

United Nations
**GENERAL
ASSEMBLY**

FOURTEENTH SESSION
Official Records

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MAY 20 1960



**THIRD COMMITTEE, 922nd
MEETING**

Monday, 12 October 1959,
at 10.45 a.m.

NEW YORK

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Chairman: Mrs. Georgette CISELET (Belgium).

AGENDA ITEM 64

Draft Declaration of the Rights of the Child (A/4185, E/3229, chap. VII, A/4143, chap. VII, sect. V, A/C.3/L.712 and Corr.1-2, A/C.3/L.716, A/C.3/L.719, A/C.3/L.722, A/C.3/L.726-728, A/C.3/L.730-733, A/C.3/L.745-746, A/C.3/L.748-749) (continued)

PRINCIPLE 7 (continued)

1. Mrs. NYUN HAN (Burma) said that she was grateful to the Cuban delegation for not insisting that instruction should be given to children in their mother tongue, as proposed in its first amendment (A/C.3/L.745) to the new text of principle 7 submitted by Denmark, Greece, the Netherlands, Thailand, the United Kingdom and revised (A/C.3/L.748) in accordance with a proposal by Uruguay, who had joined the sponsors of the new text. While it was desirable that children should receive instruction in their mother tongue, they should—particularly in countries whose languages, unlike Spanish, were not widely used throughout the world—be given instruction in another language as well, which would enable them to have a better understanding of world affairs. The patriotic feelings of the Burmese people had never been weakened by the fact that their children received instruction in two languages.

2. She would be glad to support the revised six-Power amendment (A/C.3/L.748); she found the wording of it satisfactory. Burma was a democratic welfare State in which education was free up to the secondary stage. However, her delegation felt that it should be left to each country to decide, in the light of its own special circumstances, up to what stage education should be free, rather than that obligations as specific as those envisaged by the USSR in its first amendment (A/C.3/L.712 and Corr.1-2) to principle 7 should be imposed on all States. The second Soviet amendment (A/C.3/L.712 and Corr.1-2) stated a very important idea, which could be incorporated either into the six-Power draft of principle 7 or into principle 11.

3. Mr. BAROODY (Saudi Arabia) also thanked the Cuban delegation for withdrawing its amendment, which had presented serious difficulties for many members of the Committee, though not for Saudi Arabia. His delegation could have supported the text adopted by the Commission on Human Rights (E/3229, para. 197, resolution 5 (XV)), but it preferred the one submitted by the six Powers.

4. It was necessary to guarantee children the right to play and recreation and thus to protect them against the dangers inherent in excessively strict discipline. Although the right to recreation was embodied in principle 5, Mexico, Peru and Romania were right in wishing to supplement the section on education with a much more specific reference to a natural childhood activity (A/C.3/L.730). Nevertheless, it should be left to the child and the school to direct that activity, which, while it must not conflict with the education the child was receiving, need not necessarily be directed to the same purposes as his education. It would therefore be best to delete the words "which should be directed to the same purposes as education" in the text proposed in the three-Power amendment. The second clause of that text was also not necessary. It was sufficient to state a fundamental right of the child without attempting to impose on the public authorities an obligation which, although specific, was difficult to define in practice. The simple affirmation of that right would demonstrate to everyone the importance attached to it by the United Nations and would place the authorities of the various countries under a moral obligation to guarantee it.

5. No educator worthy of the name would think of teaching hatred to children. The idea contained in the second Soviet amendment would be more appropriate in a document such as the proposed Convention on Freedom of Information. Therefore, although his delegation fully supported the principle stated in the amendment, it would abstain when a vote was taken on it.

6. The Italian amendment (A/C.3/L.732) presented many difficulties, particularly of a legal nature. No child was born bad or maladjusted. His maladjustment often resulted from that of his parents, which there was no reason for not mentioning as well. He hoped that the Italian delegation would agree to withdraw its amendment, on which he would be compelled to abstain.

7. The CHAIRMAN said that the Italian delegation had requested that its draft (A/C.3/L.732) should now be regarded as an amendment to principle 9, not to principle 7.

8. Mr. MAROF (Guinea) pointed out, with regard to the words "in his mother tongue" which the delegation of Cuba had proposed should be inserted, that in his country the mental development of children was in no way hampered by the fact that instruction was given in a language other than their mother tongue, which had the advantage of being understood and spoken throughout the world and the use of which made the teacher's task easier.

