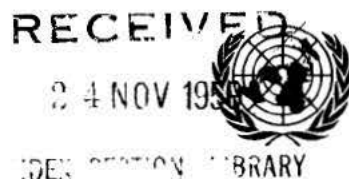


United Nations
**GENERAL
ASSEMBLY**

FOURTEENTH SESSION
Official Records



**THIRD COMMITTEE, 909th
MEETING**

Monday, 28 September 1959,
at 3.15 p.m.

NEW YORK

CONTENTS

	Page
<i>Agenda item 64:</i>	
<i>Draft Declaration of the Rights of the Child</i>	
<i>(continued)</i>	
<i>General debate (continued)</i>	<i>15</i>

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, sec. V) (continued)**

GENERAL DEBATE (continued)

1. The CHAIRMAN suggested that the Committee should set time limits for the submission of amendments to the draft Declaration of the Rights of the Child (E/3229, para. 197, resolution 5 (XV)).

2. After a discussion in which Mr. RIBEIRO DA CUNHA (Portugal), Miss BERNARDINO (Dominican Republic), Lady PETRIE (United Kingdom) and Mr. BAROODY (Saudi Arabia) took part, the CHAIRMAN proposed that the time limit for the submission of amendments to the preamble and principle 1 should be 4.30 p.m. on 29 September and for amendments to principles 2 to 11, 4.30 p.m. on 30 September.

It was so decided.

3. Miss HAMPTON (New Zealand) said that she would not expatiate on the measures which her country had taken to apply the principles contained in the draft Declaration of the Rights of the Child. Her delegation supported those principles whole-heartedly and believed that the draft Declaration was a useful document although it would have preferred a more concise enunciation of general principles than that in the text prepared by the Commission on Human Rights since it thought it was desirable that each country should be free to enact whatever laws and regulations it saw fit to give effect to the principles. She had been happy to note that other delegations were of the same mind.

4. Mr. PENADES (Uruguay) said that the item under discussion was one of the most important items with which the United Nations had to deal, and also one of the most disturbing. There was an urgent need to provide assistance for children, since lack of care was one of the major causes of infant mortality and also of abnormality in the children who survived.

5. In Uruguay, it was felt that the child should be the most privileged member of society. The principle of child protection was enshrined in the Constitution and the child's rights were protected by a whole body of legislation, which was still being added to and which was designed to protect children from before birth to the age of eighteen.

6. Uruguay recognized many rights of the child. First, it recognized that the child had the right to life from the time of his conception, with the result that abortion was severely punished and that mothers were entitled to protection before, during and after the birth of the child. Secondly, the child had the right to a family; every child was entitled to know who his parents were, whether he was legitimate or illegitimate, and should in principle live with them. Thirdly, it had the right to health; this was protected by a vast network of hospitals and medical institutions and the child's physical development was supervised by the National Committee on Physical Education. Fourthly, the child had the right to support; it could receive this in two ways, either directly from his parents, or in the form of a children's allowance, which was paid to the mother and used by her for the child's exclusive benefit. Fifthly, the child had the right to education; the father was entitled to choose the child's education but it must be adequate. He was obliged by law to send his child to school, but he could choose the type of educational institution and religious faith in which the child should be brought up. State education was compulsory for all children not attending private schools, free at the primary, secondary and vocational levels, non-denominational, an extension of the home and non-discriminatory. Sixthly, the child had the right to a healthy moral and spiritual family environment; the State took care of orphans and foundlings and children deprived of proper care, whom it placed either in institutions or with families.

7. There were many specialized organizations in Uruguay for the protection of children and great efforts were being made to help them and to improve their lot. Many eminent Uruguayans were well-known for their outstanding work in that field. As could be seen, the practice in Uruguay was in harmony with the principles enunciated in the draft Declaration, for which his delegation would vote, although it had reservations about some parts of the text.

8. Mr. SCHWEITZER (Chile) said that the principles proclaimed in the draft Declaration had been recognized for many years in Chile, where a considerable body of legislation ensured their application. His delegation would support the draft Declaration, but had some reservations regarding the existing form; it should be a clear enunciation of general principles which all countries could easily follow. He hoped that a suitable text would finally be adopted.

