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COMMISSION ON HUMAN RIGHTS
Thirty-fourth session
Agenda item 22

QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD

Austria, Bulgaria, Colombia, Jordan, Poland, Senegal and
Syrian Arab Republic: draft resolution

The Commission on Human Rights,

Taking into consideration the draft Convention on the Rights of the Child submitted by Poland on 7 February 1978 and annexed to the present resolution,

1. Requests the Secretary-General to transmit the draft Convention to Member States inviting them to communicate to him not later than 30 June 1978 their views, observations and suggestions on such a Convention and requests him to submit a report thereon to the Economic and Social Council at its second regular session of 1978;

2. Requests the Economic and Social Council to undertake at its second regular session of 1978 the consideration of the draft Convention on the Rights of the Child, taking into account both the draft presented by Poland and the report of the Secretary-General;

3. Recommends that the Economic and Social Council should adopt at its second regular session in 1978 the following draft resolution:

"The Economic and Social Council,

"Having in mind the fact that General Assembly resolution 31/169 of 21 December 1976 proclaimed 1979 as the International Year of the Child,

"Bearing in mind that since the adoption by the General Assembly of the Declaration of the Rights of the Child 19 years have elapsed, during which period States Members of the United Nations have taken into account in the formulation of their socio-economic policies the principles of that Declaration,

"Conscious of the need further to strengthen the comprehensive care and the well-being of children all over the world,

"Being aware of the special need to assist children in the developing countries in a manner consistent with the goals of the New International Economic Order,

"Having in mind the International Covenant on Civil and Political Rights, in particular its articles 23 and 24, as well as the International Covenant on Economic, Social and Cultural Rights, in particular its article 10,

"Resolves to recommend to the General Assembly that it consider the drafting of a Convention on the Rights of the Child based on the principles and provisions contained in the United Nations Declaration of the Rights of the Child as presented in the draft Convention annexed to Commission on Human Rights resolution _____ (XXXIV) as well as on the views, observations and suggestions of Member States transmitted to the Secretary-General under paragraph 1 of Commission resolution _____ (XXXIV), with the hope that it will be adopted at the thirty-fourth session of the General Assembly."

Annex

DRAFT CONVENTION ON THE RIGHTS OF THE CHILD

The States Parties to the present Convention,

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,

Recognizing that the United Nations have, 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,

Recognizing also that the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth,

Having in mind that the need for such special safeguards has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the United Nations Declaration of the Rights of the Child of 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in its 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,

Proclaiming that mankind owes to the child the best it has to give,

Have agreed as follows:

Article I

Every child, without any exception whatsoever, shall be entitled to the rights set forth in this Convention, without a distinction or discrimination on account of race, colour, sex, language, religion, political and other opinion, national or social origin, property, birth or other status, whether of himself or of his family.

Article II

The child shall enjoy special protection and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose, the best interests of the child shall be the paramount consideration.

Article III

The child shall be entitled from his birth to a name and a nationality.

Article IV

The child shall enjoy the benefits of social security. He shall be entitled to grow and develop in health; to this end, special care and protection shall be provided both to him and to his mother, including adequate pre-natal and post-natal care. The child shall have the right to adequate nutrition, housing, recreation and medical services.

Article V

The child who is physically, mentally or socially handicapped shall be given the special treatment, education and care required by his particular condition.

Article VI

The child, for the full and harmonious development of his personality, needs love and understanding. He shall, wherever possible, grow up in the care and under the responsibility of his parents and, in any case, in an atmosphere of affection and of moral and material security; a child of tender years shall not, save in exceptional circumstances, be separated from his mother. Society and the public authorities shall have the duty to extend particular care to children without a family and to those without adequate means of support. Payment of State and other assistance towards the maintenance of children of large families is desirable.

Article VII

1. The child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages. He shall be given an education which will promote his general culture and enable him, on a basis of equal opportunity, to develop his abilities, his individual judgement and his sense of moral and social responsibility, and to become a useful member of society.

2. The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents.

3. The child shall have full opportunity for play and recreation, which should be directed to the same purposes as education; society and the public authorities shall endeavour to promote the enjoyment of this right.

Article VIII

The child shall in all circumstances be among the first to receive protection and relief.

Article IX

1. The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form.
2. The child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development.

Article X

The child shall be protected from practices which may foster racial, religious or any other form of discrimination. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, and in full consciousness that his energy and talents should be devoted to the service of his fellow men.

Article XI

The States Parties to the present Convention agree to report on the status of implementation of this Convention to the Economic and Social Council through the Secretary-General of the United Nations one year after ratification of the Convention and thereafter once every five years.

Article XII

The present Convention is open for signature by all States. Any State which does not sign the Convention before its entry into force may accede to it.

Article XIII

1. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article XIV

1. The present Convention shall enter into force six months after the date of the deposit with the Secretary-General of the United Nations of the fifteenth instrument of ratification or accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the fifteenth instrument of ratification or instrument of accession, the Convention shall enter into force six months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article XV

Any State Party may denounce the present Convention by a written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

Article XVI

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such request.

Article XVII

The Secretary-General of the United Nations shall inform all States of the following particulars:

- (a) Signatures, ratifications and accessions under articles XII and XIII;
- (b) The date of entry into force of the present Convention under article XIV;
- (c) Demunciations under article XV;
- (d) Notifications under article XVI.

Article XVIII

1. The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Convention to all States.
