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

Comments of Governments

The Secretary-General has received comments from the Governments of Denmark, Poland, Sierra Leone and the United Kingdom of Great Britain and Northern Ireland:

Denmark

(7 March 1963 Original: English)

With regard to the proposal for inclusion in the draft International Covenant on Civil and Political Rights of an article on the rights of the child, the Danish authorities wish to submit the following comments:

It appears doubtful whether it would be correct to incorporate in the text of the said Covenants a principle of equality which is not precisely defined.

Furthermore, the proposals made in this connection appear to be so vague that they would be better suited for inclusion in a recommendation than in the provisions of a Covenant.

With special reference to paragraph 4 of the proposal made in the Third Committee by the Representative of Peru it should be noted that the importance and scope of the provision contained in sub-paragraph 2 appears to be rather indistinct ("to the discharge of the obligations this entails"), and that in the opinion of the Danish Ministry of Justice, the rule embodied in the last sub-paragraph is both too vague and too far-reaching as regards the question of abortion.

Poland

(4 March 1963. Original: English)

The Government of the Polish People's Republic expresses its satisfaction that the General Assembly, recognizing the importance of this essential problem, adopted a resolution by which it refers the proposals relating to an article on the rights of the child to be included in the Covenants to the Commission on Human Rights - for a thorough study.

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It is the opinion of the Government of the Polish People's Republic that an international Covenant on Civil and Political Rights should contain all such human rights in this respect, including the rights of the child and youths.

It is, therefore, necessary that the Covenants relate not only to adults - as provided in the present draft Covenants, but also to children as proposed in the draft article on the rights of the child (doc.A/C.3/L.1014) submitted by the Polish Delegation in the Third Committee during the seventeenth session of the General Assembly.

Non-inclusion in the draft Covenants on Civil and Political Rights of specific provisions relating to children constitutes a serious gap in the Covenants as a whole, a gap which should be filled by the insertion of adequate provisions in this respect.

The insertion in the Covenants of provisions relating to the rights of the child would be a reflection of a recent tendency on the part of the world's community towards a greater recognition of the needs of the child and of the responsibilities of society in respect of children.

The problem in question and its importance in the Covenants speak for themselves and it would seem, therefore, that the necessity of including an article on the rights of the child in the Covenant needs no justification. The Polish representative while introducing the Polish proposal on this matter at the seventeenth session of the General Assembly put forward detailed arguments which justify the inclusion of such an article in the Covenant on Civil and Political Rights. In the ensuing discussion on this problem in the Third Committee, the Polish representative gave a detailed and exhaustive explanation of the Polish proposal (doc. A/C.3/L.1014). Taking into account the constructive comments and amendments submitted to the proposal and displaying a spirit of co-operation, the Polish Delegation has submitted together with the Delegation of Yugoslavia a compromise joint proposal (revised draft of the original proposal - doc. A/C.3/L.1014/Rev.1) which reads as follows:

- "1. Every child shall be entitled to special protection by the family, society and the State, without any discrimination.
2. The family, society and the State shall give particular attention to the education of the rising generation and shall ensure them the widest opportunities for development.
3. The States Parties of this Covenant shall take steps to improve the legal status of children born out of wedlock.
4. Every child shall be entitled from his birth to a name and a nationality."

In submitting the present comments, the Government of the Polish People's Republic expresses its conviction that the Commission on Human Rights, bearing in mind the democratic and progressive tendency in this respect, will adopt an article relating to the rights of the child for inclusion in the Covenant on Civil and Political Rights - along the lines suggested in the Polish-Yugoslav proposal.

Sierra Leone

(26 February 1963. Original: English)

The Government of Sierra Leone has considered the proposals relating to an article on the rights of the child to be included in the International Covenants on Human Rights and is of the opinion that the proposals already made contain a sufficient exposition of the principles relevant to the subject matter of the proposed article to form a basis for the consideration of the matter by the Commission on Human Rights.

United Kingdom

(5 March 1963. Original: English)

The position of Her Majesty's Government with respect to the proposals for an article on the rights of the child remains that stated by the United Kingdom representative in the Third Committee at the 17th session of the General Assembly on Thursday 8 November 1962.

Her Majesty's Government are in principle opposed to including the proposed article. The obligation to ensure to all individuals the rights recognized in the Covenant has already been laid down in article 2 of the draft Covenant on civil and political rights. The child being an individual, there is no need of a separate article, although Her Majesty's Government support special protection to ensure to the immature enjoyment of these rights.

Nevertheless, if it became evident from discussion in the Commission on Human Rights that there was general support for the inclusion of such an article, Her Majesty's Government would be willing to co-operate in producing the best possible draft. However, while reference to the need for special protection for the child is desirable in such an article, Her Majesty's Government is of the opinion that some of the principles which appear in various drafts in document A/5365 are already covered by existing provisions in the draft International Covenants and others require careful examination and re-wording.

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