9. Mr. MALITZA (Romania) welcomed the fact that the draft Declaration of the Rights of the Child was at last receiving proper attention and noted that the slackening of international tension would provide a favourable atmosphere for the adoption of a declaration. His delegation would have preferred an international convention imposing binding obligations on States but, as some countries were not yet ready to

adhere to such an instrument, it was ready to accept a declaration.

10. His country had made enormous efforts to improve the well-being of its own children. Before 1944, infant mortality had been extremely high and illiteracy widespread. In 1959, fifteen years after its liberation, his country had up-to-date legislation and a comprehensive network of institutions for the protection of children. Infant mortality had fallen from 17 per cent in 1938 to 8 per cent and all school-age children now went to school. The protection of the family was guaranteed by the Constitution and by various laws. Twenty-three per cent of the 1959 budget was devoted to social activities, from which children were the first to benefit.

11. He could not share the view that the draft Declaration should merely be a common denominator of the measures which all States were able to take at the current time. On the contrary, its essential value lay in the stimulus it provided and the guidance it gave to States. It should be a statement of principles of lasting value.

12. He was unable to accept the distinction made by the United Kingdom delegation between principles and implementation. It was the measures of implementation which made the principles intelligible and effective. He supported the Burmese delegation's view that the draft Declaration must contain measures of implementation. It should be simply worded and concise, but should not exclude practical provisions and measures of implementation. In its existing form, the draft Declaration formed a sound basis for the Committee's work and contained a number of progressive provisions which gave it worth and weight. The need to enunciate the principles laid down in the Declaration at the current time was obvious. Thousands of children were deprived of the rights contained in it. They were without education, undernourished and lacked medical assistance; segregation in education was rife and, far from developing harmoniously, many young people were becoming juvenile delinquents and resorting to murder.

13. He was opposed to the deletion of any parts of the draft Declaration which dealt with the points to which he had referred. He would, however, support any amendment which would improve the text and increase its scope and effectiveness. One important right of the child was not included in the existing draft Declaration: his right to be protected from trafficking. It was unthinkable to affirm the fundamental rights of the child without including at the same time an explicit prohibition of the degrading practice of trafficking in children, which still existed in some advanced countries. His delegation was considering a text to cover that point.

14. Begum Aziz AHMED (Pakistan) observed that many children in the world still did not enjoy the rights enunciated in the draft Declaration. There were large numbers of children in that unfortunate position in Pakistan, but her Government was doing everything possible, with the assistance of international agencies, to alleviate their lot.

15. The draft Declaration represented an ideal towards which all nations could strive. In that connexion she agreed with the statement (E/CN.4/NGO/84) of the International Union for Child Welfare (IUCW) that the draft should be concerned with principles only and not with their implementation, since the manner and time of implementation would inevitably vary from country to country.

16. She was inclined to agree with the United Kingdom representative that the text prepared by the Commission on Human Rights was somewhat long and verbose. Principles 7 and 11, for instance, could easily be amalgamated. As the Commission on Human Rights had obviously felt that it had good grounds for elaborating the text prepared by the Social Commission,^{1/} it would be helpful if those members of the Commission on Human Rights who were also members of the Committee, could explain why it had done so.

17. Mr. RUDA (Argentina) said that his Government believed that the main importance of the Declaration lay in its moral value; it would undoubtedly inspire many countries to adopt suitable legislation and serve as a guide to their courts.

18. The text could, in his view, be improved. He agreed with the United Kingdom representative that it should be more concise and didactic as it would then be easier to understand and disseminate to the public. As far as the substance was concerned, one fundamental right had been omitted, the right to life from the moment of conception. The right to life was the fundamental basis of the political philosophy of the United Nations; it was moreover embodied in article 3 of the Universal Declaration of Human Rights. He intended to submit an amendment to remedy that defect.

19. Mrs. HOLT (Canada) said that the vast majority of Canada's 6 million children enjoyed the benefits of family life. To ensure their well-being the Government had adopted a variety of measures designed to strengthen and assist the family. Voluntary agencies also made important contributions to the welfare of families and children. For the unfortunate few who could not receive normal home care even more was being done. In recent years there had been a steady improvement in child care, adoption and related services. None the less, the Canadian approach was, in general, to work with and through the parent, with whom the main responsibility for ensuring that the child grew into a well-balanced adult must rest.

