, but in fact can make them more vulnerable". The solution, Malacrida says, is in "education, support and opportunities to engage and learn, facilitate disabled people's emotional, sexual and reproductive lives."

Sex education

The entrenched refusal to acknowledge that children are human beings with rights, views and feelings of their own has long been found in attitudes towards sex education. Absent or confusing sex education policies mean children do not get the preparation they require in order to have safe and healthy sex lives, and are instead left vulnerable to unintended pregnancies, sexually transmitted diseases, abuse and exploitation. When and how to introduce sexual concepts to children is fiercely debated, but a growing range of international health and human rights monitoring bodies are acknowledging the links between children's right to information and enjoyment of their rights to health, protection and survival and development in the form of sexuality education¹⁷ appropriately tailored to children's age and development.¹⁸ This places sex education within a wider context of cultural and social values, i.e. the content of as well as access to sex education. Nevertheless, many places persist in shrouding sex in secrecy.

In November 2013, a movement in Kyrgyzstan to ban educational pamphlets on puberty, sex and adolescent issues found support in parliament.¹⁹ The same report reveals that research led by UNICEF in 2008 indicated that more than 50 per cent of 8th to 11th grade girls surveyed in the country 'weren't informed about the signs of puberty and got scared when they discovered them'.

In May 2007, six Indian states blocked the introduction of sex education or refused to implement the curriculum, saying it was 'too explicit' or 'against Indian culture'.²⁰

Meanwhile in Britain, despite the fact that sex is at the forefront of marketing to sell products to young people, sex

education is not comprehensive, and under the Academies Act, free schools have a lot of freedom to create their own curriculum, and only have a duty to 'have regard' to guidance on sex education.²¹ Sexual health charities in the country have also criticised the government's latest national curriculum for "presenting a confusing picture about sex education".²² The Sex Education Forum says the new curriculum places too much emphasis on biological aspects rather than sexual health, requiring teachers to only discuss reproduction in terms of gestation periods as opposed to how reproduction occurs. It also fails to ask teachers to name sexual body parts, advising them instead to only cover internal organs.

Some commentators have said that the failure in many countries to provide sex education that recognises female sexuality and the clitoris in particular, contributes to gender inequality because it does not teach children that women and girls are human beings who have the same sexual urges as boys and men, and that sex is more fulfilling when it is reciprocal.²³

In Switzerland, conservative groups forced a referendum to decide whether to ban compulsory sex education for children under nine.²⁴ The proposal stipulates that sex education should be up to children's parents and not the school system. It would allow classes on the risks of sexual abuse, but would ban sex education for under-nines, and make them optional for children between the ages of nine and 12. For older children, classes would focus on 'reproduction and human development' rather than the emotional dimensions of relationships.

In France, the government has been fighting a school boycott by parents who believe that children are being taught masturbation and a 'gender theory' that teaches pupils that sexual differences are socially constructed, leading to boys being told to wear dresses and children being invited to choose their sexuality.²⁵ The outcry erupted last year during demonstrations against same-sex marriage.

In 2011, two weeks after Brazil's Supreme Court granted same-sex couples the full state benefits allowed to heterosexual married couples, the country's president Dilma Rousseff suspended the distribution and production of sex education films for schools designed to combat homophobia.²⁶

In 2009, the European Committee of Social Rights, which monitors States' compliance with the European Social Charter, found that Croatia's limited school curriculum

covering sex education discriminated on the basis of sexual orientation.²⁷ The Committee noted that statements in the curriculum 'stigmatise homosexuals and are based upon negative, distorted, reprehensible and degrading stereotypes...'

Abstinence and abortion campaigners can also influence policy debate. At the UN Special Session on Children in 2002, for instance, the United States of America led a campaign to limit mentions of sex in the final outcome document. The US delegation viewed abstinence as the primary strategy to prevent unintended pregnancies and HIV and AIDS.²⁸

2.2 Drug use

The lack of honest information available to children on drug use has also come under fire. Prevention efforts tend to focus on abstinence, but as Harm Reduction International has noted, 'all too often we bury our heads in the sand about children and youth using drugs... The reality is that children under the age of 18 are using drugs and we need to deal with that honestly, openly and without judgement.'²⁹ The denial around children using drugs means that they are not always aware of all the facts and how to protect themselves from the risks involved. Furthermore, where children are discovered with drugs, all too often they are dealt with by the criminal justice system instead of being provided with the information and support they need through health interventions.

The Committee on the Rights of the Child has emphasised to individual countries in its direct recommendations their obligation to provide children and their parents with accurate and objective information about issues such as drug use (see for example the Committee's concluding observations for Albania,³⁰ Belize³¹).

