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QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD

Note verbale dated 5 October 1979 addressed to the Division
of Human Rights by the Permanent Representation of the Polish
People's Republic to the United Nations in Geneva

The Permanent Representation of the Polish People's Republic to the Office of the United Nations in Geneva presents its compliments to the Human Rights Division of the Office of the United Nations in Geneva and has the honour to enclose herewith a new draft Convention of the Rights of the Child for circulation among all the governments of the countries represented in the Commission on Human Rights.

We hope that the enclosed draft will be helpful and will make it possible for the Commission to complete the work on the Convention in time for its forthcoming session early next year.

Revised Draft Convention on the Rights of the Child

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,

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,

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,

* Re-issued for technical reasons.

Recognizing that 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 as well as legal protection in conditions of freedom, dignity and security,

Recognizing that the child, for the full and harmonious development of his personality, should grow up in family environment, in an atmosphere of love and understanding,

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 on 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 the 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,

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,

Have agreed as follows:

Article 1

According to the present Convention a child is every human being from the moment of his birth to the age of 18 years unless, under the law of his state, he has attained his age of majority earlier.

Article 2

1. The child shall have the right from his birth to a name and a nationality.
2. The States Parties to the present Convention undertake to introduce into their legislation 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, the application of the proper national law would not grant him any nationality whatever.

Article 3

1. In all actions concerning children, whether undertaken by their parents, guardians, social or state institutions, and in particular by courts of law and administrative authorities, the best interest of the child shall be the paramount consideration.

2. The States Parties to the present Convention undertake to ensure the child such protection and care as his status requires, taking due account of the various stages of his development in family environment and in social relations, and, to this end, shall take necessary legislative measures.

3. The States Parties to the present Convention shall create special organs called upon to supervise persons and institutions directly responsible for the care of children.

Article 4

1. The States Parties to the present Convention shall respect and extend all the rights set forth in this Convention to all children in their territories, irrespective of these children's race, colour, sex, religion, political and other opinion, social origin, property, birth in lawful wedlock or out of wedlock or any other distinction whatever.

2. The States Parties to the present Convention shall undertake appropriate measures individually and within the framework of international cooperation, particularly in the areas of economy, health and education for the implementation of the rights recognized in this Convention.

Article 5

The States Parties to the present Convention recognize the right of alien children staying in their territories to enjoy the rights provided for in this Convention.

Article 6

The parents shall have the right to specify the place of the child's residence unless, guided by his best interests, a competent state organ is authorized, in accordance with national law, to decide in this matter.

Article 7

The States Parties to the present Convention shall enable the child who is capable of forming his own views the right to express his opinion in matters concerning his own person, and in particular, marriage, choice of occupation, medical treatment, education and recreation.

Article 8

1. The duty of bringing up the child shall lie equally with both the parents, who, in any case, should be guided by his best interests and, in keeping with their own beliefs and in compliance with the stipulations of article 7, shall prepare him for an individual life.

2. The States Parties to the present Convention shall render all necessary assistance to parents and guardians in the performance of their educational function, and shall undertake measures to organize and ensure the development of institutions of children's care.

3. Children of working mothers shall have the right to frequent the institutions of day care of children until they have completed school age.

Article 9

Parents, guardians, state organs and social organizations shall protect the child against any harmful influence that mass media, and in particular the radio, film, television, printed materials and exhibitions, on account of their contents, may exert on his mental and moral development.

Article 10

A child of pre-school age shall not be separated from his parents, with the exception for cases when such separation is necessary for the child's benefit.

Article 11

1. A child deprived of parental care shall be entitled to the protection and assistance provided by the state.

2. The States Parties to the present Convention shall be obliged to provide appropriate educational environment to a child who is deprived of his natural family environment or, on account of his well-being, cannot be brought up in such environment.

3. The States Parties to the present Convention shall undertake measures so as to facilitate adoption of children and create favourable conditions for establishing foster families.

Article 12

1. The States Parties to the present Convention recognize the right of a mentally or physically disabled child to special protection and care, appropriate to his condition and the circumstances of his parents or guardians, and undertake to extend adequate assistance to any such child.

