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Report of the Working Group on a draft Convention
on the Rights of the Child

Chairman-Rapporteur: Mr. Adam Lopatka

CORRIGENDUM

Paragraph 38

Add the following sentences to the end of the paragraph:

"The representative of Italy observed that no State was manifestly opposed to the principles contained in the Declaration of the Rights of the Child and, therefore, according to the Vienna Convention on the Law of Treaties, the rule regarding the protection of life before birth could be considered as 'jus cogens' since it formed part of the common conscience of members of the international community. She further indicated that the concept of 'responsible motherhood', affirmed in many modern judicial systems, was not against the protection of children before birth."

Paragraph 41

The first two lines of the paragraph should read as follows:

"On behalf of the drafting group on preambular paragraph 6, the representative of Italy submitted a compromise text (E/CN.4/1989/WG.1/WP.19) which read as follows:"

Paragraph 85

Add the following sentence to the end of the paragraph:

"The representative of Italy indicated that in the language of international organizations the two words 'survival' and 'development' had come to acquire the special meaning of ensuring the child's survival in order to realize the full development of his or her personality, both from the material and spiritual points of view."

Paragraph 90

The reference to "jus sole" should read "jus soli".

Paragraph 91

The reference to "jus sole" should read "jus soli".

Paragraph 92

The reference to "jus sole" should read "jus soli".

Paragraph 118

Add the following words to the end of the first sentence:

"... noting that other instruments making the interests of the child the primary consideration were directed to more limited circumstances than those provided for in this paragraph."

Paragraph 138

In line 6 delete the words "agreed with India," and on the same line replace the word "drawing" with the word "drew".

Paragraph 150

Add a new paragraph 150a after paragraph 150 as follows:

"150a. The representative of Canada raised the question of whether the words 'the child' should be added to paragraph 2 to ensure that the child was protected against all forms of discrimination or punishment on the basis of his or her status, activities, etc., as well as those of the child's parents, legal guardians, or other family members."

Paragraph 224

The paragraph should read as follows:

"224. The observer for Canada stated that article 18 already dealt with the sale of children so there was no necessity to broaden article 6 ter further, and that he had no objection to the deletion of the end of paragraph 2 as proposed by Finland. Finally, he said that paragraph 1 of the original text had been proposed in French, using language from the French version of the Hague Convention on International Child Abduction and therefore the English translation of the original paragraph 1 should also use the language from the English version of the Hague Convention. Accordingly, the phrase 'illicit transfer and non-return' should be changed to 'wrongful removal and retention'."

Paragraph 275

Delete the word "Italy" on line 3.

Paragraph 381

Add the following sentence to the end of the paragraph:

"She further indicated that the words 'accompanied child' in the language of international refugee law referred to a refugee child with a disability, such child needing particular protection and humanitarian assistance."

Paragraph 478

The paragraph should read as follows:

"478. As this proposal did not meet with a consensus, it was proposed that the reference to indigenous was not necessary and could be deleted since such persons were already covered by the term ethnic groups. The observer for Canada stated that in his and other countries, indigenous persons were not considered to be members of ethnic groups and therefore a specific reference was necessary. The observer for Canada then proposed that after the words 'all peoples', be added:

'... ethnic, national and religious groups and persons of indigenous origin,'"

Paragraph 492

The first three lines of the paragraph should be replaced with the following:

"492. After some discussion, during which a consensus was not achieved, it was proposed that the entire article be deleted. The observer for Canada, supported by several other delegations, argued for the retention of this article. After further discussion, a revised text of article 16 bis was read out by the Chairman and then adopted by the Working Group to read as follows:"

Paragraph 527

Add the following sentence to the end of the paragraph:

"The observer for Canada was later asked to co-ordinate and introduce the specific provisions of article 19, on behalf of the drafting group."

Paragraph 536

The reference to "Economic, Social and Cultural Rights" in lines 2 and 3 should read "Civil and Political Rights".

Paragraph 550

The text of the second sentence read out should read as follows:

"The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;"

Paragraph 553

The first sentence of the paragraph should read as follows:

"553. With regard to paragraph 4 it was generally agreed that the words 'every child' should be used at the beginning and that the brackets around the words 'or other competent independent and impartial authority' be removed to correspond with relevant provisions of the International Covenant on Civil and Political Rights."

Paragraph 556

The paragraph should read as follows:

"556. With regard to paragraph 1, the observer for Canada, who again acted on behalf of the drafting group to introduce the specific provisions of article 19 bis, stated that the present wording was the same as the previous version adopted in first reading, except for two sentences that had been added as follows:

(a) ... or recognized as having infringed the penal law.

(b) ... and the desirability of the child's assuming a constructive role in society."

Paragraph 558

The words "The observer for Canada" in line 1 should be changed to read "One delegation".

Paragraph 559

Add the following sentence to the end of the paragraph:

"The representative of Italy proposed that instead of the word 'rehabilitation' the Working Group should consider using the word 're-integration' or the words 'social re-integration'".

Paragraph 654

Add the following sentence to the end of the paragraph:

"In particular, the representative of Italy strongly supported the inclusion of the words 'and other United Nations organs'".

Paragraph 661

The paragraph should read as follows:

"661. The delegate of Italy drew the Working Group's attention to the difference between the Vienna Convention - which was a codification of international law - and the present Convention which exclusively concerned human rights. She has remarked that the Vienna Convention is not only a codification of the international customary law, but it indicates also the progressive development of international law. The rules of this last category (progressive development of international law) do not oblige all the States of the world, but only those who have ratified the convention or adhered to it. Some rules, regarding for instance the adhesion and the reservation can be considered as indicating the progressive development of international law. Therefore, she added her preference for the approach proposed in E/CN.4/1989/WG.1/WP.66."