But in most countries, children are denied honest information about drugs and excluded from policy design and awareness raising campaigns.³² This not only discriminates against children, but leaves them exposed to the - sometimes life-threatening - consequences of drug use. The latest report by the European Monitoring Centre for Drugs and Drug Addiction, for example, reveals that despite progress, drug use continues to be a major cause of death among young people in Europe, both directly through overdose and indirectly through drug-related diseases, accidents, violence and suicide.³³

In Eastern Europe and Central Asia, one third of new HIV infections occurs among 15 to 24 year olds and in Eastern

Europe, injecting drug use is the largest contributory factor to HIV rates.³⁴ However, a multicountry study found that younger injecting drug users had poorer access to harm reduction services,³⁵ of which information is an important element.

To compound matters, in some Central and Eastern European countries, those who provide information to children about drug use are at risk of being persecuted (for example, service providers and NGOs). The existence and enforcement of laws on supplying drugs (and 'paraphernalia') and on 'encouraging' drug use have led to a reluctance to provide safer injecting equipment and information to injecting drug users, especially young people.³⁶ By equating the provision of drug information with drug dealing, such statutes threaten harm reduction providers with prosecution, discourage and even deliberately block education and outreach.

Furthermore, as part of the Soviet legacy, information is often shared between medical and law enforcement institutions, putting otherwise anonymous drug users who seek treatment at risk of discrimination, police harassment, and arrest.³⁷

Elsewhere, instead of building trust with children in discussing drugs, adults undermine open and honest communication. In Australia³⁸ for example test kits have been used by some parents to screen their children for drugs; elsewhere, children have been strip-searched at school.³⁹

2.3 Internet filters

It is not just certain issues that are off-limits to children, but also the ways in which they access information. As children increasingly seek out information online, all those involved in children's lives - from policymakers to parents and teachers - are grappling with how best to balance child protection with respect for their autonomy. This has led to the imposition of overly broad internet filters which go well beyond adult sexual content to include websites about issues like sex education, politics and advocacy. While such restrictions are often grounded in a well-meaning desire to protect children, addressing this issue with a blanket solution does not enable children and the adults in their lives to engage and discuss issues in a way that promotes knowledge and communication, helping them to make better privacy choices. In addition, there is a lack of transparency in when and how filters are put in place as well as difficulties in reporting and addressing mistakes.⁴⁰ And given the gulf that exists between adults' and children's experience of and the ways they use technology, it is all the more important that children

are involved in any age-labelling systems.

In the UK, Internet Service Providers are filtering access to websites they consider unsuitable for under 18s. These however are widely reported to block all kinds of other websites. Open Rights Group monitors this issue as part of a campaign against internet censorship, which includes details of what is happening and recommendations on how to provide parents with the tools they need to help parents manage their children's access to the mobile internet without creating unwarranted restrictions.⁴¹

Child protection arguments have also been invoked to spy on children online. For example in the US state of Philadelphia, 56,000 images of children were recovered from laptop cameras. These came to light when a school official reported that drugs had been discovered in a pupil's bedroom.⁴²

But it is not for adults to unilaterally impose restrictions or spy on children. Attention should also be paid to how children themselves perceive harm. EU Kids Online reports that children's perceptions of 'online problematic situations' can differ greatly from those of adults and that what adults perceive as a harmful situation is not necessarily experienced as such by children. The report also reveals that children's perceptions of online risks depend on their awareness of how these may lead to harm and their knowledge of effective prevention measures.⁴³

In addition, while children are understandably the focus of restrictions aimed at protecting their privacy, adults also fall victim to online risks of cyber bullying, fraud, etc. In fact, a 2013 survey by Pew Research revealed that young people were more privacy conscious than adults.⁴⁴ Pew has also documented some of the ways in which children protect themselves online.⁴⁵

Some commentators have argued that we should not forget that children's growing use of the internet and social media are in part a response to the limits imposed on their use of public space, also as a result of adults' fears for and of children.⁴⁶

2.4 School textbooks

Beyond justifications of child protection, there are other ways in which children's right to information is violated. For instance, children are typically the focus of projects to suppress minorities and their versions of history because childhood is the time when people develop their own identity and form views about the world and other people. School textbooks are often the tool used to achieve this. The

provision of unbiased, honest information is what separates respect for children's civil and political rights from indoctrination.

The Council of Europe has expressed concern about the teaching of creationism in schools, which it says introduces confusion in children's minds about the difference between religious belief and scientific fact; it cites examples from Belgium, France, Germany, Greece, Italy, the Netherlands, Poland, Russia, Serbia, Spain, Sweden, Switzerland, Turkey and the United Kingdom.⁴⁷

Controversy over other attempts to impose state ideology through school textbooks, especially history books, has erupted in various countries in recent years, for instance: discrimination against non-Muslims (Iran⁴⁸ and Pakistan⁴⁹), political ideology (China⁵⁰ and Venezuela⁵¹), and biased historical accounts (Chile,⁵² Japan⁵³ and South Korea⁵⁴).



