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DRAFT DECLARATION OF THE RIGHTS OF THE CHILD

Comments of Governments

1. The draft declaration of the rights of the child was adopted by the Social Commission at its sixth session in 1950. The Economic and Social Council, in resolution 309 C (XI), requested the Commission on Human Rights to consider the draft declaration and to communicate to the Council "its observations on the principles and contents" of the draft.
2. The draft declaration was first placed on the agenda of the seventh session of the Commission in 1951 but was considered by the Commission for the first time at its thirteenth session in 1957.
3. After a preliminary discussion, the Commission decided to transmit to the Governments of Member States the draft declaration together with the records of the discussions in the thirteenth session of the Commission on Human Rights (E/CN.4/SR.555-558) and in the Social Committee of the eleventh session of the Economic and Social Council (E/AC.7/SR.125-128) and the written statements submitted by non-governmental organizations (E/CN.4/NGO/70, Corr.1 and 2; E/CN.4/NGO/71, 72, 73 and 74) "with a view to receiving their comments thereon by 1 December 1957 at the latest, so that the Commission may take them into account during its consideration of the question."
4. On 24 July 1957 the Economic and Social Council adopted resolution 651 E (XXIV) in which it considered that "the purposes of the Commission would be fully served if Governments were given more time to prepare their comments on the Draft Declaration"; and resolved that the comments of Governments on the draft Declaration "may be transmitted until 1 December 1958 in order that the

Secretary-General may circulate them to the members of the Commission by 31 December 1958 for consideration by the Commission at its next session thereafter".

5. The following twenty-one Governments have replied to the request for comments: Australia, Cambodia, Ceylon, Denmark, Dominican Republic, Greece, Hungary, Israel, Jordan, Laos, Luxembourg, Nepal, New Zealand, Norway, Pakistan, Philippines, Poland, Portugal, Sudan, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

6. The Governments of Cambodia, Denmark, Nepal and Norway state in their replies that they have no comments to make. The Government of Jordan states that it has no comments to make but that the Declaration, if adopted, would safeguard the rights and status of children in various countries of the world. The Government of the Dominican Republic observes that it has no objections to the draft Declaration. The Government of Ceylon observes that it is in general agreement with the principles enunciated in the draft Declaration. The Government of the United States of America states that it expects to present its comments on the Declaration when it is considered in the Commission on Human Rights.

#### 1. AUSTRALIA

(Note of 4 November 1958)

##### Preamble

Australia supports the addition proposed by the World Movement of Mothers, E/CN.4/NGO/70/Corr.1, that is:

"Whereas in every type of civilization it is in the family that the child finds his surest protection and a guaranteed minimum of material, psychological, social and moral living conditions to aid his personal development."

##### Principles

##### 1 to 10 inclusive

Australia supports the amendment proposed by the World Movement of Mothers, E/CN.4/NGO/70/Corr.1, that, in 1 to 10 inclusive, "The child" should be amended to "Every child".

Principle 1

Australia supports the amendment proposed by the World Movement of Mothers, E/CN.4/NGO/70/Corr.1, that the following should be added: "that will make such development possible".

Principle 2

Australia supports the amendment proposed by the World Movement of Mothers, E/CN.4/NGO/70/Corr.1, that is:

"Every child shall be given a surname and first name of his own from birth and shall possess a nationality. If he is born out of wedlock and is thus deprived of certain normal opportunities for development, he shall obtain from the authors of his days and from society the means of coping with his particular situation; he shall be given every facility under the law for his affiliation or adoption. If he is an orphan from birth, steps shall be taken to enable him to be received or adopted by a family where his protection and education would be assured."

Principle 3

Omit "free" before "medical services".

Principle 4

Add: "Every child shall in particular enjoy such social and economic conditions as will enable him to receive the care of his mother or of the foster mother who, where necessary, replaces her".

Principle 5

"General culture" seems to require clarification. Possibly it means "the culture to which he belongs".

Australia suggests that the principle enunciated in the Universal Declaration of Human Rights, 26 (3), that it is the parents' inalienable right to choose the kind of education desired for their child, should be inserted.

