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Rights of the Child  
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Draft convention on the rights of the child:  
Text of the draft convention as adopted by the Working Group  
(first to eight sessions: 1979-1986)

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#### INTRODUCTION

1. The present working paper contains the text of the draft convention on the rights of the child as adopted by the Working Group during its first to eighth sessions from 1979 to 1986. Footnotes provide references to the reports of the session at which the relevant text was adopted. The provisions from international instruments relating to the texts already adopted can be found in document E/CN.4/1986/WG.1/WP.1.
2. The parenthetical references in the table of contents to the subject of the articles are for ease of reference only; such references are not part of the texts already adopted.
3. General observations on the draft convention can be found in the prior reports of the Working Group and the various documents submitted to the Commission in connexion with its examination of the question of a convention on the rights of the child. In addition, reference may be made to the paper submitted by the Permanent Representative of Bangladesh, contained in annex IV of document E/CN.4/1986/39 and to the written statement submitted by the Four Directions Council to the Commission on Human Rights at its forty-second session (E/CN.4/1986/WCO/1).

PREAMBLE

The States Parties to the Convention,

Considering that in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,<sup>1/</sup>

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,<sup>2/</sup>

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,<sup>3/</sup>

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,<sup>4/</sup>

Convinced that the family, as the basic unit of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,<sup>5/</sup>

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<sup>1/</sup> Adopted by the Working Group at its first session (1979). See E/CN.4/L.1468, para.16. E/1979/36, para. 244.

<sup>2/</sup> Adopted by the Working Group at its first session (1979). See E/CN.4/L.1468, para.14. E/1979/36, para. 244.

<sup>3/</sup> Adopted by the Working Group at its first session (1979). See E/CN.4/L.1468, para.20. E/1979/36, para. 244.

<sup>4/</sup> Adopted by the Working Group at its second session (1980). See E/CN.4/L.1542, para.27. E/1980/13, para. 277.

<sup>5/</sup> Adopted by the Working Group at its first session (1979). See E/CN.4/L.1468, para.22. E/1979/36, para. 244.

Recognizing that, as indicated in the Declaration of the Rights of the Child adopted in 1959, the child due to the needs of his physical and mental development requires particular care and assistance with regard to health, physical, mental, moral and social development, and requires legal protection in conditions of freedom, dignity and security,<sup>6/</sup>

Recognizing that the child, for the full and harmonious development of his personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,<sup>7/</sup>

Bearing in mind that the need for extending particular care to the child has been stated in the Geneva Declaration on the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the United Nations in 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in its article 10) and in the statutes of specialized agencies and international organizations concerned with the welfare of children,<sup>8/</sup>

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom and brotherhood,<sup>9/</sup>

Have agreed as follows:

#### Article 1

According to the present Convention a child is every human being to the age of 18 years unless, under the law of his State, he has attained his age of majority earlier.<sup>10/</sup>

<sup>6/</sup> Adopted by the Working Group at its second session (1980). See E/CN.4/L.1542, para.19. E/1980/13, para. 277.

<sup>7/</sup> Adopted by the Working Group at its second session (1980). See E/CN.4/L.1542, para.21. E/1980/13, para. 277.

<sup>8/</sup> Adopted by the Working Group at its second session (1980). See E/CN.4/L.1542, para.22. E/1980/13, para. 277.

<sup>9/</sup> Adopted by the Working Group at its second session (1980). See E/CN.4/L.1542, para.25. E/1980/13, para. 277.

<sup>10/</sup> Adopted by the Working Group at its second session (1980). See E/CN.4/L.1542, paras.31 and 34. E/1980/13, para. 277.