3. Violations of children's rights

Children are failed in many ways by laws and policies restricting their access to information. This section runs through the impact of restricting children's access to information on their other rights. These include, but are not limited to:

Non-discrimination (article 2)

Article 2 asserts that the rights set out in the CRC apply to all children without discrimination. However, sex education in many countries (where it exists) often refuses to acknowledge the sexuality of specific groups, in particular LGBT children, girls or children with disabilities. This can have a profoundly negative impact on children's physical and mental health. Sex and relationships education is one of the most important ways to help children avert risks, make informed decisions about their sexual and reproductive health, and develop the skills to form healthy relationships based on trust and respect: this applies to all children - not just those whose sexuality governments choose to acknowledge.

Evolving capacities (article 5)

Article 5 introduces the idea that children should be able to exercise their rights as they acquire the confidence to do so. In other words, it rejects an approach based strictly on minimum ages. Placing blanket restrictions on children's access to information ignores the fact that children mature at different rates and that there is a vast difference between a nine-year-old and a 16-year-old's capacity to understand and assess risk. It also leaves no room for human judgement on a case by case basis about how information may benefit an individual child.

Survival and development (article 6)

If a child's death can be attributed to either state action or inaction, then their right to life may have been violated. Article 6 emphasises that States parties to the Convention must 'ensure to the maximum extent possible the survival and development of the child.'

Information is crucial to tackling the spread of life-threatening diseases such as HIV, including through sexual transmission and shared needles and syringes. UNAIDS' 2012 global report revealed that young people aged 15 to 24 accounted for 40 per cent of new HIV infections in people aged 15 and older,⁵⁵ yet surveys carried out in 26 of 31 countries with generalised epidemics, less than 50 per cent of young women have accurate knowledge about HIV.⁵⁶

Yet in many countries children do not have access to information about sex or drugs, including the risks of HIV. In its General Comment on HIV/AIDS, the Committee on the Rights of the Child pinpointed a lack of information and patronising attitudes towards children as instigating factors in the disease:

'Denying that a problem exists, cultural practices and attitudes, including taboos and stigmatisation, poverty and patronising attitudes towards children are just some of the obstacles that may block the political and individual commitment needed for effective programmes.'⁵⁷

The right to be heard (article 12)

Article 12 of the CRC asserts children's right to be listened to and taken seriously on matters affecting them, and an entitlement to have their views considered in accordance with their age and maturity.

Children need information to develop their own perspectives and enable them to make informed choices, including about sex and relationships but also about history, politics and other issues. Adults may not always be comfortable with this, and opening up access to a range of sources and views may entail challenges to dominant accounts of history and identity. But societies evolve through the exchange of ideas and knowledge, allowing individuals to express how they feel, and be who they are, without unjust restrictions. Without this, only the views of the most dominant are heard and this stifles thought and innovation. Any restrictions on the right to information, whether through labelling systems or other means, should be transparent, open to debate and review, and developed in consultation with children themselves.

Freedom of expression (article 13)

Children have a right to hold and express opinions, and to seek and receive information through any media. This imposes an obligation on States parties to 'refrain from interference in the expression of those views, or in access to information, while protecting the right of access to means of communication and public dialogue.'⁵⁸

In many cases, internet filters 'overblock'; in other words, they are overly broad and miscategorise a whole range of legitimate, useful information, for instance about sexual health and political and advocacy websites. This amounts to censorship.

Right to privacy and respect for confidentiality (article 16)

Article 16 provides that 'no child shall be subjected to arbitrary or unlawful interference with his or her privacy ... or

correspondence'.

Having access to honest and objective information, and the opportunity to discuss it in private, is crucial to supporting children to make informed decisions about subjects they may not be ready to talk to others about, such as confidential health advice. In response to Turkey's recent proposal to create a 'Children's Twitter', which allows parents to control their children's online activities, one advocate said: 'This project may well lead to an unwanted adult intervention in the lives of young children.⁵⁹ Necessary measures should be taken to guarantee children's right to privacy, protection of their personal information as well as their rights to express their views freely.'

Access to information (article 17)

Article 17 requires States to 'recognise the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.'

There are some limitations placed on children's right to receive information: the Convention encourages States 'to ensure the development of guidelines to protect children from information and material injurious to [their] well-being'.

The definition of what constitutes information injurious to children's well-being is not altogether clear. However, as mentioned above, the Travaux Préparatoires (the official record of negotiations) of the UN Convention on the Rights of the Child indicate that concerns about harmful information stem from children's exposure to violence, but also in part from the racist and other ideologies promoting prejudice - in other words, this article is meant to shield children from prejudice, not teach it to them.⁶⁰ Reflecting this, the Committee's recommendations to States on this article often refer explicitly to violence, 'pornography' (i.e. images of child abuse) and racism.

