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DRAFT DECLARATION OF THE RIGHTS OF THE CHILD

Comments of Governments

The Secretary-General has the honour to circulate the following statements received from the Governments of India, Netherlands and Turkey:

1. India

(Note of 2 March 1959)

... The Government of India has no comments on the draft Declaration and has no objection to the provisions contained therein.

2. Netherlands

(Note of 11 March 1959)

The Netherlands Government has taken note of the draft Declaration of the Rights of the Child of 19 February 1951 (E/CN.4/512) and the documents relating to it, which the Commission on Human Rights has transmitted to the Governments of Member States with a view to receiving their comments thereon.

As to the desirability of an instrument in which the rights of the child are laid down, the Netherlands Government wishes to observe the following. In the opinion of the Netherlands Government the fundamental rights of the child would be adequately protected if the Universal Declaration of Human Rights, which also applies to children, were observed in all countries. In cases where the Universal Declaration of Human Rights is not observed it is doubtful whether anything will be achieved by the adoption of a new instrument dealing especially with the child.

The Netherlands Government further wishes to point out that the realization of most of the principles now proposed is, with regard to many children, largely dependent on the improvement of the economic, social and cultural conditions in the territories in which these children are born and have grown up. As such, the acceptance of a declaration as the one proposed will not contribute directly or effectively to the improvement of these conditions. In this connexion the Netherlands Government wishes to emphasize the necessity of an all-out effort towards, and of international co-operation aimed at, the fulfilment of the economic, social and cultural conditions necessary for the realization of the principles proposed. In this field much valuable and practical work is being done by various international organizations, notably UNICEF.

Although the Netherlands Government is of the opinion that the draft Declaration can only slightly and indirectly contribute to the improvement of the position of the child, it does not, in principle, object to the acceptance of such an instrument. It subscribes to the view which has been expressed in the preamble to the effect that "the child needs special safeguards by reason of his physical and mental immaturity and his particular legal status" and thinks that the draft Declaration might constitute a useful effort towards providing all people who are responsible for the well-being of children with a number of general directives which may also be of importance to the development of law in this respect in the Member States.

As to the nature of the instrument in question, the Netherlands Government is of the opinion that the time has not yet come for the conclusion of a convention. A convention would call for more detailed provisions and would - as a result of the great economic, social and cultural differences and the greatly divergent views on morality and religion prevailing in the various Member States - give rise to many problems which must, at least for the time being, be considered to be insoluble. Therefore a declaration of principles should suffice at the moment.

#### Comments on a number of principles

Since many of the proposed provisions have a fairly wide scope and are not quite clear in all respects, the Netherlands Government reserves the right to add at a future date further observations to the comments given below.

Principle 3

It is not necessary to lay down that medical services shall be free. Whether or not this will be the case will depend on the system of social security adopted in the various national legislations. A system which does not provide for free medical services for all may nevertheless fully comply with the requirements of social justice and adequate medical care for all. It is therefore suggested that the word "free" be deleted.

Principle 5

It is the Netherlands Government's opinion that the child's education is primarily the task and the responsibility of the parents. It therefore proposes that the wording of principle 5, as suggested by the International Union of Family Organizations (E/CN.4/NGO/74), be adopted, so that the opening lines of article 5 will read: "The child shall, in harmony with the wishes of the parents, be given an education etc."

In conformity with what has been observed in the general introduction to these comments, the Netherlands Government suggests that the following be added to the final sentence of the draft Declaration: "and urges all Governments to create through national effort and international co-operation the economic, social and cultural conditions necessary for the realization of the above principles."

3. Turkey

(Note of 16 February 1959)

... the Turkish Government approves of the draft Declaration of the Rights of the Child. Since the principles embodied in that Declaration are in the main in accord with the existing laws and practice in Turkey, the Government of the Republic can only subscribe to them.

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