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Chairman: Mr. Erik NETTEL (Austria).

AGENDA ITEM 50

Draft Declaration on Social Development (continued)
(A/7161, A/7203, chap. X, sect. A; A/7235 and Add.1
and 2, A/C.3/L.1584 and Corr.5, A/C.3/L.1587, A/
C.3/L.1594, A/C.3/L.1595, A/C.3/L.1600, A/C.3/
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L.1608, A/C.3/L.1613 and Corr.1)

PART I: PRINCIPLES (continued)

Article 10 (continued)

1. The CHAIRMAN invited the Committee to resume its consideration of article 10 of part I of the draft Declaration (A/7161, annex I) and the amendments thereto submitted by France (A/C.3/L.1584, para. 7) and the United Kingdom (A/C.3/L.1601, para.2). He recalled that at the preceding meeting the representative of Finland had proposed an oral amendment to the French amendment to replace the words "each family having the right to decide the number of its children" by the words "parents having the right to determine freely and responsibly the number and spacing of their children".

2. Mr. BASCOUR (Belgium) said that, as birth control could be a factor in improving the living standards of peoples and the social well-being of families, his delegation felt that the subject should be mentioned in the draft Declaration, either by retaining the original text or by adopting the Finnish sub-amendment. He thought that it would be better to refer to the spacing of births, rather than the spacing of children, and he hoped that the Finnish delegation would take account of that suggestion. Some delegations had said that the Finnish proposal could be interpreted as sanctioning infanticide or as legalizing abortion. In fact, such interpretations were impossible, since, firstly, the same article stated that the family should be assisted and protected by all possible means, and, secondly, the draft Declaration referred repeatedly to respect for human freedom and dignity. Part I of the draft was the place for the statement of a principle—that of birth control; the question of abortion could only be introduced in connexion with part III. His delegation would vote in favour of the Finnish sub-

amendment, on the understanding that parents should exercise their right to decide the number of their children and the spacing of births in complete freedom and entirely on their own responsibility.

3. Mr. VONGSAY (Laos) said that the family was the basic unit of society, and parents must not be deprived of the right to decide for themselves the number of their children. Contrary to the French delegation's proposal (A/C.3/L.1584, para. 7 (b)), therefore, the final part of article 10 should be retained. On the other hand, the words "assisted and protected", which France had proposed (*ibid.*, para. 7 (a)) were much more appropriate than the word "strengthened". His country had no population problem but his delegation, which appreciated the arguments advanced by the representative of Finland, would support the Finnish sub-amendment if it was put to the vote.

4. Mr. MEHIRI (Tunisia) said that he was in favour of the original text as improved by the Finnish sub-amendment. As the Finnish delegation had not accepted his suggestion that the words "within the framework of national objectives" should be added at the end of the text, he would not press that suggestion, but he might revert to it when part III was taken up.

5. Mr. BONNY-EBOUMBOU (Cameroon) observed that he saw no logical connexion between the fact that the family should be strengthened by all possible means and the fact that each family had the right to decide the number of its children. He therefore supported the French amendment deleting the final words of article 10. It should be borne in mind that birth control was an extremely controversial issue everywhere in the world, as the publication of the encyclical *Humanae Vitae* had recently demonstrated. Moreover, as the means and methods employed might give rise to disputes, it would be better not to mention the subject in the draft Declaration.

6. On the other hand, there was a logical connexion between the fact that the family was a basic unit of society and the fact that it must be assisted and protected against anything which could disrupt it. Despite their merits, his delegation could not support the Finnish proposal or the United Kingdom amendment (A/C.3/L.1601, para. 2). Nevertheless, if the latter were redrafted, his delegation would be able to reconsider its position.

7. Mr. CABANAS (Spain) agreed entirely with all the concepts in article 10; the draft Declaration would be incomplete without them. As the role and responsibility of Governments had been stated in article 8, it was essential to point out in another article that it was for the family to decide the number of its children. The family—the basic unit of society—must be protected, and any interference by development

planners must be prevented. The Finnish sub-amendment was very satisfactory, but his delegation would like the words at the beginning of the final phrase: "parents having the right to determine freely..." to be replaced by "respecting the exclusive right of parents to determine freely...".