The final sentence should be amended to read: "At least elementary education should be free and compulsory".

Principle 7

In the first sentence "deprivation" should be added between "cruelty" and "exploitation".

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Australia supports the proposal of the Liaison Committee of Women's International Organizations, E/CN.4/NGO/73, to add to the second sentence the words "or morality" after "education".

With those two amendments principle 7 would read:

"Every child shall be protected against all forms of neglect, cruelty deprivation and exploitation. He shall in no case be caused to engage in any occupation or employment which would prejudice his health, education or morality or interfere with his development".

#### Principle 9

It is suggested that the first part be altered to read: "Every child who is physically or mentally afflicted or socially handicapped ..."

#### General comments

In a number of the principles it is not clear on whom the duty, or primary duty, lies. It seems desirable that it should be made clear that it is intended merely to define principles and to regulate the responsibilities of parents or, failing them, of foster parents, legal guardians or others having dominion over children, and that in those cases the responsibility of the State does not extend beyond insisting that these persons give effect to the principles.

#### 2. GREECE

(Note of 18 November 1957)

#### Preamble

The Royal Government of Greece has no reservations to make as regards the content of the preamble. It is, however, of the opinion that a shorter and more concise drafting of paragraph 6, making the text more vivid, would be preferable. But in view of the difficulties and delays encountered in the adoption of the draft Covenants on Human Rights it considers that the paragraph, as adopted by the Commission, may be maintained, since the Declaration will be issued before the adoption of the Covenants, i.e. before the final adoption of the relevant articles of the latter.

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### Principles

Our first comment concerns paragraph 3 of the Principles, which makes reference to "free medical services". The Greek Government considers that the word "free" should be deleted, since it is inconceivable that States should assume the obligation to grant free medical services to all children, even those belonging to well-to-do families.

Paragraph 9, the contents of which are supplementary to the provisions of paragraph 3, should be placed immediately after the latter. It would thus become paragraph 4.

With regard to paragraph 5 - which, if the above suggestion is adopted, would become paragraph 6 - the Greek Government considers that its provisions establishing the principle of free education are couched in very general terms which might be interpreted as making that principle applicable even to secondary studies.

This principle of free secondary education, which was supported by some delegations during the discussion of the relevant portion of the draft Covenants in 1954, was met with reserve by the Greek delegation. In this connexion, the Royal Greek Government wishes to reiterate its reservation as to the possibility of assuming such an obligation. It would have preferred a text similar to that of article 26 (1) of the Universal Declaration of Human Rights, which, in its opinion, would be more appropriate in the present context.

Paragraph 8 of the Principles, as now drafted, might give the impression of seeking to suppress all national feeling. It also seems to reflect certain well-known "pacifist" theories. Moreover, it contains principles and even sentences which appear in other paragraphs of the Declaration.

For these reasons, the Greek Government considers that the paragraph should be deleted, especially as the fundamental principles of the United Nations, relevant in this connexion, are stated in full in the text of paragraph 10.

Thus amended, the Declaration might usefully be supplemented by the insertion at the end of a new paragraph embodying paragraph V of the Declaration of Geneva, which reads as follows:

"The child shall be brought up in the consciousness that his talents must be devoted to the service of his fellow men."

The Permanent Mission of Greece is attaching the text of the "amended Declaration" illustrating all the foregoing observations of the Greek Government.

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Text of the draft Declaration of the Rights of the Child  
proposed by Greece

Preamble

1. Whereas the United Nations has, in the Charter and in the Universal Declaration of Human Rights, reaffirmed its faith in fundamental human rights, and in the dignity and worth of the human person, and has determined to promote social progress and better standards of life in larger freedom,

2. Whereas the United Nations has declared that everyone is entitled to all the rights and freedoms set forth in the Universal Declaration of Human Rights, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

3. Whereas Member States have in the Universal Declaration of Human Rights proclaimed their recognition of the fundamental rights of persons,

4. Whereas, as has specifically been stated since 1924 in the Geneva Declaration of the Rights of the Child, mankind owes to the child the best it has to give,

5. Whereas the child needs special safeguards by reason of his physical and mental immaturity and his particular legal status,

Now therefore

6. The General Assembly recognizes and proclaims the essential Rights of the Child to the end that he may have a happy childhood and be enabled to grow up to enjoy, for his own good and for the good of society, the fundamental rights and freedoms, particularly those specified in the Universal Declaration of Human Rights, and calls upon men and women as individuals as well as through their local authorities and national Governments to recognize and strive for the observance of those rights through the application of the following principles.

