

THE CONTENT OF THE CHILD'S RIGHT TO INFORMATION IN INTERNATIONAL ACTS OF UNIVERSAL AND EUROPEAN CHARACTER

ЗМІСТ ПРАВА ДИТИНИ НА ІНФОРМАЦІЮ В МІЖНАРОДНИХ АКТАХ УНІВЕРСАЛЬНОГО ТА ЄВРОПЕЙСЬКОГО ХАРАКТЕРУ

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The article studies the content of the child's right to information in international acts of universal and European character. It is established that the basis of international legal regulation of the child's right to information is formed by general rules on the right to information are fixed in international instruments of universal level – in Article 19 of the Universal Declaration of Human Rights of 1948 and Article 19 of the International Covenant on Civil and Political Rights of 1966. In addition, the rules on the child's right to information of a special nature are enshrined in Articles 12, 13, 17, 24 and 28 of the 1989 Convention on the Rights of the Child.

It is found that at the universal level, the main content of the child's right to information is the ability to formulate his or her own views, the right to freely express these views on all matters affecting the child, and the views of the child are given due consideration in accordance with his or her age and maturity. The child's right to information also includes the right to express his or her opinions freely; 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.

It is determined that the content of the right to information in the Convention for the Protection of Human Rights and Fundamental Freedoms (1950) and in the Charter of Fundamental Rights of the European Union (2000) is practically identical to the content of the relevant international treaties of a universal character.

It's proved that since the Charter of Fundamental Rights of the European Union (2000) contains only one general clause on freedom of expression and information, at the European level, the child's right to information is mainly set in the legal acts of the Council of Europe. From one side the restrictions to which the right to freedom of expression may be subject under the Convention (1950) are much wider and outlined in more detail than in international treaties of a universal character. From other side the Convention on the Exercise of Children's Rights (1996), unlike international legal acts of a universal nature, has a positive effect providing the new term "relevant information" that means 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.

Key words: children's right to information, children's rights, protection of children's rights, treaties, international legal protection of children's rights.

У статті досліджено зміст права дитини на інформацію в міжнародних актах універсального та європейського характеру. Встановлено, що основу міжнародно-правового регулювання права дитини на інформацію становлять загальні норми про право на інформацію, закріплені у міжнародних актах універсального рівня – у статті 19 Загальної декларації прав людини 1948 року і статті 19 Міжнародного пакту про громадянські і політичні права 1966 року. Крім того, норми про право дитини на інформацію спеціального характеру закріплені в статтях 12, 13, 17, 24 і 28 Конвенції про права дитини 1989 року.

З'ясовано, що на універсальному міжнародному рівні основним змістом права дитини на інформацію є можливість формулювати власні погляди, право вільно висловлювати ці погляди з усіх питань, що стосуються дитини, причому поглядам дитини приділяється належна увага відповідно до її віку та зрілості. Право дитини на інформацію також включає право вільно висловлювати свої погляди; шукати, одержувати та поширювати інформацію та ідеї будь-якого виду, незалежно від державних кордонів, в усній, письмовій чи друкованій формі, у формі творів мистецтва або за допомогою інших засобів на вибір дитини.

Визначено, що зміст права на інформацію в Конвенції про захист прав людини і основоположних свобод 1950 року та Хартії основоположних прав Європейського Союзу 2000 року практично ідентичний змісту відповідних міжнародних договорів універсального характеру.

Доведено, що оскільки Хартія основних прав Європейського Союзу (2000) містить лише одне загальне положення про свободу вираження поглядів та інформації, то на європейському рівні право дитини на інформацію переважно закріплено в правових актах Ради Європи. З одного боку, обмеження, яких може зазнавати право на свободу вираження поглядів відповідно до Європейської конвенції 1950 року, набагато ширші і викладені більш детально, ніж у міжнародних договорах універсального характеру. З іншого боку, Конвенція про здійснення прав дитини 1996 року, на відміну від міжнародно-правових актів універсального характеру, має позитивний ефект, оскільки запроваджує новий «відповідна інформація», що означає інформацію, яка відповідає віку і розумінню дитини, і яка буде надана для того, щоб дитина могла повною мірою здійснювати свої права, якщо тільки надання такої інформації не суперечить добробуту дитини.

Ключові слова: право дитини на інформацію, права дитини, захист прав дитини, міжнародні договори, міжнародно-правовий захист прав дитини.

Problem statement. In today's information age, the ability to freely obtain, use, disseminate, store and protect information is vital for the effective realization of the rights, freedoms and legitimate interests of every person, including children. The Convention on the Rights of the Child (1989) [1] provides for a number of principles regarding the legal status of the child, including the best interests of the child as a primary consideration (Article 3) and the right to express the child's views freely in all matters affecting the child (Article 12). This right is closely related to the child's right to know what is happening and to have access to information of interest to him or her – the right 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. The realization

of the right of access to information by a child gives the child the opportunity to understand what is happening and to form his or her own opinion about it. It is also quite obvious that children should be provided with access to information in accordance with the age and maturity of the child. The content of the child's right to information is enshrined in both relevant international legal acts and domestic legislation.

Overview of recent research. The issues of international legal regulation of the child's right to information were studied in their scientific works by such Ukrainian and foreign scholars as: Y. V. Bogdan [2], I. I. Zaharnitska [3], V. A. Zalizniak and V. A. Lipkan [4], M. O. Marshuba [5], M. P. Nediukha [6], O. V. Nesterenko [7], S. Pugach [8], V. A. Romashchenko [9], V. M. Steshenko [10], Samantha Godwin [11], Penelope Carroll [12], Jane Murray, Beth Blue Swadener and Kylie Smith

[13], Elaine E. Sutherland [14], Anca Gheaus, Gideon Calder and Jurgen De Wispelaere [15] and others.

