



UNITED NATIONS
 ECONOMIC
 AND
 SOCIAL COUNCIL



Distr
 GENERAL

E/CN.4/1324/Add.1
 1 February 1979

Originals: ENGLISH/FRENCH/RUSSIAN

COMMISSION ON HUMAN RIGHTS
 Thirty-fifth session
 Item 13 of the provisional agenda

QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD

Report of the Secretary-General

Addendum

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I. GENERAL COMMENTS (continued)

Member States (continued)

BULGARIA

[Original: Russian]

[13 December 1978]

The initiative of preparing and adopting a convention on the rights of the child represents an eminently humane and progressive act which is in keeping with the policy of the People's Republic of Bulgaria in this area. The adoption of this timely international instrument in 1979, which has been proclaimed the International Year of the Child, will promote the realization of the principles set out as long ago as in 1959 in the Declaration of the Rights of the Child as well as in other international and legal instruments containing provisions regarding the rights of the child (articles 23 and 24 of the International Covenant on Civil and Political Rights, article 10 of the International Covenant on Economic, Social and Cultural Rights, etc.).

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

[Original: Russian]

[29 December 1978]

The draft Convention on the Rights of the Child submitted by the Polish People's Republic to the Commission on Human Rights constitutes an excellent basis which will probably enable an international legal instrument on the subject to be prepared at the forthcoming thirty-fifth session of the Commission.

CENTRAL AFRICAN EMPIRE

[Original: French]

[2 December 1978]

The Government of the Central African Empire approves the draft convention on the rights of the child submitted by the secretariat, and wishes to point out that the provisions of this convention form part of the social legislation of the Central African Empire. Its adoption will thus simply have the effect of endorsing the existing regulations.

FRANCE

[Original: French]

[18 December 1978]

1. The French Government has been in favour of preparing a convention on the rights of the child from the outset. It considers that the Declaration of the Rights of the Child, adopted by the United Nations in 1959, should be one of the main sources to be drawn upon in preparing the convention.

2. However, my Government considers that the text of the Declaration cannot be reproduced as it stands in the draft convention, but needs to be re-examined carefully and amended in certain respects.

3. This requires intensive work, which could be entrusted to a group of experts. If this is agreed upon, the French Government would like to participate in the work to be undertaken.

4. At this juncture, the French Government wishes to make a number of comments on the draft that has been submitted:

When drawing up the convention it would be preferable to separate the provisions that would be couched in the form of a recommendation from those that would constitute an actual commitment for States.

(a) The provisions that would constitute a recommendation, such as article II, the first sentence of article VI and article X, might be included in a preliminary declaration or a recommendation annexed to the convention;

(b) The commitments to be accepted by States would form part of the text of the convention itself.

MOROCCO

[Original: French]

[12 January 1979]

The Moroccan Government has no objections to make to the draft in question.

SURINAME

[Original: English]

[20 December 1978]

1. The Government of the Republic of Suriname is in principle in agreement with the text of a draft convention on the Rights of the Child submitted by Poland on 7 February 1978, the text of which was attached to resolution 20 (XXXIV) adopted by the Commission on Human Rights at its 1472nd meeting in March 1978.

2. In this connexion the Government of the Republic of Suriname wishes to state that it attaches particular importance to the articles VI, VII sub 3 and IX sub 1 and 2 of the above mentioned draft convention.

UKRAINIAN SOVIET SOCIALIST REPUBLIC

[Original: Russian]

[29 December 1979]

1. The Ukrainian SSR has no comments or suggestions to make on the draft Convention on the Rights of the Child submitted by the Polish People's Republic to the Commission on Human Rights at its thirty-fourth session.

2. The draft may serve as a basis for the preparation in the near future of a Convention on this subject.

UNION OF SOVIET SOCIALIST REPUBLICS

[Original: Russian]

[12 December 1973]

The draft Convention on the Rights of the Child submitted to the United Nations Commission on Human Rights by the Polish People's Republic is a good basis for the elaboration of an international legal instrument on the rights of the child. It would seem that work on the draft could be completed already at the thirty-fifth session of the Commission on Human Rights.

II. SPECIFIC COMMENTS (continued)

Preamble

BULGARIA

[Original: Russian]

[13 December 1978]

The preamble should point out that it is necessary to adopt a convention on the rights of the child because in many countries the principles embodied in the Declaration of the Rights of the Child are still not being implemented (child labour practices, which are injurious to the health of children and prevent their proper development, still persist; infant mortality is high; normal conditions in which all children can be cared for and given education, medical services and so forth, have not yet been created).

Article I

FRANCE

[Original: French]

[18 December 1978]

1. The first article of the convention should give a restrictive definition of the term "child", since it is important to have a clear understanding of what is meant by that term. In some national legislative bodies, including that of France, a "child" is a "minor". But the age at which a child attains his majority varies from one country to another. The first thing to be done is therefore to specify the scope of the convention.