Principles

1. The child shall be given the means necessary to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity.

2. The child shall be entitled from his birth to a name and a nationality.
3. The child shall enjoy the benefits of social security. He shall be entitled even from before birth to grow and develop in health. He shall have the right to adequate nutrition, housing, recreation and medical services.
4. The child who is physically, mentally or socially handicapped shall be given the special treatment, education and care required by his particular condition.
5. The child shall be given opportunity to grow up in economic security, in the care of his own parents whenever possible, and in a family atmosphere of affection and understanding favourable to the full and harmonious development of his personality.
6. The child shall be given an education which will bestow upon him general culture and enable him to develop his abilities and individual judgement and to become a useful member of society.
7. The child shall in all circumstances be among the first to receive protection and relief.
8. The child shall be protected against all forms of neglect, cruelty and exploitation. He shall in no case be caused to engage in any occupation or employment which would prejudice his health or education or interfere with his development.
9. The child shall enjoy all the rights set forth above, irrespective of any consideration of race, colour, sex, language, caste, religion, political or other opinion, national or social origin, property, birth, legitimacy or other status.
10. The child shall be brought up in the consciousness that his talents must be devoted to the service of his fellow men.

The General Assembly calls upon all Governments and peoples to make known the above principles and explain them to parents, educators, doctors, social workers and all others who deal directly with children, and to children themselves.

### 3. HUNGARY

(Note of 9 December 1958)

The Government of the Hungarian People's Republic regards the protection of the rights of the child as a question of high importance. It has carefully examined the draft Declaration of the Rights of the Child and happily welcomes the initiative of the United Nations to work out an international instrument concerned with the rights of the child. As to the draft Declaration, it wishes to make the following comments:

As shown by its very title, the draft is a declaration that declares the special rights of children. This draft Declaration, however, does not contain any provisions concerning the fact that those contained therein have binding force and that States adopting the Declaration are compelled to guarantee, through domestic legal measures, the execution of the rights laid down in the Declaration. Therefore the value of the Declaration will greatly diminish as it is to be feared that its contents will remain only desires, and will not give birth to world-wide, actual protection of the rights of children. The Hungarian Ministry for Foreign Affairs is of the opinion that rights, including also the rights of the child, may prevail and their protection may fully be assured only if this is guaranteed by the State.

The Hungarian Ministry for Foreign Affairs wishes to point out that the stipulation of several important questions is not contained in the draft Declaration, the lack of which making it rather incomplete. Such questions are, for example, that of free education, the prohibition of war propaganda among children, etc.

There are several provisions of law in Hungary which are to protect the rights of families and the rights of the child as contained in the Declaration. Moreover, these provisions ensure wider rights and more protection than the draft Declaration. Law No. IV, 1952 on Marriage, Family and Wardship; Law-decree No. 21, 1958 on Compulsory Family Allowance; Law No. III, 1953 on Infant Care, etc.

The Hungarian Ministry for Foreign Affairs while recommending these comments to the kind attention of the Secretary-General, expresses its hope that the United Nations will soon take appropriate measures to assure the effective protection of the rights of the child.

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4. ISRAEL

(Note of 26 December 1958)

1. The third paragraph of the Preamble appears to be a mere repetition of what is already contained in the first paragraph, and should be deleted.
2. Mankind, indeed, owes to the child the best it has to give; but the language of the fourth paragraph of the Preamble creates the impression that this great debt of mankind owes its cause and its origin to the Geneva Declaration of the Rights of the Child of 1924. The Israel Government has no objection to a reference in the Preamble to the Geneva Declaration but it should be clothed in language such as:

"Whereas the rights of the child and the duties owed to the child have been stated in the Geneva Declaration of the Rights of the Child of 1924 under the auspices of the League of Nations",

while the statement that mankind owes to the child the best it has to give, can be incorporated in the fifth paragraph of the Preamble.