9. In Guinea, as in other African countries such as Angola and the Belgian Congo, the local culture had been stifled by the colonial Powers, whose educational policy had, moreover, resulted in a high level of illiteracy.

10. The CHAIRMAN requested that representatives should confine themselves to the matter under consideration.

11. Mr. MAROF (Guinea) pointed out that his Government had not waited for economic conditions to improve before embarking upon the construction of schools—of which there were now hundreds—and an accelerated programme of teacher-training. It would support any draft which stated that the child was entitled to receive free and compulsory education, which would help him to understand the culture both of his own people and of other peoples and that was directed to the full development of his personality and the strengthening of respect for human rights and fundamental freedoms.

12. Princess PINGPEANG YUKANTHOR (Cambodia) said that the text adopted by the Commission on Human Rights was satisfactory and that there was no need to alter it. She supported the three-Power proposal but would like to see the word "faculté" in the French text replaced by the word "possibilité", which she considered more accurate. She would also vote for the Afghan amendment (A/C.3/L.716).

13. After noting that Cambodian children traditionally studied French only after learning to read and write their mother tongue, she pointed out that her Government had made great efforts to accelerate school construction and teacher-training.

14. Mr. YOLGA (Turkey) said he fully supported the revised six-Power amendment, which was inspired by a praiseworthy concern with conciseness and universal application and which gave the concept of the child's sense of responsibility all the importance it merited at a time when juvenile delinquency was proving a disturbing problem. If that amendment was not adopted, his delegation would vote for the Afghan amendment, which aimed at shortening the text adopted by the Commission on Human Rights and giving it more nearly universal application.

15. With regard to the Cuban amendments, he said that the first sentence of principle 7 concerned "instruction" or "schooling" rather than "education", which the child received not only from his teachers but also from his family and from society as a whole. The deletion of the words "which shall be" did not seem very advisable to his delegation. On the other hand, it fully approved the choice of the words "elementary school". For the reasons already cited by the representatives of Belgium, Afghanistan and India (921st meeting), it was glad that the Cuban delegation had withdrawn the last part of its amendment to the first sentence of the six-Power draft.

16. Vocational guidance had made great strides in recent years and in some countries was an essential part of education. The provisions relating to the choice of a trade or occupation directly affected thousands of human beings and must therefore be included in the Declaration. He could not, however, support the use of the word "absolute" and suggested that the Cuban delegation should replace the words "and with absolute respect for" by the words "and with due regard for".

17. For the reasons it had stated on previous occasions, his delegation could not support a text which, like the first Soviet amendment, provided for methods of implementing the principles enunciated in the Declaration. The idea underlying the second Soviet amendment was essentially a meritorious one, but it was presented in

the form of a prohibition and was therefore not in keeping with the spirit of the Declaration. It would be preferable not to go beyond the positive statement given that idea in principle 11.

18. His delegation would abstain from the vote on the three-Power text. Children unquestionably should have the right to play and recreation, but that was only one aspect of the more general right to education. A principle of that kind lay in the realm of pedagogy and had no place in a universal declaration.

19. Mr. SUTANTO (Indonesia) said he would vote for the text submitted by the six Powers, which was clear, concise and complete. He regretted, however, the deletion of the words "and of the principles and purposes of the United Nations", for the General Assembly and the Economic and Social Council had on several occasions endeavoured to acquaint the world public with the part played by the Organization, which had in fact originated the draft Declaration.

20. With reference to the replacement of the word "education" by the word "instruction", he thought that in view of the explanations given by the representative of UNESCO (921st meeting), the term "education" should be retained. However, the principle of respect for the vocational aptitudes of the child was too specific to be included in a text as general as the Declaration and might give rise to certain difficulties. The same applied to the first Soviet amendment. He would support the first part of the text proposed in the three-Power amendment; however, the second part was superfluous, since its substance had already been expressed in principle 6.

