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Chairman: Mrs. Georgette CISELET (Belgium).

Tribute to the memory of Mr. S. W. R. D. Bandaranaike, Prime Minister of Ceylon

1. The CHAIRMAN conveyed to the representative of Ceylon the Committee's deep sympathy on the occasion of Mr. Bandaranaike's death and asked the Committee to pay a tribute to the memory of the deceased.

The members of the Committee observed a minute of silence in tribute to the memory of Mr. S. W. R. D. Bandaranaike.

2. Mr. MAHMUD (Ceylon), after thanking the Committee, on behalf of his Government, for its tribute to the memory of Mr. Bandaranaike, said that he had long been a friend of the deceased and that they had together founded the party which had won the 1956 elections. A man of great culture, a distinguished political leader, an understanding friend, Mr. Bandaranaike had fought for the cause of tolerance in the world; if his message had been heard, he had not died in vain.

Expression of sympathy for typhoon victims in Japan

3. The CHAIRMAN suggested that the Committee express its sympathy for the victims of the typhoon which had recently devastated Japan.

The members of the Committee observed one minute of silence.

4. Miss FUJITA (Japan) thanked the Committee for its expression of sympathy; she was sure that the Japanese people, with their customary courage, would come through their painful ordeal successfully.

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)

5. Mrs. SALJOOKI (Afghanistan) said that she had studied the draft Declaration of the Rights of the Child (E/3229, para. 197, resolution 5 (XV)) with great care and deep interest and wished to congratulate the Commission on Human Rights on the useful work it had

accomplished. The discussion of the question in the Third Committee would demonstrate the importance which the United Nations attached to the rights of the child and would give States which were not members of the Economic and Social Council or its subsidiary organs an opportunity to express their views. Her delegation was prepared to accept any procedure for the examination of the draft Declaration; what was really important was that the question should receive the attention it deserved. The draft before the Committee was a very general document; she approved of its contents, but she intended to make some suggestions with a view to improving the text. She pointed out that any declaration relating to human rights—and the Declaration of the Rights of the Child came into that category—was closely connected with the International Covenants on Human Rights, which the Committee would again consider at the current session.

6. Mrs. LEFLEROVA (Czechoslovakia) observed that the children of today were the men and women of tomorrow and that the future of the nations and the international community would one day lie in their hands. The right of the child to grow up in conditions which afforded an opportunity for the full development of his personality was a fundamental human right and should therefore, in accordance with Article 55 of the Charter, be proclaimed by the United Nations. The tragic circumstances in which many children still lived proved how necessary was the document which the Committee was considering, and which, in its existing form, her delegation found acceptable.

7. The Czechoslovak Government was anxious to raise its people's level of living and more particularly to ensure its children's welfare. To that end, it had adopted a variety of different measures, which she mentioned. Czechoslovak legislation went further than the draft Declaration; the success which had been achieved was due to the efforts of parents, organizations and the State, which provided the necessary financial assistance and guided community effort by means of laws. Her delegation would support any proposal designed to make the Declaration an effective instrument.

8. Mr. BOUQUIN (France) agreed with the representative of Portugal that the Committee ought to concern itself only with the rights of the child and not with parents or public organizations, except in so far as they had duties towards the child.

9. While all the members of the Committee seemed to approve the principle of a declaration of the rights of the child, a number appeared to regret that the draft under consideration did not provide any legal, technical or administrative guidance. In fact, that was the real merit of the draft, since implementation came within the competence of the specialized agencies; if the Committee attempted to deal with it, its text might conflict with others. Furthermore, responsibility for the child's protection sometimes lay with the State, some-

times with private initiative, and sometimes with both, and it was therefore impossible for the Committee to lay down hard and fast rules. Lastly, if the Declaration was to be clear and unambiguous, only general principles ought to be set forth therein. In that connexion, his delegation agreed with the United Kingdom representative that repetitions and clumsy locutions should be avoided, and was ready to support any drafting changes which would improve the text, but, despite the United Kingdom representative's comment on the subject, it attached great importance to the principle that the young child should not be separated from its mother. Studies by child specialists and court statistics showed that too early a separation was dangerous. His delegation was also against the deletion of the principle of equal opportunities for all children, a principle which the Commission on Human Rights had very wisely introduced. The text before the Committee could be improved but care should be taken not to deprive it of its content in striving for stylistic perfection.

10. Mr. ANDERSON (United States of America) recalled that the question before the Committee had been under consideration for a long time and that it would be desirable to complete the examination of it during the current session. Everyone agreed on the importance of the Declaration and the final drafting should not give rise to lengthy discussions. He then traced the history of the subject and said that his delegation found the existing text acceptable; it was of course much longer than the Declaration of Geneva^{1/} and any proposal which would make it as concise and clear as possible would be welcome.