3. In the view of the Government of Israel, the operative part of the proposed General Assembly Resolution should contain (at least) a voeu for conventions to be drafted defining more precisely the obligations to be undertaken by States towards children, both nationally and internationally.

4. The fourth paragraph of the Principles requires redrafting. While the rights and duties stated in all the other Principles can be taken care of by State action, e.g. legislation, no such action is practically feasible to secure the child an opportunity "to grow up in economic security": the parents' economic circumstances in which the child grows up are largely beyond the control of local or national authorities. The same applies, albeit to a lesser degree, to the opportunity to grow up "in the care of his own parents" and "in a family atmosphere of affection and understanding". In so far as an obligation is sought to be imposed on parents and guardians to provide the necessary security and atmosphere, there can hardly be any sanction by which to enforce it.

It is suggested that paragraph 4 of the Principles could usefully be redrafted on the following lines:

"For the full and harmonious development of his personality, the child needs love and understanding. Whenever circumstances prevent the child from growing up in the care of his own parents, opportunity shall be provided for him to grow up in economic security and in an atmosphere of warmth and affection."

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Those cases where children who live with their parents are so neglected that they must be taken care of, come within the ambit of the ninth paragraph of the Principles under which the socially handicapped child is to be given the special care he requires by his particular condition.

5. The word "amongst" in the sixth paragraph of the Principles can safely be deleted.

6. In paragraph 7 of the Principles, the words "he shall in no case be caused to engage" seem to imply a prohibition only of his being sent to work, as distinguished from his going to engage in detrimental work on his own initiative. The words quoted above should be replaced by the words: "he shall not be allowed to engage."

7. While in full agreement with the Principle admirably stated in Paragraph 8, the Government of Israel suggests that express recognition should be given in the Declaration to the right of the child to grow up in the religious faith and national loyalty of his parents. This right is often denied or disregarded, and is of particular importance in the case of orphan children.

8. Paragraph 10 of the Principles outlaws discrimination between children on the grounds of, inter alia "birth, legitimacy or other status". Discriminations by law between legitimate and illegitimate children are still wide-spread, and it is felt that the reprehensibility of such discriminations would better be stressed by devoting to this matter a separate paragraph, instead of mentioning it, by the way, as the very last of illustrations to a general principle.

#### 5. LAOS

(Note of 28 August 1957)

I have the honour to inform you that the Royal Government of Laos cannot but subscribe to these principles. However, their full application seems to it to be within the capacity only of some Western and Anglo-Saxon countries.

In the case of the under-developed countries, of which Laos is one, and particularly in rural areas, the application of these Rights will be very difficult even as regards the provisions on medical care and education alone.

An initial attempt to give them practical realization can, however, be made through the education of parents and the development, within the limits of budgetary possibilities, of public health and education services.

## 6. LUXEMBOURG

(Note of 27 December 1957)

In general, the Luxembourg Government endorses the draft Declaration which has been submitted to it and expresses the hope that this draft may lead soon to a solemn proclamation. With regard to the details of the draft, the Luxembourg Government wishes to make the following comments and proposals:

### I. General arrangement of the text

The Luxembourg Government considers that the general arrangement of the Principles would benefit by revision and that the material of the ten paragraphs should be rearranged around a small number of more clearly defined ideas. Thus, for example, paragraph 1 and paragraph 3 of the Principles in part express the same thought. Similarly, paragraph 3 and the first phrase of paragraph 4 come very close to the idea expressed in paragraph 7, while paragraphs 8 and 10 both enunciate the principle of non-discrimination.

