

# A Child Rights-based Approach to the Right to Read



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## Declaration statement



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## Table of Contents

<b>Executive Summary .....</b>	<b>iii</b>
<b>Keywords.....</b>	<b>iv</b>
<b>Overview of the main findings .....</b>	<b>v</b>
<b>List of abbreviations and acronyms .....</b>	<b>vii</b>
<b>CHAPTER ONE: INTRODUCTION .....</b>	<b>1</b>
1.1. Problem statement: The case for a standalone right to read .....	1
1.2. Objectives of the research and structure of the thesis .....	2
1.3. Research question .....	2
1.4. Research methodology and methods .....	2
1.4.1. Note on Methodology.....	2
1.4.2. Method .....	5
<b>CHAPTER TWO: THE INTERNATIONAL HUMAN RIGHTS FRAMEWORK ON THE RIGHT TO READ .....</b>	<b>6</b>
2.1. Introduction: components and implications of a right to read?.....	6
2.2. The right to learn how to read.....	7
2.3. The freedom to choose what to read .....	10
2.4. The 4-As of reading materials .....	12
2.5. Concluding remarks.....	16
<b>CHAPTER THREE: SITUATING THE RIGHT TO READ WITHIN THE CONVENTION ON THE RIGHTS OF THE CHILD .....</b>	<b>17</b>
3.1. Introduction: Engaging the CRC framework .....	17
3.2. Education rights (Articles 28 and 29) and the right to read .....	18
3.3. The right to freedom of expression (Art. 13) and the right to read .....	21
3.4. Media rights (Art. 17) and the right to read .....	23
3.5. The right to rest, leisure, play, recreational activities, cultural life and the arts (Article 31) and the right to read .....	25
3.6. Concluding remarks.....	27
<b>CHAPTER FOUR: THE IMPORTANCE OF RECOGNIZING A CHILDREN`S RIGHT TO READ .....</b>	<b>28</b>
4.1. Introduction .....	28
4.2. The right to read and a child`s development .....	28
4.3. The right to read and contemporary concerns .....	31
4.4. Concluding remarks.....	35
<b>CHAPTER FIVE: FINDINGS, RECOMMENDATIONS AND CONCLUSION.....</b>	<b>36</b>
5.1. Findings .....	36
5.2. Recommendations .....	37
5.3. Conclusion .....	39
<b>BIBLIOGRAPHY .....</b>	<b>41</b>

***“All grown-ups are paper tigers***

*Many of you think, ‘It’s no good. We’ll never get anything done. Grown-ups decide everything and our friends are either frightened or don’t care.’*

*Grown-ups do have a lot of power over you: they are real tigers. But in the long run they can never control you completely: they are paper tigers.”*

— S. Hansen & J. Jensen, *The Little Red Schoolbook* 13 Revised Edition (1971)

## EXECUTIVE SUMMARY

This study aims to engage the Convention on the Rights of the Child (CRC) and its monitoring body, the Committee on the Rights of the Child (CRC Committee), in recognizing a children's right to read. The research seeks to articulate a clear and evidence-based legal justification for this right, exploring its normative content, function, and extent of recognition within the CRC framework.

Reading is fundamental to a child's development, providing access to crucial information for education, political participation, and overall understanding of the world. It forms the foundation for engaging in democratic institutions, overcoming poverty, ensuring mental and physical health, and fostering environmental awareness. Reading also enhances cognitive skills, empathy, and social interaction abilities. Furthermore, it allows children to participate in cultural life and the arts, promoting cultural diversity and validating unique cultural identities, especially for social minorities and Indigenous groups.

This research is guided by two central questions: What is the normative content and function of the right to read? And, to what extent does the CRC framework recognize the existence of a children's right to read?

The study is structured into five chapters:

Chapter 1 introduces the problem statement, objectives, research questions, and methodology. It highlights the global challenge of literacy achievement and the emerging scholarly discourse on recognizing the right to read. The research employs a legal doctrinal analysis, utilizing a literary review of materials related to the right to read and the CRC framework.

Chapter 2 examines how the right to read can be located within the substantive content of existing human rights. It explores the normative content of the right to read, including the right to literacy, the freedom to choose reading materials, and the right to access reading materials that are available, accessible, acceptable, and adaptable.

Chapter 3 narrows down to the CRC framework, investigating how the right to read can be derived from existing CRC provisions. It analyses specific articles such as the right to freedom of expression, media rights, the right to education, and the right to rest, leisure, play, recreational activities, cultural life, and the arts. This chapter aims to determine the extent to which the CRC framework recognizes the existence of a children's right to read.

Chapter 4 investigates empirical evidence from disciplines including education, psychology, and neuroscience that supports the existence and necessity of a standalone right to read. It examines the function of recognizing this right, exploring its contribution to children's cognitive, social, and emotional development. The chapter also addresses contemporary concerns such as illiteracy, censorship of reading materials, school privatization, and the "book famine," arguing that these issues can be addressed through the recognition of a right to read.

Chapter 5 presents the key findings, recommendations, and conclusion of the study.

## **KEYWORDS**

RIGHT TO READ – RIGHT TO EDUCATION – FREEDOM OF EXPRESSION – CONVENTION ON THE RIGHTS OF THE CHILD

## OVERVIEW OF THE MAIN FINDINGS

This study is guided by two central research questions: (1) What is the (1a) normative content, and (1b) function of the right to read? And, (2) to what extent does the CRC framework recognize the existence of a children's right to read?

(1a) Regarding the first element of the first research question, Chapter 2 presents insights into the normative content of the right to read.

a) It is argued that the international community already recognizes a children's right to literacy or, precisely, a *right to know how to read by the time they are of age to complete primary education*. This conclusion is obtained through a legal analysis of ICESCR Article 13, the UNESCO framework of education (more specifically the WDEFA and the ISCED-2011), and interpretations given by the CESCR. The analysis also found that, as part of the obligation expressed on Article 13(2)(a) of the ICESCR, this right is part of the minimum core for the satisfaction of Article 13.

b) The research finds that the framework of Article 19 of the ICCPR grants to all humans, and consequently to all children, *the freedom to choose what to read*. The limitation clause on Article 19(3) should be used on a strict manner, following the principles of legality and necessity.

c) Utilising a four dimensions framework (the '4-A framework') in order to set up an analytical framework for reading materials, it is concluded that everyone, including children, has the *right to have access to reading materials that are available in sufficient quantity; accessible, without discrimination; acceptable in terms of cultural relevance and quality; and adaptable to meet changing needs and contexts*.

(1b) Chapter 4 analyses the second element of the first research question, regarding the function of recognising a right to read.

a) By reviewing literature on the fields of pedagogy, education and social studies, the study evidences that *advancing the right to read as an economic and social right contributes to the cognitive, social and emotional development of the child*.

b) The study presents four contemporary concerns, evidenced by research in different fields - the issue of illiteracy, the censorship of reading materials, the trend of school privatisation, and the so-called "book famine." It *argues that these concerns can be addressed by the recognition of a right to read*.

(2) Regarding the second research question, Chapter 3's overarching conclusion is that *while there are clearly challenges in fully implementing the right to read, this right is deeply embedded within the CRC framework*. The doctrinal and archival analysis of specific articles also brought relevant findings.

a) Articles 28 and 29: The CRC Committee's perception of literacy aligns with UNESCO's conception of lifelong learning. It is concluded that *the CRC right to education framework grants not only the right to know how to read by the time they are of age to complete primary education (in line with ICESCR Article 13), but also creates a qualitative measurement for this right — children have to be able use their literacy skills as tools to achieve the aims of education*.

b) Article 13: The CRC Committee's position regarding Article 13 aligns with the HRC's position on ICCPR Article 19. Additionally, the CRC Committee has provided a non-exhaustive list of materials

children should have access to. By analysing the positions of the CRC Committee in its reporting mechanism, it is concluded that *more effort is required from the CRC framework regarding the balancing between protection from harmful contents and the dimensions of provision and participation.*

c) Article 17: It is concluded that *there is a concerning imbalance between the final formulation of Article 17(c) and the original rationale of the article: encouraging, at all levels, literacy and the reading habit through children's book production and dissemination, as well as the habit of storytelling. Further clarification is also needed on State obligations under Article 17, the role of the publishing industry, and copyright issues in children's literature.*

d) Article 31: The analysis concluded that *there is a need for further establishment of state obligations under Article 31, especially in relation to the right to play (and its relation with reading).*



## **LIST OF ABBREVIATIONS AND ACRONYMS**

**CESCR – Committee on Economic, Social and Cultural Rights**

**CPR – civil and political rights**

**CRC – Convention on The Rights of the Child**

**CRC Committee – Committee on the Rights of the Child**

**ESCR – economic, social and cultural rights**

**HRC – Human Rights Committee**

**IBBY – International Board on Books for Young People**

**ICCPR – International Covenant on Civil and Political Rights**

**ICESCR – International Covenant on Economic, Social and Cultural Rights**

**ICT – Information and communications technologies**

**ISCED – International Standard Classification on Education**

**LGBTI - lesbian, gay, bisexual, transgender, and intersex**

**LOLT – Language of Teaching and Learning**

**SDG 4 – Sustainable Development Goal 4**

**UIS – UNESCO Institute of Statistics**

**UNESCO – United Nations Educational, Scientific and Cultural Organization**

**UNICEF – United Nations Children's Fund**

**WDEFA – World Declaration on Education for All**

**WIPO – World International Property Organisation**

## CHAPTER ONE: INTRODUCTION

### 1.1. Problem statement: The case for a standalone right to read

Reading is one of the most fundamental aspects of a child's development.<sup>1</sup> Through interactions with reading material, children gain access to information that is crucial for their education, political participation, and overall understanding of the world.<sup>2</sup> Reading provides the foundation for engaging in democratic institutions, overcoming poverty, and ensuring mental and physical health, as well as environmental awareness.<sup>3</sup> Additionally, reading enhances cognitive skills, fosters empathy, and equips children with the tools to socially interact with their peers.<sup>4</sup>

Reading is also a form in which children can participate in cultural life and the arts.<sup>5</sup> Guaranteeing access to a body of culturally relevant and responsive literature that mirrors the experiences and languages of children is a way in which States can promote cultural diversity, validating the unique cultural identities of every child, especially those belonging to social minorities and Indigenous groups.<sup>6</sup>

Learning how to read is the first step. As part of the primary education curricula, reading development involves not only the instruction of foundational literacy skills but also the skills of acquiring vocabulary and text comprehension, two abilities that can only be achieved through the implementation of reading habits, where dimensions such as curiosity, engagement, and motivation are fundamental.<sup>7</sup>

Literacy achievement is one of the areas in which the world is falling behind expectations. By the time all United Nations members adopted the 2030 Agenda for Sustainable Development, the global education community had developed strategies to reach Target 4.6 — ensuring universal youth literacy.<sup>8</sup>

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<sup>1</sup> Y.-J. Sun, B.J. Sahakian, C. Langley, A. Yang, Y. Jiang, J. Kang & J. Feng, *Early-Initiated Childhood Reading for Pleasure: Associations with Better Cognitive Performance, Mental Well-Being and Brain Structure in Young Adolescence*, *Psychological Medicine* 54 (2024).

<sup>2</sup> M.M. Patterson, *Children's Literature as a Vehicle for Political Socialization: An Examination of Best-Selling Picture Books 2012–2017*, *Journal of Genetic Psychology* 180 (2019)

<sup>3</sup> “[L]iteracy for all is at the heart of basic education for all and that creating literate environments and societies is essential for achieving the goals of eradicating poverty, reducing child mortality, curbing population growth, achieving gender equality and ensuring sustainable development, peace and democracy” UN General Assembly, *United Nations Literacy Decade: Education for All: Resolution Adopted by the General Assembly*, UN Doc. A/RES/56/116, at para. 7 (2002).

<sup>4</sup> See section 4.2., *infra*.

<sup>5</sup> CRC Committee, *General comment No. 17 on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31)*, CRC/C/GC/17 at para 14(f) (2013).

<sup>6</sup> See, generally, D. Kugelmann, *The Protection of Minorities and Indigenous Peoples: Respecting Cultural Diversity*, *Max Planck Yearbook of United Nations Law* 11 (2007).

<sup>7</sup> International Literacy Association, *The Case for Children's Rights to Read*, 4-5 (2018).

<sup>8</sup> UN General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development*, UN Doc. A/RES/70/1, at 17 (2015).

Unfortunately, recent data on learning outcomes at the end of primary school shows little hope that this goal will be reached.<sup>9</sup>

Against this backdrop, legal scholars and commentators have started the journey to persuade the *interpretive community* — the ‘persons or entities and their agents that have an interest, either direct or implied, in the meaning of the rights under international instruments’<sup>10</sup> — about the importance of recognizing the existence of a right to read.<sup>11</sup> Grounded in empirical evidence and aligned with the existing international human rights framework, these researchers argue that reading is not merely a skill or a means to an end but a right that underpins the realisation of other rights and liberties.

## 1.2. Objectives of the research and structure of the thesis

This study aims to engage the Convention on the Rights of the Child (CRC) and its monitoring body, the Committee on the Rights of the Child (CRC Committee), in the journey towards the recognition of a children’s right to read. It seeks to articulate a clear and evidence-based legal justification for recognizing the right to read as a children’s right.

It starts by looking at the ways in which the right to read can be located within the substantive content of existing human rights on *Chapter 2*. *Chapter 3* narrows down to the CRC framework, exploring how this right can be derived from existing provisions of the CRC, such as the right to freedom of expression, media rights, the right to education and the right to rest, leisure, play, recreational activities, cultural life and the arts. Finally, *Chapter 4* investigates whether empirical evidence from other disciplines, including education, psychology, and neuroscience, supports the existence and necessity of a standalone right to read. *Chapter 5* presents the key findings, recommendations, and conclusion of the study.

## 1.3. Research question

This study is guided by two central research questions: What is the normative content, and function of the right to read? And, to what extent does the CRC framework recognize the existence of a children’s right to read?

## 1.4. Research methodology and methods

### 1.4.1. Note on Methodology

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<sup>9</sup> A recent report from the United Nations Sustainable Development Solutions Network shows that none of the 17 SDGs will be achieved by 2030, with 12 (including SDG 4) stagnating and significant challenges remaining. J.D. Sachs, G. Lafortune & G. Fuller, *The SDGs and the UN Summit of the Future: Sustainable Development Report 2024*, Dublin University Press, at 17 (2024).

<sup>10</sup> J.W. Tobin, *Seeking to Persuade: A Constructive Approach to Human Rights Treaty Interpretation*, Harvard Human Rights Journal 23, at 208 (2010).

<sup>11</sup> See, e.g., L. Shaver, *The Right to Read*, Columbia Journal of Transnational Law 54 (2015); M. Deutsch, *Burned, banned, and censored: the need for an international framework that addresses the right to read*, Wisconsin International Law Journal 39 (2022); International Literacy Association, *supra* note 7.

As a primary methodology, this research will apply a legal doctrinal analysis to identify the applicable human rights norms relevant to the research inquiry, as well as highlight 'their legal nature and scope of application and their correct interpretation.'<sup>12</sup>

Cognizant of the importance of a 'transparent interpretative methodology'<sup>13</sup> when performing doctrinal analysis, it is relevant to address early on some concerns and observations that emerged when framing the theoretical approach of this study.

Firstly, this study presents an interpretation of a selected number of rights that includes the right to read. Shaver (2014) locates the right to read in the intersection of other "generic rights," including freedom of expression, the right to education, children's media rights, the right to science and culture, and minority rights.<sup>14</sup> The author argues that 'the right to read is already implicit at the intersection of these well-established human rights, awaiting recognition and fuller theoretical development.'<sup>15</sup> The process of embedding the right to read within the meaning of other rights is part of an interpretive methodology that seeks to persuade the interpretive community that a meaning has enough appeal to be relevant.<sup>16</sup> This meaning should 'be principled, clear and practical, coherent in its reasoning and consistent with the system of international law, and sensitive to the nature of the socio-political context within individual states and throughout the international legal order.'<sup>17</sup> This work therefore aims at convincing the interpretive community that promoting the right to read is within what is to be expected to secure the implementation of these rights.