Article 2

1. The child shall have the right from his birth to a name and to acquire a nationality.<sup>11/</sup>
2. The States Parties to the present Convention shall ensure that their legislation recognizes the principle according to which a child shall acquire the nationality of the State in the territory of which he has been born if, at the time of the child's birth, he is not granted nationality by any other State in accordance with its laws.<sup>12/</sup>

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, or administrative authorities, the best interests of the child shall be a primary consideration.<sup>13/</sup>
2. In all judicial or administrative proceedings affecting a child that is capable of forming his own views, an opportunity shall be provided for the views of the child to be heard, either directly or indirectly through a representative, as a party to the proceedings, and those views shall be taken into consideration by the competent authorities, in a manner consistent with the procedures followed in the State Party for the application of its legislation.<sup>14/</sup>
3. The States Parties to the present Convention undertake to ensure the child such protection and care as is necessary for his well-being, taking into account the rights and duties of his parents, legal guardians, or other individuals legally responsible for him, and, to this end, shall take all appropriate legislative and administrative measures.<sup>15/</sup>
4. The States Parties to the present Convention shall ensure competent supervision of officials and personnel of institutions directly responsible for the care of children.<sup>16/</sup>

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<sup>11/</sup> Adopted by the Working Group at its second session (1980). See E/CN.4/L.1542, para.39. E/1980/13, para. 277.

<sup>12/</sup> Adopted by the Working Group at its third session (1981). See E/CN.4/L.1575, para.18. E/1981/25, para. 289.

<sup>13/</sup> Adopted by the Working Group at its third session (1981). See E/CN.4/L.1575, para.26. E/1981/25, para. 289.

<sup>14/</sup> Adopted by the Working Group at its third session (1981). See E/CN.4/L.1575, para.22. E/1981/25, para. 289.

<sup>15/</sup> Adopted by the Working Group at its third session (1981). See E/CN.4/L.1575, para.35. E/1981/25, para. 289.

<sup>16/</sup> Adopted by the Working Group at its third session (1981). See E/CN.4/L.1575, para.38. E/1981/25, para. 289.

Article 4

1. The States Parties to the present Convention shall respect and extend all the rights set forth in this Convention to each child in their territories without distinction of any kind, irrespective of the child's or his parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national or social origin, family status, ethnic origin, cultural beliefs or practices, property, educational attainment, birth, or any other basis whatever.<sup>17/</sup>

2. States Parties to the present Convention shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or other family members.<sup>18/</sup>

Article 5

The States Parties to the present Convention shall undertake all appropriate administrative and legislative measures, in accordance with their available resources, and, where needed, within the framework of international co-operation, for the implementation of the rights recognized in this Convention.<sup>19/</sup>

Article 6

1. The States Parties to the present Convention recognize that the child should enjoy parental care and should have his place of residence determined by his parent(s), except as provided herein.<sup>20/</sup>

2. States Parties shall ensure that a child shall not be separated from his parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such a determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence. Such determinations shall not be made until all interested parties have been given an opportunity to participate in the proceedings and to make their views known. Such views shall be taken into account by the competent authorities in making their determination.<sup>21/</sup>

<sup>17/</sup> Adopted by the Working Group at its third session (1981). See E/CN.4/L.1575, para.50. E/1981/25, para. 289.

<sup>18/</sup> Adopted by the Working Group at its third session (1981). See E/CN.4/L.1575, para.56. E/1981/25, para. 289.

<sup>19/</sup> Adopted by the Working Group at its third session (1981). See E/CN.4/L.1575, para.61. E/1981/25, para. 289.

<sup>20/</sup> Adopted by the Working Group at its fourth session (1982). See E/1982/12/Add. 1, C, para.31.

<sup>21/</sup> Adopted by the Working Group at its fourth session (1982). See E/1982/12/Add. 1, C, para.33.

3. A child who is separated from one or both parents has the right to maintain personal relations and direct contacts with both parents on a regular basis, save in exceptional circumstances.<sup>22/</sup>

4. Where such separation results from any action initiated by a State party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.<sup>23/</sup>

#### Article 6 bis

1. In accordance with the obligation of States Parties under article 6, paragraph 2, applications by a child or his parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner.<sup>24/</sup>

2. A child whose parents reside in different States shall have the right to maintain on a regular basis save in exceptional circumstances personal relations and direct contacts with both parents.<sup>25/</sup>

#### Article 6 ter

1. The States Parties to the present Convention shall take appropriate measures to combat the illicit transfer and non-return of children abroad.<sup>26/</sup>

2. To this end, the States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements, as well as the introduction of periodic consultations between the competent national authorities.<sup>27/</sup>

<sup>22/</sup> Adopted by the Working Group at its fifth session (1983). See E/1983/62, para.20.