The Luxembourg Government therefore proposes that the provisions of the Declaration should be regrouped and, in addition, supplemented. As a guide, it would suggest the following arrangement:

1. Physical and moral development (present paragraphs 1 and 3 of the Principles).
2. Legal status of the child (paragraph 2).
3. Family status (paragraph 4).
4. Economic status (paragraph 3).
5. Social and medical protection (paragraphs 7 and 9).
6. Cultural development (paragraph 5).
7. Non-discrimination (paragraphs 8 and 10).

As regards paragraph 6, it seems more natural to transfer it to the preamble while at the same time expressing the principle in more general terms, as follows:

"Whereas in all circumstances the protection of the welfare and interests of the child deserve priority."

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## II. Specific points

The Luxembourg Government also wishes to make the following comments with regard to the various principles set forth in the draft.

1. The draft fails to enunciate the elementary principle of respect for the very existence of the child. It is therefore proposed that an introductory sentence worded as follows should be inserted in paragraph 1 of the Principles:

"The child shall be entitled to the protection of his life from the first moments of his existence."

2. It would be advisable to include in the Declaration a general principle concerning the legal status of the child, affirming the principle that, in regulating that status, the child's interests shall be paramount. In point of fact, in the determination of his legal situation, the child is too often regarded as a mere object, whether the question is the legitimate family unit, guardianship, adoption, public assistance or the steps taken in case of the dissolution of the marriage of his parents. These institutions and situations should be re-examined and reappraised in the light of the child's interests and that is why the Luxembourg Government proposes the insertion of the following sentence at the beginning of paragraph 2:

"Regardless of his circumstances, the legal status of the child shall be determined solely on the basis of his interests, which shall take precedence over all other interests."

3. The Luxembourg Government entirely approves of the affirmation, in paragraph 4, of the importance of the family environment for the development of the child. But it considers that this principle should be supplemented by a reference to the situation of homeless children. The Government, indeed, considers that public authorities should give priority to measures designed to return abandoned children to a family environment. To that end, States should facilitate and promote adoption and family placement in preference to all other measures. Accordingly, the Luxembourg Government proposes the addition of the following sentence to paragraph 4:

"It shall be the responsibility of the public authorities to take appropriate measures to make possible the return of homeless children to a family environment, in particular by facilitating adoption by families and family placement."

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In the same paragraph, the Luxembourg Government proposes that the reference to "economic security" should be deleted and transferred to the paragraphs dealing with economic and social questions, since, in its view, the paragraph in question should be focussed rather on the family's affection and its spiritual values.

4. The Luxembourg Government considers that a slight change should be made in the two provisions of the present draft which refer to certain benefits, i.e., medical services and education, as free, so as to leave room for private initiative. In the sentence referring to medical services (paragraph 3) it should be specified that those services shall be "free if necessary". In the case of education, it should be specified that "fundamental education" shall be free.

The Luxembourg Government also considers that the principle of free care should be introduced in the provision concerning handicapped children and it should be stated that those children shall receive appropriate treatment "without charge, if necessary".

5. Lastly, the Luxembourg Government considers that the first sentence of paragraph 3 may create difficulties of interpretation, since in general it is not the child who is the direct recipient of the benefits of social security but rather those who are responsible for his care. The real problem is to ensure that social security arrangements take into account both family expenses and the specific needs of the child. The wording might therefore be:

"Social security arrangements shall take into account the needs of the child and family expenses."

Annex: Revised text of the draft Declaration  
proposed by Luxembourg

1. The child shall be entitled to the protection of his life from the first moments of his existence. He shall be entitled even from before birth to develop in health and thereafter to develop physically, mentally, morally, spiritually and socially in a normal manner and in conditions of freedom and dignity.

2. Regardless of his circumstances, the legal status of the child shall be determined solely on the basis of his interests, which shall take precedence over all other interests. The child shall be entitled from his birth to a name and a nationality.

3. The child shall be given opportunity to grow up in the care of his own parents and in a family atmosphere of affection and understanding favourable to the full and harmonious development of his personality. It shall be the responsibility of the public authorities to take appropriate measures to make possible the return of homeless children to a family environment, by facilitating, in particular, adoption by families and family placement.

4. The child shall be entitled to grow up in economic security. He shall have the right to adequate nutrition, housing and recreation.