Parents' joint responsibilities (article 18)

Article 18 establishes that parents and legal guardians have primary responsibility for raising their child. It also requires States to support parents in this role. Broad restrictions on children's right to information - whether online or more generally - do not encourage parents to engage with issues affecting their children. They may even provide a false sense of security. The absence of factual information may even make children more vulnerable to risk, for instance, because online filters do not equip children to deal with other users' behaviour - e.g. bullying, grooming, etc.

Protection from violence (article 19) and from sexual exploitation and abuse (article 34)

Any association between children and sex understandably provokes concern about children's vulnerability to sexual abuse, as well as the impact on their health and the possibility of pregnancy. But withholding honest and objective information can undermine all children's rights, including to protection. If children are not taught about sexual relationships, how can they be expected to recognise abuse when it happens, distinguish between consensual and abusive relationships and understand how to get support?

The Council of Europe's One in Five campaign aimed at promoting the CoE's Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (also known as the Lanzarote Convention)⁶¹ recognises this, and states that 'sexual violence is protected by secrecy and social taboo. Informed families and sexuality education programmes in schools should demystify the subject, putting children and adults at ease with it.' It further observes that 'sheltering children only makes them more vulnerable'.

Children with disabilities (article 23)

Many societies negate the sexuality of children with disabilities, incorrectly believing they are incapable of engaging in a sexual relationship and/or cannot be abused.⁶² The lack of appropriate and accessible sex education puts children with disabilities at risk, impedes them from enjoying healthy relationships, and prevents them from reporting abuse to which they are more prone because of inaccessible complaints procedures.⁶³

Article 23(b) of the UN Convention on the Rights of Persons with Disabilities specifically addresses this issue and requires States to ensure that the rights of persons with disabilities 'to have access to age-appropriate information, reproductive and family-planning education are recognised, and the means necessary to enable them to exercise these rights are provided'.⁶⁴

Right to the highest attainable standard of health care (article 24)

Article 24 asserts: 'States parties recognise the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.' Subclause 24(e) specifically relates to access to information.

Commenting on children's right to health-related information, the Committee on the Rights of the Child has stated in its

General Comment No.3 on HIV and AIDS: '...that effective HIV/AIDS prevention requires States to refrain from censoring, withholding or intentionally misrepresenting health-related information, including sexual education and information, and that, consistent with their obligations to ensure the right to life, survival and development of the child (art. 6), States parties must ensure that children have the ability to acquire the knowledge and skills to protect themselves and others as they begin to express their sexuality.'⁶⁵

The Committee has further commented that: 'The right of adolescents to access appropriate information is crucial if States parties are to promote cost-effective measures, including through laws, policies and programmes, with regard to numerous health related situations, including those covered in articles 24 and 33 such as family planning... and the use and abuse of alcohol, tobacco and other harmful substances.'⁶⁶

What is more, information is not only necessary for them to claim control of their own bodies, but is also a prerequisite for children to be able to consent or refuse treatment and medication.

The right to and aims of education (articles 28 and 29)

The right to education also encompasses the right to sex education and harm reduction information; i.e drug information which does not just say 'don't', but also 'if you do, then remember that...'. Evidence suggests that children who receive comprehensive, good quality sex education are more likely to start sex later and more likely to use contraception when they do.⁶⁷ Conversely, abstinence-only programmes have been shown to be ineffective in delaying first sexual experiences and, in the absence of other sources of information, are likely to result in unsafe practices.⁶⁸

The Committee on the Rights of the Child has expressed concern where countries do not ensure access to mandatory, comprehensive sex education as part of the school curriculum. In recent recommendations the Committee has raised this issue with the Holy See,⁶⁹ Sri Lanka⁷⁰ and El Salvador,⁷¹ among many others. The Committee has also lamented Uzbekistan's lack of mandatory and comprehensive sex education in school curricula on the grounds that it is 'against national values'.⁷²

Furthermore, article 29 stipulates that the education of the child shall be directed towards: 'The development of the child's personality, talents and mental and physical abilities to their fullest potential' and 'the preparation of the child for responsible life in a free society, in the spirit of

understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin'. This includes objective information about how minorities are portrayed in school textbooks and teaching materials. Where children receive one-sided information, their perceptions of different peoples and histories - and even scientific fact - can be distorted through the generations.

Join the debate

CRIN aims to promote policy discussions - if your organisation would like to comment on this paper, contact info@crin.org. We are in particular interested in the following questions:

1. Do you have information about laws or policies restricting children's access to information?
2. Do you know of relevant positive developments in laws and policies?
3. Do you have ideas for further regional and international advocacy?
4. How well do you think children's access to information is respected in your country? Do restrictions exist? Do these conflict with children's other rights?
5. How do you think decisions about what information children should and shouldn't have access to be determined?
6. Adults as well as children post personal information about themselves online, including financial information and intimate photos. What are the differences in how adults' and children's vulnerability to breaches of their privacy should be addressed?
7. Whose role should it be to set/ influence the school curriculum?
8. What kind of information should sex education and education about drug use include and when should this be introduced?
9. What do you think a positive model for children's access to the internet could look like? One based on improving children's access to information, not just wishing the internet away?
10. Has the Committee on the Rights of the Child raised the issue of access to information with your country? Check at this link:
<http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx>

4. Conclusion and recommendations

What constitutes 'harmful information' can be subjective, often inadvertently bleeding into censorship. However, it is crucial for an open and just society that any restrictions are transparent, age-appropriate within the span of childhood, and decided collectively with civil society organisations, and children themselves. In this way, information conveyed to children can contribute to rather than detract from their protection.