<sup>23/</sup> Adopted by the Working Group at its fifth session (1983). See E/1983/62, para.28.

<sup>24/</sup> Adopted by the Working Group at its fifth session (1983). See E/1983/62, para.38.

<sup>25/</sup> Adopted by the Working Group at its fifth session (1983). See E/1983/62, para.41.

<sup>26/</sup> Adopted by the Working Group at its fifth session (1983). See E/1983/62, para.48.

<sup>27/</sup> Adopted by the Working Group at its fifth session (1983). See E/1983/62, para.49.

Article 7

The States Parties to the present Convention shall assure to the child who is capable of forming his own views the right to express his opinion freely in all matters, the wishes of the child being given due weight in accordance with his age and maturity.28/

Article 7 bis

1. The States Parties to the present Convention shall respect the right of the child to freedom of thought, conscience and religion.29/
2. This right shall include in particular the freedom to have or to adopt a religion or whatsoever belief of his choice and freedom, either individually or in community with others and in public or private, to manifest his religion or belief, subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health and morals; and the right to have access to education in the matter of religion or belief.30/
3. The States Parties shall respect the rights and duties of the parents and, where applicable, legal guardians, to provide direction to the child in the exercise of his right in a manner consistent with the evolving capacities of the child.31/
4. The States Parties shall equally respect the liberty of the child and his parents and, where applicable, legal guardians, to ensure the religious and moral education of the child in conformity with convictions of their choice.32/

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28/ Adopted by the Working Group at its third session (1981). See E/CN.4/L.1575, para.80. E/1981/25, para. 209.

29/ Adopted by the Working Group at its sixth session (1984). See E/1984/71, para.21.

30/ Adopted by the Working Group at its sixth session (1984). See E/1984/71, para.28.

31/ Adopted by the Working Group at its sixth session (1984). See E/1984/71, para.30.

32/ Adopted by the Working Group at its sixth session (1984). See E/1984/71, para.33.



Article 8

1. Parents or, as the case may be, guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common and similar responsibilities for the upbringing and development of the child.33/
2. For the purpose of guaranteeing and promoting the rights set forth in this Convention, the States Parties to the present Convention shall render appropriate assistance to parents and guardians in the performance of the child-rearing responsibilities and shall ensure the development of institutions for the care of children.34/
3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child care services and facilities for which they are eligible.35/
4. The institutions, services and facilities referred to in paragraphs 2 and 3 of this article shall conform with the standards established by competent authorities particularly in the areas of safety, health, and in the number and suitability of their staff.36/

Article 8 bis

1. The States Parties to the present Convention shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental injury or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.37/
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment, and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.38/

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33/ Adopted by the Working Group at its third session (1981). See E/CN.4/L.1575, para.95. E/1981/25, para. 289.

34/ Adopted by the Working Group at its third session (1981). See E/CN.4/L.1575, para.100. E/1981/25, para. 289.

35/ Adopted by the Working Group at its third session (1981). See E/CN.4/L.1575, paras. 113 and 115. E/1981/25, para. 289.

36/ Adopted by the Working Group at its third session (1981). See E/CN.4/L.1575, para. 115. E/1981/25, para. 289.

37/ Adopted by the Working Group at its sixth session (1984). See E/1984/71, para.39.

38/ Adopted by the Working Group at its sixth session (1984). See E/1984/71, para.50.