5. The child shall be entitled to social and medical protection. He shall be protected against all forms of neglect, cruelty and exploitation. He shall in no case be caused to engage in any occupation or employment which would prejudice his health or education or interfere with his development. Social security arrangements shall take into account the needs of the child and family expenses. The handicapped child shall be given, without charge, if necessary, the special treatment, education and care required by his particular condition.

6. The child shall be given an education which will bestow upon him general culture and enable him to develop his abilities and individual judgement and to become a useful member of society. Fundamental education shall be free.

7. The child shall enjoy all the rights set forth above, irrespective of any consideration of race, colour, sex, language, caste, religion, political or other opinion, national or social origin, property, birth, legitimacy or other status. He shall be brought up in the consciousness that he will achieve his fullest development and derive greatest satisfaction through devoting his energy and talents to the service of his fellow men, in a spirit of universal brotherhood and peace.

#### 7. NEW ZEALAND

(Note of 4 December 1958)

The New Zealand Government is, of course, sympathetic towards any action, whether national or international, which will broaden the scope of the protection and help extended to children. The economic and social legislation in New Zealand which includes special provision for young people is directed to this end.

The draft Declaration and the associated papers have been examined with interest by the authorities in New Zealand. At this stage, however, it is not desired to make any detailed comments thereon.

It is felt, nevertheless, that a declaration, which could constitute an internationally-agreed expression of aims and principles with respect to the rights of the child, would be the most appropriate form of instrument for an international statement on this important subject. In any case, it is doubted whether all principles relating to the rights of the child would be appropriate for inclusion in a legally-binding document such as a Convention.

#### 8. PAKISTAN

(Note of 7 October 1958)

The Government of Pakistan agree to the draft Declaration in the present form of a draft declaration of principles but if it were to be reframed in the form of a legally binding international agreement, they would have to reserve their position, as Pakistan is not at present in a position to ensure the enjoyment of all the rights enunciated by all children.

The Government of Pakistan, however, offer the following comments on Principle No. 5 of the draft Declaration:

The provisions of this principle are exposed to various interpretations and are too general in nature to be regarded as a statement of ideals towards which the Member States should strive. Keeping in view the resources of the States, it is considered necessary to specify a common standard of education to be provided free of charge.

#### 9. PHILIPPINES

(Note of 12 December 1957)

For all principles:

Starting each of the ten "Principles" of the draft Declaration of the Rights of the Child with "Every" gives added force and affirmation to each principle. The Philippine Government therefore, agrees on the suggestion of the World Movement of Mothers in starting each principle thus: "Every child ...".

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Principle 1

Adding at the end of Principle 1: "... that will make such development possible" as suggested by the World Movement of Mothers will make the Principle clearer and precise. Thus the Principle shall be written:

"Every child shall be given the means necessary to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner, and in conditions of freedom and dignity that will make such development possible."

Principle 3

The substitute article for Principle 3 as proposed by Miss de Lucy Fossarieux of the International Catholic Child Bureau expresses the right of the child to life in more unequivocal terms.

"Every child shall have the right of life from the very moment of his conception and must be protected from anything liable to impair that right except in exceptional circumstances. In addition, everything shall be done to enable the child to grow and develop in health from the first moment of his existence."

It will be noted that the phrase except in exceptional circumstances is added in the first sentence. The inclusion of the phrase would cover such exigencies as a case in which it is necessary for surgeons to sacrifice the infant to save the life of the mother, which otherwise would result in the loss of both lives.

Principle 4

The Bureau shares the concern of the International Union of Family Organization expressed through Mr. Delaby that the child can "develop normally only in a stable, united family atmosphere and under the authority of its parents". Hence this Office believes that the proposed draft by the Organization gives the context and purpose of the Principle better than the original draft, thus:

"Every child shall be given opportunity to grow up in economic security in the care of his own parents whenever this is at all possible and in a family atmosphere of stability and union which affords him the best guarantee of affection and understanding necessary to the harmonious development of his personality."

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One weakness of the original draft is in its expression "... wherever possible." This robs the principle of much force, for which no substitute is provided.