It is not the role of States, parents or schools to censor children, but instead to guide them to exercise caution and encourage them to ask questions and think critically. In this way, States, society, parents and all others involved in children's lives both recognise children's capacity to play a role in their own protection and respect the full spectrum of their rights. Protecting children's right to information is not only fundamental to ensuring all other civil and political rights for children; it is the foundation of the rule of law and democracy for all.

Recommendations

In response to efforts to suppress children's access to information, we make the following recommendations. Find briefings and campaign information on specific areas of children's access to information on our website.⁷³

To international/regional human rights mechanisms:

Develop new guidelines, standards and model laws on children's right to information and provide technical and institutional support to national governments in the implementation of all relevant human rights instruments.

To the UN Committee on the Rights of the Child:

Pursue the issue of access to information in its examination of States parties, with systematic reference to articles 13, 17 and other relevant provisions of the CRC.

Clarify the goals of articles 13 and 17 to prevent them from being used as a justification for disproportionate restrictions on children's access to information.

Make recommendations against the imposition of disproportionate and discriminatory restrictions which are not in conformity with the Convention as a whole.

Explicitly recommend to States that children receive sexuality education tailored to their age that reflects the standards set out in UNESCO's International Technical Guidance on

Sexuality Education.

To the UN Special Rapporteur on Freedom of Expression:

Carry out an in-depth global study on restrictions on children's access to information in consultation with national governments, civil society and children, with a view to contributing to higher standards and providing world leadership on the issue.

To national governments:

Review and revise national legislation, regulations and policies in line with relevant international standards and provide a clear legal framework for children's access to information.

Ensure that any restrictions on children's access to information are transparent to make it clear how, why and when restrictions are happening. These should be decided with civil society and children themselves.

To children's rights advocates:

Monitor and lobby against proposals to restrict children's access to information in all settings including online.

Press the UN Committee on the Rights of the Child to address access to information with States by sending alternative reports on the issue. Read about how to do this in our UN guide⁷⁴ or contact Child Rights Connect⁷⁵ for more information.

Support government efforts to realise children's right to information.

5. ENDNOTES

1. Children's rights to non-discrimination (article 2), freedom of expression (article 13) and access to information (article 17) including that related to health (article 24.2e), and education for the benefit of children's development (article 29).
2. Lithuania, Kazakhstan, Kyrgyzstan, Moldova, Russia, Ukraine and Uzbekistan. Lithuania, Moldova, Russia and Ukraine all have explicit prohibitions on the distribution of information about homosexuality to children.
3. UN Committee on the Rights of the Child, CRC General Comment No. 3: HIV/AIDS and the rights of the children (CRC/GC/2003/3), 2003, para. 16. Available at: <http://tb.ohchr.org/default.aspx?Symbol=CRC/GC/2003/>
4. Federal Law No. 135-F3 2013 On Making Amendments to Certain Legislative Acts of the Russian Federation in Connection with the Adoption of the Federal Law on the Child Protection from Information Harmful to their Health and Development. Available at: http://lgbtnet.ru/sites/default/files/russian_federal_draft_law_on_propaganda_of_non-traditional_sexual_relations_2d_reading_eng.pdf
5. Law on the Protection of Minors against the Detrimental Effect of Public Information 2002 (with amendments in 2009). Available at: http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=410367
6. Child Rights International Network (CRIN), Laws restricting children's access to information, March 2014. Available at: <https://www.crin.org/en/library/publications/laws-restricting-childrens-access-information>
7. Group of deputies of the Parliament of the Republic of Kazakhstan, 'Expert opinion on the draft Law of the Republic of Kazakhstan "The protection of children from information harmful to their health and development"' (Expert Opinion), April 2013. Available at: http://online.zakon.kz/Document/?doc_id=31249501&sublink=7#sub_id=1
8. Independent Expertise, as in Regulations of Zhogorku Kenesh (Parliament) of the Republic of Kyrgyzstan, 'Assessment of correspondence of the draft law "The protection of children from information harmful to their health and development" with international treaties and generally accepted principles and norms of law' (Expert Opinion - Specialised Legal