Secondly, in line with Shaver's model, this study does not intend to go beyond the framework of existing rights and obligations. Concerns surrounding the "proliferation" of human rights can be found across different disciplines and reflect the issue of the sustainability, effectiveness and credibility of the human rights framework.<sup>18</sup> Some might argue that "inflating" the list of human rights has the undesirable effect of undermining fundamental rights.<sup>19</sup> More recent body of work on the matter sheds an optimistic light on human rights proliferation,<sup>20</sup> highlighting how the growing volume of rights have led to 'increased monitoring and enforcement mechanisms and global use of human rights language to more expansive interpretations and applications of human rights law.'<sup>21</sup>

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<sup>12</sup> M. Scheinin, *The Art and Science of Interpretation in Human Rights Law*, in B.A. Andreassen, H. Sano & S. McInerney-Lankford (Eds.), *Research Methods in Human Rights: A Handbook* at 20, Cheltenham: Edward Elgar Publishing Ltd (2017).

<sup>13</sup> S.R. Varadan, *Article 5 of the UN Convention on the Rights of the Child: Parental Guidance and the Evolving Capacities of the Child*, Meijers-reeks, at 17 (2022).

<sup>14</sup> Shaver, *supra* note 11.

<sup>15</sup> Shaver, *supra* note 11, at 5.

<sup>16</sup> Tobin, *supra* note 10.

<sup>17</sup> Tobin, *supra* note 10, at 204.

<sup>18</sup> See, e.g., P. Alston, *Conjuring Up New Human Rights: A Proposal for Quality Control*, *American Journal of International Law* 78, at 614 (1984).

<sup>19</sup> H. Hannum, *Reinvigorating Human Rights for the Twenty-First Century*, *Human Rights Law Review* 16, at 413 (2016).

<sup>20</sup> See, e.g., J.T. Theilen, *The Inflation of Human Rights: A Deconstruction*, *Leiden Journal of International Law* 34 (2021).

<sup>21</sup> K.L. McCall-Smith, *The Proliferation of Human Rights: Between Devotion and Calculation*, in J. Wouters, K. Lemmens, T. Van Poecke & M. Bourguignon (Eds.), *Can We Still Afford Human Rights? Critical Reflections on Universality, Proliferation and Costs*, Edward Elgar, at 116 (2020).

Hanson and Peleg (2019), in reviewing how different legal theorists deal with the question of moral theory and children's rights, conclude that, while it is clear that children have moral and legal rights, there still exists a 'need to continue to reflect on what rights children have, how they can exercise their rights, if and under what conditions those rights can be limited, how to balance autonomy and protection, what remedies should be available in case rights are violated, how to evaluate children's claims with those of others, and so on.'<sup>22</sup> The explicit recognition of children as rights holders, in the sense that they have the rights contained in the human rights documents, was only given in 1989, by the CRC.<sup>23</sup> And even with the clear acknowledgment that children have rights, there is still reluctance by States and human rights scholarship in recognizing the linkage between children's rights and human rights<sup>24</sup> and taking children's rights seriously.<sup>25</sup>

Against this backdrop, this study expands on the comprehension of existing rights, proposing a conceptual elaboration that would only make sense if the right to read is located within the substantive content of existing human rights (Chapter 2) and if the challenges in the fulfilment of these rights justify the promotion of reading not only as a desirable public policy goal but also as a legally protected children's right (Chapter 4).

Lastly, this study will take a children's rights approach to the right to read (Chapter 3), in the sense that it aims at locating the right to read within the CRC framework, taking into consideration the primacy of the CRC provisions, supplemented by the work of the CRC Committee and the interpretations given by the international children's rights law scholarship. The CRC is especially interesting for the right to read since it is the first core human rights instrument to transcend the dichotomy between economic, social and cultural rights (ESCR) and civil and political rights (CPR) and declare the indivisibility of rights.<sup>26</sup> It does, however, make a distinction between ESCR and CPR in terms of general implementation obligation (CRC, Article 4).<sup>27</sup> The idea expressed in the CRC is that, while CPR create immediate state obligations, the implementation of ESCR is conditioned on financial and other resources.<sup>28</sup> The wording does not justify a continuous postponement on the realisation of socio-economic rights of children, on the contrary, it subject states to an obligation of taking immediate steps — including budget allocation and spending — towards the full realisation of ESCR.<sup>29</sup>

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<sup>22</sup> K. Hanson & N. Peleg, *Waiting for Children's Rights Theory*, International Journal of Children's Rights 28, at 28 (2020).

<sup>23</sup> J. Doek, *The Human Rights of Children: An Introduction*, in T. Liefwaard & U. Kilkelly (Eds.), International Human Rights of Children, Springer, at 12 (2018).

<sup>24</sup> N. Cantwell, *Are Children's Rights Still Human?*, in A. Invernizzi & J. Williams (Eds.), The Human Rights of Children: From Visions to Implementation, Ashgate, at 42 (2011).

<sup>25</sup> See M. Freeman, *Why It Remains Important to Take Children's Rights Seriously*, International Journal of Children's Rights 15 (2007).

<sup>26</sup> W. Vandenhole, *Children's Rights from a Legal Perspective*, in W. Vandenhole, E. Desmet, D. Reynaert & S. Lembrechts (Eds.), Routledge Handbook of Children's Rights Studies, at 28 (2015).

<sup>27</sup> See CRC Committee, General Comment No. 5 General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6), CRC/GC/2003/527 (2003).

<sup>28</sup> CRC Committee, General Comment No. 5, *supra* note 27, at para. 5. But see Human Rights Committee, General Comment No. 31 The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, CCPR/C/21/Rev.1/Add. 13. at para. 5 (2004).

<sup>29</sup> CRC Committee, General comment No. 19 on public budgeting for the realization of children's rights (art. 4), CRC/C/GC/19. at paras. 38-40 (2016).

This paper is driven by the understanding that, however distinct in nature, the intersection of a number of children's ESCR and CPR creates a fulfilling avenue through which the right to read can be integrated holistically into the international children's rights framework.

#### 1.4.2. Method

In order to operationalise the doctrinal analysis proposed, a *literary review* of materials related to the right to read and the CRC framework was utilised.

## CHAPTER TWO: THE INTERNATIONAL HUMAN RIGHTS FRAMEWORK ON THE RIGHT TO READ

"The teacher decided to give up arithmetic altogether. She thought maybe Pippi would prefer to learn to read. So she took out a pretty little card with a picture of an ibex on it. In front of the ibex's nose was the letter "i"

"Now, Pippi," she said briskly, "you'll see something jolly. You see here an ibex. And the letter in front of this ibex is called i."

"That I'll never believe," said Pippi. "I think it looks exactly like a straight line with a little fly speck over it. But what I'd really like to know is, what has the ibex to do with the fly speck?"<sup>30</sup>

– *Pippi Longstocking*, Astrid Lindgren

### 2.1. Introduction: components and implications of a right to read?

As previously highlighted, the right to read appears in the interception of other more well-known human rights. It is not hard to see how the framework of the right to education, for instance, engage with the right to read: around the world, literacy rates are used as enduring indicators of access to education; the availability of school libraries and books, on the other hand, are commonly associated with quality of education. The right to read is also a very essential part of the right to freedom of expression, as writing and reading are two of the main forms through which individuals can seek, receive and impart information and ideas.

This chapter aims at locating the substantive content of the right to read within the international human rights framework. It will look into materials related to the right to education and the right to freedom of expression.<sup>31</sup> It is divided into three parts, representing three of the main components of the right to read:

- The *right to learn how to read*;
- The *freedom to choose what to read*; and
- The *right to have access to reading materials*.

These three components represent fundamental and well-established elements that can be derived from the core international human rights treaties (especially the frameworks of Articles 13 and 14 of the ICESCR, and the framework of Article 19 of the ICCPR). They do not encompass the entirety of the

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<sup>30</sup> A. Lindgren, *Pippi Longstocking*, The Viking Press (1950).

<sup>31</sup> The choice for starting to look at these rights from a broader perspective before delving into the CRC framework reflects the assertion that these are human rights, and therefore predicated to all human beings, but with particular implications for children. It also builds on the recognition of the principles of interdependency, interrelatedness and indivisibility of human rights. See, generally, S. Goonesekere, *The Interrelated and Interdependent Nature of Children's Rights*, in J. Todres, & S.M. King (eds), *The Oxford Handbook of Children's Rights Law*, Oxford Handbooks (2020).

right to read.<sup>32</sup> Their inclusion in this analysis underscores the richness of interpretation and the authoritative provisions that support recognizing these components as unquestionable rights within the international community.

## 2.2. The right to learn how to read

*Reading is hard.* It requires that one recognizes and manipulates sounds in spoken language, while also connecting these sounds to their written symbols.<sup>33</sup> After decoding the words, readers still have to use their background knowledge and inference skills to make sense of sentences and connections.<sup>34 35</sup>

In the Latin language, the verb *legere* (“to read”) initially had a meaning of ‘to collect, or to gather.’ In this sense, ‘to read is, perhaps, etymologically, to pick out words.’<sup>36</sup> Sharing the same root, the term *literate* dates back to the early 15th century and originates from the Latin *litteratus/litteratus* meaning ‘educated, learned, who knows the letters.’<sup>37</sup> By the late 18th century, the term was used to qualify those who were ‘acquainted with literature,’ as well as a noun, meaning ‘one who can read and write.’<sup>38</sup>

The meaning of literacy has naturally evolved since its origin to embrace different forms of social practices<sup>39</sup> and knowledge and be used as a suffix for different disciplines.<sup>40</sup> To be able to fully understand this study, for instance, one should be familiar with a set of academic concepts and frameworks related to the legal field. This acquired knowledge in scholarly disciplines, commonly referred as academic expertise, might as well be expressed as a certain form of literacy: legal literacy,<sup>41</sup> human rights literacy,<sup>42</sup> *children’s rights literacy*...

Stretching this term to welcome different forms of human capabilities is in line with the lifelong learning perspective on literacy pushed forward by the United Nations through its Educational, Scientific and

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<sup>32</sup> As a limitation, this paper did not look further into the broader framework of cultural rights. For a doctrinal analysis of Article 31 of the CRC (the right of the child to rest, leisure, play, recreational activities, cultural life and the arts), See section 3.5., *infra*.

<sup>33</sup> M.R. Kuhn & L. Levy, *Developing fluent readers: teaching fluency as a foundational skill*. Guilford Publications (2015).

<sup>34</sup> R. Smith, P. Snow, T. Serry & L. Hammond, *The Role of Background Knowledge in Reading Comprehension: A Critical Review*. *Reading Psychology* 42(3) (2021).

<sup>35</sup> For a reflection on what literacy education means for visually impaired and print disabled children, See footnote 243, *infra*.

<sup>36</sup> D. Harper. Etymology of lecture. Online Etymology Dictionary. (<https://www.etymonline.com/word/lecture>), last visited (15-06-2024).

<sup>37</sup> D. Harper. Etymology of literate. Online Etymology Dictionary. (<https://www.etymonline.com/word/literate>), last visited (15-06-2024).

<sup>38</sup> *id.*

<sup>39</sup> For an analysis on how social practices have altered the meaning of literacy, See J. Coiro, M. Knobel, C. Lankshear & D.J. Leu, *Handbook of research on new literacies*. Routledge (2008).

<sup>40</sup> E.J. Durden-Myers, G. Bartle, M.E. Whitehead, & K.K. Dhillon, *Exploring the Notion of Literacy Within Physical Literacy: A Discussion Paper*, *Frontiers in sports and active living* 4 (2022).

<sup>41</sup> See, e.g., A. Zariski, *Legal literacy: an introduction to legal studies*, AU Press (2014).

<sup>42</sup> See, e.g., A. De Wet, W. van Vollenhoven & A. Becker, *Human rights literacy: moving towards rights-based education and transformative action through understandings of dignity, equality and freedom*. *South African Journal of Education* 35(2) (2015).



Cultural Organization (UNESCO) and more recently added in the 2030 Agenda for Sustainable Development as the Sustainable Development Goal 4 (SDG 4).<sup>43</sup>

According to UNESCO Strategy for Youth and Adult Literacy (2020-2025), being literate in today's world goes way beyond reading and writing – it requires the constant achievement of lifelong, life-wide, intersectoral and universal learnings.<sup>44</sup> In other words, literacy is a continuum of learning that ranges from 'low to high levels of competency or proficiency.'<sup>45</sup> In essence, the traditional binary categorisation of people as literate or illiterate is not really accurate, and this is constantly acknowledged by the UNESCO Institute of Statistics (UIS), when updating its global database on education.

“Current literacy data are generally collected through population censuses or household surveys in which the respondent or head of the household declares whether they can read and write with understanding a short, simple statement about one's everyday life in any written language. Some surveys require respondents to take a quick test in which they are asked to read a simple passage or write a sentence, yet *clearly literacy is a far more complex issue* that requires more information.”<sup>46</sup>

The above-mentioned methodology applied by UIS to collect literacy data has been employed by the United Nations since at least 1948, albeit with some evolution over time.<sup>47</sup> While one might argue that this approach seems outdated, data shows that it remains crucial to discuss literacy in terms of basic reading skills.<sup>48</sup> According to UIS, six out of ten children will not achieve minimum levels of reading proficiency by the time they are of age to finish primary education,<sup>49</sup> a number that puts in question the efficacy of measures destined at ensuring quality education for all, in line with SDG 4.

Every country in the world has ratified at least one of the 48 legally binding and 23 soft law international instruments protecting the right to education.<sup>50</sup> The core human rights treaties, particularly the ICESCR and the CRC,<sup>51</sup> provide the normative content for this right. Article 13(2)(a) of the ICESCR states that '[p]rimary education shall be compulsory and available free to all.' This provision is understood by the Committee on Economic, Social and Cultural Rights (CESCR) to contain a *minimum core obligation* – an obligation that needs to be fulfilled as a matter of top priority 'to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights enunciated in the Covenant.'<sup>52</sup> <sup>53</sup> The Committee

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<sup>43</sup> See UN General Assembly, *supra* note 8.

<sup>44</sup> UNESCO, *UNESCO Strategy for Youth and Adult Literacy and its Action Plan (2020-2025)*, ED-2023/WS/13 (2023).

<sup>45</sup> UNESCO, *UNESCO International Literacy Prizes 2023: Promoting literacy for a world in transition: Building the foundation for sustainable and peaceful societies: Analytical study*, ED-2023/WS/19, at 9 (2023).

<sup>46</sup> UIS, *Literacy*. (<https://uis.unesco.org/en/topic/literacy>), last visited (16-06-2024). [emphasis added]

<sup>47</sup> UNESCO, *Fundamental education: Common ground for all peoples*, EDUC/9, EDUC/10 (1947).

<sup>48</sup> For an evidence-based discussion on the persistence of illiteracy in the world, see Section 4.3, *infra*.

<sup>49</sup> UIS, *More Than One-Half of Children and Adolescents Are Not Learning Worldwide*, Fact Sheet No. 46 UIS/FS/2017/ED/46 (2017).

<sup>50</sup> UNESCO & Right to Education Initiative, *Right to education handbook* (2019).

<sup>51</sup> See section 3.1, *infra*.

<sup>52</sup> CESCR, *General Comment No. 3: The nature of State Parties' Obligation (Article 2, Para 1)*, E/1991/23, at para. 10 (1990).

<sup>53</sup> In relation to education rights, the core obligations includes an obligation: 'to ensure the right of access to public educational institutions and programmes on a non-discriminatory basis; to ensure that education conforms to the

adds that ‘the failure to introduce, as a matter of priority, primary education which is compulsory and available free to all’<sup>54</sup> is a violation of Article 13.