11. When, eleven years ago, the General Assembly had adopted the Universal Declaration of Human Rights (resolution 217 A (III)), some had held that the text was valueless because it imposed no legal obligation on Member States. That view had been mistaken and it was to be hoped that the Declaration of the Rights of the Child, by reaffirming that mankind owed to the child the best it had to give, by strengthening the principles of the Universal Declaration of Human Rights and by giving general guidance to legislators and private organizations, would play an important role and help to ensure the welfare of all the world's children.

12. Mr. HENDRICKSON (Australia) said that Australia, a country which was keenly interested in everything which might improve the lot of the child, warmly welcomed the draft Declaration. He hoped that it would be adopted during the current session and he would support any proposal which would make the text less ponderous.

13. Miss FUJITA (Japan) said that in 1951 Japan had promulgated the Charter of the Child, which conformed in all respects with the principles set forth in the draft Declaration. She very much hoped that the draft Declaration would be adopted during the current session.

14. She thought that the draft ought to be simpler and shorter. It should merely set forth principles in sober language, without making provision for their enforcement.

15. The industrialization and mechanization which characterized the modern age exposed the child to physical and moral dangers, as was demonstrated, *inter alia*, by the increase in the number of accidents suffered by children and the increase in juvenile delinquency, and it appeared desirable to refer, perhaps in principle 9, to the need to protect the child against such dangers.

16. Mrs. KUKHARENKO (Ukrainian Soviet Socialist Republic) was glad that the General Assembly had before it a text containing such progressive ideas. She hoped that the draft Declaration would be adopted during the current session. The improvement of the miserable living conditions of many children was indeed a pressing matter. The adoption of the draft would moreover demonstrate that countries with different cultures could settle problems and co-operate effectively within the framework of the United Nations.

17. The Ukrainian SSR would have preferred a convention; however, believing that the rights of the child should be proclaimed and protected as soon as possible, it had agreed, by way of compromise, that the text should be no more than a declaration. It could not, however, give up all idea of making the text effective, and felt that it was essential to lay down some measures for its implementation.

18. She did not agree with the United Kingdom representative that a declaration should always be short. On the other hand, as the French representative had rightly pointed out, there were limits beyond which it could not be cut.

19. It would be wrong to be over-ambitious. A number of countries, in particular the under-developed countries and those which had not yet attained independence, were poor. The Ukrainian SSR appreciated their difficulties. However, it felt that the draft Declaration should be drawn up for future generations. History had its own logic, and the countries which were underprivileged today would be prosperous tomorrow. The example of the Ukraine, which, from being a semi-colony under the Czarist régime, had become a highly developed country, was sufficient proof. Astonishing progress had been made there, in particular as regards the protection, welfare, health and education of children, and it was mainly due to the very keen interest which the State took in the child. The Ukrainian SSR accordingly was not afraid of the inclusion of provisions and measures for implementation in the Declaration and was convinced that it would not be long before every country was in a position to guarantee to the child the enjoyment of the rights set forth in the Declaration.

20. Mr. BAROR (Israel) noted the excellence of the report (E/3229) which the Commission on Human Rights had submitted to the Economic and Social Council and congratulated the Commission's Rapporteur for thus having greatly facilitated the work of the Third Committee. The report showed that there had been a great measure of unanimity in the Commission. Although the rights proclaimed in the draft Declaration were far from being universally respected, they were not often questioned and in the course of their history, the peoples had learned to recognize those rights as fundamental to the bringing up of a new generation ready to serve mankind "in a spirit of universal brotherhood and peace".

21. He was convinced of the correctness of the views expressed by the International Union for Child Wel-

^{1/} See Official Records of the Economic and Social Council, Second Session, annex 6, appendix B, p. 299.

fare, which had stated in a communication to the Commission on Human Rights (E/CN.4/NGO/84), dated 24 September 1958: "A declaration of this kind should be as brief and as concise as possible. It should be concerned with principles only and not with the implementation of those principles, for this will vary according to the times and to the conditions peculiar to each country."

22. At the current time, the best thing the Third Committee could do for the cause of the child was to enunciate general principles to which all could agree. However, some repetition was entirely justified, for example, when certain parts of the Universal Declaration of Human Rights were quoted. The Declaration of the Rights of the Child should be a self-contained document and the reader should have no need to refer to any other international instrument. The influence of the Universal Declaration over the past ten years should also be borne in mind. Although it had no binding force, the Universal Declaration had inspired legislators and law enforcement officers in many countries. The Declaration of the Rights of the Child should be closely linked with that basic text, for it also would be declaratory and would proclaim "a common standard of achievement for all peoples and all nations" with regard to children. The draft before the Committee was a big step forward compared with the Declaration of Geneva, precisely because it clearly reflected the influence of the Universal Declaration.

23. The Israel delegation did not propose any substantial amendment of the draft Declaration transmitted by the Economic and Social Council in its resolution 728 C (XXVIII). With some slight verbal changes, the Third Committee should be able to recommend the adoption of that text to the General Assembly at its current session.

