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MEETING**

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Chairman: Mrs. Georgette CISELET (Belgium).

**AGENDA ITEM 64**

Draft Declaration of the Rights of the Child (A/4185, E/3229, chap. VII, A/4143, chap. VII, sect. V, A/C.3/L.712 and Corr.1-3, A/C.3/L.716, A/C.3/L.719, A/C.3/L.726 and Add.1, A/C.3/L.727-728, A/C.3/L.730-733, A/C.3/L.745-746, A/C.3/L.748-749, A/C.3/L.751-752)  
*(continued)*

**PRINCIPLE 7 (concluded)**

1. Mr. KETRZYNSKI (Poland), referring to the proposal submitted by Mexico, Peru and Uruguay (A/C.3/L.730), consisting in the addition of a new principle after principle 7 of the text prepared by the Commission on Human Rights (E/3229, para. 197, resolution 5 (XV)), said that the Committee's basic task was to ensure the development of the child's personality under the conditions of modern life, both in and out of school. Recreational activities were not always part of the educational system. They were conducted at kindergartens, playgrounds, parks, sports grounds, libraries and clubs, and encompassed all the organized activities of the child outside the school. The concept of recreation had to cover, in addition to the classic concept of play, the scientific achievements of the current era, which were a subject of great interest to the child. A wide range of social problems, requiring organization on a broad scale, was involved. For that reason the Polish delegation felt that the provisions of the three-Power text should form a separate principle and that any attempt to combine them with another principle would be undesirable.

2. His delegation was in favour of the USSR amendments (A/C.3/L.712 and Corr.1-3) to principle 7. The first amendment, dealing with State action in connexion with education, had been drafted in terms elastic enough to embrace various types of school systems and also the important question of subsidies. The principle that the State should take steps to extend free education to the secondary level was the least that could be stated in the Declaration. The second amendment, calling for the prohibition of war propaganda, was so important that there could be no question of omitting it. That it was formulated in terms of a prohibition and not of an affirmative statement was not a valid objection.

3. The six-Power amendment (A/C.3/L.748) and the sub-amendments of Cuba (A/C.3/L.751) and Bulgaria (A/C.3/L.752) were generally acceptable to his delegation.

4. Mr. RUDA (Argentina) considered principle 7 to be one of the most important provisions of the entire Declaration. The child's right to an education was too obvious to be denied: on it depended the development of the child's personality, the existence of an intelligent electorate and the economic progress of a country. It had to be compulsory, lest parents should neglect their duties towards the child, and it had to be free at the elementary level so that it would not be contingent on the family's economic status. On the other hand, the orientation of the child's education lay not with the State but with the parents, who were the child's natural guardians. Only then could the danger of totalitarianism be avoided. His delegation would vote for the six-Power amendment (A/C.3/L.748), since the new wording proposed in it embodied all those principles. He particularly welcomed the incorporation in that text of the notion of "moral and social responsibility" in accordance with the proposal made by Uruguay (A/C.3/L.729), which was now incorporated in the six-Power amendment.

5. He would vote against the Bulgarian sub-amendment (A/C.3/L.752) because he felt that the words "in the first place" in the six-Power amendment should be retained.

6. Miss BERNARDINO (Dominican Republic) agreed that principle 7 was one of the most important in the Declaration, as it dealt with free and compulsory education, a benefit which was provided for in her country's Constitution.

7. Mrs. CASUSO (Cuba) said that the fact that UNESCO chose to use the term "education" in its documents did not mean that the word "schooling" was banned from the language. She was convinced that even UNESCO would prefer the word "schooling" in the context of the first sentence of the six-Power amendment. It was important that the Committee should employ appropriate terms in the draft Declaration. To use the broad term "education" in the context of the first sentence of principle 7 would be to limit its scope. The words "the elementary stages" in the six-Power amendment were vague and therefore "elementary schools" would be preferable. Because of his helplessness, the child needed vocational guidance. Therefore it was important that the principle should mention respect for his vocational aptitude. The sentence proposed in the last of her new sub-amendments (A/C.3/L.751 replacing A/C.3/L.745) was designed to emphasize the often forgotten factor of cultural values; it had been inspired by the text of the Commission on Human Rights and should be included in principle 7.