2. A disabled child shall grow up and receive education in conditions possibly most similar to those provided to all other children, aiming at social integration of such a child.

Article 13

1. It is recognized that the child shall be entitled to benefit from the highest attainable standard of health care for his physical, mental and moral development, and also, in the case of need, from medical and rehabilitation facilities.

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

- (a) take measures to lower the mortality index of babies,
- (b) provide a generally accessible system of health protection,
- (c) develop the system of health protection so that medical assistance and care shall be open to all children,
- (d) extend particular care to expectant mothers for a reasonable period of time before and after confinement, and guarantee working mothers a paid leave or a leave granting adequate social security benefits.

Article 14

The States Parties to the present Convention recognize that every child shall have the right to social security benefits, and undertake to introduce appropriate legal and organizational measures for the implementation of this right.

Article 15

1. The States Parties to the present Convention recognize the right of every child to a standard of living adequate for his healthy and normal physical, mental and moral development in every phase of the child's development.

2. The parents shall, within their financial possibilities and powers, secure conditions of living necessary for a normal growth of the child.

3. The States Parties to the present Convention shall take appropriate measures to implement this right, particularly with regard to nutrition, clothing and housing, and shall extend the necessary material assistance to parents and other persons bringing up children, with special attention paid to incomplete families and children lacking parental care.

Article 16

1. The child shall have the right to education which shall be free and compulsory, at least at elementary school level. The parents and the State shall guarantee the child ample conditions for the realization of this right.

2. The States Parties to the present Convention shall develop various forms of secondary general and vocational education systems, and shall pursue gradual introduction of free education at this level, so as to enable all children to develop their talents and interests on a basis of equal opportunity.

Article 17

1. The States Parties to the present Convention recognize that the bringing up and education of the child should promote the full development of his personality, his respect for human rights and fundamental freedoms.

2. The child shall be prepared for an individual life in a free society, in the spirit of understanding, tolerance and friendship among all peoples, ethnic and religious groups and educated in harmony with the principles of peace proclaimed by the United Nations.

Article 18

The child shall have full opportunity for recreation and amusement appropriate to his age. The parents and other persons responsible for the care of the child, educational institutions and state organs shall be obliged to implement this right.

Article 19

1. The child shall be protected against all forms of discrimination, social exploitation and degradation of his dignity. He shall not be the subject of traffic and exploitation in any form.

2. The States Parties to the present Convention recognize that the child shall not be employed in any form of work harmful to his health or his moral development, or in work dangerous to his life or which would interfere with his normal growth, and undertake to subject to legal punishment persons violating this law.

3. The States Parties to the present Convention shall comply with the law prohibiting the employment of children before the age of fifteen years.

Article 20

1. The child undergoing penal procedure shall have the right to special treatment and privileges.

2. The child shall not be liable to capital punishment. Any other punishment shall be adequate to the particular phase of his development.

3. The penitentiary system shall be aimed at re-education and re-socialization of the sentenced child. It should enable the child to serve the sentence of deprivation or limitation of freedom in a special manner, and in particular, in separation from adult offenders.

Article 21

The States Parties to the present Convention shall submit periodical reports on the implementation of this Convention to the Economic and Social Council through the Secretary General of the United Nations. The first such report shall be submitted three years after its entry into force, and thereafter every five years.

Article 22

The reports submitted by the States Parties to the present Convention under article 21 shall be considered by the Economic and Social Council, which may bring its observations and suggestions to the attention of the General Assembly of the United Nations.

Article 23

The present Convention is open for signature by all States until...

Article 24

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 25

The present Convention shall remain open for accession by any State. Instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 26

1. The present Convention shall enter into force six months after the date of deposit of the fifteenth instrument of ratification or accession.

2. For each State ratifying or acceding to the present Convention after the deposit of the fifteenth instrument of ratification or accession, the Convention shall enter into force on the day after the deposit by such State of its instrument of ratification or accession.

Article 27

As depository of the present Convention the Secretary-General of the United Nations shall inform all States:

(a) of signatures, ratifications and accessions under Articles 23, 24 and 25,

(b) of the date of the entry into force of the present Convention under the Article 26.

Article 28

1. The original of the present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.
