102. There are various obstacles in the way of the child’s right to freedom of expression. The CRC Committee has pointed out the lack of legal guarantees for the freedom of expression for children below 18 years of age within the States Parties to the CRC. It has also expressed concern with regard to the inadequate attention given to the promotion of and respect for the right of the child to freedom of expression due to prevailing traditional, societal attitudes. Most States have apparently not yet adopted the meaning of this right in the 19th century sense of Mill, which is a right not to be coerced by anyone, government or groups in society. Secondly, it is a duty to form an opinion for the sake of the ‘welfare of mankind’, which is analogous to ‘improving the living conditions of children in every country’. Cultural obstacles pose a real threat whether they stem from religious dogma, oppressive political culture or corrupt business tactics in exploiting children with vulgarity and violence or simply apathy resulting from ignorance, lack of information and/or mindless consumerism.

103. The issue of the States’ positive obligations in securing what ought to be de lege ferenda effective rights in accordance with obligations under human rights treaties has been dealt with by the ECtHR which accentuates that the scope of the States Parties’ obligations inevitably vary depending on the diversity of the situations within these States, difficulties involved in implementation and not least, choices which must be made in terms of priorities and resources. Positive obligations may not be interpreted in such a way as to impose an impossible or disproportionate burden on the authorities. The CRC Committee has emphasized the State’s obligation in ensuring children’s access to information. It has also emphasized the need for

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191 CRC Committee, Concluding Observations: Kazakhstan (UN Doc. CRC/C/15/Add. 213, 2003).
budgetary support to ensure the production and dissemination of literary and media material to children.\textsuperscript{193} The CRC Committee in a recommendation on the private sector as service provider and its role in implementing child rights, emphasizes that ultimately the States Parties to the CRC have the primary responsibility for compliance with its provisions with regard to all persons within its jurisdiction. They have a legal obligation to respect and ensure the rights of children as stipulated in the Convention, which includes the obligation to ensure that non-State service providers operate in accordance with its provisions, thus creating indirect obligations on such actors. The State continues to be bound by its political obligations under the treaty, even when the provision of services is delegated to non-State actors.\textsuperscript{194}

104. The 1924 Declaration of the Rights of the Child adopted the general principle that ‘mankind owes to the child the best it has to give’. This could also be paraphrased in saying that the best the world can get derives from children. Rousseau, who in the 18th century taught parents to take a new interest in their children and to educate differently, emphasized the furtherance of expression of emotion rather than polite restraint and reached the conclusion that modern progress had corrupted instead of improved men. He believed that man is good by nature but had been corrupted by society and civilisation. The belief in man’s natural goodness was the cornerstone of his argument. There are natural distinctions arising from differences in strength and intelligence. And there are artificial distinctions based on conventions that govern societies. He believed that inequality of men is one of the features of the long process by which men become alienated from nature and from innocence. Rousseau proposed that man would return to nature.

105. Children have for long been deprived of any direct representation of their own interests.\textsuperscript{195} The CRC was to have a significant impact on the participation rights of children.\textsuperscript{196} It was not however the intention of the drafters of the CRC to grant children an actual right to political participa-

\textsuperscript{193} CRC Committee, Recommendation: The Private Sector as Service Provider and its Role in Implementing Child Rights (UN Doc. CRC/C/121, 2002).
\textsuperscript{194} Cf. UN Doc. E/CN.4/Sub.2/1991/42.
\textsuperscript{195} G. Van Bueren, o.c. (note 3), p. 131.