21. Mr. MONTEZUMA HURTADO (Colombia) would vote for the Cuban amendments if certain changes were made. First, the word "education" should be retained, since it was more general and more forceful than the word "instruction". Secondly, he thought the phrase "and with absolute respect for his vocational aptitudes" went somewhat too far. A child could manifest vocational aptitudes which were dangerous or useless. Therefore, the representative of Colombia would prefer the words "and with the greatest possible respect for his vocational aptitudes". He did not agree with the suggestion that the first sentence of the first paragraph of principle 7 as drafted by the Commission on Human Rights should be included at the end of the text of the six Powers. The sentence in question was repetitious, and its substance was in any case already expressed in principle 11.

22. The Colombian delegation would vote for the three-Power amendment, which expressed an important principle. He fully approved of the text proposed in the first Soviet amendment, since States should be guided by high standards.

23. Mr. SHARAF (United Arab Republic) said he would support the second Soviet amendment, if the Soviet delegation would agree to replace the word "hatred" by the word "discrimination". He was in favour of the revised six-Power amendment, which was concise and specific, and could not therefore support the Cuban amendments, despite their obvious merits. Lastly, he would vote for the text proposed by Mexico, Peru and Romania if its sponsors would agree to delete the second part, beginning with the words "society and the public authorities...".

24. Mr. BOUQUIN (France) would vote for the revised six-Power amendment, which included all the essential

ideas in a clearer and more concise text than the one drafted by the Commission on Human Rights. The words "in the elementary stages" had a more general connotation and were therefore preferable to the words "in the elementary school" suggested by Cuba. Furthermore, the word "education" should be retained, since its scope was less restricted than that of the word "instruction". With regard to the expression "general culture" about which the delegations of Pakistan and Ghana had expressed reservations (921st meeting), he hoped that the suggestion made by the representative of Ireland and adopted by the six Powers (921st meeting) would be acceptable to all the members of the Committee. He noted with satisfaction that the six Powers had retained the principle of equal opportunity and had included the last sentence of principle 7 as drafted by the Commission on Human Rights.

25. Although the principle of free primary education had been proclaimed in France as far back as 1789 and applied there before the end of the nineteenth century, he could not vote in favour of the first Soviet amendment. Not only was it a clause providing for implementation, which seemed to confer a monopoly on the State in the matter of education—a monopoly not universally recognized as properly belonging to it—but it imposed obligations on countries which some of them were unable to discharge. As far as the second Soviet amendment was concerned, it would seem more appropriate to include the proposed text in principle 11. Moreover, either a more general term than "hatred" should be used, or mention should be made not only of racial hatred but also of all other forms of hatred, including social hatred. For those reasons, the representative of France, although in favour of the principle expressed in the second Soviet amendment, would vote against that amendment.

26. The sponsors of the three-Power amendment should not ignore the observations which had been made by the representative of Saudi Arabia. While the child should enjoy the greatest freedom in his play, the question arose, who should direct such recreational activities? The terms of the second part of the text proposed in the amendment gave the impression that society and the public authorities would assume that responsibility. Such a principle contradicted the terms of the revised six-Power amendment, under which the parents had primary responsibility. The French delegation thought, therefore, that the representatives of Mexico, Peru and Romania should modify the wording of their amendment; if they did not find it possible to do so, it would request a vote by division.

27. Mr. CHRISTOV (Bulgaria) said that he attached great importance to the problem of education, which required the full attention of public authorities and parents. Both the text of the Commission on Human Rights and the various amendments that had been submitted stressed the overriding importance of enabling a child to become a useful member of society. In order to achieve that aim at a time of rapidly-increasing contact between peoples and races, every effort should be made to combat racial hatred, as the General Assembly had urged Member States to do in resolution 1328 (XIII). The bellicose propaganda in some countries which poisoned the atmosphere in which children were raised should also be prohibited. The Bulgarian delegation therefore congratulated the Soviet

Union on the text proposed in its second amendment, which usefully amplified principle 7.

28. The key role played by the State in the field of education should be stressed. To avoid a vague and incomplete draft, it should be clearly stated where the responsibility for the instruction of the child lay. The revised six-Power amendment, which mentioned only the parents in that connexion, imposed an extremely heavy obligation on parents—one which they were not capable of discharging. It was the State which had the essential responsibility for education, and he suggested that in the second paragraph of the text proposed in the revised six-Power amendment, the words "in the first place" should be deleted and the words "and with society and the State" added after the words "with his parents". He would submit a sub-amendment to that effect.