#### Principle 8

Paradoxically in many countries of the world, one of the stumbling blocks to universal brotherhood is religious intolerance and prejudice when all religions purport to teach universal brotherhood. To have the child grow in a climate favourable to the development of religious tolerance he must be protected from polluting his mind with religious discrimination and hatred. Hence as advocated by Mr. Ibrahim of Iraq, Principle 8 should read:

"Every child shall be protected against practices which may fester racial, national, or religious discrimination or hatred. He shall be brought up in the consciousness that he will achieve fullest development and derive greatest satisfaction through devoting his energy and talents to the service of his fellow men, in a spirit of universal brotherhood and peace."

#### Principle 10

There has been much argument pro and con among the representatives of non-governmental organizations concerning the giving of equal rights to both legitimate and illegitimate children. The Philippine Government feels that legitimate and illegitimate children should "enjoy equal rights". The principle as given in the draft is well stated and clear enough. To delete "illegitimacy" from the draft as advocated by some representatives will make the principle less forceful.

#### 10. POLAND

(Note of 11 February 1958)

The Government of the Polish People's Republic would rather favour the preparation of the Convention on the Rights of the Child which in a more precise way would list the obligation of States parties to the Convention.

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In the case of rejecting the idea of the Convention, it is the considered view of this Government that it would be advisable to redraft and supplement some of the Principles contained in the Declaration of the Rights of the Child in the light of the remark presented by the Representative of Poland during the 13th session of the Commission on Human Rights [E/CN.4/SR.557].

In particular, it would be advisable to redraft the final part of the Declaration in order to contain in it an appeal to all Governments, requesting them to adjust their respective legislation to the Principles expressed in the Declaration.

It would be also advisable to contain in the Declaration the Principle that no child shall suffer because of its birth out of wedlock and that all children born in or out of wedlock shall enjoy the same rights.

## 11. PORTUGAL

(Notes of 16 January and 13 October 1958)

1. The text prepared by the United Nations Social Commission, on which the comments of the Portuguese Government are requested, is indeed in keeping with the Principles which are today universally recognized and which already appear in their essential elements in the Geneva Declaration. It is drafted, however, in what appears to be an excessively lengthy manner. The division of the document into "Preamble" and "Principles", besides contributing to its length, leads, in the case of certain paragraphs, to a duplication which has no advantages.

A document of this type can but gain by being more succinctly drafted. The shorter it is, the more it concentrates on fundamental principles, the more expressive and the more convincing it becomes, and this can but contribute greatly to its world-wide circulation.

2. In the circumstances, it would be advantageous if the text now submitted for the consideration of Governments followed more closely that of the Geneva Declaration mentioned in the consideranda of the preamble. Everything fundamental already appears in that Declaration, although in a shorter and more concise form.

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The United Nations draft refers expressly in paragraphs 4 and 7 of the "Principles" to the need for the child to be "given opportunity to grow up in a family atmosphere of affection and understanding" and to be "protected against all forms of neglect and cruelty". As these Principles are not expressly mentioned in the Declaration of Geneva, and as they are more and more in keeping with studies and conclusions which have in the meanwhile become very widely diffused, their retention in the text to be approved would be of great moral value.

3. Principle 3. Social security is in many countries the result of the establishment of labour relations or the exercise of a certain occupation. Even under the family allowance system it is not the child who has the right to the allowance. There is likewise no reason why the child should benefit from free medical services. Even under the most advanced social security systems medical services are usually conditional upon the payment of a certain contribution.

4. Principle 5. "The establishment of the principle of free education. Such a principle would not seem to be acceptable in all grades of education."

On 13 October 1958 the Permanent Representative of Portugal to the United Nations further informed the Secretary-General that "the Portuguese Government agrees with the Resolution adopted by the 'Union Internationale de Protection de l'Enfance'<sup>1/</sup> covering certain amendments to the Draft of the Declaration of the Rights of the Child".