Article 9

The States Parties to the present Convention recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, including those aimed at the promoting of his social, spiritual and moral well-being and physical and mental health. To this end, the States Parties shall:<sup>39/</sup>

(a) Encourage the mass media agencies to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article<sup>16</sup>;<sup>40/</sup>

(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;<sup>41/</sup>

(c) Encourage the mass media agencies to have particular regard to the linguistic needs of the child who belongs to a minority group or an indigenous population;<sup>42/</sup>

(d) Encourage the development of appropriate guidelines for the protection of the child from information and material potentially injurious to his well-being bearing in mind the provisions of article<sup>6</sup>.<sup>43/</sup>

Article 9 bis

1. The States Parties to the present Convention undertake to respect the right of the child to preserve his or her identity (nationality, name, family relations as recognized by law) without unlawful interference.<sup>44/</sup>

2. Where a child is illegally deprived of some or all of the elements of his or her identity, the States Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity.<sup>45/</sup>

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<sup>39/</sup> Adopted by the Working Group at its sixth session (1984). See E/1984/71, para.67.

<sup>40/</sup> Adopted by the Working Group at its sixth session (1984). See E/1984/71, para.58.

<sup>41/</sup> Adopted by the Working Group at its sixth session (1984). See E/1984/71, para.67.

<sup>42/</sup> Adopted by the Working Group at its sixth session (1984). See E/1984/71, para.69.

<sup>43/</sup> Adopted by the Working Group at its sixth session (1984). See E/1984/71, para.78.

<sup>44/</sup> Adopted by the Working Group at its eight session (1986). See E/1986/39, para.49.

<sup>45/</sup> Adopted by the Working Group at its eight session (1986). See E/1986/39, para.49.

Article 10

1. A child permanently or temporarily deprived of his family environment for any reason shall be entitled to special protection and assistance provided by the State.46/

2. The States Parties to the present Convention shall ensure that a child who is parentless, or who is temporarily or permanently deprived of his family environment, or who in his best interests cannot be brought up or be allowed to remain in that environment shall be provided with alternative family care which could include, inter alia, adoption, foster placement, or placement in suitable institutions for the care of children.47/

Article 11

1. The States Parties to the present Convention shall undertake measures, where appropriate, to facilitate the process of adoption of the child. Adoption of a child shall be authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and guardians and that, if required, the appropriate persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary.48/

2. The States Parties to the present Convention shall take all appropriate measures to secure the best interests of the child who is the subject of intercountry adoption. States Parties shall ensure that placements are made by authorized agencies or appropriate persons under the adequate supervision of competent authorities, providing the same safeguards and standards that are applied in exclusively domestic adoptions. The competent authorities shall make every possible effort to ensure the legal validity of the adoption in the countries involved. States Parties shall endeavour, where appropriate, to promote these objectives by entering into bilateral or multilateral agreements.49/

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46/ Adopted by the Working Group at its fourth session (1982). See E/1982/12/Add. 1, C, para.59.

47/ Adopted by the Working Group at its fourth session (1982). See E/1982/12/Add. 1, C, para.59.

48/ Adopted by the Working Group at its fourth session (1982). See E/1982/12/Add. 1, C, para.76.

49/ Adopted by the Working Group at its fourth session (1982). See E/1982/12/Add. 1, C, para.87.

Article 11 bis

The States Parties to the present Convention shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his parents, legal guardians or close relatives, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in this Convention and other international human rights or humanitarian instruments to which the said States are Parties. In view of the important functions performed in refugee protection and assistance matters by the United Nations and other competent intergovernmental and non-governmental organizations, the States Parties to the present Convention shall provide appropriate co-operation in any efforts by these organizations to protect and assist such a child and to trace the parents or other close relatives of an unaccompanied refugee child in order to obtain information necessary for reunification with his family. In cases where no parents, legal guardians or close relatives can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his family environment for any reason, as set forth in the present Convention.<sup>50/</sup>

Article 12

1. The States Parties to the present Convention recognize that a mentally or physically disabled child should enjoy a full and decent life in conditions which ensure his dignity, promote his self-reliance, and facilitate his active participation in the community.<sup>51/</sup>
2. The States Parties to the present Convention recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.<sup>52/</sup>
3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his cultural and spiritual development.<sup>53/</sup>

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<sup>50/</sup> Adopted by the Working Group at its fourth session (1982). See E/1982/12/Add. 1, C, para.105.