This strong wording in support of primary education reflects the focus on the development of formal education as the ‘main delivery system for basic education of children.’<sup>55</sup> This idea has been expressed since the 70’s, when the first efforts to design an International Standard Classification on Education (ISCED) came about.<sup>56</sup> In 1990, the World Declaration on Education for All and the Framework for Action to Meet Basic Learning Needs (WDEFA), the main outcomes from the Jomtien Conference, turned these standards into a reference guide for education stakeholders.<sup>57</sup>

Both the WDEFA (and the subsequent Education For All movement) and the ISCED (last updated in 2011) are tools of great persuasion level that have shaped the international framework on the right to education. These documents place great emphasis on literacy as part of the primary education curriculum.<sup>58</sup> According to the new ISCED classification, primary education is equivalent to Level 1 of educational attainment.<sup>59</sup> The most common duration for ISCED Level 1 is 6 years, with the legal age of entry ranging between 5 and 7 years old.<sup>60</sup> Thus, primary education is usually completed between ages 10 and 12.

Against this backdrop, it seems reasonable to conclude that the international community already recognizes a children’s right to literacy or, precisely, a *right to know how to read by the time they are of age to complete primary education*. As part of the obligation expressed on Article 13(2)(a) of the

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objectives set out in article 13 (1); to provide primary education for all in accordance with article 13(2)(a); to adopt and implement a national educational strategy which includes provision for secondary, higher and fundamental education; and to ensure free choice of education without interference from the State or third parties, subject to conformity with “minimum educational standards” (art. 13 (3) and (4)). CESCR, *General comment No. 13: The Right to Education (Art. 13 of the Covenant)*, E/C.12/1999/10 at para 57 (1999).

<sup>54</sup> CESCR, *supra* note 53, at para. 59.

<sup>55</sup> CESCR, *supra* note 53, at para. 9. It is relevant to read the formulation of paragraph 9 in full: “The Committee obtains guidance on the proper interpretation of the term “primary education” from the World Declaration on Education for All which states: “The main delivery system for the basic education of children outside the family is primary schooling. Primary education must be universal, ensure that the basic learning needs of all children are satisfied, and take into account the culture, needs and opportunities of the community” (art. 5). “[B]asic learning needs” are defined in article 1 of the World Declaration. While primary education is not synonymous with basic education, there is a close correspondence between the two. In this regard, the Committee endorses the position taken by UNICEF: “Primary education is the most important component of basic education.”

<sup>56</sup> UNESCO, *International Standard Classification of Education*, Division of Statistics on Education (1976).

<sup>57</sup> UNESCO, *World Declaration on Education for All and Framework for Action to Meet Basic Learning Needs* (1990).

<sup>58</sup> The ISCED 2011 defines primary education (or ISCED Level 1) as education that ‘provides learning and educational activities typically designed to provide students with fundamental skills in reading, writing and mathematics (i.e. literacy and numeracy) and establish a solid foundation for learning and understanding core areas of knowledge and personal development, preparing for lower secondary education.’ UIS, *International Standard Classification of Education*, at 82 (2011).

<sup>59</sup> “The notion of ‘levels’ of education is represented by an ordered set, grouping education programmes in relation to gradations of learning experiences, as well as the knowledge, skills and competencies which each programme is designed to impart.” UIS, *supra* note 58, at 47.

<sup>60</sup> UIS, *supra* note 58, at 30.

ICESCR, this right is part of the minimum core for the satisfaction of Article 13. Three final considerations are due.

Firstly, the recognition of this right is not in detriment of an adult or an older child's right to literacy. The right to fundamental education is guaranteed by Article 13(2)(d) and 'extends to all those who have not yet satisfied their basic learning needs.'<sup>61</sup> UNESCO plays great focus on youth and adult literacy programmes.<sup>62</sup> These programmes, 'similar in complexity of content to programmes already classified as primary education,'<sup>63</sup> are also included at ISCED Level 1.

Secondly, it is important to highlight that the ability to read and write is commonly obtained in the middle years of primary school. In the field of child development and education, there is a consensus that 'children should be able to learn to read and write at a basic level in at least their home language within three years of formal full-time schooling.'<sup>64</sup> It is a common practice for countries to have national regulations specifying an age lower than 12 to assess literacy,<sup>65</sup> or the so-called "retention laws," requiring students to meet a reading standard in order to pass a certain grade.<sup>66</sup>

Thirdly, in regards to the language to be used in assessing this right, I resort to the technical interpretation of the South African Human Rights Commission (2021) that '[t]he right to read states that all children have the right to learn to read and write at a basic level [...] in the language of learning and teaching (LOLT) used in their school in the Foundation Phase.'<sup>67</sup> This research is, however, cognizant of the extensive body of work highlighting the importance of the availability of multilingual primary education based on the mother tongue.<sup>68 69</sup>

### 2.3. The freedom to choose what to read

The protection of freedom of expression is widely recognized through the different international and regional human rights instruments.<sup>70</sup> Article 19(2) of the International Covenant on Civil and Political

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<sup>61</sup> CESCR, *supra* note 53, at para. 23.

<sup>62</sup> See, e.g., UNESCO, *supra* note 43.

<sup>63</sup> UIS, *supra* note 58, at 32.

<sup>64</sup> South African Human Rights Commission, *The right to read & write*, at 6 (2021), citing J.M. Carroll, C. Bowyer-Crane, R.J. Duff, C. Hulme & M.J. Snowling, *Developing language and literacy*, Oxford: Wiley-Blackwell (2011), and also, D. McGuiness, *Early reading instruction*, MIT Press (2004).

<sup>65</sup> South African Human Rights Commission, *supra* note 64.

<sup>66</sup> P. Winke & X. Zhang, *How a Third-Grade Reading Retention Law Will Affect ELLs in Michigan, and a Call for Research on Child ELL Reading Development*, TESOL Quarterly 53(2) (2019).

<sup>67</sup> South African Human Rights Commission, *supra* note 64, at 10.

<sup>68</sup> See note 32, *supra*.

<sup>69</sup> UNESCO recently proclaimed the years of 2022-2032 as the Indigenous Languages Decade, alerting to the fact that 40 percent of languages spoken in the world, mostly Indigenous, are in danger of disappearing. UNESCO, *Global Action Plan of the International Decade of Indigenous Languages*, CI-2022/WS/8 (2022).

<sup>70</sup> See, e.g., "Article 19 of the Universal Declaration of Human Rights (1948); Article 19 of the International Covenant on Civil and Political Rights (1966); Article 10 European Convention for the protection of human rights and fundamental freedoms (1950); Article 11 of the EU Charter of Fundamental Rights; Article 13 of American Convention on Human Rights; Article 9 of the African Charter on Human and Peoples' Rights and; Article 32 of the Arab Charter on Human Rights." International Publishers Association, (<https://internationalpublishers.org/our-work/>), *last visited* (30-6-2024).

Rights (ICCPR) states that '[e]veryone 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.'

Commentators on Article 19 usually explore the intrinsic relation between freedom of expression and access to information, in the sense that expressing itself also means being able to disseminate (seek, receive and impart) information without any form of restriction.<sup>71</sup> Access to information is also 'indispensable to the individual in forming their opinion [...] (as well as their beliefs protected by Article 18).'<sup>72</sup>

Taylor (2020) reminds us, by citing the extensive jurisprudence of the Human Rights Committee (HRC) on freedom of expression, that Article 19 'protects the dissemination of political ideas, advertising, teaching in accordance with personal views, and publication of content which many, in some cases most, may find unwelcome or repugnant.'<sup>73</sup>

Article 19(3) contains a limitation clause to the freedoms expressed in Article 19(2), stating the conditions under which the State may intervene on one's exercise of these freedoms. Article 19(3) affirms that in order to respect rights or reputations of others, or in order to protect national security or the public order, or the public health or morals, freedom of expression might be subjected to certain restrictions, which should be provided by law and follow the principle of necessity.

There is a growing concern in the international community on how to effectively counter 'hate speech' without breaching Article 19. The UN defines hate speech as 'any kind of communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor.'<sup>74</sup> Responding to the alarming growth of xenophobia, racism and intolerance is a big challenge that requires states to be cautious in deeming a certain type of speech as "lawful" or "unlawful" and deciding on the severity of the corresponding sanction for those who perpetrate these practices.<sup>75</sup>

Caution is also required from states when dealing with censorship of *harmful content* for children. Harmful content for children can be defined as any reading material, images or videos that have a high risk of causing physical or psychological damages, harming a child's identity, and distorting their sense of self-worth and their view of the world.<sup>76</sup> As children become more and more active as internet users,

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<sup>71</sup> See, e.g., P.M. Taylor, Article 19: Freedom of expression. In P.M. Taylor, *A Commentary on the International Covenant on Civil and Political Rights: The UN Human Rights Committee's Monitoring of ICCPR Rights*, Cambridge University Press (2020).

<sup>72</sup> Taylor, *supra* note 71, at 545.

<sup>73</sup> Taylor, *supra* note 71, at 544.

<sup>74</sup> UN, United Nations Strategy and Plan of Action on Hate Speech Detailed Guidance on Implementation for United Nations Field Presences, Office on Genocide Prevention and the Responsibility to Protect, at 8 (2020).

<sup>75</sup> But see A. Fino, *A critique of the UN Strategy and Guidance on 'Hate Speech': Some Legal Considerations*, *Netherlands Quarterly of Human Rights* 41(4) (2023).

<sup>76</sup> R. Uzun, *Protecting Children from Harmful Content in New Media*, *Etkileşim: Üsküdar University Faculty of Communication Academic Journal* 1(1) (2018).

their exposure to harmful content has increased exponentially, raising concerns and demanding a more proactive and child-centred approach from governments and the business sector.<sup>77</sup>

Some harmful content, such as child sexual abuse material and content promoting terrorism or war, is illegal, falling into the limitation clause of Article 19(3), as well as other national and international prohibitions.<sup>78</sup> However, some harmful content is legal. For instance, content promoting suicide or self-harm, eating disorder content, pornographic content, among others.<sup>79</sup> Thus, the seeking, receiving and imparting of information on this last category is protected by Article 19(2).

In a digital world characterised by the mutually reinforcing trends of hyper-connectivity, datafication and commercialisation,<sup>80</sup> it is important that businesses and governments agree on risk response strategies to protect children from harmful content, without restricting their participation rights and freedom of expression. Thierer (2014) advocates for resiliency-based responses — education and empowerment-based initiatives that put children's interests first.<sup>81</sup> Uzun (2018) highlights that, while prohibitive strategies are not appropriate in the case of legal but harmful content, there is the need to engage different stakeholders in the establishment of ethical regulations to prevent children's exposure to risks.<sup>82</sup> According to the UNICEF Children's Rights and Business Principles, companies have a responsibility to 'ensure the protection and safety of children in all business activities and facilities,' as well as ensuring 'that products and services are safe, and seek to support children's rights through them.'<sup>83</sup>

While this is a hard task that is far from being resolved, it is possible to conclude that the international framework on freedom of expression and access to information clearly grants to all humans, and consequently to all children, the *freedom to choose what to read*. While this freedom is limited by the circumstances expressed in Article 19(3), the interpretation of this limitation is strict and needs to follow the principles of legality and necessity.

#### 2.4. The 4-As of reading materials

Until now, we have interpreted two different components of the right to read: the *right to learn how to read* and the *freedom to choose what to read*. The third component is related to the legal content of the right to read as an ESCR: the access, availability, accessibility and adaptability of reading materials.

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<sup>77</sup> See, generally, A. Thierer, *A Framework for Responding to Online Safety Risks*. In S. van der Hof, B. van den Berg, B. Schermer (eds.), *Minding Minors Wandering the Web: Regulating Online Child Safety*. Information Technology and Law Series, vol 24. T.M.C. Asser Press.

<sup>78</sup> See, e.g., M. Leiser & S. Witting, *Online Child Sexual Abuse and the Role of Social Media Platforms In Protecting Children's Rights: A European Perspective*. In K. Barker & O. Jurasz (eds.), *Routledge Handbook of Social Media, Law and Society* Routledge (2024); N. Robinson & J. Whittaker, *Playing for Hate? Extremism, Terrorism, and Videogames*, *Studies in Conflict & Terrorism* (2020).

<sup>79</sup> NSPCC, *Children's experiences of legal but harmful content online* (2022). (<https://learning.nspcc.org.uk/media/pi1hqvez/legal-but-harmful-content-online-helplines-insight-briefing.pdf>), last visited (28-06-2024).

<sup>80</sup> S. van der Hof, *I Agree... Or Do I?: A Rights-Based Analysis of the Law on Children's Consent in the Digital World*, *Wisconsin International Law Journal* 34(2) (2017).

<sup>81</sup> Thierer, *supra* note 77.

<sup>82</sup> R. Uzun, *Protecting Children from Harmful Content in New Media*, *Etkileşim: Üsküdar University Faculty of Communication Academic Journal* 1(1) (2018).

<sup>83</sup> UNICEF, Save the Children & United Nations Global Compact, *Children's Rights and Business Principles*, at 10 (2012).

The importance of analysing the right to read through the lens of these four dimensions is clear — what is the point of knowing how to read and being free to read when there is nothing to read?<sup>84</sup>

The use of interrelated essential dimensions to interpret the normative content of ESCR is a common practice among commentators and interpretive bodies, specially the CESCR. For instance, in the context of the right to adequate housing, the CESCR adopted an analytical framework including availability, affordability, habitability and cultural adequacy.<sup>85</sup> In the context of the right to adequate food, the CESCR highlights the elements of availability, acceptability and accessibility.<sup>86</sup> Finally, in the context of the right to health, the CESCR highlights four interrelated and essential elements: availability, accessibility, acceptability and quality (3AQ framework).<sup>87</sup>

In a preliminary report to the Commission on Human Rights, the former Special Rapporteur on the right to education, Katarina Tomaševski, highlighted ‘four essential features that primary schools should exhibit, namely availability, accessibility, acceptability and adaptability.’<sup>88</sup>

This section utilises Tomaševski four dimensions framework (the ‘4-A framework’) in order to set up an analytical framework for reading materials. In order to provide guidance on what each of the four concepts mean in terms of legal content, this study has drawn parallels from the work of interpretive bodies and commentators utilising this framework in other contexts (education, primary education, cultural rights and the right to play).

#### *Availability*

*Availability* in the context of reading materials can be understood as the presence of sufficient quantity and variety of reading materials. In the context of educational institutions and programmes offering primary level education or above, ‘facilities such as a library, computer facilities and information technology’ should also be available<sup>89</sup>.

Drawing from the CESCR interpretation on the right to take part in cultural life, availability includes the presence of cultural goods and services, diverse literature and cultural works that contribute to the cultural diversity of individuals and communities.<sup>90</sup> In the context of right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the CRC Committee highlights State obligations to

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<sup>84</sup> For Shaver (2011), the availability dimension is ‘much less clearly established, yet just as necessary’. Shaver, *supra* note 11, at 34.

<sup>85</sup> CESCR, *General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant)*, E/1992/23 at para. 8 (1992).

<sup>86</sup> More precisely, ‘[t]he availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture; [and] The accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights.’ CESCR, *General Comment No. 12: The Right to Adequate Food (Art. 11 of the Covenant)*, E/C.12/1999/5, at para. 8 (1999).

<sup>87</sup> CESCR, *General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12)*, E/C.12/2000/4 at para. 12 (2000).

<sup>88</sup> UN, *Preliminary report of the Special Rapporteur on the right to education, Ms. Katarina Tomaševski, submitted in accordance with Commission on Human Rights resolution 1998/33*, E/CN.4/1999/49, at para. 50 (1999).

<sup>89</sup> CESCR, *supra* note 53, at para. 6.