8. Mrs. AGUILAR DE COLMANT (Honduras), speaking on the three-Power proposal (A/C.3/L.730), said

that her delegation attached great importance to the role of play and recreation in the child's development. She would support the proposal made by the Chilean representative at the 921st meeting that in that amendment the words "be under an obligation" should be replaced by the word "endeavour".

9. Mr. MANICKAVASAGAM (Federation of Malaya) supported the six-Power amendment (A/C.3/L.748) in principle. Although a large part of his country's budget was devoted to education and although new schools were being built and teachers being trained, the population was growing and it would therefore be impossible to provide free and compulsory education at the current time. He would be unable to support the first of the USSR amendments (A/C.3/L.712 and Corr.1-3) to principle 7 as it contained too many details and would commit States to heavy financial burdens. The provisions of the three-Power text (A/C.3/L.730) were covered by principle 5.

10. Mr. GIRI (Nepal) said that education was a matter of supreme importance, especially for the underdeveloped countries. He congratulated the Commission on Human Rights on its version of the draft Declaration. The fact that the Committee, after considering the many amendments submitted, had usually reverted to the original text was evidence of the Commission's careful drafting. In the case of principle 7, however, the wording of the six-Power amendment (A/C.3/L.748) was clearer and more precise than the Commission's text and he would therefore support it. Nepal was determined to introduce free and compulsory education in the course of the next ten years. He appreciated the underlying principles of the USSR amendment, but they implied a financial burden which his country would be unable to bear. He would vote for the text proposed by Mexico, Peru and Romania (A/C.3/L.730).

11. Mr. RIBEIRO DA CUNHA (Portugal), exercising the right of reply and refuting a statement made by the representative of Guinea at the preceding meeting, said that the UNESCO *World Survey of Education* for 1958 showed that there had been 58,298 enrolled pupils in Angola in 1954/55.

12. Mrs. MIRONOVA (Union of Soviet Socialist Republics) stated that, in the light of the statements of various representatives concerning the financial burden which compulsory secondary education would place on the economies of their countries, her delegation would not press its first amendment (A/C.3/L.712 and Corr.1-3). She would maintain her second amendment dealing with the prohibition of war propaganda. The matter did not concern Governments alone: it was the responsibility of the authorities, whether public or private, which operated schools.

13. Lady PETRIE (United Kingdom) remarked that the Cuban and Bulgarian sub-amendments were unacceptable to her delegation. With respect to the Cuban sub-amendment (A/C.3/L.751), the word "schooling" in English was not an adequate replacement for the word "education". The words "the elementary stages" did not, as they did in Spanish, have the connotation of "grades". It was possible to have an elementary education without going to school at all. The use of the word "stages" was therefore appropriate, and the word "school" was not. The proposal concerning respect for the vocational aptitude of children was illogical, as it was difficult, during childhood, to know what the

vocational aptitude was. Lastly, the sentence to be added at the end of the first paragraph was summed up in the words "general culture" in the six-Power amendment.

14. The proposal in the Bulgarian sub-amendment (A/C.3/L.752) for the deletion of the words "in the first place" and the addition of the words "society and the State" would alter the whole spirit of the six-Power text. The sponsors believed that the parents had a more important role than the State in the education of children. The emphasis of the Bulgarian text was exactly the opposite.

15. Mrs. MANTZOULINOS (Greece) associated herself with those comments. She added that the Bulgarian proposal for the deletion of the words "in the first place" contradicted the sixth paragraph of the Preamble, which assigned the primary role to the parents. The Cuban proposal in respect of the second sentence of the six-Power amendment was redundant: its intent was embodied in the wording as it stood. The subject-matter of the sentence to be added to the first paragraph came within the purview of principle 11 and should be discussed in connexion with that principle.