<sup>51/</sup> Adopted by the Working Group at its fourth session (1982). See E/1982/12/Add. 1, C, para.115.

<sup>52/</sup> Adopted by the Working Group at its fifth session (1983). See E/1983/62, paras. 59 and 70.

<sup>53/</sup> Adopted by the Working Group at its fifth session (1983). See E/1983/62, paras. 59 and 81.

4. States Parties shall promote in the spirit of international co-operation the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.<sup>54/</sup>

Article 12 bis

1. The States Parties to the present Convention recognize the right of the child to the enjoyment of the highest attainable standard of health and to medical and rehabilitation facilities. The States Parties shall strive to ensure that no child is deprived for financial reasons of his right of access to such health care services.<sup>55/</sup>

2. The States Parties to the present Convention shall pursue full implementation of this right and in particular, shall take appropriate measures to:

- (a) diminish infant and child mortality,
- (b) ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care,
- (c) ensure appropriate health care for expectant mothers,
- (d) encourage the provision of full and accurate information regarding methods of infant nutrition, including the advantages of breast-feeding,
- (e) ensure the provision of information and training for parents and children in basic health care, sanitation and prevention of accidents,
- (f) develop preventive health care and family planning education and services.<sup>56/</sup>

3. States Parties to the present Convention undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in this article. In this regard, particular account shall be taken of the needs of developing countries.<sup>57/</sup>

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<sup>54/</sup> Adopted by the Working Group at its fifth session (1983). See E/1983/62, paras. 62 and 86.

<sup>55/</sup> Adopted by the Working Group at its seventh session (1985). See E/1985/64, para. 18.

<sup>56/</sup> Adopted by the Working Group at its seventh session (1985). See E/1985/64, paras. 19 to 31.

<sup>57/</sup> Adopted by the Working Group at its seventh session (1985). See E/1985/64, para. 18.

Article 12 ter

States Parties to the present Convention recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection, or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.<sup>58/</sup>

Article 13

1. The States Parties to the present Convention shall, in a manner appropriate to national conditions, recognize for every child the right to benefit from social security and shall take the necessary measures to achieve the full realization of this right.<sup>59/</sup>

2. The benefits should, where appropriate, be granted taking into account the national resources available and the resources and the circumstances of the child and persons having responsibility for the maintenance of the child as well as any other consideration relevant to an application for benefits made by or on behalf of the child.<sup>60/</sup>

Article 14

1. The States Parties to the present Convention recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.<sup>61/</sup>

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.<sup>62/</sup>

3. The States Parties to the present Convention, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.<sup>63/</sup>

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<sup>58/</sup> Adopted by the Working Group at its eight session (1986). See E/1986/39, para.63.

<sup>59/</sup> Adopted by the Working Group at its sixth session (1984). See E/1984/71, para.93.

<sup>60/</sup> Adopted by the Working Group at its sixth session (1984). See E/1984/71, para.93.

<sup>61/</sup> Adopted by the Working Group at its seventh session (1985). See E/1985/64, para.44.

<sup>62/</sup> Adopted by the Working Group at its seventh session (1985). See E/1985/64, para.48.

<sup>63/</sup> Adopted by the Working Group at its seventh session (1985). See E/1985/64, para.55.