8. Miss CAO-PINNA (Italy) said that article 10 presented no particular difficulty for her delegation. She interpreted it not as an article on family planning but as one emphasizing the family's role in social development. She supported the article as a whole, but she was also in favour of the Finnish sub-amendment. However, she was opposed to the deletion of the word "strengthened", as proposed in the first of the French amendments to article 10 (A/C.3/L.1584, para. 7 (a)). Her delegation was making no formal proposal, but it considered that the text might be changed to read, for example: "should be protected and strengthened by all possible means".

9. Mrs. MOLETSANE (Lesotho) said that her delegation supported the principles stated in article 10 and would vote in favour of it.

10. Mr. GARZÓN VALDEZ (Argentina) noted that two basic views appeared to be emerging in the Committee; some delegations were resolutely in favour of retaining the last part of article 10, while others were pressing for its deletion. Surely the right of parents freely to determine the number of their children was indisputable; yet, it sometimes seemed that certain international agencies wanted to impose on developing countries demographic policies designed to limit births. Argentina was an under-populated country and could never accept the imposition of such a policy, which ran counter to its national interests. His delegation regarded parents' freedom of choice as sacrosanct and unreservedly supported the Spanish representative's suggestion. If necessary, he would submit an amendment to that effect to the Finnish sub-amendment. That amendment would read: "respecting the exclusive right of parents to determine freely and responsibly the number and spacing of their children". His delegation supported the first of the French amendments.

11. Mr. SIRI (El Salvador) said that he would vote in favour of article 10, as amended by the Finnish sub-amendment, and would support the Spanish delegation's suggestion if it was advanced as a formal proposal.

12. Mr. PONCE RAMIREZ (Guatemala) said that the article under consideration was one of the most important in the whole draft Declaration. The constitutions of all the countries of Latin America contained provisions designed to give the family—the basic unit of society—all the protection it needed; for society could not be stable unless the family was stable. If such stability was to be ensured, the family must have the exclusive right to decide for itself the number of its children and the means of safeguarding the mother's health. He completely disagreed with those who were fearful that a reference to the right of each family to decide the number of its children would encourage infanticide or abortion.

13. Mr. TORRES-CARRILHO (Brazil) agreed with the representative of Uruguay that, as it was impossible

to enumerate all the rights of the family, it would be better not to make special mention of any one, in order to avoid giving the impression that the others were less important. Brazil was resolutely opposed to any kind of interference in the rights of the family and recognized the exclusive right of parents to determine the number of their children. His delegation could not, therefore, support article 10 in its entirety and would request a separate vote on the final phrase and the sub-amendments thereto.

14. Mr. KALANGALI (Uganda) supported the Finnish sub-amendment and the first of the French amendments. He was strongly opposed to any suggestion which would challenge the exclusive right of parents to determine the number of their children.

15. Mrs. WARZAZI (Morocco) said that she considered it essential to stress the role of the family in society. Sociologists regarded the disruption of family life as one of the reasons for the social backwardness of certain countries. It was in the interest of the Governments of developed and developing countries alike to concern themselves with the family and to strengthen it, for the well-being of the family was a matter of national importance. The population explosion in the countries of the Third World was an obstacle to social, cultural and economic development. While there were some favoured countries which were trying to increase their population, there were, unfortunately, many others where population growth was a constant threat to the economic progress already achieved. In such countries, therefore, family planning—apart from being a woman's right—was a solution to the problem of under-development. Morocco had studied the question and, after conducting opinion surveys, had established a central population commission to give advice on family planning to parents who wanted it and to offer them preventive services free of charge. Since parents had primary responsibility for the education and the future of their children, they should be in a position to provide them with an education and a future, and they must be assisted in doing so. Because the right of parents to determine for themselves the number of their children was an inalienable right, her delegation favoured the retention of the final part of article 10 and would vote against any amendment designed to delete it. It would be unthinkable for the General Assembly to adopt a more regressive attitude than the International Conference on Human Rights at Teheran at which most of the participants had accepted the principle of family planning as a fundamental human right. Her delegation was opposed to the taking of a separate vote on any part of article 10.

16. Mr. VALDIVIESO (Peru) pointed out, with regard to the texts adopted at the Teheran Conference, that the Conference had been attended by experts from various countries, who in some cases had expressed their personal ideas, and that the texts in question were in no way mandatory. His country was not in favour of family planning, and it would therefore be obliged to vote against the United Kingdom and Finnish proposals, which implied acceptance of family planning. The original text was clear and well-balanced. It would be undesirable to introduce in the form of amendments new ideas which might not be acceptable

to all delegations, and it was particularly inappropriate to discuss family planning when the issue was social development.