<sup>90</sup> CESCR, *General comment No. 21 Right of everyone to take part in cultural life (art. 15, para. 1 (a), of the International Covenant on Economic, Social and Cultural Rights*, E/C.12/GC/21 at para. 16 (2009).

respect the principle of sufficiency, in the sense that ‘all children should be given sufficient time and space to exercise these rights.’<sup>91</sup>

Budgeting is essential in order to maintain reading facilities, such as school libraries, and guarantee that they are ‘really rather than nominally available.’<sup>92</sup> Tomaševski highlights the controversies in terms of budgeting that became more evident with the trends of school privatisation and public funding for private schools.<sup>93 94</sup>

### *Accessibility*

*Accessibility* implies that reading materials have to be accessible to everyone, without discrimination. Access to reading materials need to be within safe physical reach, and affordable to all.<sup>95</sup> Physical accessibility involves ensuring that reading materials are within safe physical reach, either through local facilities or modern technology.<sup>96</sup> Economic accessibility requires that reading materials are affordable for all, including consideration of both direct and indirect costs.<sup>97</sup>

Lott (2020) highlights that the overarching human rights principle of non-discrimination is especially important for the accessibility dimension of rights.<sup>98</sup> Ensuring equal access to reading opportunities to every child is only possible if States acknowledge that some children require particular attention to realize their rights: girls, children living in poverty, children with disabilities<sup>99</sup>, children in institutions, children from Indigenous and minority communities and, children in situations of conflict, humanitarian and natural disasters.<sup>100</sup>

When elaborating the framework, Tomaševski paid special attention to gender disparities in education.<sup>101</sup> While it is true that the situation has improved since the writing of the report, with most countries having achieved gender parity in primary enrolment, disparities disadvantaging girls can still be noticed in an alarming number of countries in Africa, the Middle East and South Asia.<sup>102</sup>

### *Acceptability*

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<sup>91</sup> CRC Committee, *supra* note 5, at para. 57.

<sup>92</sup> UN, *supra* note 88, at para 52.

<sup>93</sup> K. Tomaševski, *Human rights obligations: making education available, accessible, acceptable and adaptable*, Right to education primers no. 3 at 27 (2001).

<sup>94</sup> For a reflection on the trend of privatization and its impacts for libraries in public schools, see section 4.3, *infra*.

<sup>95</sup> CESCR, *supra* note 53, at para. 6.

<sup>96</sup> *id.*

<sup>97</sup> Lott, *The Right to Play*, University of Nottingham, at 166-169 (2020).

<sup>98</sup> Lott, *supra* note 97, at 168.

<sup>99</sup> For a reflection on the lack of accessible format works for persons with visual impairment or print disability, see section 4.3, *infra*.

<sup>100</sup> CRC Committee, *supra* note 5, at paras. 48-53.

<sup>101</sup> See, e.g., *supra* note 93, at 27.

<sup>102</sup> See UNESCO, Gender report: A new generation: 25 years of efforts for gender equality in education, GEM Report (2020).

Acceptability in relation to reading materials concerns the content and format of these materials. The supply of reading materials need to be culturally appropriate, of great relevance and good quality to students.<sup>103</sup> This may involve consulting with individuals and communities to ensure that the available reading materials are acceptable to them and reflect their cultural diversity.<sup>104</sup>

Books are like *mirrors, windows and sliding glass doors* — mirrors when they reflect the reader's life in the page; Windows when they allow the reader to view stories that are different from their own and; sliding glass doors when the reader transports into the story and empathises with the characters. This metaphor, created by Bishop (1990) as a criticism of the lack of cultural representation and diversity in children's books, underscores the importance of providing inclusive reading materials that resonate with the experiences of all students.<sup>105</sup> Shaver (2011) adds that the supply of reading materials 'must include locally produced, culturally relevant, and timely works' and that both 'reading for knowledge and reading for pleasure are equally important in judging the quality of the supply of reading material.'<sup>106</sup>

### *Adaptability*

Adaptability of reading materials refers to their flexibility to meet changing needs and contexts.<sup>107</sup> This could involve adapting reading materials to suit different learning styles, abilities, and cultural contexts.<sup>108</sup> It may also include the adaptation of materials to new technologies and formats, ensuring that reading materials remain relevant and accessible in a rapidly changing world.<sup>109</sup>

A great way of perceiving the dimension of adaptability within education, that can be applied to reading materials, is through the CRC Committee's evolving understanding of what teaching materials and school curricula should look like. For instance, in 1995, the CRC Committee urged States to '[c]hange the image of women in the media, in advertising and in school textbooks by adopting suitable messages to combat inequalities, stereotypes and social apathy.'<sup>110</sup> More recently, the Committee highlighted that 'Teaching materials should provide scientifically accurate, up-to-date and developmentally and age-appropriate environmental information.'<sup>111</sup> While, as a final conclusion of this work, it is argued that more consolidate guidance is required in specifying curriculum contents,<sup>112</sup> the Committee rightfully encapsulates the dimension of adaptability in education throughout its interpretive work.

Briefly, in line with the analytical framework analysis, it is reasonable to conclude that everyone, including children, has the *right to have access to reading materials that are available in sufficient*

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<sup>103</sup> CESCR, *supra* note 53, at para. 6.

<sup>104</sup> CESCR, *supra* note 90, at para. 16.

<sup>105</sup> R.S. Bishop, *Mirrors, Windows and Sliding Glass Doors*, Perspectives: Choosing and Using Books for the Classroom 6(3) (1990).

<sup>106</sup> Shaver, *supra* note 11, at 40.

<sup>107</sup> CESCR, *supra* note 90, at para. 16.

<sup>108</sup> UN, *supra* note 88, at para 70-73.

<sup>109</sup> *id.*

<sup>110</sup> CRC Committee, *General discussion on the girl child*, CRC/C/38, 8th Session at 7 (1995).

<sup>111</sup> CRC Committee, *General comment No. 26 on children's rights and the environment, with a special focus on climate change*, CRC/C/GC/26 at para. 53 (2023).

<sup>112</sup> See section 5.2., *infra*.



*quantity; accessible, without discrimination; acceptable in terms of cultural relevance and quality; and adaptable to meet changing needs and contexts.*

## **2.5. Concluding remarks**

This chapter has aimed to locate the substantive content of the right to read within the international human rights framework, partially answering the first research question of this study (“What is the normative content and function of the right to read?”). It has shown that ensuring every child achieves literacy by the end of primary education is a minimum core obligation under ICESCR Article 13, underscoring the fundamental nature of this right. It has also highlighted that under ICCPR Article 19, children are free to choose what they want to read, which is essential for the exercise of freedom of expression. Furthermore, it has established that States have a clear obligation to guarantee reading materials are available, accessible, acceptable, and adaptable, thereby providing a robust framework for the full realization of the right to read.

## CHAPTER THREE: SITUATING THE RIGHT TO READ WITHIN THE CONVENTION ON THE RIGHTS OF THE CHILD

"I am not my sister.  
Words from the books curl around each other  
make little sense  
until  
I read them again  
and again, the story  
settling into memory. *Too slow*  
the teacher says.  
*Read Faster.*  
*Too babyish*, the teacher says.  
*Read older.*  
But I don't want to read faster or older or  
any way else that might  
make the story disappear too quickly from where  
it's settling  
inside my brain,  
slowly becoming a part of me.  
A story I will remember  
long after I've read it for the second, third,  
tenth, hundredth time."<sup>113</sup>

— *Brown Girl Dreaming*, Jacqueline Woodson

### 3.1. Introduction: Engaging the CRC framework

Having established the substantive content of the right to read in Chapter 2, we now turn to exploring the extent to which this right is already embedded in the existing international children's rights framework and identifying what is missing to fully recognize and implement it. Taking the CRC as the starting point, we first examine the drafting of the convention and then interrogate the work of the CRC Committee in respect of the right to read within the CRC. This also includes examining days of general discussions and concluding observations.

Children have social, economic and cultural rights that are relevant to the right to read: the right to education (Article 28) — which aims are directly linked to the 'realisation of the child's human dignity and rights'<sup>114</sup> (Article 29.1) — and the right to rest, leisure, play, recreational activities, cultural life and the arts (Article 31). Equally important to the right to read are the civil rights and freedoms guaranteed by the CRC, including the right to freedom of expression and access to information (Article 13) — in connection to the right of access to media from a diversity of national and international sources (Article 17). The latter includes an explicit mention of the obligation to 'encourage the production and dissemination of children's books' (Article 17(c)).

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<sup>113</sup> J. Woodson, *Brown Girl Dreaming*, Penguin Group, at 207 (2014).

<sup>114</sup> CRC Committee, *General comment No. 1: The aims of education*, CRC/GC/2001/1, at para. 1 (2001).

### 3.2. Education rights (Articles 28 and 29) and the right to read

In the CRC, education rights are dealt with in a distinctive way. The unique approach reflects, at the same time, an acknowledgment of existing standards and the challenge of approaching education from a 'child-centred, child friendly and empowering' perspective.<sup>115</sup>

Literacy is only mentioned in the CRC in the context of international cooperation in matters of education. Article 28.3 states that States should promote international cooperation in the field of education 'in particular with a view to contributing to the elimination of ignorance and illiteracy.' This paragraph was proposed by a representative of Algeria During the 1985 Working Group meetings<sup>116</sup> and is one of the substantive additions in the formulation adopted by the CRC in comparison to ICESCR Article 13.<sup>117</sup>

Article 28.3 is also the only time where learning tools (such as 'literacy, oral expression, numeracy and problem solving') are mentioned in the provision. In fact, a closer analysis of the preparatory documents show that there was a clear focus on learning contents (such as 'knowledge, skills, values and attitudes') and specifically, on the aims of education, that are expanded into a separate provision (Article 29).

The lack of focus on learning tools cannot be read, however, as diminishing the scope of the education standards guaranteed by Article 28. On the contrary, it should be read against the multiple assurances, during the drafting of the CRC, 'that no diminution of existing standards was contemplated.'<sup>118</sup> More than that, the drafting of an education provision of the CRC had a big challenge of taking into consideration new interpretative principles given by other provisions, such as the right to be heard, the best interests of the child and "evolving capacities". Taking this into consideration, Courtis and Tobin (2019) argue that the significance of the variations between the CRC education provision and the provisions that came before it, mainly ICESCR Article 13, should not be overstated.<sup>119</sup>

In 2001, the Committee issued its first ever General Comment, focusing on the aims of education (Article 29). This document followed closely after the Committee on Economic, Social and Cultural Rights' General Comments No. 11 on plans of action for primary education (Article 14) and No. 13 on the right to education (Article 13). CRC General Comment No. 1 leaves clear the rationale of the education rights provisions in the CRC — go beyond the existing framework guaranteeing access to education to also discuss a child's 'individual and subjective right to a specific quality of education.'<sup>120</sup> Paragraph 9 sums up this idea:

"Consistent with the Convention's emphasis on the importance of acting in the best interests of the child [...]. [T]he curriculum must be of direct relevance to the child's social, cultural,

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<sup>115</sup> CRC Committee, *supra* note 114, para. 2.

<sup>116</sup> The first proposal of the observer for Algeria reads: 'States shall promote and expand international cooperation in matters relating to education and shall, in particular, implement the programmes of action adopted by the competent international organizations so as to meet the special needs of children in developing countries, guarantee that they have access to scientific and technical know-how and modern teaching methods and, in general, eliminate ignorance and illiteracy throughout the World.' It was substituted by the current formulation after an exchange of views. OHCHR, *Legislative History of the Convention on the Rights of the Child*, HR/PUB/07/1 and 2, at 644 (2007).

<sup>117</sup> C. Courts & J. Tobin, Art. 28 The Right to Education, in J. Tobin (Ed.), *The UN Convention on the Rights of the Child: A Commentary*, Oxford Commentaries on International Law, at 1059 (2019).

<sup>118</sup> Courtis & Tobin, *supra* note 117, at 1058.

<sup>119</sup> *id.*

<sup>120</sup> CRC Committee, *supra* note 114, para. 9.

environmental and economic context and to his or her present and future needs and take full account of the child's evolving capacities; teaching methods should be tailored to the different needs of different children. Education must also be aimed at ensuring that essential life skills are learnt by every child and that no child leaves school without being equipped to face the challenges that he or she can expect to be confronted with in life. Basic skills include not only literacy and numeracy but also life skills such as the ability to make well-balanced decisions; to resolve conflicts in a non-violent manner; and to develop a healthy lifestyle, good social relationships and responsibility, critical thinking, creative talents, and other abilities which give children the tools needed to pursue their options in life."<sup>121</sup>

Going beyond literacy and numeracy to include life skills is a way in which the CRC education rights provision expands the previously established educational framework. But what does it mean to the right to read?

If literacy is an essential life skill, then it is not enough that a child has the ability to decipher and comprehend text, as this ability by itself does not prepare the child 'to face the challenges that he or she can expect to be confronted with in life.' Therefore, the obligation under Article 29 requires that a child be able to actively engage with, and critically analyse written material. Tomaševski (2001) understands education as a multiplier right, once it can enhance 'the enjoyment of all individual rights and freedoms where the right to education is effectively guaranteed, while depriving people of the enjoyment of many rights and where the right to education is denied or violated.'<sup>122</sup> Reading in this context performs an enabling function, allowing children to receive information and effectively realise their civil and political rights.

The Committee oftentimes expresses, through its concluding observations, concern over the poor literacy rates of certain countries.<sup>123</sup> It keeps track of this information by requesting statistically disaggregated data on literacy in the periodic reports to be submitted by States parties under Article 44(1)(b).<sup>124</sup> It is especially concerned with high illiteracy rates affecting specific groups, such as children living in rural areas,<sup>125</sup> Indigenous children<sup>126</sup> (and racial minorities<sup>127</sup>), children in street situation,<sup>128</sup> children with disabilities<sup>129</sup> and girls<sup>130</sup>.

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<sup>121</sup> *id.*

<sup>122</sup> Tomaševski, *supra* note 93, at 10.

<sup>123</sup> See, e.g., CRC Committee, *Concluding observations: Nicaragua*, CRC/C/15/Add.256 at para. 54(a) (2005). CRC Committee, *Concluding observations: Mongolia*, CRC/C/15/Add.264, at para. 51 (2009); CRC Committee, *Concluding observations: India*, CRC/C/15/Add.228, at para 64 (2004). CRC Committee, *Concluding observations: Pakistan*, CRC/C/15/Add.217 para60(c) (2003). CRC Committee, *Concluding observations: Madagascar*, CRC/C/15/Add.218 para 57 (2003).

<sup>124</sup> CRC Committee, CRC Treaty Specific Reporting Guidelines Harmonized According to the Common Core Document' (1 October 2010) UN Doc CRC/C/58/Rev.2 Annex, para 22.

<sup>125</sup> CRC Committee, *Concluding observations: Mauritania*, CRC/C/MRT/CO/2, at para. 22 (2009).

<sup>126</sup> CRC Committee, *Concluding observations: Australia*, CRC/C/AUS/CO/5-6, at para. 43(a) (2019).

<sup>127</sup> CRC Committee, *Concluding observations: Brazil*, CRC/C/BRA/CO/2-4, at para. 73 (2015).

<sup>128</sup> CRC Committee, *Concluding observations: Iran*, CRC/C/15/Add.254, at para. 59 (2005).

<sup>129</sup> CRC Committee, *Concluding observations: Morocco*, CRC/C/15/Add.211, at para. 50 (2004).

<sup>130</sup> CRC Committee, *Concluding observations: Yemen*, CRC/C/15/Add.267, at para. 63(b) (2005).

This concern is also reflected throughout the General Comments, where the issue of high illiteracy rates of specific groups is reaffirmed.<sup>131</sup> The Committee also engages with literacy in different forms, such as emotional literacy in the context of adolescent's freedom of association with their peers<sup>132</sup> and 'digital, information and media and social literacy skills' in the context of digital citizenship of adolescents.<sup>133</sup> Digital literacy is mentioned multiple times on General Comment No. 25 on children's rights in relation to the digital environment, in the context of realisation of rights, including to protection, in relation to the digital environment.<sup>134</sup> Digital literacy — 'an umbrella term that includes a continuum of meanings extending across the ability to use digital devices or software, to being capable of consuming and producing digital content, to meaningfully participating in digital communities'<sup>135</sup> — is fundamentally interconnected to (traditional) literacy as digital technologies add to the diversity of textual landscape, still requiring from users the abilities to read, write, and communicate online.<sup>136</sup>

Corroborating with this idea, on the 2014 Day of General Discussion on Digital media and children's rights, the Committee issued a recommendation for States to 'promote the development of digital literacy as part of the basic education curricula in accordance with children's evolving capacities.'<sup>137</sup>

The CRC framework makes clear that basic literacy is key, indicating, at the same time, that it is a starting point — literacy enables the child to face real life challenges and enjoy other rights and freedoms. The CRC Committee also importantly adds literacy in the context of digital technologies, acknowledging that reading may appear in the form of digital content. In sum, the emancipatory, child-centred education proposed by Article 29 and endorsed by other principles throughout the Convention creates a comprehensive safety net that includes the right to read and suggests that its content goes beyond basic literacy.