- Expertise), March/April 2013. Available at: BROKEN LINK <http://talap.kg/ekspertnoe-zaklyuchenie-proekta-zakona-o-zashhite-detej-ot-informacii-prichinyayushhej-vred-ix-zdorovyu-ili-razvitiyu-na-sootvetstvii-konstitucii-kyrgyzskoj-respubliki/>
9. Agency for Press and Information of Uzbekistan, 'On the protection of minors from information harmful to their physical and mental development' (Draft Law), 9 July 2013. Available at: <http://uzdaily.uz/articles-id-16330.htm>
10. UN Office of the High Commissioner for Human Rights and Save the Children Sweden, 'Legislative History of the Convention on the Rights of the Child', Volume 1. New York and Geneva: 2007, p. 483, para 39. Available at: <http://www.ohchr.org/Documents/Publications/LegislativeHistorycrc1en.pdf>
11. Index on Censorship, "Mexico - Teacher fired for showing gay rights film", 21 January 2013. Available at: <http://www.crin.org/en/library/news-archive/mexico-teacher-fired-showing-gay-rights-film>
12. BBC, "Polish teachers march in Warsaw", 17 March 2007. Available at: <http://news.bbc.co.uk/1/hi/world/europe/6463213.stm>
13. BBC, "Children's Commissioner targets 'gay' teletubbies", 28 May 2007. Available at: <http://www.crin.org/en/library/news-archive/poland-childrens-commissioner-targets-gay-teletubbies>
14. Stonewall, "Homophobic bullying: the experiences of young gay people in Britain's schools", 26 June 2007. Available: <https://www.crin.org/en/library/publications/homophobic-bullying-experiences-young-gay-people-britains-schools>
15. Free Malaysia Today, "No to 'gender' corrective boot camp for boys", 20 April 2011. Available at: <http://www.freemalaysiatoday.com/2011/04/20/no-to-sissy-boot-camp/>
16. El Tiempo, "Polémica por esterilización de niños con déficit mental", 18 March 2014. Available at: <https://www.crin.org/en/library/news-archive/colombia-polemica-por-esterilizacion-de-ninos-con-deficit-mental>
17. Stull, G., Library of the European Parliament, Library Briefing: 'Sexuality Education in the EU "Sex education" in a broader social context', 2 February 2012. Available at: [http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2012/120262/LDM_BRI\(2012\)120262_REV2_EN.pdf](http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2012/120262/LDM_BRI(2012)120262_REV2_EN.pdf)
18. UNESCO, "International Technical Guidance on Sexuality Education: an evidence-informed approach

for schools, teachers and health educators", December 2009. Available at:

<http://unesdoc.unesco.org/images/0018/001832/183281e.pdf>

19. Eurasianet, "Conservative movement wants to ban pamphlets on sex education", 11 November 2013. Available at: <http://www.crin.org/en/library/news-archive/kyrgyzstan-conservative-movement-wants-ban-pamphlets-sex-education>

20. BBC, "Indian state bans sex education", 3 April 2007. Available at: http://news.bbc.co.uk/1/hi/world/south_asia/6523371.stm

21. Toynbee, P., written for Brook, "Young people's sexual health and policy". Available at: <http://www.brook.org.uk/index.php/what-s-new/interesting-articles/young-people-s-sexual-health-and-policy>

22. Children and Young People Now, "Charities criticise lack of sexual health teaching in national curriculum", 16 September 2013. Available at: http://www.cypnow.co.uk/cyp/news/1078343/charities-criticise-lack-sexual-health-teaching-national-curriculum?utm_content=&utm_campaign=160913_Daily&utm_source=Children%20%26%20Young%20People%20Now&utm_medium=adestra_email&utm_term=http%3A%2F%2Fwww.cypnow.co.uk%2Fnews%2F1078343%2Fcharities-criticise-lack-sexual-health-teaching-national-curriculum

23. "One billion and rising and thinking out loud: the dreaded 'M' word", 11 September 2013. Available at: <http://www.onebillionrising.org/943/one-billion-rising-and-thinking-out-loud-on-sex-education-and-the-dreaded-m-word/>

24. Australian Teacher Magazine, "Swiss referendum on sex education", 3 February 2014. Available at: <http://www.ozteacher.com.au/news/world/swiss-referendum-on-sex-education/26064>

25. RFI English, "French schools face boycott over 'gender theory' scare", 29 January 2014. Available at: <http://www.english.rfi.fr/americas/20140129-french-school-boycott-over-gender-theory-scare>

26. BBC, "Brazil sex education material suspended by president", 25 May 2011. Available at: <http://www.bbc.co.uk/news/world-latin-america-13554077>

27. Interights, "Croatia's Flawed Sex Education Programme Comes under Fire in International Human Rights Case", 10 October 2007. Available at: <http://www.interights.org/croatia-sex-ed/index.html>

28. Kitts, J. & McDonald, K., "United Nations Special Session on Children: children's rights under attack", CMAJ, April 30, 2002; 166 (9). Available at: <http://www.cmaj.ca/cgi/content/full/166/9/1155>