29. Mr. MALITZA (Romania) said that he was in favour of the first Soviet amendment and of the sub-amendment which the Bulgarian representative had just submitted to the revised six-Power amendment, since they stressed the State's role in the field of education. With the growth of knowledge, education presented increasingly complex problems. The length of studies increased. Educational institutions needed larger premises and more modern equipment. Moreover, the education of young people now formed part of economic development plans, for it was a prerequisite of progress. It followed that, in the modern world, only the State was capable of meeting the needs of education; indeed, that was one of its cardinal tasks.

30. Some representatives opposed any reference to the State in principle 7 on the ground that there were private institutions in their countries. The Soviet and Bulgarian proposals did not, however, exclude private education; they simply stressed the responsibility of the State. The Committee had been cautioned against laying down over-ambitious objectives regardless of the fact that most of the principles enunciated were desiderata. It was surprising that some countries were unwilling to include in a declaration, which had no binding force, provisions which they had accepted in article 14 of the draft Covenant on Economic, Social and Cultural Rights.^{1/}

31. He also supported the second Soviet amendment. It did not duplicate principle 11, since it dealt with the particular case of schools. It was desirable that the word "schools" should be used in the Declaration.

32. He thanked the delegations which had made suggestions with regard to the three-Power amendment. The purpose of the recreation provided for in principle 5 was simply to enable the child to develop in health. Play was something quite different. It was an essential activity in which all the child's faculties were called upon.

33. In reply to the Saudi Arabian and French representatives, he pointed out that the importance of play was widely recognized, whether as a preparation for life, as a spontaneous activity or as an outlet for the child's energy. During his free time the child should engage in activities which fostered the full development of his personality and discouraged him from adopting anti-social modes of behaviour. The question of interference in the lives of children had been raised

^{1/} Official Records of the General Assembly, Twelfth Session, Annexes, agenda item 33, document A/3764 and Add.1, para. 50.

in that connexion. However, in a United Nations publication on the prevention of crime and the treatment of offenders, play was cited as a means of preventing delinquency. The question of recreation and the use of free time had been studied by UNESCO, and there had not been any suggestion that that constituted interference in the lives of individuals. In France there were "clubs-sciences" which were independent of the schools and which organized recreational activities for children over twelve years of age. They had been initiated in 1950 with the help of UNESCO and introduced in 1957. Public authorities, private undertakings and chambers of commerce were associated with their work. That was an excellent scheme which would help to develop the child's abilities, and stimulate his interests. In order to ensure the full development of the child's personality, play and recreation should have a large part in education, and it seemed quite appropriate to include a principle on that subject in a declaration of the rights of the child.

34. Mr. COLUCCI (Italy) said that he supported the revised six-Power amendment, which expressed in a more concise form all the ideas contained in principle 7 of the text as drafted by the Commission on Human Rights.

35. He would abstain in the vote on the three-Power amendment, which would overlap with principle 5.

36. He could not support the Cuban amendments, which reiterated ideas already contained in the preamble. It would be better to make some of those sub-amendments apply to principle 11. He would also be obliged to vote against the Soviet amendments for the reasons stated

by the French representative. Direct action by the State was not always required. It should not, for instance, take the place of the private institutions which operated under its supervision and whose courses of study led to the award of State diplomas.

37. Mr. ALWAN (Iraq) said that in the Third Committee his delegation was guided, as it had been in the Commission on Human Rights, by two considerations. The Declaration should embody general principles that were acceptable to all countries. It should avoid detailed provisions reflecting the views of some States but raising difficulties for others. The existing text of principle 7 was derived from article 26 of the Universal Declaration of Human Rights and the Commission on Human Rights had tried to work out a text that took all views into account. Although education was free at all levels in Iraq, he felt that it would be better, in a declaration which must be acceptable to all countries, merely to include a principle on free elementary education.

38. He approved of the revised six-Power amendment, which reconciled the various points of view. In general, he supported the Cuban amendments, which would improve the six-Power text, but thought it would be better to retain the word "education".

39. The principle stated in the second Soviet amendment was excellent in itself but would not be in place in a declaration. Finally, the idea contained in the three-Power amendment was sound, but did not seem sufficiently important to be included as a separate principle.

The meeting rose at 1.5 p.m.