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COMMISSION ON HUMAN RIGHTS

Fortieth session

UN/SA COLLECTION

Pre-sessional open-ended Working Group
on the Question of a Convention on
the Rights of the Child

30 January - 3 February 1984

QUESTION OF A CONVENTION ON THE RIGHTS
OF THE CHILD

Proposals submitted by Canada

Article 17

The States Parties to the present Convention undertake to ensure the freedom of thought, conscience and religion of the child in accordance with the Universal Declaration of Human Rights and other international instruments that relate to this freedom and subject to the authority of the parents or legal guardian to provide direction to the child in the exercise of this freedom in a manner consistent with the evolving capacities of the child and not incompatible with public order and morals.

Article 17

1. The States Parties to the present Convention recognize that the bringing up and education of the child should promote the full development of his personality, his respect for human rights and fundamental freedoms.
2. The child shall be prepared for an individual life in a free society, in the spirit of understanding, tolerance and friendship among all peoples, ethnic and religious groups.
3. The States Parties to the present Convention undertake to ensure that the child is educated in harmony with the principles of peace proclaimed by the United Nations.
4. In accordance with paragraphs 1, 2 and 3 of this Article, the States Parties to this Convention undertake to protect the child from conscription or from use in military combat.

Article 20

1. The States Parties to the present Convention recognize the right of the child accused or found guilty of infringing the penal law to be treated in a manner consistent with the aims of child development acknowledged in Article 17 of this Convention, and in particular in such a manner as to promote the full development of his or her personality, sense of dignity and worth, and respect for human rights and fundamental freedoms.

2. The States Parties to the present Convention shall pursue full implementation of this right, and in particular undertake as follows:

(a) No child shall be arbitrarily detained or imprisoned;

(b) Every child accused of infringing the law is entitled to have the matter determined according to law in a fair hearing within a reasonable time by an independent and impartial tribunal, in accordance with the presumption of innocence and such procedures as will take into account his or her age and the desirability of promoting his or her rehabilitation;

(c) All children deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

(i) Accused children shall be separated from adults and brought as speedily as possible for adjudication;

(ii) The essential aim of treatment of children found guilty of infringing the penal law shall be their reformation and social rehabilitation. They shall be segregated from adults and accorded treatment appropriate to their age and legal status.

(d) No child shall be subjected to cruel, inhuman or degrading treatment or punishment. No child shall be sentenced to death.

Article 22

1. The reports submitted by the States Parties to the present Convention under Article 21 shall be considered by the Economic and Social Council.

2. To assist it in its task, the Economic and Social Council shall establish a Group of Experts entrusted with the responsibility of examining the reports submitted by the States Parties before they are considered by the Economic and Social Council; the Group of Experts shall also prepare appropriate comments on every report for transmission, through the Economic and Social Council, to the State Party concerned.

3. The members of the Group of Experts shall be elected by the Economic and Social Council from a list of candidates nominated by States Parties.
4. The Economic and Social Council shall decide on the size of the Group of Experts, its geographic composition and the periodicity of its meeting.
5. The Economic and Social Council may bring its observations and suggestions on the implementation of this Convention to the attention of the General Assembly of the United Nations.

Article 29

Nothing in this Convention shall affect any provisions that are more conducive to the realization of the rights of the child which may be contained in

- (a) the legislation of a State Party; or
- (b) any other international convention, treaty or agreement in force for that State.