20. Canada's views regarding the principle of a draft declaration of the rights of the child were already on record and she accordingly proposed to deal only with the kind of text which her delegation would be inclined to favour. In her view, the Universal Declaration of Human Rights owed its influence and the respect in which it was generally held to its soundness, generality and clarity. The draft Declaration should possess the same attributes. It should consist of a brief statement of principles which would clearly affirm the essential rights of the child and should make no attempt to lay down detailed standards of child welfare. Her delegation would consider sympathetically any proposal to facilitate the adoption of a text of that kind.

21. Mr. RULLI (Italy) said that his delegation felt that a draft declaration for the protection of children should be adopted without delay.

22. The Declaration should, he believed, be as detailed as possible. It should serve as a model and inspiration for gradual reforms, which would be made easier by its existence. He regarded a number of principles as fundamental. First, the child should be

^{1/} Official Records of the Economic and Social Council, Eleventh Session, Supplement No. 3, annex II, part IV, reproduced in Official Records of the Economic and Social Council, Twenty-eighth Session, Supplement No. 8 (E/3229), para. 197, resolution 5 (XV).

protected from the time of conception and not merely from birth; secondly, the protection afforded the child should be such as to prevent evils befalling it rather than to cure the ills which had already befallen it; thirdly, the family should be regarded as the focal point for the development of the child's personality since otherwise there was a danger that the family would come to look upon public intervention as an inherent right rather than a means for protecting the child against the family's negligence; fourthly, in the case of a child that was socially maladjusted, or in other instances where intervention in the parent's upbringing of the child appeared to be in the latter's interests, the measures recommended for its protection should be formulated with the greatest care by juvenile courts and carried out under the auspices of welfare organizations by specially trained staff. He hoped those principles would be included in the text of the Declaration finally approved by the Committee.

23. Mr. PADMORE (Liberia) said that his delegation welcomed the efforts of the Third Committee to advance the welfare of children throughout the world. Liberia was undergoing a process of political and economic growth and was anxious to accord equal opportunities to all children so that they would be able to assume the future responsibilities of the nation. His Government had to concern itself with problems of improving the diet of children and adults, providing a healthier environment, improving medical facilities, building bigger and better schools, and developing a sense of individual responsibility in the child at an early age. The problems of the countries of the world were becoming increasingly interrelated and the prospect of a co-ordinated plan to improve the status and welfare of all children was most encouraging.

24. Mr. SHEN (China) said that his delegation felt that the General Assembly's undertaking to formulate and adopt a declaration on the rights of the child was desirable and timely. Children needed special care and protection for the full development of their personalities and the Declaration, if adopted, would exert moral pressure to that end.

25. The Declaration should be clear and simple so that it could be understood by ordinary people. It should lay down fundamental principles but should contain no provisions for their implementation, since the same principle could be implemented in a number of different ways.

26. If the Declaration were to serve its purpose, it was essential that States should be willing to observe the provisions of the Declaration to the best of their ability. An international instrument proclaiming the basic rights which a child, as a human being, was entitled to enjoy, would have little meaning in a country where the Government flagrantly denied the basic human rights and fundamental freedoms of all the citizens, as many did which paid lip-service to the Universal Declaration of Human Rights.

27. Several representatives had referred to the important role which the family played in a child's upbringing and he agreed with them. It was sad indeed to see families being broken up under the commune system on the mainland of China and children there treated as State property.

28. His delegation was prepared to consider sympathetically all concrete and constructive proposals for the improvement of the text of the draft Declaration.

29. Mrs. DIEMER (Netherlands) said that her delegation believed that the draft Declaration, if adopted, would help to improve the position of the child, as a declaration, once accepted by the community of nations, had great moral value, even if it was not fully binding under international law. It would serve as a directive for future national legislation and for the interpretation of the rights of the child at the national level.

30. The Declaration should state only the basic principles. A declaration which went further would not be effective, as many Governments would not be prepared to accept it. She did not feel that the draft under consideration met those requirements. She preferred the text proposed by the Social Commission, and that proposed by the General Council of the IUCW (E/CN.4/NGO/84), although neither was fully acceptable.

31. In all three texts the General Assembly was asked to call upon men and women as individuals and not as parents. Yet the conduct of father and mother as a unit was fundamental to the fulfilment of several of the basic needs of the child. Further, none of the texts contained a reference to the voluntary organizations which had been among the first to protect the rights of the child.