2. Once the term "child" has been defined, the draft text should state clearly that it is in the best interests of the child, who is unable to express his own wishes, to be represented by his father and his mother.

Article II

FRANCE

[Original: French]

[18 December 1978]

See paragraph 4 (a), France, under General Comments.

Article IV

BULGARIA

[Original: Russian]
[13 December 1978]

The following words should be added to the last sentence of article IV:
"with a gradual transition towards free medical care".

FRANCE

[Original: French]
[18 December 1978]

In the French text, it would be preferable to replace the expression "sécurité sociale", which is limited in scope, by "protection sociale", which has wider connotations.

Article V

BULGARIA

[Original: Russian]
[13 December 1978]

The words "or socially" should be deleted from article V. As it stands, the text contradicts the basic principles of the equality of children.

Article VI

BULGARIA

[Original: Russian]
[13 December 1978]

Add the words: "and children from incomplete families (children of unmarried mothers, widows, divorced parents) or children who have been abandoned by their parents" to the penultimate sentence of article VI.

FRANCE

[Original: French]
[18 December 1978]

1. In the light of the comments made in paragraph 4 (a) above under "General Comments", the first sentence of this article should be included in a preliminary declaration or a recommendation.
2. Article VI could be improved in two other respects. While a young child should not be separated from his mother, it is equally important that his ties to his

father should not be jeopardized. The article might also be completed by a special reference to the situation of children belonging to an international family that has split up. These two points might be worded as follows:

(a) Add at the end of the second sentence, after the words "A child of tender years shall not, save in exceptional circumstances, be separated from his mother", the words "but neither shall his ties with his father be jeopardized or severed".

(b) Add at the end of the third sentence the following words: "Children who belong to an international family that has split up shall, so far as possible, preserve their ties with both parents even if they are of different social origin, nationality or religion."

SURINAME

[Original: English]

[20 December 1978]

See paragraph 2, Suriname, under General Comments.

Article VII

BULGARIA

[Original: Russian]

[13 December 1978]

1. Another paragraph should be added to article VII: "The fullest safeguarding of the interests of the child shall be the guiding principle in the legislative regulation of family relationships."

2. Paragraph 2 should become paragraph 3, and the following words should be added to it: "but also with the State and society".

FRANCE

[Original: French]

[18 December 1978]

1. Paragraph 2. In order to emphasize the primary responsibility of the parents, while underlining the complementary but subsidiary nature of the role played by the State and by public, semi-public and private bodies and institutions, the wording of the draft convention should be amended as follows: "The education of the child is in the first instance the responsibility of his parents. The best interests of the child shall be the guiding principle of those who are responsible for it."

2. In view of the comments made in paragraph 4 (a) above under "General Comments", this paragraph, as amended, should be placed at the beginning of the convention.

3. Paragraph 3. This paragraph can be interpreted as restricting the rights of the child, since it specifies that his play and recreation "should be directed to the same purposes as education". While educational games are to be encouraged,

they should not be the only ones the child can play. For his full development, he also needs to involve himself in activities which are not necessarily part of a specific educational system. It would therefore be preferable to delete those words from the sentence.

SURINAME

[Original: English]

[20 December 1978]

See paragraph 2, Suriname, under General Comments.

Article IX

CENTRAL AFRICAN EMPIRE

[Original: French]

[2 December 1978]

The Government of the Central African Empire would like to suggest that, in article IX, paragraph 2, the appropriate minimum age should be fixed at 14 years.

FRANCE

[Original: French]

[18 December 1978]

(a) It would be desirable to add, in the second sentence, after the words "He shall not be the subject of traffic" the words "or of a commercial transaction";

(b) With regard to admission to employment, the words "appropriate minimum age" in the next sentence should be replaced by the words "the requisite age";

(c) It would be desirable for the convention to include a provision affirming the right of the child at least to be consulted when certain events affecting his personal situation are to take place. The additional article might be worded as follows: "As soon as the child is capable of understanding, his consent must be sought when decisions have to be taken that may seriously affect his personal situation, such as those relating to adoption or the granting of custody."

SURINAME

[Original: English]

[20 December 1978]

See paragraph 2, Suriname, under General Comments.

Article X

FRANCE

[Original: French]

[18 December 1978]

1. In our view, this article should not form part of the convention itself but should be incorporated into the preliminary declaration which we would like to see included in a text preceding the articles of the convention.
2. For earlier comments, see paragraph 4 (a), France, under General Comments.

Article XIX

MOROCCO

[Original: French]

[18 December 1978]

The Moroccan Government has an objection to make to article XIX, which refers to the five languages in which the convention is to be drawn up without mentioning Arabic. Since Arabic is one of the official languages of the United Nations, it seems logical that the convention should also be published in Arabic.

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