16. Mr. SUPHAMONGKHON (Thailand) concurred in the arguments presented by the United Kingdom and Greek delegations. He noted that the Cuban representative had omitted an important part of the additions which she had originally proposed (A/C.3/L.745) to the first paragraph. He wished that she might also be prevailed upon not to press the remainder of her proposal (A/C.3/L.751) because, if the Cuban suggestion was adopted, the child would be subjected to an impossible task. Few adults could claim to understand fully the culture of their own people, let alone that of the other peoples of the world.

17. Mrs. ROSS (Denmark) and Mrs. DIEMER (Netherlands) associated themselves with the views expressed by the other sponsors of the six-Power amendment (A/C.3/L.748).

18. Miss MacENTEE (Ireland) asked for a separate vote on the various Cuban sub-amendments. She thought that a narrower word than "education" would be preferable in the first sentence of the six-Power text of principle 7 and she would accordingly support the proposal to use "schooling" in the English text, and "enseignement" and "enseñanza" in the French and Spanish texts respectively.

19. Mr. BAROODY (Saudi Arabia) felt that the "education" referred to in the first sentence was something wider than instruction in the basic subjects such as reading and writing.

20. Mr. YOLGA (Turkey) thought that "enseignement" was the right word to use in the first sentence, in the French text at least, although some English-speaking representatives claimed that the proper English equivalent of that term was "education". The "education" referred to in the second sentence extended far beyond elementary schooling.

21. Miss BERNARDINO (Dominican Republic) noted that the Constitution of the Dominican Republic referred to "educación" rather than "enseñanza". She would therefore be unable to accept the first Cuban sub-amendment.

22. The CHAIRMAN put to the vote the Cuban sub-amendments (A/C.3/L.751) to the six-Power

amendment (A/C.3/L.748). The first of those sub-amendments called for the replacement of the word "education" in the first sentence of the first paragraph by the word "schooling".

*The sub-amendment was rejected by 44 votes to 11, with 13 abstentions.*

23. The CHAIRMAN put to the vote the Cuban sub-amendment replacing the expression "elementary stages" by "elementary school" in the six-Power text.

*The sub-amendment was rejected by 42 votes to 15, with 8 abstentions.*

24. The CHAIRMAN put to the vote the Cuban sub-amendment calling for the addition of the words "and with the greatest possible respect for his vocational aptitude" after the word "opportunity".

*The sub-amendment was rejected by 36 votes to 17, with 17 abstentions.*

25. The CHAIRMAN put to the vote the last of the Cuban sub-amendments, calling for the addition of a sentence at the end of the first paragraph of the six-Power text.

*The sub-amendment was rejected by 24 votes to 23, with 24 abstentions.*

*The Bulgarian sub-amendment (A/C.3/L.752) was rejected by 42 votes to 16, with 12 abstentions.*

*The six-Power amendment (A/C.3/L.748) proposing a new text for principle 7 was adopted by 57 votes to none, with 14 abstentions.*

26. The CHAIRMAN drew attention to the second amendment submitted by the USSR (A/C.3/L.712 and Corr.1-3), which was being maintained by the Soviet delegation.

27. Mrs. MIRONOVA (Union of Soviet Socialist Republics) said that in response to the suggestion made by the representative of Saudi Arabia (922nd meeting), she wished to replace the word "hatred" in the USSR amendment by the word "discrimination". She asked for the vote on the revised amendment to be taken by roll-call.

*A vote was taken by roll-call.*

*Paraguay, having been drawn by lot by the Chairman, was called upon to vote first.*

In favour: Peru, Poland, Romania, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yugoslavia, Afghanistan, Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, El Salvador, Guinea, Hungary, India, Jordan, Libya, Morocco.

Against: Philippines, Portugal, Spain, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Belgium, Canada, Chile, China, Colombia, Denmark, Federation of Malaya, France, Greece, Guatemala, Haiti, Honduras, Italy, Japan, Nepal, Netherlands, New Zealand, Norway, Pakistan.