32. With regard to the basic principles, there fortunately appeared to be fairly general agreement. Principles 1 and 2, read in conjunction with the preamble, were of course of vital importance. She was happy to note that principle 4 recognized the child's right from his birth to a name and she also welcomed principle 6, which stated that the young child should not, save in exceptional circumstances, be separated from his mother.

33. In a number of instances the text of the Commission on Human Rights lacked precision and was unnecessarily lax. If full weight were given to the wording of principle 2, principles 3 and 10 could easily be deleted. Principle 10 was in fact an elaboration of principle 2.

34. The position was similar with regard to principles 6, 7, 9 and 11 and the wording of principles 5 and 6 in the text of the IUCW appeared to be preferable to the wording of principles 6 and 7 in the text of the Commission on Human Rights.

35. In principle 8, she felt that the Commission on Human Rights should have retained the word "amongst", which appeared in the Social Commission's text.

36. In conclusion, she drew attention to the fact that the realization of most of the principles in the Declaration for many of the world's children would depend largely on the improvement of economic, social and cultural conditions in the countries in which they lived. An all-out effort must therefore be made to improve those conditions.

37. Mrs. CHERNYAVSKAYA (Byelorussian Soviet Socialist Republic) said that her delegation noted with satisfaction that representatives were unanimous in their desire for an international instrument safeguarding the rights of the child. In the present age of scientific achievement, it was the duty of all countries to ensure that the rising generation should have a life of peace and opportunities for growth, since the future of the planet would depend on the care devoted to the proper development of the child.

38. The text of the draft Declaration prepared by the Commission on Human Rights offered a satisfactory

basis for the elaboration of a document acceptable to all the delegations. Her delegation could not agree that the draft prepared by the IUCW was preferable. That text had been based on the Declaration of Geneva of 1924^{2/} and did not reflect the changes that had taken place in the world during the past thirty-five years. It would also be unwise to revert to the draft prepared by the Social Commission in 1950, thus nullifying the work of the eighteen members of the Commission on Human Rights and the efforts of the countries that had submitted observations on the 1950 draft.

39. Her delegation believed that the draft adopted should be based on the most forward-looking and progressive principles, should reflect the desire of all peoples for peace and friendship, and should be practical in content. It realized, however, that the degree to which the principles of the Declaration would be implemented would be affected by the differences in the social systems and levels of economic development of the various countries. For that reason, although it would have preferred a convention, it was prepared to accept a declaration.

40. In the Byelorussian SSR, where a socialist system had been established, State initiative in matters of child welfare went much further than was called for in the draft Declaration. While her delegation did not deny the role of the family in the care of the child, it considered that it was a foremost duty of the State to create conditions favourable to the development of the child. The Byelorussian Government had from the outset been inspired by the motto: "The best for the child". Among the benefits provided were maternal consultation centres, maternity hospitals, medical institutes, free medical service, a system of crèches and an eight-year course of free, compulsory education. Illiteracy had been completely eliminated. The Byelorussian Government allotted large allowances to

families with many children and the working conditions of young persons was subject to legislative control.

41. Her delegation could not support the view that the Declaration should be abridged. Greater clarification and precision, rather than abridgement, were required. It agreed with the USSR delegation that the Declaration should be practical in character and should therefore include a reference to the need for bringing the legislation of States into line with the principles of the Declaration as well as a provision making it binding upon States to do everything within their power to carry the principles into effect. If there was a desire to draft a declaration of the rights of the child, it was logical to assume that there was a desire to carry it into effect. The machinery for the implementation of the Declaration should therefore be created simultaneously with the Declaration.

42. Mr. MONTEZUMA HURTADO (Colombia) said that his Government was making every effort to prepare Colombian children to face the problems of life and of the world. Having freed itself from dictatorship, Colombia was devoting 10 per cent of its national income to the construction of new primary schools and to the protection of the child. As it consolidated its return to democracy and freedom, Colombia hoped to be able to use for education funds which were currently being expended for military requirements and to maintain public order. The State's educational planning was supported by an extensive community programme which enlisted the voluntary co-operation of private individuals. For the Colombian people, the child was the centre of the pressing responsibilities which faced the nation and Colombia would therefore warmly welcome the adoption of a definitive charter of the rights of the child at the fourteenth session of the General Assembly.

The meeting rose at 5.15 p.m.

^{2/} Ibid., Second Session, annex 6, appendix B, p. 299.