17. He requested that a separate vote should be taken on the words "should be strengthened", and proposed that they should be replaced by the words "should be assisted and protected".

18. Mr. AZZOUT (Algeria) said he was afraid the debate was straying into the question of family planning, which had nothing to do with the original text.

19. Mr. LE DIRAISON (France) recalled that the discussion was really about the principles relating to family rights. No one had any difficulty with the first principle laid down in the original text, which stated that "the family as a basic unit of society and the natural environment for the growth and well-being of all its members, particularly children and youth, should be strengthened by all possible means" or, in the wording proposed by France, "should be assisted and protected"; the second principle related, as the representative of Algeria had very rightly just pointed out, not to family planning, but to the freedom of parents to decide the number and spacing of their children.

20. His delegation had incorporated the Finnish sub-amendment into its own amendment, but, after listening to the suggestions of the Spanish and Argentine delegations, and after consulting the representative of Finland, he proposed that the end of the article, beginning with the words "should be", should be replaced by the following text, which would better indicate the link between the two principles: "should be assisted and protected, respecting the exclusive right of parents to determine freely and responsibly the number and spacing of their children". That amendment replaced the original French amendments to article 10 (A/C.3/L.1584, para. 7).

21. Mrs. SIPILA (Finland) said that, after informal discussions with the United Kingdom representative, she would prefer that the word "respecting" should be replaced by "recognizing".

22. Mr. UY (Philippines) said he supported the first principle enunciated in article 10 and thought that the word "strengthened", which appeared in the original text, should be retained. The text, drafted by the Commission for Social Development, was the result of a compromise, and he hoped that the Third Committee would adopt it as it stood. He requested the representative of France to delete the word "assisted" from his proposed text, as it might be interpreted to mean that families must be provided with birth control information and devices, and some countries could not accept such a provision. The compromise text formulated by the Commission for Social Development left parents entirely free in that regard. He thought that the word "respecting" in the text proposed by France should be deleted as it was rather restrictive. He was prepared to support the wording "the exclusive right".

23. If the representative of France did not agree to incorporate those changes into his text, he would propose a sub-amendment to replace the word "assisted" by the word "strengthened" and to replace the words

"respecting the exclusive right of parents" by "parents having the exclusive right".

24. Mrs. OULD DADDAH (Mauritania) stated that, in the case of the developing countries, the right of parents to decide the number of their children could not be separated from the requirements of national development, and she requested the French and Finnish delegations to delete the word "exclusive".

25. Mrs. CONDÉ (Guinea) supported that request.

26. Mr. LORCH (Israel) said that he fully supported the new wording proposed by France and Finland. It was most important to emphasize that the family was the basic unit of society. It was also essential to state clearly that it was for the family to decide the number and spacing of its children, and to ensure that nothing in the text could be construed as authorizing coercion for religious reasons.

27. Mr. ARTAZA (Chile) said he saw no point in mentioning the spacing of children as that idea was implied by the recognition of the right of parents to decide the number of their children.

28. He requested a separate vote on the final phrase, beginning with the words "respecting the exclusive right of parents". He did not dispute the fact that that right belonged exclusively to parents, but, in view of the opinions expressed by the delegations of some developing countries on the subject of birth control and the population explosion, and taking into account article 7 of part III of the draft, he would prefer that provision to be deleted.

29. Mr. MEHIRI (Tunisia) said there was a danger that the French delegation would eventually distort its amendment if it tried too hard to improve it, and he hoped that the representative of France would delete the word "exclusive". If that word were deleted, his delegation would vote in favour of the French amendment; otherwise, it would rather revert to the compromise text formulated by the Commission for Social Development, as amended by the United Kingdom and Finnish proposals.

30. Mrs. WARZAZI (Morocco) supported the Philippine representative's proposal. She found the word "respecting" unsatisfactory. If the family should be protected, it was because of the role it should play in society. The idea of limiting the number of children was quite another matter. For that reason, she proposed the following wording: "should be assisted and protected so that it may fully assume its responsibilities within the community". The final phrase would be replaced by another sentence based on the formulation adopted by the Teheran Conference.^{1/}

31. Mr. LE DIRAISON (France) said he did not think that the word "respecting" could be replaced by "recognizing" as that would mean introducing a legal concept and implying that the right in question should be recognized in laws and regulations; however, a number of countries were not prepared to recognize

^{1/} See Final Act of the International Conference on Human Rights, Teheran, 22 April to 13 May 1968 (United Nations publication, Sales No.: E.68.XIV.2), paragraph 16 of the Proclamation of Teheran, p. 4, and resolution XVIII, p. 14.

that right, and they could not be asked to do more than respect it.