Abstaining: Saudi Arabia, Sudan, Sweden, Uruguay, Venezuela, Yemen, Argentina, Austria, Brazil, Burma, Cambodia, Ceylon, Dominican Republic, Ethiopia, Finland, Ghana, Indonesia, Iran, Iraq, Mexico.

*The amendment, as orally amended, was rejected by 28 votes to 21, with 20 abstentions.*

28. The CHAIRMAN invited the Committee to consider next the text proposed in the three-Power amendment (A/C.3/L.730).

29. Mr. MALITZA (Romania), speaking on behalf of the co-sponsors of the text, said that, in order not to add to the number of paragraphs in the Declaration and because there was a very close connexion between the first sentence of principle 7 and their text, they were willing to forgo their original request that it should be a separate principle, and submitted it as an addition to principle 7.

30. They accepted the suggestion made by the Chilean representative (921st meeting) and supported by the representative of Honduras, that the words "be under an obligation" should be replaced by the word "endeavour". The Cambodian representative's suggestion (922nd meeting) that the word "faculté" in the French text should be replaced by the word "possibilité" did not affect the Spanish original.

31. Mr. BAROODY (Saudi Arabia) asked whether the co-sponsors would agree to replace the word "ensure" by the word "promote", since the word "ensure" still suggested an obligation on the part of society and the public authorities.

32. Mr. CUEVAS CANCINO (Mexico), speaking on behalf of the co-sponsors, accepted the suggestion.

33. Mr. RIBEIRO DA CUNHA (Portugal) requested a separate vote on the first part of the text, reading: "The child shall have full opportunity for play and recreation".

*Those words were adopted by 62 votes to none, with 7 abstentions.*

34. Mr. MEHTA (India) asked for a separate vote on the words, "which should be directed to the same purposes as education".

*Those words were adopted by 40 votes to 14, with 11 abstentions.*

35. The CHAIRMAN put to the vote the remainder of the three-Power text, which now read: "society and the public authorities shall endeavour to promote the enjoyment of this right".

*Those words were adopted by 39 votes to 14, with 15 abstentions.*

*The text as a whole, as amended, was adopted.*

*Principle 7 as a whole, as amended, was adopted by 54 votes to none, with 12 abstentions.*

36. Mr. MAKIEDO (Yugoslavia), explaining his vote, said that he had voted for the six-Power amendment, in spite of its shortcomings, because he felt that the co-sponsors had successfully condensed the text of the Commission on Human Rights and improved its wording. He would, however, have liked to see the Bulgarian and USSR amendments incorporated in it. He had voted for the three-Power text because it filled a gap in the text submitted by the Commission on Human Rights.

37. Mr. LIMA (Brazil) stated that Brazil, which was a democracy and whose population was made up of several fully integrated races, would have been very happy to vote for the USSR amendment. His delegation had, however, abstained in the vote because, in its opinion, the elimination of war propaganda in schools

would be possible only through the examination and revision of school texts under international control. Psychological disarmament—like material disarmament—could not be carried out unilaterally and without some form of control.

38. Mrs. HOLT (Canada) wished to make it clear that in Canada many of the matters dealt with in the draft Declaration came under provincial jurisdiction. Her vote on all the principles was therefore subject to that reservation. Her delegation believed that the Declaration should consist only of a statement of universally acceptable aims and principles and should not attempt to press particular social welfare programmes. She had accordingly voted against the inclusion of a reference to any such measure, and would continue to do so, not necessarily because she disapproved of the measures themselves but because she did not think references to them had a place in the Declaration.

39. Mr. WIDORN (Austria) explained that he had abstained on the USSR amendment, not because he did not support it but because he felt its place was in principle 11.