However, in this article we will focus on reviewing the content of international legal acts of universal and European character regulating the child's right to information, which is the **purpose** of the article.

Based on this goal, we can formulate the following **objectives** of the article:

- to determine the content of the child's right to information in international legal acts of universal character;
- to determine the content of the child's right to information in international legal acts of European character.

Presentation of the main material. *The content of the child's right to information in international legal acts of universal level.*

The basis of international legal regulation of the child's right to information is formed by general norms on the right to information are fixed in international acts of universal level. In particular, Article 19 of the Universal Declaration of Human Rights (1948) states that everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers [16, Art. 19]. This legal norm is developed in Article 19(1) of the International Covenant on Civil and Political Rights (1966), according to which everyone shall have the right to hold opinions without interference [17, Art. 19(1)]. In addition to this, everyone 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 his choice.

The Convention on the Rights of the Child (1989), which is an international treaty of a special nature in the field of protection of children's rights, contains a number of articles on the protection of the child's right to information. Thus, Article 12 of the Convention on the Rights of the Child provides for the right of the child to express his or her views freely in all matters affecting him or her, and the views of the child shall be given due weight in accordance with his or her age and maturity [1, Art. 12(1)]. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law [1, Art. 12(2)].

In its turn, Article 13(1) of the Convention on the Rights of the Child establishes the child's 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 [1, Art. 13(1)].

Article 17 of the Convention provides for the child's 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 [1, Art. 17]. Article 24(2e) of the Convention sets for the provision of information to all sections of society, including parents and children, on the health and nutrition of children, the benefits of breastfeeding, hygiene, sanitation of the child's environment and the prevention of accidents [1, Art. 24(2e)], and Article 28(1d) establishes that information and materials in the field of education and training shall be made available to all children [1, Art. 28(1d)].

However, a child's right to information is not absolute and therefore exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: for respect of the rights or reputations of others or for the protection of national security or of pub-

lic order, or of public health or morals. The grounds for these restrictions are identical in both the Convention on the Rights of the Child [1, Art. 13(2)] and the International Covenant on Civil and Political Rights [17, Art. 19(2)].

The content of the child's right to information in international legal acts of European level.

Since the Charter of Fundamental Rights of the European Union (2000) contains only one general clause on freedom of expression and information [18, Art. 11], at the European level, the child's right to information is mainly set in the legal acts of the Council of Europe. First of all, this right is fixed in the Convention for the Protection of Human Rights and Fundamental Freedoms (1950), and the content of this right is identified with the freedom of expression. Under the Article 10 of the Convention everyone has the right to freedom of expression and this right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers [19, Art. 10(1)]. As we can see, the content of the right to information under the Convention (1950) is practically identical to the content of the relevant international treaties of a universal character. At the same time, the restrictions to which the right to freedom of expression may be subject under the Convention (1950) are much wider and outlined in more detail than in international treaties of a universal character. In particular, the Article 10(2) provides that the exercise of these freedoms may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for the preventing of the disclosure of information received in confidence, or for the maintaining the authority and impartiality of the judiciary [19, Art. 10(2)].

In addition to the Convention (1950) [19], we are also interested in the European Convention on the Exercise of Children's Rights (1996), which has a positive aspect of the term "relevant information" that means 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 [20, Art. 2(d)]. In particularly 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: to receive all relevant information; to be consulted and express his or her views and to be informed of the possible consequences of compliance with these views and the possible consequences of any decision [20, Art. 3]. Articles 6 and 10 of the Convention on the Exercise of Children's Rights (1996) provides child's right to information taking into account that in proceedings affecting a child, the judicial authority, before taking a decision, shall ensure the *best interests* of the child [20, Art. 6, 10].

The Council of Europe Strategy for the Rights of the Child (2022–2027) also plays an important role in protecting the child's right to information [21, Para. 44].

Conclusions. 1. The basis of international legal regulation of the child's right to information is formed by general rules on the right to information are fixed in international instruments of universal level – in Article 19 of the Universal Declaration of Human Rights of 1948 and Article 19 of the International Covenant on Civil and Political Rights of 1966. In addition, the rules on the child's right to information of a special nature are enshrined in Articles 12, 13, 17, 24 and 28 of the 1989 Convention on the Rights of the Child.

2. At the universal level, the main content of the child's right to information is the ability to formulate his or her own views, the right to freely express these views on all matters affecting the child, and the views of the child are given due con-

sideration in accordance with his or her age and maturity. The child's right to information also includes the right to express his or her opinions freely; 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.

3. The content of the right to information in the Convention for the Protection of Human Rights and Fundamental Freedoms (1950) and in the Charter of Fundamental Rights of the European Union (2000) is practically identical to the content of the relevant international treaties of a universal character.

4. Since the Charter of Fundamental Rights of the European Union (2000) contains only one general clause on free-

dom of expression and information, at the European level, the child's right to information is mainly set in the legal acts of the Council of Europe. From one side the restrictions to which the right to freedom of expression may be subject under the Convention (1950) are much wider and outlined in more detail than in international treaties of a universal character. From other side the Convention on the Exercise of Children's Rights (1996), unlike international legal acts of a universal nature, has a positive effect providing the new term "relevant information" that means 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.

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