## 12. SUDAN

(Notes of 10 and 29 September 1957)

The Government of Sudan communicated to the Secretary-General the following note on measures adopted by the Sudan Government to insure the physical health and well-being of the child:

"1. The Sudan Government Ministry of Health offers free O.P. treatment in all its institutions (hospitals, dispensaries, health centres and dressing stations) to all children irrespective of any consideration of race, colour, sex, religion, caste, etc.

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<sup>1/</sup> See document E/CN.4/NGO/84.

"2. Free in-patient treatment is also given to all children without discrimination except where parents ask for admission in special paying wards.

"3. Free immunization against infectious diseases is also given all children without discrimination.

"4. Where there are mother and child welfare centres all children are cared for free of charge without discrimination and needy children of all races and religions are given free issue of milk and other protective foods."

The Government of Sudan also transmitted a note on the Social Security for Children in Sudan, which reads as follows:

"Item 3: There are as yet no Social Security Schemes for children but children whose fathers are employed by Government or non-Government establishments are entitled to "dependents" compensation in the case of death during the course of employment, and pension or gratuity in the case of normal death, subject to certain conditions.

"Item 7: The Employment of Children Ordinance contains special restrictions on employment of children between the ages of twelve and fifteen years.

It also provides that the employment of children in any factory or workshop shall be subject to the following:

1. No child shall be employed for more than eight hours in any one day such less period as may be fixed by the order made under Section 6.
2. There shall be a rest interval or intervals amounting to half an hour in all in every continuous period of six hours or more.
3. No child shall be employed between the hours of 7 p.m. and 5 a.m.
4. In any factory where children are working such special precautions as are reasonable to secure their safety shall be taken."

### 13. UNITED KINGDOM

(Note of 17 November 1958)

Her Majesty's Government have already expressed themselves, at the time when the matter was considered by the Social Commission, in favour of a declaration on the subject of the Rights of the Child. They consider that the draft prepared by the Social Commission and considered by the Human Rights Commission at its thirteenth session provides a basis upon which a satisfactory declaration can be drawn up.

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The discussion at the thirteenth session of the Human Rights Commission, while it raised a number of important points that deserve consideration, also demonstrated a tendency towards excessive elaboration of the contents of such a declaration. In the opinion of Her Majesty's Government, if a declaration of the Rights of the Child is to have the impact and effectiveness which is the aim of those who support it, it must be neither unduly lengthy, nor unduly detailed; it should, like the Universal Declaration of Human Rights, be confined to general principles, expressed briefly and in as simple language as possible.

From this point of view many of the amendments and suggestions made at the thirteenth session of the Human Rights Commission, including many made by non-governmental organizations, seem to Her Majesty's Government to be out of place because they are concerned with matters pertaining to the rights not of the child but of parents, or with the formulation of desiderata in such matters as the scope and methods of education, the range of social services, the role of the family and its protection, and so on. The expansion in these directions of the draft declaration submitted by the Social Commission will merely render the document prolix, ill-balanced and confused, and thereby the less adapted to its purpose. While there are no doubt a number of points in respect of which the drafting of the existing text might be improved, Her Majesty's Government are opposed to any substantial expansion or extension of that text.

Her Majesty's Government will reserve until the next session of the Human Rights Commission their comments upon such of the amendments already proposed as may still be before the Commission at its next session, and they also reserve their right to propose minor amendments to the text of the draft Declaration. In the meantime they would wish to comment only on two points.

The first is the question, which was the subject of much discussion at the Commission, of the inclusion or omission of the reference to legitimacy in Principle 10 of the draft Declaration. In Her Majesty's Government's view this reference is quite unnecessary, because the word "birth" (as has been clearly brought out in the course of discussion of similar provisions in the draft Covenants on Human Rights) includes inter alia the consideration both of legitimacy and of illegitimacy.

The second point is connected with the first; in the view of Her Majesty's Government, it is undesirable that the enumeration in Principle 10 of certain particular grounds of discrimination (which are given only as instances and are to be read with the words "or other status") should depart from the terms adopted for similar provisions, both in the Universal Declaration and in the draft Covenants on Human Rights. For this reason the word "caste", as well as the word "legitimacy", should be deleted.

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