Article 15

1. The States Parties to the present Convention recognize the right of the child to education and, with a view to achieving the full realization of this right on the basis of equal opportunity, they shall, in particular:<sup>64/</sup>

(a) make primary education free and compulsory as early as possible,

(b) encourage the development of different forms of secondary education systems, both general and vocational, to make them available and accessible to all children, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need,

(c) make higher education equally accessible to all on the basis of capacity by every appropriate means.<sup>65/</sup>

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner reflective of the child's human dignity.<sup>66/</sup>

3. The States Parties to the present Convention shall respect the rights and duties of the parents and, where applicable, legal guardians to provide direction to the child in the exercise of his right to education in a manner consistent with the evolving capacities of the child.<sup>67/</sup>

4. States Parties to the present Convention shall promote and encourage international co-operation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.<sup>68/</sup>

Article 16

1. The States Parties to the present Convention agree that the education of the child shall be directed to:<sup>69/</sup>

(a) The promotion of the development of the child's personality, talents and mental and physical abilities to their fullest potential and the fostering of respect for all human rights and fundamental freedoms.<sup>70/</sup>

<sup>64/</sup> Adopted by the Working Group at its seventh session (1985). See E/1985/64, para. 64.

<sup>65/</sup> Adopted by the Working Group at its seventh session (1985). See E/1985/64, paras. 65 to 70.

<sup>66/</sup> Adopted by the Working Group at its seventh session (1985). See E/1985/64, para. 81.

<sup>67/</sup> Adopted by the Working Group at its seventh session (1985). See E/1985/64, para. 83.

<sup>68/</sup> Adopted by the Working Group at its seventh session (1985). See E/1985/64, para. 87.

<sup>69/</sup> Adopted by the Working Group at its seventh session (1985). See E/1985/64, para. 93.

<sup>70/</sup> Adopted by the Working Group at its seventh session (1985). See E/1985/64, para. 97.

(b) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance and friendship among all peoples, ethnic and religious groups.<sup>71/</sup>

(c) The development of respect for the natural environment and for the principles of the Charter of the United Nations.<sup>72/</sup>

2. No part of paragraph 1 of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.<sup>73/</sup>

#### Article 17

1. States Parties to the present Convention recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.<sup>74/</sup>

2. The States Parties to the present Convention shall respect and promote the right of the child to fully participate in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.<sup>75/</sup>

#### Article 18

1. The States Parties to the present Convention recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.<sup>76/</sup>

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<sup>71/</sup> Adopted by the Working Group at its seventh session (1985). See E/1985/64, para.99.

<sup>72/</sup> Adopted by the Working Group at its seventh session (1985). See E/1985/64, para.101.

<sup>73/</sup> Adopted by the Working Group at its seventh session (1985). See E/1985/64, para.103.

<sup>74/</sup> Adopted by the Working Group at its seventh session (1985). See E/1985/64, para.107.

<sup>75/</sup> Adopted by the Working Group at its seventh session (1985). See E/1985/64, para.108.

<sup>76/</sup> Adopted by the Working Group at its eight session (1986). See E/1986/29, para.67.



2. The States Parties to the present Convention shall take legislative and administrative measures to ensure the implementation of this article. To this end, and having regard to the relevant provisions of other international instruments, the States Parties shall in particular:<sup>77/</sup>

(a) provide for a minimum age or minimum ages for admission to employment;<sup>78/</sup>

(b) provide for appropriate regulation of the hours and conditions of employment;<sup>79/</sup> and

(c) provide for appropriate penalties or other sanctions to ensure the effective enforcement of this article.<sup>80/</sup>

#### Article 18 bis

The States Parties to the present Convention shall take all appropriate measures, including legislative, social and educational measures, to protect children from the illegal use of narcotic and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illegal production and trafficking of such substances.<sup>81/</sup>

#### Article 19

1. States Parties to the present Convention recognize the right of children who are accused or recognized as having infringed the penal law to be treated in a manner which is consistent with promoting their sense of dignity and worth and intensifying their respect for the human rights and fundamental freedoms of others, and which takes into account their age and the desirability of promoting their rehabilitation.<sup>82/</sup>

2. To this end, and having regard to the relevant provisions of international instruments, the States Parties to the present Convention shall, in particular, ensure that:<sup>83/</sup>

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<sup>77/</sup> Adopted by the Working Group at its eight session (1986). See E/1986/39, para.73.

