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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, sec. V, A/C.3/L.712 and Corr.1) **(continued)**

GENERAL DEBATE (concluded)

1. Mr. LIMA (Brazil) said that his country was deeply interested in the welfare of all children—its own children, which it regarded as its greatest treasure and the foundation of its future, and all other children throughout the world. There was a large body of legislation in Brazil for the protection of children, and both the State and various organizations and associations were active in ensuring its application.

2. In response to the request that the Commission on Human Rights had addressed to all Member States in 1957,^{1/} the Brazilian Government had hastened to forward very detailed comments on the draft Declaration of the Rights of the Child. Both the Social Commission's text and the text of the Commission on Human Rights (E/3229, para. 197, resolution 5 (XV)) were inspired by the most laudable and upright motives; both texts set forth the fundamental rights of a human being and invited authorities and individuals to recognize and respect those rights. It was therefore the duty of the Third Committee to hold a serious and constructive discussion of the subject in order to give final form to the Declaration and thus to fulfil a most sacred duty to mankind.

3. The Brazilian delegation shared the regret expressed by the Cuban delegation that the adoption of such a declaration had been postponed from year to year. It felt that the final text should be both general and concise, since it would have to serve as the basis for other instruments on the subject. The United Nations, as the protector of the rights of the child, should in the course of the next few years draw up a programme of action that the specialized agencies could help to carry out.

4. Miss BERNARDINO (Dominican Republic) said that a declaration which, while having no binding force, set forth all the rights of the child and defined the protection that children should enjoy could have a great moral influence throughout the world.

^{1/} Official Records of the Economic and Social Council, Twenty-fourth Session, Supplement No. 4, chap. IV, para. 116, resolution II.

5. The Dominican delegation would have preferred a more precise text but it was nevertheless prepared to vote in favour of the text before the Committee and of any amendments that would improve it. Her delegation was pleased that there was a reference to article 25, paragraph 2, of the Universal Declaration of Human Rights in the text, for it was at the instigation of the Dominican Republic that that important paragraph had been introduced in 1948. It was regrettable that the Commission on the Status of Women had not had the opportunity of giving its views on the draft Declaration of the Rights of the Child, in which it was deeply interested. She hoped that the members of the Third Committee would make every effort to adopt that very important document without delay.

6. Mr. CHRISTOV (Bulgaria) expressed his admiration of the generous sentiments that had inspired the draft Declaration and the lofty language that had been used to express the love mankind had for its children.

7. The text submitted to the Committee was certainly open to improvement. The Bulgarian delegation felt that the substance of the draft, namely the provisions themselves, would have to be amplified and completed. The Declaration referred to children but was addressed to adults—to parents, and above all to society and to States, which played a major role in such fields as education and social welfare. The final text would not impose any obligations on States but it should serve as a guide to them for many years to come. The United Nations could not rest content to draft a statement of good intentions and praiseworthy sentiments; it should concern itself with the application of the principles it affirmed and should accordingly state clearly where the responsibility for application lay. Member States should be provided not merely with a source of inspiration but above all with a basis for action.

8. Peaceful emulation among peoples was one of the main factors in human progress, and child welfare was one of the noblest fields for such emulation. The Bulgarian delegation therefore considered that exchanges of information on the achievements of all countries in that respect would be particularly valuable. Without going into detail, he said that the Bulgarian Government had adopted sweeping legislation relating not only to children but also to mothers, who in view of their primary responsibility deserved a larger place in the draft Declaration.

9. The Bulgarian delegation would support any effort designed to make the text of the Commission on Human Rights more complete and to make its provisions as effective as possible.

10. Miss IMRU (Ethiopia) agreed with other delegations that the time was ripe for the adoption of a Declaration of the Rights of the Child. No effort should be spared to ensure the best possible conditions for the development of the adults of tomorrow. Many unforeseen circumstances, and even scientific advancement itself, led to disruptions that affected the rate of prog-

ress in that field. Moreover, all countries had not yet attained the same stage of development, and in many cases there were wide differences in their social structures. Those difficulties would have to be taken into account in considering the draft. In order to be generally acceptable, the text must be couched in general terms, clear and concise. It should impose a moral obligation on States and facilitate the social development that was now taking place in some countries.

11. Mr. SHARAF (United Arab Republic) agreed with the many members of the Commission on Human Rights who thought that the draft Declaration should only proclaim general principles and should not include provisions on methods of implementation. The text should be clear and simple so that all nations could make it their guide in ensuring that children should receive the care to which they were entitled. Countries varied in wealth, customs and culture, but all were striving to provide the younger generation with the best possible health and education facilities, for the healthier and better-educated a child was, the more chance he had of becoming an honest and self-confident citizen.

12. The delegation of the United Arab Republic would support any amendment that would improve the text or make it clearer or more complete. It might be well, for example, to combine principles 7 and 9, both of which dealt with the child's education.

13. Mr. AGOLLI (Albania) gave a brief account of the history of the draft Declaration and expressed the hope that that international instrument would play a major role in contributing to the welfare of children. The Albanian Government itself was deeply concerned with the health and education of children and had adopted a number of measures in those fields to ensure that the younger generation, both in towns and in the countryside, should have the best possible conditions for their physical and intellectual development.

14. In the opinion of the Albanian delegation, the elimination of disease, malnutrition and ignorance and of the exploitation of child labour called for bold measures. It was therefore prepared to support any proposal in that sense and in particular the amendments proposed by the Soviet Union (A/C.3/L.7.2 and Corr.1).