29. Harm Reduction International (formerly International Harm Reduction Association) and Youth RISE, (IHRA), 'Drugs, Harm Reduction and the UN Convention on the Rights of the Child: Common themes and universal rights'. London: IHRA, 2009. Available at: http://www.ihra.net/files/2010/06/17/2009-04_ConventionOnTheRightsOfTheChild_HarmReduction2009.pdf

30. UN Committee on the Rights of the Child Concluding Observations for Albania's Second to Fourth Periodic Reports, 5 October 2012. Available at: http://www.unicef.org/albania/CRC_recommendations_-_5_October_2012.pdf

31. UN Committee on the Rights of the Child Concluding Observations for Belize's Second Periodic Report, March 2005. Available at: <http://tb.ohchr.org/default.aspx?Symbol=CRC/C/15/Add.25>

32. Child Rights International Network (CRIN), "Children and drug use", June 2010. Available at: <https://www.crin.org/en/library/publications/children-and-drug-use>

33. European Monitoring Centre for Drugs and Drug Addiction, 'European Drug Report: Trends and Developments', May 2014, p. 48. Available at: http://www.emcdda.europa.eu/attachements.cfm/att_22_8272_EN_TDAT14001ENN.pdf

34. European Monitoring Centre for Drugs and Drug Addiction, 'European Drug Report: Trends and Developments', May 2014, p. 48. Available at: http://www.emcdda.europa.eu/attachements.cfm/att_22_8272_EN_TDAT14001ENN.pdf

35. Ibid: 2

36. European Harm Reduction Network in partnership with Youth RISE, 'Young people and injecting drug use in selected countries of Central and Eastern Europe', 2009, p. 57. Available at: http://www.harm-reduction.org/sites/default/files/pdf/young_people_and_drugs_2009.pdf

37. Ibid: 61.

38. The Australian, "Parents use test kits to screen kids for drugs, despite concerns", 4 November 2012. Available at: <https://www.crin.org/en/library/news-archive/australia-parents-use-test-kits-screen-kids-drugs-despite-concerns>

39. BBC, "School pupils strip-searched over 'drugs in

- underwear", 12 March 2012. Available at: <https://www.crin.org/en/library/news-archive/uk-school-pupils-strip-searched-over-drugs-underwear>
40. Open Rights Group, 'Mobile Internet Censorship: What's happening and what we can do about it', May 2012, p. 16. Available at: <https://www.openrightsgroup.org/assets/files/pdfs/MobileCensorship-webwl.pdf>
41. Open Rights Group, "Censorship". Available at: <https://www.openrightsgroup.org/issues/censorship>
42. USA Today, "School took 56,000 images on student laptops", 20 April 2010. Available at: http://usatoday30.usatoday.com/news/nation/2010-04-19-laptop-photos_N.htm?loc=interstitialskip
43. EU Kids Online, "Preventive measures – how youngsters avoid online risks", February 2014. Available at: <http://www.lse.ac.uk/media@lse/research/EUKidsOnline/EU%20Kids%20III/Reports/Preventivemeasures.pdf>
44. Pew Research, "Teens, Social Media, and Privacy", May 2012. Available at: <http://www.pewinternet.org/2013/05/21/teens-social-media-and-privacy/>
45. Pew Research, "Where teens seek online privacy advice", August 2013. Available at: <http://www.pewinternet.org/2013/08/15/where-teens-look-for-online-privacy-advice/>
46. Boyd, D., "It's complicated: the social lives of networking teens", February 2014. Available at: <http://www.danah.org/itscomplicated/>
47. Council of Europe, "Council of Europe states must 'firmly oppose' the teaching of creationism as a scientific discipline, say parliamentarians", 4 October 2007. Available at: <https://www.crin.org/en/library/news-archive/council-europe-teaching-creationism-could-threaten-human-rights>
48. Freedom House, "Discrimination and intolerance in Iran's textbooks". Available at: <http://www.freedomhouse.org/report/special-reports/discrimination-and-intolerance-irans-textbooks#.U6HZp1dUkO>
49. The Express Tribune, "Study reflects school textbooks need to be free of religious discrimination", 23 May 2013. Available at: <https://www.crin.org/en/library/news-archive/pakistan-study-reflects-school-textbooks-need-be-free-religious-discrimination>
50. Radio Free Asia, "Hong Kong schools reject textbook", 19 July 2012. Available at: <http://www.rfa.org/english/news/china/textbook-07192012142602.html>
51. Breitbart, "Venezuela buys 20 million socialist primary school textbooks from Cuba", 30 April 2014. Available at: <http://www.breitbart.com/Big-Peace/2014/04/30/Venezuela-Buys-20-Million-Socialist-Primary-School-Textbooks-from-Cuba>
52. BBC, "Pinochet 'dictatorship' textbook row erupts in Chile", 5 January 2012. Available at: <http://www.bbc.co.uk/news/mobile/world-latin-america-16420413>
53. BBC, "Japan textbook angers neighbours", 3 April 2001. Available at: <http://news.bbc.co.uk/1/hi/world/asia-pacific/1257835.stm>
54. China Daily, "Korea's new history textbook stirs ideological debate", 13 June 2013. Available at: http://usa.chinadaily.com.cn/world/2013-06/13/content_16615653.htm
55. UNAIDS, 'UNAIDS World AIDS Day World Report', 2012, p. 29. Available at: http://www.unaids.org/en/media/unaids/contentassets/documents/epidemiology/2012/gr2012/jc2434_worldaidsday_results_en.pdf
56. Ibid: 36.
57. UN Committee on the Rights of the Child, General Comment No. 3 - HIV/AIDS and the rights of the child, March 2003. Available at: <http://tb.ohchr.org/default.aspx?Symbol=CRC/GC/2003/3>
58. UN Committee on the rights of the Child, General Comment No. 12: The right of the child to be heard, 2009, para. 81. Available at: <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-GC-12.pdf>
59. SES Türkiye, "Turkey planning 'Twitter' for children", 30 May 2014. Available at: http://turkey.setimes.com/en_GB/articles/ses/articles/features/departments/society/2014/05/30/feature-01
60. UN Office of the High Commissioner for Human Rights and Save the Children Sweden, 'Legislative History of the Convention on the Rights of the Child', Volume 1. New York and Geneva: 2007, p. 483, para 39. Available at: <http://www.ohchr.org/Documents/Publications/LegislativeHistorycrc1en.pdf>
61. Council of Europe, Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. Available at: <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?CL=ENG&NT=201>

