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DRAFT INTERNATIONAL COVENANTS ON HUMAN RIGHTS:  
PROPOSALS RELATING TO AN ARTICLE ON THE RIGHTS OF THE CHILD

Comments of Governments

In accordance with paragraph 2 of General Assembly resolution 1843 A (XVII), the Secretary-General invited the Governments of Member States to submit comments on the proposals relating to an article on the rights of the child. The Secretary-General has received comments from the Governments of Brazil, Cambodia, Greece, the Philippines and the Ukrainian Soviet Socialist Republic, which are submitted herewith to the Commission on Human Rights.

Brazil

(19 February 1963  
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Although at first sight the inclusion in the International Covenants on Human Rights of a special article pertaining to the protection of children might seem inadvisable and even superfluous, a detailed study of the subject has led the Brazilian Government to reaffirm the stand it took before the Third Committee during the seventeenth session of the General Assembly.

First and foremost, problems relating to children are of interest to the State. Apart from any political prejudice or any socializing trend of modern society, the problem goes beyond the family structure, becoming thus of concern to the State. It cannot be denied that children enjoy a sui generis status in modern society and that recent legislation has devoted particular attention to them. Moreover, children have specific rights that are neither anticipated nor defended by other articles in the Covenants on Human Rights. The adoption by the General Assembly, on 20 November 1959, of a Declaration on the Rights of Children represents official acknowledgment that certain aspects of children's problems justify specific and separate treatment.

Following this line of reasoning, which seems a logical one to the Brazilian Government, the drafting of a special article converting the minimal rights contained in the aforementioned Declaration into legal obligations would appear expedient.

In the opinion of the Brazilian Government, the text proposed by the Delegation of Poland, which received the support of the Brazilian representative on the Third Committee of the General Assembly, is concise and circumspect. The first paragraph emphasizes the importance of children in modern society as a starting point for their protection on an international level. The second paragraph refers to different aspects of discrimination and, although in a way it is repetitive of other articles of the Covenants, its inclusion is advisable as a contribution to the balanced structure of the article. The paragraph following deals with the protection of children born out of wedlock and its social significance is indisputable in advanced modern legislation. Although in some countries discrimination still exists in this area, the jurisprudence of the courts has begun to do away with such restrictions and labour legislation is also guaranteeing the rights of workers' common-law-wives and of children born out of wedlock. Considering that the Covenants have an educational aspect, the Brazilian Government believes the third paragraph to be highly desirable as it is in benefit of a large part of mankind. Lastly, paragraph 4 seeks to guarantee the child the right to a name and a nationality, as well as to giving him legal and social status.

Having studied the various amendments introduced in the Polish draft, the Brazilian Government is inclined to support the original version, as a working text on the basis of which the Commission on Human Rights should prepare a draft article to be submitted to the ECOSOC and to the eighteenth session of the General Assembly.

Cambodia

(21 February 1963  
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Original: FRENCH)

It is desirable to include in the international covenants a special article on the rights of the child.

The draft article which Cambodia favours is that proposed by the representative of Poland:

- "1. The child shall be entitled to special protection by society and the State.
2. Every child, without any exception whatsoever, shall be entitled to equal rights, without distinction or discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, whether of himself or of his family.

3. Birth out of wedlock shall not restrict the rights of the child.
4. The child shall be entitled from his birth to a name and a nationality."

Most of the discussions on private rights, in particular on the rights of inheritance of children born out of wedlock compared with those of legitimate children, do not affect, as since 1920 the Cambodian Civil Code has made no distinction in this respect.

Greece

(30 January 1963  
Original: ENGLISH)

... the views of the Royal Government of Greece on the advisability of including an article on the rights of the children in the International Covenants on Human Rights remain those expressed by the Delegate of Greece on the Third Committee of the XVII General Assembly ...

Philippines

(27 February 1963  
Original: ENGLISH)

The Philippines, having considered the various proposals submitted on the inclusion of an article dealing with the rights of the child, and having noted the divergent views expressed on the specific mention of the rights of the child, wishes to submit a text essentially based on Principle 1 of the Declaration of the Rights of the Child:

"Every child and young person, without any exception whatsoever, shall be entitled to special protection by the family, society and the State, and to equality of rights, without distinction or discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or status, whether of himself or of his family."

Ukrainian SSR

(31 January 1963  
Original: RUSSIAN)

... in the opinion of the Government of the Ukrainian SSR, the Covenant on Civil and Political Rights should include an article on the protection of the rights of the child with compulsory mention of the fact that birth out of wedlock shall not restrict the rights of the child.

This article could be based on the text submitted by the delegation of the Polish People's Republic in the Third Committee at the seventeenth session of the General Assembly and contained in document A/C.3/L.1014.

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