15. Mr. HAUGELAND (Norway) thought that the Declaration of the Rights of the Child would form a necessary supplement to the Universal Declaration of Human Rights. The text should be brief and precise and should lay down general principles in plain language which everybody would understand. Moreover, States should not be obliged to amend their legislation in order to bring it into line with the Declaration. In Norway, for example, all children, whether legitimate or not, enjoyed the same rights but in many countries that was not so; the Norwegian delegation did not therefore ask that the draft Declaration should include the principle of the legal equality of all children.

16. Mr. MANICKAVASAGAM (Federation of Malaya) said that in his view the recognition and the protection of the fundamental rights of the child were the inevitable outcome of the United Nations Charter and the Universal Declaration of Human Rights. He therefore supported the principle and the aim of the draft under consideration.

17. The Federation of Malaya was a multi-racial nation and the Government respected everyone's right to practise the religion of his choice and to live in accordance with the traditions of his ethnic group. Thanks

to the efforts of the public authorities, Malayan children enjoyed the right to education and had the benefit of many advantages in the health field.

18. Mrs. DE ARENAS (Guatemala) considered that children deserved the best that humanity had to give. It was to be hoped that the Declaration would exercise a considerable influence on all Governments. Men of good will who endeavoured to ensure the well-being of children encountered difficulties everywhere. In Guatemala, for example, various private associations had undoubtedly made progress in recent years but the situation was still far from satisfactory, either because the financial means available were inadequate or because the laws designed to protect mothers and children were not obeyed.

19. Particular attention should be paid to orphans and abandoned mothers, whose position was especially tragic. There was still far too much hunger, poverty and illiteracy in the world and a Declaration of the Rights of the Child was both timely and necessary.

20. The wording should be clear and convincing. Principle 4 as it stood might give rise to objections on the part of various States where children normally bore the names of their fathers and their mothers. Principle 10, too, should be re-drafted in more specific terms. Lastly, as the Israel representative had pointed out, emphasis should be laid on the role of the family and on the importance of religious training. Nevertheless, the delegation of Guatemala could accept the draft as a whole and felt that by introducing a few judicious amendments the Third Committee could produce a text which would contribute to the happiness of millions of children.

21. Mr. VIDAL GABAS (Spain) considered that the Committee would do well to define the meaning of the word "child" and that in view of the variety of civilizations, races, religions and political structures it should confine itself to laying down general principles. In the view of the Spanish delegation, the family was primarily responsible for the child's well-being but the State should intervene when the parents were unable or unwilling to fulfil their obligations. If the Declaration contributed even to a small extent to the elimination of juvenile delinquency, that would be an important step forward.

22. He suggested that the Secretariat should carry out an inquiry into the methods used in various countries for the protection of children: such a study would undoubtedly be of the greatest use to all those who were concerned with that important question. Undoubtedly a number of countries already applied the principles embodied in the draft Declaration, but the Third Committee should think above all of the millions of children in the under-developed countries who were still suffering from poverty and hunger. If they were to be helped, the specialized agencies, UNICEF and the technical assistance services should unite their efforts to promote the happiness of all the children of the world.

23. Mr. WIJESINHA (Ceylon) considered that in order to obtain broad agreement the draft should enunciate only general principles which transcended national characteristics and expressed a common ideal. The general nature of the Declaration would in no way lessen its importance.

24. It was obvious that the mere proclamation of the fundamental rights of the child would not ensure im-

mediate and universal respect for them. The United Nations could not, however, promote the implementation of the principles laid down except by recommendations and by endeavouring to further the economic development of all countries.

25. Referring to principle 6, he observed that for the full and harmonious development of its personality, a child needed not only "love and understanding" but also discipline. Principle 7 contained the rather loose statement that "the child is entitled to receive free and compulsory education"; compulsory education was not so much a right of the child as a duty on the part of the parents and the State.

26. He sincerely hoped that the principles submitted for examination by the Third Committee, which were the same as those which had guided his country for many years, would shortly be embodied in a declaration.

27. The CHAIRMAN declared the general debate closed and invited the Committee to begin examining the draft principle by principle.

PREAMBLE

28. Mrs. MIRONOVA (Union of Soviet Socialist Republics) thought that the Declaration should not merely lay down principles but should also state how and by

whom those principles would be put into practice. Childhood could not be protected without the cooperation of the State and of society. The right to a name, to an education, to social security, to protection against every form of exploitation and discrimination, and so on, could be guaranteed only by the State, provided they were embodied in legislation.

29. The Soviet delegation therefore proposed two amendments to the preamble with a view to stressing the duties of the State (A/C.3/L.712 and Corr.1). The text was identical with that of the amendments submitted by the USSR at the twenty-eighth session of the Economic and Social Council (E/AC.7/L.235).

30. Mr. BAROODY (Saudi Arabia) said that the drafting of principle 1 could be improved in two respects. First, it was not clear to which of the preceding nouns the words "whether of himself or of either of his parents" related; they should therefore be replaced by the words "regardless of the status of his parents". Secondly, he suggested that the words "whether born in or out of wedlock" should be replaced by the words "with no exception whatsoever". Ideas about marriage and legitimacy varied in different countries and the Declaration of the Rights of the Child should apply to foreigners as well as to nationals.

The meeting rose at 12.30 p.m.