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<sup>131</sup> See, e.g., CRC Committee, *General comment No. 11: Indigenous children and their rights under the Convention*, CRC/C/GC/11, at para. 59 (in the context of indigenous children) (2009). CRC Committee, *General comment No. 21 on children in street situations*, CRC/C/GC/21, at para. 55 (in the context of children in street situations) and para. 62 (in the context of children with disabilities) (2017).

<sup>132</sup> CRC Committee, *General comment No. 20 on the implementation of the rights of the child during adolescence*, CRC/C/GC/20, at para. 44 (2016).

<sup>133</sup> CRC Committee, *supra* note 132, at para. 47.

<sup>134</sup> See CRC Committee, *General comment No. 25 on children's rights in relation to the digital environment*, CRC/C/GC/25, at paras. 11, 21, 32, 84, 104, 105 (2021).

<sup>135</sup> F. Nascimbeni & S. Vosloo, *Digital literacy for children: exploring definitions and frameworks [Scoping Paper]*, UNICEF Office of Global Insight and Policy, at 10 (2019).

<sup>136</sup> Nowadays, definitions of digital literacy have been using a more comprehensive framework to recognize the different types of digital literacies and the operational, cultural and critical elements that they entitle. Seeking for a theoretical and analytic framework to digital literacy, Sefton-Green *et al* (2016) connect this concept to literacy, exploring, among other questions, 'how digital texts are created and interpreted; and how the features of the surrounding social and the material environment shape contemporary literacy texts and practices'. J. Sefton-Green, J. Marsh, O. Erstad & R. Flewitt, *Establishing a Research Agenda for the Digital Literacy Practices of Young Children: A White Paper for COST Action IS1410*, at 14 (2016).

<sup>137</sup> CRC Committee, *Report of the 2014 Day of General Discussion "Digital media and children's rights"*, at para. 109 (2014).

### 3.3. The right to freedom of expression (Art. 13) and the right to read

Article 13 represents the first time where the right to freedom of expression is explicitly included in a child rights convention.<sup>138</sup> The explicit inclusion of a provision in the CRC granting children the right to freedom of expression, as well as the right to freedom of association and peaceful assembly (Article 15), only started to be discussed by the draft Working Group in 1987, following a proposal submitted by the United States of America in 1985. The proposal was followed by a 'lengthy discussion' in which delegations expressed their concern over dealing with civil and political rights in the new convention, since some of them believed that it was already covered by the existing human rights treaties and, therefore, the CRC should restrict itself to deal with rights specific to children.<sup>139</sup>

The formulation of the provisions of Article 13 mostly duplicates Article 19 of the ICCPR, not mentioning, however, 'the right to hold opinions without interference,' as provided by ICCPR Article 19(1). A proposal submitted to the 1998 Working Group by the NGO Ad Hoc Group included the right to freedom of opinion, and there is no clear explanation on why this provision was deleted from the final text.<sup>140</sup>

In a similar manner to Article 19 of the ICCPR, Article 13 contains a limitation clause stating the conditions under which the State may intervene on a child's exercise of these rights. The limitation clause has been used as a backdoor to justify censorship of materials that are deemed as affecting national security or public morals.<sup>141</sup> A critical view on the limitation clause of Article 13 raises a central issue for a child's access to reading materials — what mode and type of materials does the right to freedom of expression (Article 13) protect? Can the limitations be used to hinder children's access to information deemed as sensitive or inappropriate (e.g. information regarding sexual health)?

Citing the extensive jurisprudence from the European Court of Human Rights (ECtHR) and communications of the Human Rights Committee (HRC) on freedom of expression, Tobin and Parkes state that 'it is widely accepted that the right to impart information extends to information and ideas that may be regarded as deeply offensive or offend, shock, or disturb the state of any sector of the population.'<sup>142</sup> Furthermore, the HRC, in its General comment No. 34 on Article 19 of the ICCPR, highlights that the right to seek, receive and impart information is broad in scope and 'embraces even expression that may be regarded as deeply offensive.'<sup>143</sup> Regarding the limitation clause, the HRC highlights that any restriction on the exercise of the right to freedom of expression must be provided by law and 'conform to the strict tests of necessity and proportionality.'<sup>144</sup>

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<sup>138</sup> J. Tobin & A. Parkes, *Art. 13 The Right to Freedom of Expression*, in J. Tobin (Ed.), *The UN Convention on the Rights of the Child: A Commentary*, Oxford Commentaries on International Law, at 347 (2019).

<sup>139</sup> For a discussion on some of the controversies raised during the drafting years, See J. Doek, *The Human Rights of Children: An Introduction*, in T. Liefaard & U. Kilkelly (Eds.), *International Human Rights of Children*, Springer, at 11-13 (2018).

<sup>140</sup> OHCHR, *supra* note 116, at 447.

<sup>141</sup> In replies for the CRC Committee, the government of Russia has justified the bans and restrictions on social media platforms by arguing that it is justified in face of the 'large-scale anti-Russian information campaign that has been deployed'. CRC Committee, *Replies of the Russian Federation to the list of issues in relation to its combined sixth and seventh periodic reports*, CRC/C/RUS/RQ/6-7, at para. 32 (2023).

<sup>142</sup> Tobin & Parkes, *supra* note 138, at 448.

<sup>143</sup> HRC, General comment No. 34 (Article 19: Freedoms of opinion and expression), CCPR/C/GC/34, at para. 11 (2011).

<sup>144</sup> HRC, *supra* note 143, at para. 22. See also, section 2.3, *supra*.

In Concluding Observations, the CRC Committee usually clusters the recommendations under Articles 7, 8, and 13–17 as recommendations on “Civil rights and freedoms,” oftentimes separating the recommendations on Article 13 between “Freedom of expression” and “Access to appropriate information” — which usually includes recommendations related to the digital environment, regarding General Comment No. 25.<sup>145</sup> The CRC Committee has expressed concern about the policies restricting the flow of information online.<sup>146</sup> Regarding information on reproductive health and sexual identity, the Committee has disapproved positions and practices that deny access to sexual and reproductive health and information to adolescents,<sup>147</sup> or allow parents to restrict the access to this type of information from their children.<sup>148</sup> It has also expressed concern with these issues in the specific context of LGBTI<sup>149</sup> children.<sup>150</sup>

The statements of the Committee are in line with the position of the HRC in relation to Article 19 of the ICCPR.<sup>151</sup> For instance, the latter has expressed concern about the laws and regulations banning ‘educational materials and books dealing with certain topics, such as sexual orientation and gender identity.’<sup>152</sup>

In General Comments, the Committee has presented a non-exhaustive list of modes and types of materials that children should have access ‘through accessible and appropriate channels.’<sup>153</sup> It is importantly highlighted that ‘[t]he obligation of parents and caregivers to provide appropriate guidance in accordance with the evolving capacities of adolescents should not interfere with adolescents’ right to freedom of expression.’<sup>154</sup> In the context of digital technologies, the Committee acknowledges that, in the digital environment, the child might be exposed to ‘gender-stereotyped, discriminatory, racist, violent, pornographic and exploitative information, as well as false narratives, misinformation and disinformation and information encouraging children to engage in unlawful or harmful activities.’<sup>155</sup> It highlights, in this context, the protection dimension of Article 13, but importantly acknowledges that ‘[a]ny restrictions on

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<sup>145</sup> See, for example, CRC Committee, *Concluding observations: Turkey*, CRC/C/TUR/CO/4-5, at para. 26 (2023). CRC Committee, *Concluding observations: Vietnam*, CRC/C/VNM/CO/5-6, at para. 26 (2022). CRC Committee, *Concluding observations: Cuba*, CRC/C/CUB/CO/3-6, at para. 27 (2022). CRC Committee, *Concluding observations: Singapore*, CRC/C/SGP/CO/4-5, at para. 24 (2019).

<sup>146</sup> Regarding the situation of Russia (See *supra* note 140), the Committee has recommended that ‘children have access to information in the digital environment and are informed about and can easily find diverse and good-quality information online, including content independent of commercial or political interests, and that any restrictions on the operation of any Internet-based, electronic or other information dissemination systems are in line with article 13 of the Convention’. CRC Committee, *Concluding observations: Russia*, CRC/C/RUS/CO/6-7, at para. 22(b) (2024).

<sup>147</sup> CRC Committee, *Concluding observations: the Holy See*, CRC/C/VAT/CO/2, at para. 56-57 (2014).

<sup>148</sup> CRC Committee, *Concluding Observations: Ireland*, CRC/C/IRL/CO/2, at para. 52-53 (2006)

<sup>149</sup> The acronym LGBTI is chosen in this work in order ‘to denote the lesbian, gay, bisexual, transgender, queer and intersex community.’ While this acronym is ‘inclusive of a broad range of people across our community [...] it is not exhaustive, nor is it universally accepted or used.’ OutRight Action International, *Gender Justice and Freedom of Opinion and Expression for LGBTI persons*, submission to United Nations Independent Expert on Special Rapporteur on the promotion and protection of freedom of opinion and expression (2021).

<sup>150</sup> CRC Committee, *Concluding observations: Russia*, CRC/C/RUS/CO/4-5, at para. 24-25 (2014).

<sup>151</sup> See, also, HRC, *Irena Fedotova v. Russian Federation*, Communication No. 1932/2010 (2012).

<sup>152</sup> CRC Committee, *Concluding observations: United States of America*, CCPR/C/USA/CO/5, para 58 (2023).

<sup>153</sup> CRC Committee (2017), *supra* note 131, at para. 42.

<sup>154</sup> CRC Committee, *supra* note 132, at para. 42.

<sup>155</sup> CRC Committee, *supra* note 134, at para. 54.

the operation of any Internet-based, electronic or other information dissemination systems should be in line with article 13 of the Convention,' mentioning the strict criteria of necessity and lawfulness.<sup>156</sup>

### 3.4. Media rights (Art. 17) and the right to read

The first draft of Article 17 was given by the Revised Polish draft (1979) and contained a negative formulation, emphasising the protection of children against the harmful influence of mass media:

"Parents, guardians, State organs and social organisations shall protect the child against any harmful influence that mass media, and in particular the radio, film, television, printed materials, and exhibitions, on account of their contents, may exert on his mental and moral development."<sup>157</sup>

The shift towards the current positive formulation was the result of the intervention of one speaker during the 1981 Working Group discussions. The speaker expressed the feeling that mass media does more good than harm, and therefore States should emphasise, through a positive formulation, '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.'<sup>158</sup> This shift to a positive formulation was further reinforced because of its similarity with UNESCO's 1978 Mass Media Declaration.<sup>159</sup>

During the 1984 Working Group discussions, an informal working party supported another positive formulation of Article 17, combining a proposal submitted by the Baha'i International Community in 1983 with the introductory part submitted by the delegation of Finland.<sup>160</sup>

Subparagraph (c) was the last part to be added. It derived from a proposal submitted by the International Board on Books for Young People (IBBY) to the Working Group in 1987. The proposal reads: '*Encourage, at all levels, literacy and the reading habit through children's book production and dissemination, as well as the habit of storytelling.*'<sup>161</sup>

The encouragement of literacy, reading habits, and the habit of storytelling, present in the IBBY draft, was deemed as not in 'legal terms' by the delegation of Austria, which submitted the current formulation ('Encourage the production and dissemination of children's books') which was consensually adopted by the Working Group.<sup>162</sup>

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<sup>156</sup> CRC Committee, *supra* note 134, at para. 50.

<sup>157</sup> OHCHR, *supra* note 116, at 76.

<sup>158</sup> OHCHR, *supra* note 116, at 481.

<sup>159</sup> "Article IV: The mass media have an essential part to play in the education of young people in a spirit of peace, justice, freedom, mutual respect and understanding, in order to promote human rights, equality of rights as between all human beings and all nations, and economic and social progress. Equally, they have an important role to play in making known the views and aspirations of the younger generation." UNESCO, *Declaration of fundamental principles concerning the contribution of the mass media to strengthening peace and international understanding, to the promotion of human rights and to countering racialism, apartheid and incitement to war*, ST/HR/1/Rev.5(Vol.I/Part.1) (1978).

<sup>160</sup> OHCHR, *supra* note 116, at 483-484.

<sup>161</sup> OHCHR, *supra* note 116, at 489 [emphasis added].

<sup>162</sup> *id.*



For Tobin and Handsley (2019), the specific reference to books in Article 17(c) stands out due to the fact that there are no other references to specific types of mass media throughout the document (the Revised Polish Draft contained references to “radio, film, television, printed materials and exhibitions”, but it was replaced by the Finland proposal).<sup>163</sup>

Regarding Concluding Observations, the amount of recommendations on subparagraph (c) is limited. The Committee has encouraged measures to promote reading among children,<sup>164</sup> such as the establishment of libraries in schools;<sup>165</sup> it has also encouraged the dissemination of books for children and the establishment of State support, like tax reduction, for the publication of children’s books.<sup>166</sup> However, most of the suggestions regarding the dissemination of children’s books are presented in the context of education, where shortages<sup>167</sup> or lack of assistance to purchase<sup>168</sup> text books are underlined as aspects of poor educational infrastructure.

At its eleventh session, in 1996, the Committee dedicated one day of general discussion to the issue of “the child and the media.” Based on the discussions, 12 recommendations were formulated by the Rapporteur, including a recommendation to document and disseminate the experience of dynamic child libraries or child departments within public libraries; and a recommendation to incentivise budgetary support and international cooperation ‘to ensure the production and dissemination of children’s books, magazines and papers, music, theatre and other artistic expressions for children.’<sup>169</sup>

The rise of new information and communications technologies (ICT) had an impact on how Article 17 is perceived: while it is still commonly mentioned in connection with Article 13 as the main provision giving the right to access to information and material from a diversity of sources, the recognition of the ‘important function performed by the mass media’ seems to have lost some of its importance.

In General Comment 25, the Committee highlights in the context of access to information that ‘information and communications media, including digital and online content, perform an important function.’<sup>170</sup> This affirmation is linked to General Comment 20, where it is stated that ‘Access to information encompasses all forms of media but particular attention needs to be given to the digital environment,’<sup>171</sup> and General Comment 7, where the Committee points out that ‘Article 17 recognizes the potential for both traditional print-based media and modern information technology-based mass media to contribute positively to the realisation of children’s rights.’<sup>172</sup> There is a clear oration

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<sup>163</sup> J. Tobin & E. Handsley, *Art.17 The Mass Media and Children: Diversity of Sources, Quality of Content, and Protection against Harm*, in J. Tobin (Ed.), *The UN Convention on the Rights of the Child: A Commentary*, Oxford Commentaries on International Law, at 629 (2019).

<sup>164</sup> CRC Committee, *Concluding Observations: Latvia*, CRC/C/LVA/CO/2, at para. 28 (2006).

<sup>165</sup> CRC Committee, *Concluding observations: Madagascar*, CRC/C/15/Add.218, at para. 36 (2003).

<sup>166</sup> CRC Committee, *Concluding observations: Lithuania*, CRC/C/15/Add.146, at para. 27 (2001).

<sup>167</sup> CRC Committee, *Concluding observations: Lesotho*, CRC/C/15/Add.147, at para. 51 (2001).

<sup>168</sup> CRC Committee, *Concluding observations: Sierra Leone*, CRC/C/15/Add.116, at para. 66 (2000).