40. Miss IMRU (Ethiopia) remarked that she had abstained on the USSR amendment for the same reason.

41. Mrs. ROSS (Denmark) stated that, on the same grounds, she had voted against it.

42. Mr. COLUCCI (Italy) said that he had voted for the six-Power amendment. He had abstained on the three-Power text not because he was against it in principle but because he felt that the matter was already covered by principle 5. In any case, it was not suitable as a third paragraph to principle 7, since it was not logical to follow a reference to education in general with a passage dealing with a specific type of education. He had accordingly abstained in the vote on principle 7 as a whole.

43. Mr. MONTEZUMA HURTADO (Colombia) wished to make it clear that when he had spoken in favour of the USSR amendment he had been referring to the first part of it, which had subsequently been withdrawn.

#### PRINCIPLE 8

44. Mrs. DIEMER (Netherlands), introducing the Netherlands amendment (A/C.3/L.726) to principle 8, said that the text of the Commission on Human Rights (E/3229, para. 197, resolution 5 (XV)) left no room for assisting others who might be in need of help as much as children. She was thinking, for instance, of pregnant mothers, physically handicapped adults and the aged. Her delegation's proposal was intended to make the text less categorical.

45. Mrs. HOLT (Canada) entirely agreed with the Netherlands representative. The text as it stood was too rigid and the amendment would allow for flexibility.

46. Mr. RIMMERFORS (Sweden) also agreed that the original wording was too strong. He believed, however, that the Netherlands amendment made it too vague. If the text read "The child shall in all circumstances be amongst the first..." he feared that the priority accorded to children would be reduced more than was intended. The ordinary reader would think of a very limited number of categories of persons, namely,

children, adult women, adult men, aged women and aged men. He suggested that the simplest way to make the principle less rigid would be to delete the words "in all circumstances".

47. Mr. FARHADI (Afghanistan) expressed preference for the text of the Commission on Human Rights. The idea that children should be the first to receive protection was one shared by many nations and peoples. He pointed out that when the Declaration stated that children should receive protection before birth, that protection was automatically accorded to the pregnant mother. Surely no one would question the fact that the sick and the old should be given help when they needed it. In his view, it was the interpretation which was being applied that was too rigid and not the text itself.

48. Mr. BAROODY (Saudi Arabia) supported both the Netherlands amendment and the Swedish suggestion. If the Netherlands amendment was adopted, the words "in all circumstances" should be deleted.

49. Mr. GORIS (Belgium) favoured the Netherlands amendment.

50. Mr. FARHADI (Afghanistan) thought the Swedish suggestion a good one and believed that it would allow for all the exceptions which had moved the Netherlands to submit its amendment.

51. Miss KUME (Japan) supported the Netherlands amendment, by which the priority of the right of the child to protection and relief became a relative one. Sometimes it was necessary rather to save a mother who had many other children dependent on her.

52. Mr. KETRZYNSKI (Poland) said he appreciated the motive of the Netherlands representative in submitting her amendment, but pointed out that in times of catastrophe pregnant mothers were the first to ask that children should be given priority assistance. He had himself seen it happen in Warsaw. He accordingly preferred the text of the Commission on Human Rights but would be prepared to agree to the deletion of the words "in all circumstances" to make it less rigid.

53. Mrs. DE ARENAS (Guatemala) thought the Netherlands amendment weakened the original text.

54. The CHAIRMAN observed that it was too late for the Swedish representative to submit an amendment.

55. Mr. RIMMERFORS (Sweden) withdrew his suggestion.

56. The CHAIRMAN put the Netherlands amendment (A/C.3/L.726) to the vote.

*The amendment was adopted by 36 votes to 8, with 18 abstentions.*

*Principle 8, as amended, was adopted by 64 votes to none, with 1 abstention.*

57. Mr. FARHADI (Afghanistan) said he had voted for the principle, as amended, because he considered the principle itself an extremely important one. He was glad that the Swedish representative had not pressed his suggestion, since, now that the Netherlands amendment had been adopted, it would have weakened the text too much.

The meeting rose at 5.50 p.m.