Article 17

State Parties recognize 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. To this end, State Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of Article 29;
(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
(c) Encourage the production and dissemination of children’s books;
(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of Articles 13 and 18.

A. LEGISLATIVE HISTORY OF ARTICLE 17

Article 17 of the Convention on the Rights of the Child (CRC) gives children the right to access information. However, Article 17 does not confer an absolute right. Because some types of information may be detrimental to children, the information that children receive should benefit them and not harm them. The dissemination of positive material by the media should be in line with the aims of education as addressed in Article 29. Therefore, in accordance with Article 29, information that children
receive should be directed towards developing respect for human rights, the child’s parents, the child’s culture, the national values of the country, and the environment, and towards preparing the child for responsible life in a free society and a multi-cultural world. The right of access to information in Article 17 is inextricably related to the right to seek and impart information in Article 13. Both articles have the aim of ensuring that the child has access to information from a diversity of sources, especially information that promotes his health and well-being.¹

Although the current Article 17 emphasizes the importance of the media and its positive role in child development, the original draft of the article submitted by Poland had a different focus. The Polish proposal stressed the importance of protecting children from the harmful influences of the media.² However, some delegates perceived the Polish proposal as threatening freedom of expression and the operation of the mass media, because the Polish proposal presented the media as primarily exerting a negative influence, and the emphasis was on protecting children from the media.³ These delegates felt that the mass media does more good than harm and, therefore, the article should be phrased in a positive way.⁴ In fact, these delegates urged deletion of the article unless it could be reformulated in a positive way.⁵ They felt that the new draft of the article should acknowledge the educational role of the mass media, the need for reciprocity in the free flow of information across international borders, and the importance of guaranteeing children access to information from a diversity of sources.⁶ Consequently, only one of the five subparagraphs of the article addresses the concerns of protecting children from harmful material.

Although only one subparagraph is devoted to the concerns of protecting children from harmful material, the Committee on the Rights of the Child is concerned about children being exposed to inappropriate information. The Committee has repeatedly pointed out that state parties need to implement greater measures in order to protect children from information that is injurious to their well-being, such as materials containing violence and pornography.⁷ Other concerns addressed by the Commit-

³ See id. at 280.
⁴ See id. at 279.
⁵ See id. at 280.
⁶ See id. at 287.