62. Milligan, M.S. & Neufeldt, A.H., 'The myth of asexuality: a survey of social and empirical evidence', *Sexuality and Disability*, 19. (2), 2001, p. 91-109; Groce, N.E., 'HIV/AIDS and people with disabilities'. *The Lancet*, 361 (9367), 2003, p. 1401-2.

63. Save the Children, "See Me, Hear Me: A guide to using the UN Convention on the Rights of Persons with Disabilities to promote the rights of children", 2009. Available at:

https://www.crin.org/docs/See_me_hear_final.pdf

64. UN Convention on the Rights of Persons with Disabilities. Available at:

<https://www.crin.org/en/library/legal-database/un-convention-rights-persons-disabilities>

65. UN Committee on the Rights of the Child, General Comment No. 3 - HIV/AIDS and the rights of the child, March 2003. Available at:

<http://tb.ohchr.org/default.aspx?Symbol=CRC/GC/2003/3>

66. UN Committee on the Rights of the Child, General Comment No. 4 - Adolescent health and development in the context of the Convention on the Rights of the Child, July 2003. Available at:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=11

67. NHS Centre for Reviews and Dissemination (CRD). 'Effective Healthcare Bulletin 3 (1) 'Preventing and reducing the adverse effects of unintended teenage pregnancies'. University of York: 1997. Available at: <https://www.york.ac.uk/inst/crd/EHC/ehc31.pdf>

68. Kirby D., 'Emerging Answers: Research Findings on Programs to Reduce Teen Pregnancy.' Washington DC: National Campaign to Prevent Teen Pregnancy, November 2007. Available at:

<http://www.urban.org/events/thursdayschild/upload/Sarah-Brown-Handout.pdf>

69. UN Committee on the Rights of the Child, Concluding Observations for the Holy See's Second Periodic Report, January 2014. Available at:

<https://www.crin.org/en/library/un-regional-documentation/concluding-observations-holy-sees-2nd-periodic-report>

70. UN Committee on the

Rights of the Child, Concluding Observations for Sri Lanka's initial OPAC report, October 2010. Available at: <https://www.crin.org/en/library/un-regional-documentation/committee-rights-child-concluding-observations-sri-lankas-initial>

71. UN Committee on the Rights of the Child, Concluding Observations for El Salvador's third and fourth periodic reports, February 2010. Available at: <https://www.crin.org/en/library/un-regional-documentation/concluding-observations-el-salvadors-3rd-and-4th-periodic-report>

72. UN Committee on the Rights of the Child, Concluding Observations for Uzbekistan's third and fourth periodic reports, June 2013. Available at: <https://www.crin.org/docs/CRC-C-UZB-CO-3-4.pdf>

73. Child Rights International Network (CRIN), "Protect children, end censorship". Available at: <https://www.crin.org/en/home/campaigns/protect-children-end-censorship>

74. Child Rights International Network (CRIN), "Introducing UN mechanisms". Available at: <https://www.crin.org/en/guides/un-international-system/introducing-un-rights-mechanisms>

75. Child Rights Connect: <http://www.childrightsconnect.org/>

76. UN Committee on the Rights of the Child, Database of Concluding Observations for States' periodic reports.

Contact CRIN at info@crin.org or visit our website at www.crin.org