<sup>169</sup> CRC Committee, *General discussion on the child and the media*, CRC/C/15/Add.65, at 44-45 (1996).

<sup>170</sup> CRC Committee, *supra* note 134, at para. 50.

<sup>171</sup> CRC Committee, *supra* note 132, at para. 47.

<sup>172</sup> CRC Committee, *General Comment No. 7 Implementing Child Rights in Early Childhood*, CRC/C/GC/7/Rev.1 at para. 35 (2006).

development — from recognizing the potential of “both”, to giving “particular attention” to one — raising the importance of digital technologies in detriment of traditional print-based media.

In that context, it is argued that the editing of the Austrian delegation seems to overlook the *ratio legis* of the initial IBBY draft: the encouragement of literacy, reading habits, and the habit of storytelling. Instead, the final wording of the provision appears to restrict itself to give weak guidance to the printing industry.<sup>173</sup> Reaffirming the three elements of this provision, also in the context of digital technologies, is important for the advancement of the right to read.

### **3.5. The right to rest, leisure, play, recreational activities, cultural life and the arts (Article 31) and the right to read**

This section will locate relevant aspects of Article 31 (the right of the child to rest, leisure, play, recreational activities, cultural life and the arts). Article 31 is organised around three clusters of rights — each of them with its own entitlements and set of obligations: ‘the *rights to rest and leisure*; the *rights to engage in play and recreational activities*; and the *rights to participate freely in cultural life and the arts*.’<sup>174</sup>

Prior to the entry into force of the CRC, the second cluster was already included, to an extent, on Principle 7 of the 1959 UN Declaration on the Rights of the Child (‘The child shall have full opportunity for play and recreation, which should be directed to the same purposes as education; society and the public authorities shall endeavour to promote the enjoyment of this right’). The same formulation was included in Article VII(3) of the First Polish draft.<sup>175</sup> The draft received criticism for restricting the rights to play and recreation to educational activities.<sup>176</sup>

The first recommendation to include *rights to participate freely in cultural life and the arts*<sup>177</sup> in the same provision was given by UNESCO, which suggested that play and recreation should be linked with the 1976 UNESCO Recommendation on Participation by the People at Large in Cultural Life and Their Contribution to It.<sup>178</sup> The final formulation was adopted at the Working Group’s 1985 session and was based on a proposal put forward by the delegation of Canada at the 1984 session.<sup>179</sup>

In 2013, the Committee dedicated its General comment No. 17 to Article 31. With the goal of raising ‘the profile, awareness and understanding among states of the centrality of the rights in article 31 in the life and development of every child,’ General Comment 17 played an important role in the definition of the scope and nature of State obligations in regard to Article 31. In relation to the right to read, literature is

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<sup>173</sup> Pointing out some ‘interpretative issues’ of Article 17, Handsley and Tobin highlight the ‘meaning of the ostensibly weak obligation of a state to ‘encourage’ the range of measures outlined in paragraphs (a) to (e). Does it carry any substantive import for states, or is it so weak as to be virtually meaningless?’ Tobin & Handsley, *supra* note 163, at 603.

<sup>174</sup> G. Lansdown & J. Tobin. Art. 31 The Right to Rest, Leisure, Play, Recreation, and Participation in Cultural Life and the Arts. , in J. Tobin (Ed.), *The UN Convention on the Rights of the Child: A Commentary*, Oxford Commentaries on International Law, at 1198 (2019).

<sup>175</sup> OHCHR, *supra* note 116, at 683.

<sup>176</sup> OHCHR, *supra* note 116, at 684.

<sup>177</sup> ‘[T]he rights to rest, leisure, cultural life and the arts are found, for example, in the UDHR and the ICESCR’ Lansdown & Tobin, *supra* note 174, at 1198.

<sup>178</sup> OHCHR, *supra* note 116, at 687.

<sup>179</sup> OHCHR, *supra* note 116, at 691.

included between the cultural and artistic expressions protected by Article 31.<sup>180</sup> Additionally, the Committee understands that as part of their obligation to fulfil, States should implement 'budgetary support for the production and dissemination of children's books, magazines and papers,' as well as considering dedicated and affordable cultural activities, including libraries, in their respective municipal planning.<sup>181</sup>

Prior to General Comment 17, the Committee only addressed Article 31 in reporting cycles in a 'brief and scattered manner.'<sup>182</sup> More recently, the situation does not appear to have changed much. The Committee clusters recommendations on "Education, leisure and cultural activities," commonly focusing only on education and ignoring leisure and cultural activities, or adding a non-specific recommendation for States to 'strengthen its efforts to guarantee the right of the child to rest and leisure and to engage in play and recreational activities appropriate to the age of the child and provide children, including those with disabilities and children in marginalized and disadvantaged situations, with safe, accessible, inclusive and smoke-free spaces for play and socialization.'<sup>183</sup> In rare occasions, the Committee expresses concern over specific issues related to Article 31, for instance, it has expressed concern about situations where 'children's study load does not correspond to their age and capabilities and that not all children have sufficient time for rest and hobbies,'<sup>184</sup> or even more harshly regarding the 'severe lack of time and of free and safe facilities for leisure, play and physical exercise for children, which, coupled with social pressure to excel academically, contributes to smartphone overuse for recreation.'<sup>185</sup>

The specific concerns of the CRC Committee lay the foundations for a final reflection on this section: *Can reading be considered a form of play?*

In the understanding of the CRC Committee, "the key characteristics of play are fun, uncertainty, challenge, flexibility, and non-productivity."<sup>186</sup> Lott (2020) highlights the significant discussion surrounding the non-productivity characteristic of play, noting that the Committee emphasizes the motivation for play rather than excluding the possibility of productive play.<sup>187</sup> In other words, when playing, 'the child is more interested in the performance of the behaviour (sic) itself than in the results or outcome of the behaviour (sic).'<sup>188</sup>

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<sup>180</sup> CRC Committee, *supra* note 5, at para. 14.

<sup>181</sup> CRC Committee, *supra* note 5, at para. 58.

<sup>182</sup> P. David, Article 31: *The Right to Leisure, Play and Culture*, in A. Alen, J. Vande Lanotte, E. Verhellen, F. Ang, E. Berghmans & M. Verheyde (Eds.), *A Commentary on the United Nations Convention on the Rights of the Child*, Martinus Nijhoff, at para. 41 (2006).

<sup>183</sup> CRC Committee, *Concluding Observations: Paraguay*, CRC/C/PRY/CO/4-6, at para. 43 (2024). See, also, CRC Committee, *Concluding Observations: Mali*, CRC/C/MLI/CO/3-5, at para. 42 (2024). CRC Committee, *Concluding Observations: Congo*, CRC/C/COG/CO/5-6, at para. 46 (2024).

<sup>184</sup> CRC Committee, *Concluding Observations: Estonia*, CRC/C/EST/CO/5-7, at para. 37.

<sup>185</sup> CRC Committee, *Concluding Observations: South Korea*, CRC/C/KOR/CO/5-6, para 41(j) (2019).

<sup>186</sup> CRC Committee, *supra* note 5, at para. 14.

<sup>187</sup> Lott, *supra* note 97, at 7.

<sup>188</sup> Lott, *supra* note 97, citing P. Smith & R. Vollstedt, *On Defining Play: An Empirical Study of the Relationship between Play and Various Play Criteria*. 56 *ChildDev* 1042 (1985).

The Committee also underscores that 'children's play is any behaviour, activity, or process initiated, controlled, and structured by children themselves.'<sup>189</sup> The use of terms like 'non-compulsory' and 'exercise of autonomy,' indicates that the voluntary nature of play is essential to the experience and the exercise of this right.

Based on this brief reflection, it is reasonable to conclude that reading is play when it embodies the key characteristics of play as defined by the CRC Committee: fun, uncertainty, challenge, flexibility, and non-productivity — in the sense that children engage with the story out of curiosity and enjoyment, rather than for any specific outcome. Additionally, when children choose their own books, create their own narratives, or engage in imaginative play based on the stories they read, they exercise autonomy and control.<sup>190</sup>

Reading may not be considered play when it is structured, compulsory, or outcome focused. For example, when reading is assigned as a task for improving literacy skills or preparing for a test. In such cases, the emphasis shifts from the enjoyment of reading to achieving a particular result, which contradicts the non-productive nature of play as highlighted by the CRC Committee. In such cases, it seems more appropriate to protect reading under the framework of Articles 28 and 29, or under the protection of cultural and artistic expressions.

### 3.6. Concluding remarks

This chapter has engaged with doctrinal and archival research into the Convention on the Rights of the Child (CRC) and its Committee to explore whether the CRC protects a child's right to read.

The examination of education rights (Articles 28 and 29) revealed that the CRC Committee's perception of literacy aligns with UNESCO's conception of lifelong learning. While the framework of ICESCR Article 13 focuses on ensuring that every child achieves literacy by the end of primary education as a minimum core obligation, the CRC Committee's approach can be understood as adding to that — guaranteeing that children have basic literacy is the start, but the right to read implies that children have to be able use their literacy skills as tools to achieve the aims of education. Regarding the right to freedom of expression (Article 13), the chapter highlighted the alignment between the CRC Committee's statements and the HRC's position on ICCPR Article 19. The CRC Committee has provided a non-exhaustive list of materials children should have access to, balancing protection from harmful contents with the dimensions of provision and participation. The discussion on media rights (Article 17) proposed a return to the original rationale of the IBBY proposal: encouraging, at all levels, literacy and the reading habit through children's book production and dissemination, as well as the habit of storytelling. Furthermore, it requires further clarification on State obligations under Article 17, the role of the publishing industry, and copyright issues in children's literature. Finally, the right to rest, leisure, play, recreational activities, cultural life, and the arts (Article 31) was examined in relation to the right to read. This analysis underscored the need for further establishment of state obligations in this area, especially in relation to the situations where reading is considered playing.

This chapter answers the second research question of this study ("To what extent does the CRC framework recognize the existence of a standalone children's right to read?") on an optimistic note: while there are clearly challenges in fully implementing the right to read, this right is deeply embedded within the CRC framework.

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<sup>189</sup> CRC Committee, *supra* note 5, at para. 14.

<sup>190</sup> See, e.g., A. Vogrinčič Čepič, T. Mascia & J.A. Aerila, *Reading for Pleasure: A Review of Current Research*, *New Zealand Journal of Education Studies* (2024).

## CHAPTER FOUR: THE IMPORTANCE OF RECOGNIZING A CHILDREN'S RIGHT TO READ

"No", she said, "thank you. I have enough books at home. Maybe another time. I'm rereading something else with my papa. You know, the one I stole from the fire that night."<sup>191</sup>

– *The Book Thief*, Markus Zusak

### 4.1. Introduction

While law is relatively autonomous with its own system of rules, principles, and values, it is also deeply interconnected with other social practices.<sup>192</sup> To fully grasp how legal, policy, and practice settings impact, it is essential to integrate insights from multi-disciplinary research into the importance of the right to read.

In the context of the right to play, Lott (2022) reminds us of the importance of multidisciplinary research into the importance of a right in creating a framework to understand the nature of the obligations under that right, the ways in which the obligations should be fulfilled, and how they interact with the 'frameworks and mechanisms associated with the implementation of human rights.'<sup>193</sup> Similarly, discussing the content of the right to health, Tobin (2010) highlights the importance of engaging with literature emerging from the fields of medical science and public health, since they have the 'capacity to contribute to an understanding as to the most effective and practical measures by which to secure the right to health warrants attention.'<sup>194</sup>

Data research, usually related to the fields of pedagogy, education, or social studies, has highlighted the emergency of promoting reading not only as a policy practice but as a right. This chapter aims at evidence the coherence in reasoning of a child's right to read by engaging with non-legal material on the importance of reading for children. Firstly, it engages with a test proposed by Naomi Lott, in the context of the right to play,<sup>195</sup> through which it is possible to evidence the economic and social nature of a right by analysing the ways in which the existence of this right contributes to the cognitive, social and emotional development of the child. Later, four contemporary concerns, evidenced by research in different fields, are presented. It is argued that these concerns can be addressed by the recognition of a right to read.

### 4.2. The right to read and a child's development

#### *Cognitive Development*

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<sup>191</sup> M. Zusak, *The book thief*, Black Swan, at 243 (2014).

<sup>192</sup> B. van Klink & S. Taekema (Eds.), *Law and Method*, Siebeck (2011).

<sup>193</sup> N. Lott, Establishing the Right to Play as an Economic, a Social and a Cultural Right, *The International Journal of Children's Rights*, 30(3), at 756 (2022).

<sup>194</sup> Tobin, *supra* note 10, at 233.

<sup>195</sup> Lott, *supra* note 193, at 763.

One of the main ways in which we acquire information about the world is through reading, whether narrative stories or expository/informational texts.<sup>196</sup> Childhood is a crucial period for neurodevelopment.<sup>197</sup> During childhood, different factors, including poverty<sup>198</sup> and the attainment of basic skills, can directly affect brain structure, cognition, and mental health.<sup>199</sup>

Studies on child development evidence that ‘more than 200 million children under 5 years of age in developing countries do not reach their developmental potential.’<sup>200</sup> Against this backdrop, reading strategies are an effective early learning initiative with the potential to tackle cognitive or behavioural abnormalities.<sup>201</sup>

Sun *et al* (2024) explore the strong relationship between reading for pleasure and a child’s cognitive performance.<sup>202</sup> The authors state that ‘reading is a cognitively enriching activity of gaining language and information in written form, which sets the stage and contributes broadly to knowledge acquisition.’<sup>203</sup>

### *Social Development*

Books are a simulation of social worlds.<sup>204</sup> There is strong evidence of the positive relationship between reading and the attainment of social skills, including understanding of others<sup>205</sup> and the feeling of social

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<sup>196</sup> Y. Wu, L.A. Barquero, S.E. Pickren, A.T. Barber & L.E. Cutting, *The relationship between cognitive skills and reading comprehension of narrative and expository texts: A longitudinal study from Grade 1 to Grade 4*. Learning and individual differences 80 (2020).

<sup>197</sup> P. Hines, M. McCartney, J. Mervis & B Wible, *Investing early in education. Laying the foundation for lifetime learning*, Science 333(6045) (2011).

<sup>198</sup> C. Billard, L. Bricout, B. Ducot, G. Richard, J. Ziegler, & J. Fluss, *Evolution des compétences en lecture, compréhension et orthographe en environnement socioéconomique défavorisé et impact des facteurs cognitifs et comportementaux sur le devenir à deux ans [Evolution of competence in reading, spelling and comprehension levels in low socioeconomic environments and impact of cognitive and behavioral factors on outcome in two years]*, Revue d'épidémiologie et de santé publique 58(2) (2010).

<sup>199</sup> B. Maughan & J. Carroll, *Literacy and mental disorders*, Current opinion in psychiatry 19(4) (2006).

<sup>200</sup> Engle *et al* (2007) highlight, in the Child Development Series, that some risk factors directly affect early developmental potential: “stunting, iodine deficiency, iron deficiency anaemia, and inadequate cognitive stimulation, plus four potential risks based on epidemiological evidence: maternal depression, violence exposure, environmental contamination, and malaria.” P.L. Engle, M.M. Black, J.R. Behrman, M. Cabral de Mello, P.J. Gertler, L. Kapiriri, R. Martorell, M.E. Young & International Child Development Steering Group, *Strategies to avoid the loss of developmental potential in more than 200 million children in the developing world*, Lancet 369(9557) (2007).

<sup>201</sup> *id.*

<sup>202</sup> Y.-J. Sun, B.J. Sahakian, C. Langley, A. Yang, Y. Jiang, J. Kang & J. Feng, *Early-initiated childhood reading for pleasure: associations with better cognitive performance, mental well-being and brain structure in young adolescence*, Psychological Medicine 54(2) (2024).

<sup>203</sup> Y.-J et al, *supra* note 202, at 359.

<sup>204</sup> K. Oatley, *Fiction: Simulation of social worlds*, Trends in Cognitive Sciences 20(8) (2016).