<sup>78/</sup> Adopted by the Working Group at its eight session (1986). See E/1986/39, para.73.

<sup>79/</sup> Adopted by the Working Group at its eight session (1986). See E/1986/39, para.74.

<sup>80/</sup> Adopted by the Working Group at its eight session (1986). See E/1986/39, para.76.

<sup>81/</sup> Adopted by the Working Group at its eight session (1986). See E/1986/39, para.83.

<sup>82/</sup> Adopted by the Working Group at its eight session (1986). See E/1986/39, para.96.

<sup>83/</sup> Adopted by the Working Group at its eight session (1986). See E/1986/39, para.102.

(a) no child is arbitrarily detained or imprisoned or subjected to torture, cruel, inhuman or degrading treatment or punishment;84/

(b) capital punishment or life imprisonment without possibility of release is not imposed for crimes committed by persons below 18 years of age;85/

(c) children accused of infringing the penal law 36/

(i) are presumed innocent until proven guilty according to law;87/

(ii) are informed promptly of the charges against them and, as of the time of being accused, have legal or other appropriate assistance in the preparation and presentation of their defence;88/

(iii) have the matter determined according to law in a fair hearing within a reasonable period of time by an independent and impartial tribunal and 89/

(iv) if found guilty are entitled to have their conviction and sentence reviewed by a higher tribunal according to law.90/

3. An essential aim of treatment of children found guilty of infringing the penal law shall be their reformation and social rehabilitation. A variety of dispositions, including programmes of education and vocational training and alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate and proportionate both to their circumstances and the offence.91/

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84/ Adopted by the Working Group at its eight session (1986). See E/1986/39, para.103.

85/ Adopted by the Working Group at its eight session (1986). See E/1986/39, para.104.

86/ Adopted by the Working Group at its eight session (1986). See E/1986/39, para.110.

87/ Adopted by the Working Group at its eight session (1986). See E/1986/39, para.113.

88/ Adopted by the Working Group at its eight session (1986). See E/1986/39, para.113.

89/ Adopted by the Working Group at its eight session (1986). See E/1986/39, para.113.

90/ Adopted by the Working Group at its eight session (1986). See E/1986/39, para.113.

91/ Adopted by the Working Group at its eight session (1986). See E/1986/39, para.117.

4. All children deprived of their liberty shall be treated with humanity and respect for the inherent dignity of the human person, and shall in particular;92/

(a) be brought as speedily as possible for adjudication;93/

(b) be separated from adults accused or convicted of having committed an offence unless it is considered in the child's best interest not to do so, or it is unnecessary for the protection of the child;94/ and

(c) have the right to maintain contact with their family through correspondence and visits, save in exceptional circumstances.95/

#### Article 30

1. The States Parties to the present Convention undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.96/

2. States Parties to the present Convention shall take all feasible measures to ensure that no child takes a direct part in hostilities and they shall refrain in particular from recruiting any child who has not attained the age of 15 years into their armed forces.97/

3. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties to this Convention shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.98/

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92/ Adopted by the Working Group at its eight session (1986). See E/1986/39, para.118.

93/ Adopted by the Working Group at its eight session (1986). See E/1986/39, para.123.

94/ Adopted by the Working Group at its eight session (1986). See E/1986/39, para.123.

95/ Adopted by the Working Group at its eight session (1986). See E/1986/39, para.123.

96/ Adopted by the Working Group at its eight session (1986). See E/1986/39, para.129.

97/ Adopted by the Working Group at its eight session (1986). See E/1986/39, para.140.

98/ Adopted by the Working Group at its eight session (1986). See E/1986/39, para.145.

Article 21

Nothing in this Convention shall affect any provisions that are more conducive to the realization of the rights of the child and that may be contained in:

- (a) The law of a State Party; or
- (b) Any other international convention, treaty or agreement in force for that State.<sup>99/</sup>

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<sup>99/</sup> Adopted by the Working Group at its eight session (1986). See E/1986/39, para.151.