32. Acceptance of the Philippine representative's proposal that the word "respecting" should be deleted would mean reverting to the Finnish proposal, which had caused difficulties for some delegations; for that reason, he preferred the new French-Finnish formulation.

33. The representative of Chile would like the idea of the spacing of children to be deleted, but, as it was accepted by demographers and had also been accepted by the World Population Conference, it should be retained. The Mauritanian and Tunisian delegations had requested that the word "exclusive" should be deleted; he pointed out that that word had appeared in the Finnish sub-amendment, but he agreed to delete it.

34. Lady GAITSKELL (United Kingdom) said that the views expressed by the representative of Chile on the spacing of children were entirely masculine views; the spacing of children was very important to women.

35. Mr. HELDAL (Norway) said he unreservedly supported the Finnish proposal, as accepted and amended by France. He considered that wording preferable to the original text, since it stressed the right of parents to decide the number of their children and reproduced the wording adopted by the Teheran Conference.

36. Mrs. RAOELINA (Madagascar) agreed with the principle stated in article 10. The original text seemed to her to be satisfactory, because a principle should be stated in general terms. The term "spacing" seemed unnecessary and should appear instead among the means and methods.

37. Mr. TEKLE (Ethiopia) said that although it was necessary to stress the importance of the family in development, it was not advisable to assert the right of parents to decide the spacing of their children. He would therefore abstain on the second part of article 10.

38. Mr. VALDIVIESO (Peru) proposed an amendment to the original text of article 10, whereby the word "strengthened" would be replaced by "assisted and protected". The text would then read: "The family ... should be assisted and protected by all possible means, each family having the right to decide the number of its children".

39. Mr. CABANAS (Spain) supported the Moroccan proposal which improved the article by stressing the key role played by the family in society and declaring that protection of the family was one of the bases of social progress.

40. Mr. HERNDL (Austria) said that he was in favour of the wording adopted unanimously by the Teheran Conference.

41. Mrs. ROQUET (Canada) said she was surprised at the importance being attached to a phrase which she felt was not the principal element of article 10. The essential point was to assist and protect the family so that it might be a factor in social develop-

ment. In that respect, she agreed with the representative of Morocco, who had said that the assistance and protection given to the family should enable it to assume all its responsibilities. She therefore urged the representative of France to insert in his amendment the phrase proposed by Morocco. The text would then read: "The family ... should be assisted and protected so that it may fully assume all its responsibilities, parents having the right ...". That was not a formal proposal, but she would like to know the French delegation's opinion of it.

42. Mrs. WARZAZI (Morocco) formally proposed an amendment to the French amendment, reading as follows:

"After the words 'assisted and protected', insert: "so that it may fully assume its responsibilities within the community'."

43. She hoped that the representative of the Philippines would be able to adapt his amendment to the wording which she had just proposed.

44. Mr. LE DIRAISON (France) said that he would accept the Moroccan sub-amendment, because it introduced a very important concept which had been somewhat overlooked. The second part of his amendment would then read: "Parents have the right to determine freely and responsibly the number and spacing of their children". That wording would have the advantage of being acceptable to the representative of the Philippines.

45. Mr. UY (Philippines) said he found the new wording satisfactory, and withdrew both parts of his amendment.

46. Mr. ARTAZA (Chile) requested a separate vote on the second sentence of the French amendment, beginning with the word "Parents ...".

47. Lady GAITSKELL (United Kingdom) said that, since her amendment (A/C.3/L.1601, para. 2) had been incorporated in the new text proposed by France, she would withdraw it if that text was adopted, but would maintain it if it was rejected.

48. Mr. VALDIVIESO (Peru) withdrew his amendment.

49. Mr. NASINOVSKY (Union of Soviet Socialist Republics) requested that the vote on article 10 should be deferred in order to enable the Committee to have before it the written text of the various amendments which had been submitted.

50. Mrs. STEVENSON (Liberia) moved the closure of the debate.

51. Mr. HAQUE (Pakistan) opposed the motion.

52. Mrs. WARZAZI (Morocco) appealed to the representatives of Liberia and the Soviet Union not to maintain their proposal.

53. Mr. SHERIFIS (Cyprus) moved the adjournment of the meeting.

The motion was adopted unanimously.

The meeting rose at 5.50 p.m.