<sup>205</sup> R. Mar, K. Oatley & J. Peterson, *Exploring the link between reading fiction and empathy: Ruling out individual differences and examining outcomes*, Communications - European Journal of Communication Research 34(4) (2009).

inclusion.<sup>206</sup> The brain's emotional response to literature, especially fictional literature, might not only improve concentration and patience, but also the feeling of empathy.<sup>207</sup>

Furthermore, evidence-based research also shows that there is an overlap between the brain regions concerned with theory-of-mind tasks and following a storyline.<sup>208</sup> In other words, when reading fiction, children "get into character", augmenting their empathy ability to understand others' mental events.

This is shown to be the case with children independent of socioeconomic status or gender.<sup>209</sup> Robinson, Moore and Harris (2019) highlight that this is also the case for children with special educational needs, to which 'engagement with books was seen to stimulate social interaction, shared focus, and closeness.'<sup>210</sup>

### *Emotional Development*

As children's mental health receives growing attention from the interpretive community,<sup>211</sup> it is prudent to detach the attainment of emotional intelligence from other social skills. Emotional intelligence is the 'ability to recognize the meanings of emotions and their relationships, and to reason and problem-solve on the basis of them.'<sup>212</sup> Children's cognitive functions, including learning and decision-making, are significantly influenced by emotional processes, as children with well-developed emotional skills tend to better recognize and manage their behaviours, leading to improved academic performance and more positive daily interactions.<sup>213</sup>

More recent studies show that one way to improve emotional skills is through reading books with rich emotional content.<sup>214</sup> These skills can also be developed through dialogic reading, the method where adults read a book together with a child and encourage conversations about the content of the book.<sup>215</sup>

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<sup>206</sup> J. Billington, *Reading between the lines: the benefits of reading for pleasure, quick reads*, University of Liverpool (2015).

<sup>207</sup> K. Oatley, *Fiction hones social skills: Reading fiction can strengthen your social ties and even change your personality*, Scientific American Mind (2011).

<sup>208</sup> J. Hsu, *The Secrets of Storytelling: Why We Love a Good Yarn*, Scientific American (2008).

<sup>209</sup> C. Clark & J. Rumbold, *Young people's reading and writing: An in depth study focusing on enjoyment, behaviour, attitudes and attainment*, Literacy Trust (2011).

<sup>210</sup> D. Robinson, N. Moore, & C. Harris, *The impact of books on social inclusion and development and well-being among children and young people with severe and profound learning disabilities: Recognising the unrecognised cohort*, British Journal of Learning Disabilities, 47(2), at 100 (2019).

<sup>211</sup> V.K. Ramanathan, Human Rights and Children's Mental Health: A multilink bond. *Journal of the American Academy of Child and Adolescent Psychiatry* 60(10) (2021).

<sup>212</sup> J. Mayer, D. Caruso, & P. Salovey, *Emotional Intelligence Meets Traditional Standards for an Intelligence*, *Intelligence* (27(4), at 267 (2000).

<sup>213</sup> M. Alzahrani, M. Alharbi, & A. Alodwani, *The effect of social-emotional competence on children academic achievement and Behavioral Development*, *International Education Studies* 12(12) (2019).

<sup>214</sup> F. Batini, V. Luperini, E. Cei, D. Izzo & G. Toti, *The association between reading and emotional development: A systematic review*, *Journal of Education and Training Studies*, 9(1) (2021).

<sup>215</sup> J. Xu, *Developing emotional intelligence in children through dialogic reading, self-made books, and visible thinking routines*. *Early Childhood Education Journal* (2023).

### 4.3. The right to read and contemporary concerns

#### *Illiteracy is still a problem*

There is extensive literature in different fields addressing the negative impacts of COVID-19 pandemic on almost all the SDGs, including SDG 4.<sup>216</sup> The pandemic exacerbated existing educational disparities, exposing approximately 24 million learners to potential exclusion from formal education.<sup>217</sup> However, even before the pandemic, approximately 57% of children in low and middle income countries lacked foundational skills in reading and numeracy by Grade 3.<sup>218</sup> This number increased to 70% in 2022, with an even more severe situation in sub-Saharan Africa, where less than one in ten children is able to achieve foundational learning skills by the same grade.<sup>219</sup>

Despite the global decline in adult illiteracy rates from 34,4% in 1976 to an estimated 12.9% in 2022,<sup>220</sup> an estimated 773 million adults still cannot read and write at a basic level.<sup>221</sup> This number is not very different from the number of adults that were illiterate in 2000, 862 million,<sup>222</sup> showing that efforts to reduce illiteracy have not kept pace with population growth.

As UNICEF Executive Director Catherine Russell highlighted in a recent publication, '*instead of being the great equaliser, education is at risk of becoming the great divider.*'<sup>223</sup> Numbers show that illiteracy is still a big problem — especially for countries in sub-Saharan Africa, the Arab States, North Africa, South, and West Asia — that should be tackled more effectively so that it can have a real impact reflected in absolute numbers.

#### *Reading materials are being censored, filtered or banned*

Book banning remains a common practice in many countries. Some countries attempt to ban books that discuss sex or religion, others attempt to ban books based on political reasons. Some of these bans happen at a regional or national level — restricting the publishing of specific titles —, others happen in specific places, such as deprivation of liberty institutions and schools.<sup>224</sup>

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<sup>216</sup> C. Martín-Blanco, M. Zamorano, C. Lizárraga & V. Molina-Moreno, *The Impact of COVID-19 on the Sustainable Development Goals: Achievements and Expectations*, International journal of environmental research and public health, 19(23) (2022).

<sup>217</sup> UN, *The Sustainable Development Goals Report* (2022).

<sup>218</sup> World Bank, UNICEF, FCDO, USAID & Bill & Melinda Gates Foundation, *The State of Global Learning Poverty: 2022 Update* (2022). (<https://www.worldbank.org/en/topic/education/publication/state-of-global-learning-poverty>), last visited (30-6-2024).

<sup>219</sup> *id.*

<sup>220</sup> Our World in Data, *Data adapted from UNESCO Institute for Statistics* (2024). (<https://ourworldindata.org/grapher/literacy-rate-adults?tab=chart#research-and-writing>), last visited (30-6-2024).

<sup>221</sup> UIS, *supra* note 46.

<sup>222</sup> UNESCO, *The Literacy Decade: Getting Started 2003-2004* (2004).

<sup>223</sup> UN, *COVID-19: Education risks becoming 'greatest divider'* (2022). (<https://un.dk/covid-19-education-risks-becoming-greatest-divider/>), last visited (30-6-2024). [emphasis added].

<sup>224</sup> M. Deutsch, *Burned, banned, and censored: the need for an international framework that addresses the right to read*, Wisconsin International Law Journal 39(2) (2022).



Deutsch (2022) argues for the recognition of an international legal framework that tackles the issue of banning books from a rights-based perspective.<sup>225</sup> The author defines book banning as ‘the process by which individuals, private organisations, schools, or government officials remove books from public access on library shelves or reading lists because they find the content of the books objectionable.’<sup>226</sup>

Taking the United States as a case study, the author shows how the country’s decentralised approach to censorship has allowed parents and school districts to challenge books in schools based on socio-cultural grounds.<sup>227</sup> According to the American Library Association, only in 2023, 4,240 titles were targeted for ban from schools and public libraries.<sup>228</sup> The number is a historical high and represents a 65% spike from the previous year.<sup>229</sup> Between the 10 most challenged titles of 2023, seven featured LGBTI characters or themes.<sup>230</sup> Censorship targeting LGBTI content does not only happen in the United States — it happens all around the world<sup>231</sup> and take different forms, from book banning, to “book wrapping”,<sup>232</sup> to online filtering.<sup>233</sup>

The author also highlights the situation in China, where book banning is aimed mainly at censoring certain political ideas.<sup>234</sup> Opposed to the ‘general perception that the censorship of physical books peaked during Mao’s reign’,<sup>235</sup> there is evidence that printing materials are increasingly coming under

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<sup>225</sup> *id.*

<sup>226</sup> Deutsch, *supra* note 224, at 330.

<sup>227</sup> Deutsch, *supra* note 224, at 332.

<sup>228</sup> American Library Association, *American Library Association reports record number of unique book titles challenged in 2023* (2024). (<https://www.ala.org/news/2024/03/american-library-association-reports-record-number-unique-book-titles>), last visited (30-6-2024).

<sup>229</sup> *id.*

<sup>230</sup> D. Arkin, *More than half of 2023's most challenged books have LGBTQ themes*. NBC News (2024). (<https://www.nbcnews.com/nbc-out/out-news/banned-books-lgbtq-library-association-rcna146236>), last visited (21-6-2024).

<sup>231</sup> OutRight Action International, *supra* note 149.

<sup>232</sup> A decree in Hungary established that ‘stores within a 200-metre radius of a school or church cannot sell any books that feature LGBTQ characters and that stores outside this radius must remove them from the youth section, wrap them in foil, and put a 18+ mark on them.’ ILGA Europe, *Hungary*. Annual review of the human rights situation of lesbian, gay, bisexual, trans and intersex people covering the period of January to December 2023 (2024). ([https://www.ilga-europe.org/files/uploads/2024/02/2024\\_hungary.pdf](https://www.ilga-europe.org/files/uploads/2024/02/2024_hungary.pdf)), last visited (21-6-2024).

<sup>233</sup> OutRight Action International, The Citizen Lab, OONI, *No Access: LGBTIQ Website Censorship in Six Countries* (2021). (<https://outrightinternational.org/our-work/human-rights-research/no-access-lgbtq-website-censorship-six-countries>), last visited (21-6-2024).

<sup>234</sup> Deutsch, *supra* note 224, at 339.

<sup>235</sup> C. Reeves, *Chinese Escalation of Literature Censorship*, The Organization for World Peace (2019).

fire, as religious minorities<sup>236</sup> and dissonant political voices continue to be systematically suppressed; and school libraries<sup>237</sup> and children's books<sup>238</sup> remain as two of the main targets of censorship.

Political censorship of printing material for children is not restricted to China;<sup>239</sup> it manifests in various forms globally, reinforcing the main argument put forward by Deutsch for the recognition of an international legal framework addressing book banning. As the author concludes: 'The right to read is a fundamental human right; it is time for the UN to declare it so.'<sup>240</sup>

#### *School privatisation is a concerning trend*

An issue that is closely related to the dimensions availability and accessibility of reading materials is the trend of school privatisation:

"In low-income countries, 16% of primary school children are now at private schools, compared to 9% in 1975. In 2014, private companies in sub-Saharan Africa were teaching 14% of all primary school children, 20% of those in secondary education and 31% of students in higher education. Private education represented between 60% and 85% of the schools in Cameroon and the Democratic republic of Congo, and up to 90% in Haiti." <sup>241</sup>

'Private' is a broad term that identify private operators in education — it does not necessarily indicate profit-making goals and costs for the user —, however, the persistence of market driven and commercialised education systems, especially in low and middle income countries, raises concern of human rights defendants and education stakeholders.<sup>242</sup>

Consultations on this issue have led, in 2019, to the establishment of the 'Abidjan Principles on the human rights obligations of States to provide public education and to regulate private involvement in

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<sup>236</sup> T. Dani, *China Is Tagging Uighurs As "Violent Extremists" For Possession Of The Quran*, The Organization for World Peace (2023). (<https://theowp.org/china-is-tagging-uighurs-as-violent-extremists-for-possession-of-the-quran/>), last visited (30-6-2024). See also, R. Ingram, *Long prison sentence for book-loving Uyghur who tried to preserve history, culture for kids*, The China Project (2023), (<https://thechinaproject.com/2023/10/05/long-prison-sentence-for-book-loving-uyghur-who-tried-to-preserve-history-culture-for-kids/>), last visited (30-6-2024).

<sup>237</sup> H. Wu, *In echo of Mao era, China's schools in book-cleansing drive*. Reuters (2020). (<https://www.reuters.com/article/idUSKBN24A1RJ>), last visited (30-6-2024).

<sup>238</sup> L. Sum, *Hong Kong: Authors of children's books about sheep and wolves convicted of sedition*, The Guardian (2022). (<https://amp.theguardian.com/world/2022/sep/07/hong-kong-authors-of-childrens-books-sheep-wolves-convicted-of-sedition>), last visited (30-6-2024).

<sup>239</sup> M. Martens, S. Evans & M. Alexiusson (Eds.), *International views on banned books*. IFLA Section: Libraries for Children and Young Adults Special Issue 23 (2023).

<sup>240</sup> Deutsch, *supra* note 224, at 331.

<sup>241</sup> CPRAM, *The private sector: an essential role in education for developing countries* (2021). (<https://cpram.com/irl/en/individual/publications/megatrends/the-private-sector-an-essential-role-in-education-for-developing-countries>), last visited (28-06-2024).

<sup>242</sup> A. Skelton, *COVID-19 and the risks of increasing privatisation of education in Africa*, ACCORD (2021). (<https://www.accord.org.za/analysis/covid-19-risks-of-increasing-privatisation-education-in-africa/>), last visited (28-6-2024). See also F. Adamson, S. Aubry, M. de Koning & D. Dorsi (Eds.), *Realizing the Abidjan Principles on the Right to Education*, Edward Elgar Publishing (2021).

education.’ The overarching principles highlight that, in fulfilling their obligations regarding the right to education, states should ‘prioritise the funding and provision of free, quality, public education.’<sup>243</sup>

While there is a lack of more comprehensive data on international level, national level studies from different countries indicate that school libraries in private schools are better than public school libraries in terms of ICT resources, facilities and collections.<sup>244</sup> This researches further evidence the need to rethink private involvement in education from a non-discrimination perspective.

### *Children are “hungry” for books*

The so-called “book famine” is an expression that sums up the accessibility dimension of reading materials. It describes situations where individuals are ready and willing to read but face a severe lack of accessible books.

This issue is more evident when dealing with a lack of accessible format works for people who are blind, partially sighted or print-disabled (including developmental and learning disabilities).<sup>245</sup>

The international framework protecting the reading rights of blind persons and persons with visual impairments and print disabilities includes the Convention on the Rights of Persons with Disabilities (CRPD), where 190 States have agreed under Article 4(f) to ‘undertake or promote research and development of universally designed goods, services, equipment and facilities.’ It also includes the “Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled”, one of the international copyright treaties administered by the World Intellectual Property Organisation (WIPO), with currently 96 parties.<sup>246</sup>

Despite the framework, the World Blind Union estimates that over 90 percent of all published materials are still inaccessible to these groups.<sup>247 248</sup> While in many jurisdictions, accessible format copies are

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<sup>243</sup> Overarching principle 5. Abidjan Principles, Guiding Principles on the human rights obligations of States to provide public education and to regulate private involvement in education Côte d’Ivoire (2019).

<sup>244</sup> This study gathered evidence from South Africa, Kuwait, Brazil and India, See A. Skelton & F. Veriava, *Education Rights in Independent Schools*, Basic Education Rights Handbook 2; T.M. AlQudsi-ghabra, A.H. Safar, & N.M. Qabazard. *Comparison of Private and Public School Library Services in Kuwait: A Case Study*, *School Libraries Worldwide* 19(1)(2013). L. Green & M. Johnston, *Global Perspectives: Exploring School-Based Brazilian Librarianship Through Institutional Ethnography*, *School Libraries Worldwide* 21(1) (2015). P. Mahajan, *School Libraries in India: Present-day Scenario*, *Library Philosophy and Practice* (2010).

<sup>245</sup> AsiaIP, *The Fight Against the “Book Famine”* (2018). (<https://asiaiplaw.com/article/the-fight-against-the-book-famine/>), last visited (30-6-2024).

<sup>246</sup> WIPO, *Contracting Parties Marrakesh VIP Treaty (Total Members: 96)*. ([https://www.wipo.int/wipolex/en/treaties/ShowResults?start\\_year=ANY&end\\_year=ANY&search\\_what=C&code=ALL&treaty\\_id=843](https://www.wipo.int/wipolex/en/treaties/ShowResults?start_year=ANY&end_year=ANY&search_what=C&code=ALL&treaty_id=843)), last visited (30-6-2024).