24. He wished, however, to draw attention to two points. First, he proposed that the title, which was too long and too close to that of the Universal Declaration, should be replaced by: "The Children's Charter". Secondly, his delegation wished to reaffirm the child's right to grow up in the religious faith and national loyalty of his parents. It had submitted a proposal to that effect at the fifteenth session of the Commission on Human Rights (E/CN.4/L.525), but had withdrawn it because some delegations had felt that the recognition of that right would be of only transitory value. That was an optimistic view and he shared the opinion expressed in paragraphs 238 and 239 of the "Study on discrimination in the matter of religious rights and practices" (E/CN.4/Sub.2/L.123/Add.1) which had been submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its eleventh session.

25. Mr. MEHTA (India) expressed full support for the principles set out in the draft Declaration of the Rights of the Child, the adoption of which would be a great contribution to the progress of mankind and the maintenance of peace and security. It would be a long time before all the rights set out in that document became a reality in every country, but the proposed Declaration would draw the attention of the whole world to the problem of the child and would thus accelerate the work currently under way. In the view of his delegation, it would be premature to draft a convention at present.

26. In India, both the federal and the state governments attached great importance to child welfare and thanks

to the parallel action taken by private institutions and charitable organizations, considerable progress had been made since the country had achieved its independence. He stressed that under the ancient Indian culture, the child was the centre of attention and affection in the family and he expressed the hope that with the adoption of the Declaration, the family, as the traditional source of spiritual nourishment, would be enriched and not impoverished.

27. He shared the view of those delegations which felt that the text drawn up by the Commission on Human Rights should be shortened for the sake of greater clarity and force. However, no point of substance should be taken out.

28. Mrs. KOLOZS (Hungary) felt that the Committee would carry out its work in an atmosphere of understanding, as no one had questioned the desirability of defining the universal principles which should ensure a better life for coming generations.

29. Exchanges of information regarding the experience acquired in the different countries with regard to child welfare could not but hasten progress. Hungary, for its part, was proud of what it had done for children. She recalled the many measures which had been taken in Hungary since the end of the Second World War to improve the position of mothers and children. Several speakers had stressed that the welfare of children was primarily the concern of the parents and that the State could not assume responsibility for it. According to Hungarian legislation also, the care of children was primarily the duty of the parents; but the State too had an important obligation with regard to young people: it should help parents, by every possible means, to carry out their responsibilities.

30. Her delegation attached special importance to principles 7 and 11 of the draft Declaration, which were imbued with the same spirit as the education programmes in her country. It would be desirable to round out those articles by inserting an unequivocal prohibition of any war propaganda among young people.

31. She regretted that the rights of the child could not be the subject of a real convention with binding force, which would not be premature and would be much more useful than a declaration, and she expressed the hope that the Declaration would be adopted by the Committee at the current session.

32. Princess PINGPEANG YUKANTHOR (Cambodia) pointed out that the rights of the child fell into two main groups: rights connected with physical and material well-being and rights connected with moral and spiritual education. Both types of rights were equally important and the United Nations must not only enunciate them in a Declaration which could not but be theoretical, but must also see that they became a reality in all countries.

33. It was obvious that the family must play a more important role than the State in the care and education of children. However, in view of the conditions of modern life, the family, and especially mothers, more and more of whom were obliged to work outside the home, must be helped to meet all their obligations towards their children; it was therefore imperative to train skilled workers to care for and educate children and fulfil the society's obligations to them. One of the most useful things the United Nations could do was to help to train the personnel required.

34. Mr. MAKIEDO (Yugoslavia) recalled that the Yugoslav Government had always pressed for the adoption of an international instrument on the rights of the child. He fully supported the principles laid down in the draft Declaration prepared by the Commission on Human Rights. There could be no opposition to the principles themselves; there was disagreement only about the way in which they were to be formulated. His delegation was in favour of the text as it stood and agreed with the Iranian representative that it would be just as dangerous to shorten it as to add too many details. It was, however, willing to consider any proposal which would really improve the wording.

35. The adoption of the Declaration of the Rights of the Child would not be the end of the United Nations' work in that field. The United Nations must strive for the practical application of the principles; for that purpose it was necessary, *inter alia*, to give international assistance to the under-developed countries in solving the economic and social problems which prevented them from ensuring to children the well-being which was theirs by right.

36. Mr. BARRATT (Union of South Africa) said that most countries recognized the right of children to special care and protection. National legislation in such countries, including the Union of South Africa, contained provisions to that effect.

37. In view of the various conditions and stages of development in different countries, it was very difficult to draft clear principles to be included in the text of a declaration. There was a danger of making the declaration too long; his delegation would have preferred a much shorter text than the existing draft. There were also the dangers of trying to define principles too rigidly or of becoming verbose and, in a desire to take all views into account, of laying a provision open to different interpretations. The authors of the draft before the Committee had not been able to avoid all those dangers.

The meeting rose at 1 p.m.