<sup>247</sup> World Blind Union, *Marrakesh Treaty Ratification and Implementation Campaign*. (<https://worldblindunion.org/programs/marrakesh-treaty/>), last visited (30-6-2024).

<sup>248</sup> Literacy education for visually impaired children means not only the learning of a language, but also the learning of tactile codes, typically Braille. Other accessible formats also include audio books and large print. N.F. Tisnawati, Yuliati, & E. Purbaningrum, *Braille Innovation Technology in Teaching and Learning Process For Visual Impairment*, *JTP - Jurnal Teknologi Pendidikan*, 24(2) (2022).

considered to be copyright infringement, some countries have already conformed their jurisdictions, either through legislative initiative<sup>249</sup> or litigation outcomes.<sup>250</sup>

“Book famine” has also been used to describe a general imbalance on the availability of books due to a lack of investment on local publishing capacity. Shaver (2010) reminds us that:

“[T]he German publishing industry produces 93,600 new titles and re-editions each year, while Pakistan’s publishing industry produces only 3,500. The U.K. publishing industry produces approximately six books per British child each year; the Indian publishing industry produces one book for every twenty Indian children. In many very poor countries, there is a shockingly inadequate supply of reading material available for purchase. When people have spoken of Africa’s “book famine,” they typically have had in mind this basic criterion.”<sup>251</sup>

On a critical view, the term “book famine” has been criticized for oversimplifying and misrepresenting the complexities of African publishing. According to le Roux (2020), this narrative perpetuates a view of scarcity that undermines local publishing efforts and reinforces dependence on foreign aid.<sup>252</sup> The reflection of the author further reinforces the need for seeking solutions that empower the local publishing industry, shifting from provision to production.<sup>253</sup>

#### 4.4. Concluding remarks

The multidisciplinary analysis of this chapter provides deep insights into the function of the right to read, responding to the first research question of this study (“What is the normative content, and function of the right to read?”). Around the world, children are being affected by illiteracy, the censorship of reading materials, the concerning trend of school privatisation, and the pervasive “book famine.” These issues deeply affect the cognitive, social, and emotional development of children, highlighting the urgent need for recognizing and protecting the right to read.

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<sup>249</sup> See, e.g., European Commission, *Report on the availability of certain copyright protected works for persons with disabilities within the internal market*, Commission Staff Working Document (2022).

<sup>250</sup> See, e.g., S. Samtani, *Copyright Exception to Convert Works into Formats Accessible to People with Visual and Print Disabilities*, GRUR International, 72(3) (2023).

<sup>251</sup> Shaver, *supra* note 11, at 35-36.

<sup>252</sup> E. le Roux, *The myth of the ‘book famine’ in African publishing*, *Review of African Political Economy* at 258 (2020).

<sup>253</sup> *id.*

## CHAPTER FIVE: FINDINGS, RECOMMENDATIONS AND CONCLUSION

### 5.1. Findings

This study is guided by two central research questions: (1) What is the (1a) normative content, and (1b) function of the right to read? And, (2) to what extent does the CRC framework recognize the existence of a children's right to read?

(1a) Regarding the first element of the first research question, Chapter 2 presents insights into the normative content of the right to read.

a) It is argued that the international community already recognizes a children's right to literacy or, precisely, a *right to know how to read by the time they are of age to complete primary education*. This conclusion is obtained through a legal analysis of ICESCR Article 13, the UNESCO framework of education (more specifically the WDEFA and the ISCED-2011), and interpretations given by the CESCR. The analysis also found that, as part of the obligation expressed on Article 13(2)(a) of the ICESCR, this right is part of the minimum core for the satisfaction of Article 13.

b) The research finds that the framework of Article 19 of the ICCPR grants to all humans, and consequently to all children, *the freedom to choose what to read*. The limitation clause on Article 19(3) should be used on a strict manner, following the principles of legality and necessity.

c) Utilising a four dimensions framework (the '4-A framework') in order to set up an analytical framework for reading materials, it is concluded that everyone, including children, has the *right to have access to reading materials that are available in sufficient quantity; accessible, without discrimination; acceptable in terms of cultural relevance and quality; and adaptable to meet changing needs and contexts*.

(1b) Chapter 4 analyses the second element of the first research question, regarding the function of recognising a right to read.

a) By reviewing literature on the fields of pedagogy, education and social studies, the study evidences that *advancing the right to read as an economic and social right contributes to the cognitive, social and emotional development of the child*.

b) The study presents four contemporary concerns, evidenced by research in different fields - the issue of illiteracy, the censorship of reading materials, the trend of school privatisation, and the so-called "book famine." It *argues that these concerns can be addressed by the recognition of a right to read*.

(2) Regarding the second research question, Chapter 3's overarching conclusion is that *while there are clearly challenges in fully implementing the right to read, this right is deeply embedded within the CRC framework*. The doctrinal and archival analysis of specific articles also brought relevant findings.

a) Articles 28 and 29: The CRC Committee's perception of literacy aligns with UNESCO's conception of lifelong learning. It is concluded that *the CRC right to education framework grants not only the right to know how to read by the time they are of age to complete primary education (in line with ICESCR Article 13), but also creates a qualitative measurement for this right — children have to be able use their literacy skills as tools to achieve the aims of education*.

b) Article 13: The CRC Committee's position regarding Article 13 aligns with the HRC's position on ICCPR Article 19. Additionally, the CRC Committee has provided a non-exhaustive list of materials

children should have access to. By analysing the positions of the CRC Committee in its reporting mechanism, it is concluded that *more effort is required from the CRC framework regarding the balancing between protection from harmful contents and the dimensions of provision and participation.*

c) Article 17: It is concluded that *there is a concerning imbalance between the final formulation of Article 17(c) and the original rationale of the article: encouraging, at all levels, literacy and the reading habit through children's book production and dissemination, as well as the habit of storytelling. Further clarification is also needed on State obligations under Article 17, the role of the publishing industry, and copyright issues in children's literature.*

d) Article 31: The analysis concluded that *there is a need for further establishment of state obligations under Article 31, especially in relation to the right to play (and its relation with reading).*

## 5.2. Recommendations

The aim of this study was to engage the CRC and its monitoring body, the CRC Committee, in the journey towards the recognition of a children's right to read.

While the outputs of the CRC Committee are not binding on national courts, they have been constantly used by national jurisdictions in order to guide norms and implementation of the CRC.<sup>254</sup> Furthermore, the near universal ratification of the Convention, the growing trend of national incorporation,<sup>255</sup> the effective reporting mechanism and a growing communications mechanism,<sup>256</sup> 'all set the scene for enhanced momentum towards embedding children's rights as human rights, and for these rights to take a prominent role as being at the core of human development.'<sup>257</sup>

Against this backdrop, and taking into consideration the above-presented findings, this paper suggests that the CRC Committee should engage more thoroughly in discussions regarding a children's right to read. Cognizant of the relevant work put forward by the CRC Committee on recent years regarding digital technologies, digital media and children's rights,<sup>258</sup> this work invites the CRC Committee to apply the same level of effort in addressing concepts such as literacy rights, book publishing, censorship of reading materials, school curricula, and the aims of education — and how these concepts have evolved in the recent years. While this study refrains from making suggestions in relation to what type of output is expected, some guiding questions were elaborated.

*What elements should be included in a primary education school curriculum in line with the Convention?*

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<sup>254</sup> But See M. Couzens, *CRC Dialogues: Does the Committee on the Rights of the Child 'Speak' to the National Courts?* In T. Liefwaard & J. Sloth-Nielsen, *The United Nations Convention on the Rights of the Child: Taking Stock after 25 Years and Looking Ahead*, BRILL (2016).

<sup>255</sup> See, e.g., U. Kilkelly, L. Lundy, & B. Byrne, *The Convention on the Rights of the Child: A Thematic Analysis of the Incorporation Journey*. In U. Kilkelly, L. Lundy, & B. Byrne (Eds.), *Incorporation of the United Nations Convention on the Rights of the Child in Law*, Cambridge University Press: Intersentia (2021).

<sup>256</sup> See, e.g., T. Liefwaard, *A Decade of the Optional Protocol to the CRC on a Communications Procedure: Progress, Challenges and the Pathways Ahead for Children's Access to Justice*, *The International Journal of Children's Rights*, 32(1) (2024).

<sup>257</sup> T. Liefwaard & J. Sloth-Nielsen, *25 Years CRC: Reflecting on Successes, Failures and the Future* In T. Liefwaard & J. Sloth-Nielsen, *The United Nations Convention on the Rights of the Child: Taking Stock after 25 Years and Looking Ahead*, BRILL, at 10 (2016).

<sup>258</sup> See, e.g., *supra* notes 134, 137.

There are more than 40 mentions to the educational curriculum throughout 17 out of the 26 General Comments issued by the Committee. The general understanding of the CRC Committee is that reworking the curricula in order to include the aims of education is a requirement to effectively promote Article 29(1).<sup>259</sup> School curricula should be relevant to the child's social, cultural, environmental, and economic context<sup>260</sup> — especially for indigenous children<sup>261</sup> —, and foster an environment of non-discrimination and self-awareness.<sup>262</sup> Another recurring recommendation is that the curriculum should integrate children's rights<sup>263</sup> and human rights education<sup>264</sup>, as well as digital literacy<sup>265</sup>, information on health<sup>266</sup> — including sexual and reproductive health education<sup>267</sup> — and environmental education<sup>268</sup>. Additionally, it should promote cultural and artistic activities<sup>269</sup> and ensure children are heard.<sup>270</sup>

All of these recommendations, despite being insightful and valuable, are spread throughout different documents, making it hard for stakeholders — and the Committee itself during reporting cycles — to ensure that the school curricula for schools are in line with Article 29(1) and other provisions.

Tackling curricula content is also an opportunity for the Committee to reference more directly *learning tools* as elements for basic education, thereby harmonising its view on primary education with the WDEFA and the views of the CESCR. More than that, the Committee has the chance to recognize — once and for all — the nature of the right to literacy as an immediate minimum core obligation in relation to the right to education.

*What are the criteria and thresholds of the limitation clause Article 13 of the CRC? Can the limitation clause justify the censorship of (any form of) reading materials for children?*

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<sup>259</sup> CRC Committee, *supra* note 114 (GC 1), at para. 18.

<sup>260</sup> CRC Committee, *supra* note 114 (GC 1), at para. 9.

<sup>261</sup> CRC Committee, *supra* note 131 (GC 11), at paras. 27, 56, 52, 62.

<sup>262</sup> CRC Committee, *supra* note 114 (GC 1), para. 10; UN Committee on the Elimination of Discrimination against Women (CEDAW) and CRC Committee, *Joint general recommendation No. 31 of the CEDAW/General Comment No. 18 of the CRC Committee on harmful practices*, CEDAW/C/GC/31-CRC/C/GC/18., at para. 69 (2014).

<sup>263</sup> CRC Committee, *General comment No. 2: The Role of Independent National Human Rights Institutions in the Promotion and Protection of the Rights of the Child*, CRC/GC/2002/2, at para 19 (2022); CRC Committee, *supra* note 27 (GC 5), at para. 53; CRC Committee, *General comment No. 12 (2009): The right of the child to be heard*, CRC/C/GC/12, at para. 82 (2009).

<sup>264</sup> CRC Committee, *supra* note 262 (GC 18), at para. 69.

<sup>265</sup> CRC Committee, *supra* note 134 (GC 25), at para. 104.

<sup>266</sup> CRC Committee, *General comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24)*, CRC/C/GC/15, at para. 59 (2013).

<sup>267</sup> CRC Committee, *General comment No. 4 (2003): Adolescent Health and Development in the Context of the Convention on the Rights of the Child*, CRC/GC/2003/4, at para 17 (2003); CRC Committee, *supra* note 132 (GC 20), at paras. 37, 47, 61.

<sup>268</sup> CRC Committee, *supra* note 111 (GC 26), at paras. 53.

<sup>269</sup> CRC Committee, *supra* note 5 (GC 17), at para. 58.

<sup>270</sup> CRC Committee, *supra* note 263 (GC 12), at para. 82; CRC Committee, *General comment No. 13 (2011): The right of the child to freedom from all forms of violence*, CRC/C/GC/13, at para. 44.

As previously demonstrated, there is indication that the Committee follows the understanding of the HRC that the right to freedom of expression embraces a broad range of expressions and receipt of communications, including, for instance, ‘political discourse, commentary on one’s own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, religious discourse’ and ‘even expression that may be regarded as deeply offensive.’<sup>271</sup>

Despite being a recurring topic in reporting cycles — where the Committee has engaged robustly with child-specific content that should be protected by Article 13 —, there is no clear guidance (or jurisprudence in individual communications) protecting children against disproportional and/or unlawful censorship of writing material.

*What are precisely the obligations of State Parties in relation to Article 17(c)?*

The formulation of Article 17(c) proclaims that States Parties shall encourage the production and dissemination of children’s books but lacks clarity on what measures should be taken in order to fulfil this obligation. The original intent of the IBBY draft was to promote literacy, reading habits, and storytelling, yet the final wording appears to provide only weak guidance to the printing industry. Furthermore, the Committee’s recommendations on this subparagraph have been limited and often contextualised within broader educational infrastructure issues, such as the establishment of libraries and support for textbook purchases.

With the rise of new ICTs, the focus has shifted towards digital media, potentially overshadowing the importance of traditional print-based media. This shift raises concerns about whether the original objectives of promoting literacy and reading habits are being adequately addressed, also in the digital contexts.

Additionally, evidence presented in this thesis has shown that not enough effort has been made in addressing the issue of copyright infringement and the access to books for children who are blind, partially sighted or print-disabled.

### 5.3. Conclusion

“If you have never wept bitter tears because a wonderful story has come to an end and you must take your leave of the characters with whom you have shared so many adventures, whom you have loved and admired, for whom you have hoped and feared, and without whose company life seems empty and meaningless.

If such things have not been part of your own experience, you probably won’t understand what Bastian did next.”<sup>272</sup>

— *The Neverending Story*, Michael Ende

In the following page of *The Neverending Story*, a classic fantasy novel by German writer Michael Ende, the protagonist of the story, an imaginative but lonely 12-year-old called Bastian steals a book from an antiquarian bookstore and retreats to his school’s attic to read it. As Bastian reads in the attic, the narrative shifts between his reality and the epic tale within the stolen book, a fantasy tale featuring a young hero on a mission to discover out what is destroying his home. As the story unfolds, Bastian starts

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<sup>271</sup> See footnote 143, *supra*.

<sup>272</sup> M. Ende, *The Neverending Story*, [translation by R. Manheim] Penguin Books, at 1.



to notice that his reactions are influencing the events in the book, with some characters even sensing his presence or being able to hear and see him.

Through his journey in reading, Bastian escapes his troubled reality and gains cognitive, social, and emotional skills to cope with his life. He admits to stealing the book, helps his father overcome strong emotions, and even faces the bullies at school.

*The Neverending Story* beautifully illustrates the importance of reading in the life of a child. It demonstrates the potential of reading for a child's development and for the realisation of other rights, whether economic, social, cultural, civil or political.

Unfortunately, challenges remain worldwide in guaranteeing that every child has the capacity to read, is free to read and have access to books. In this study, it is argued that these challenges are better addressed through the establishment of a framework recognizing reading as a children's right.

This study has given an initial glimpse at how this framework should look like, presenting ways in which a child's right to read can be addressed based on three fundamental and well-established elements that can be derived from the core international human rights treaties and, more specifically, from the CRC framework. This model is by no means an exhausting list — there is still a lot to discuss in terms of digital literacy, multilingual education, socioeconomic factors, the role of libraries, gender disparities, the intersection with other rights, the impact of technology and censorship, and the role of parents and caregivers in realising the right to read for all children...

"But that is another story and shall be told another time."<sup>273</sup>

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<sup>273</sup> M. Ende, *supra* note 270, at 342.

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