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CF-RAI-USAA-DPP-LIB-2005-00048

Expanded Number **CF-RAI-USAA-DPP-LIB-2005-00048**

External ID **UN-SEC-HR/1996/SER.1/ARTICLE.42**

Title

**Article 42 (Promotion of Rights and Dissemination of Information) for : Legislative History of the Convention on the Rights of the Child (1978 - 1989)**

Date Created  
1/1/1996 at 12:20 PM

Date Registered  
2/10/2005 at 12:46 PM

Date Closed

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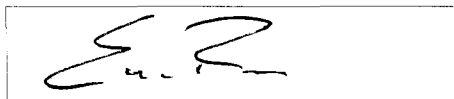
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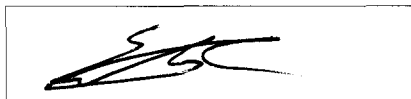
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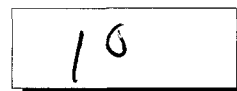
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# **Legislative History of the Convention on the Rights of the Child (1978 - 1989)**

## **ARTICLE 42**

### **(PROMOTION OF RIGHTS AND DISSEMINATION OF INFORMATION)**

The *Legislative History of the Convention on the Rights of the Child (1978-1989)* was prepared with the support of Rädde Barnen (Swedish Save the Children). It consists of a series of 45 booklets covering the drafting and adoption of each article of the Convention, as well as the preamble, based on United Nations records. This series will ultimately be collected and produced in a single set of volumes.

HR/1995/Ser.1/article.42

**ARTICLE 42**

**(PROMOTION OF RIGHTS AND DISSEMINATION OF INFORMATION)**

Table of contents

<b>I.</b>	<b>FINAL TEXT ADOPTED BY THE GENERAL ASSEMBLY (1989)</b> . . . . .	3
<b>II.</b>	<b>FIRST POLISH DRAFT CONVENTION AND COMMENTS (1978)</b> . . . . .	3
<b>III.</b>	<b>FIRST READING (1979-1988)</b> . . . . .	3
	A. 1987: Proposal submitted to the Working Group . . . . .	4
	1. NGO Ad Hoc Group . . . . .	4
	B. 1987: Discussion and adoption at the Working Group . . . . .	4
	C. Text as adopted at the first reading . . . . .	5
<b>IV.</b>	<b>TECHNICAL REVIEW (1988)</b> . . . . .	5
<b>V.</b>	<b>SECOND READING (1988-1989)</b> . . . . .	5
	A. Discussion and adoption at the second reading . . . . .	5
<b>VI.</b>	<b>CONSIDERATION BY THE COMMISSION ON HUMAN RIGHTS, THE ECONOMIC AND SOCIAL COUNCIL AND THE GENERAL ASSEMBLY</b> . . . . .	6
<b>VII.</b>	<b>RELATED REFERENCES</b> . . . . .	6
<b>ANNEX 1</b>	<b>Organizations participating in the NGO Ad Hoc Group</b> . . . . .	7
<b>ANNEX 2</b>	<b>Related articles of the Convention</b> . . . . .	8

## ARTICLE 42

### (PROMOTION OF RIGHTS AND DISSEMINATION OF INFORMATION)

#### I. FINAL TEXT ADOPTED BY THE GENERAL ASSEMBLY (1989)

*The following text is that approved by the General Assembly in its resolution 44/25 of 20 November 1989.*

**States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.**

#### II. FIRST POLISH DRAFT CONVENTION AND COMMENTS (1978)

*In a letter dated 17 January 1978 addressed to the Director of the Division of Human Rights (see E/CN.4/1284), the Permanent Representative of Poland to the United Nations Office at Geneva proposed that "The question of the Convention on the Rights of the Child" be included in the agenda of the thirty-fourth session of the Commission of Human Rights. At that session, the Polish delegation presented a draft resolution (E/CN.4/L.1366) which contained a draft convention based upon the provisions of the 1959 Declaration of the Rights of the Child. The resolution was subsequently revised (E/CN.4/L.1366/Rev.1) and two additional articles (XI and XII) were added to the draft convention annexed in the final version of the draft resolution (E/CN.4/L.1366/Rev.2) which was then adopted by the Commission on Human Rights (see E/CN.4/1292, pages 122 to 127) as resolution 20 (XXXIV) of 8 March 1978. In that resolution, the Secretary-General was requested to invite Member States, competent specialized agencies, regional, intergovernmental organizations and non-governmental organizations to communicate to him their views, observations and suggestions concerning the draft convention submitted by Poland. Neither that draft nor the views received on it (see E/CN.4/1324 and Corr.1 and Add.1-5) addressed the issues raised in article 42 of the Convention.*

#### III. FIRST READING (1979-1988)

*In 1979, the Commission on Human Rights decided to establish an informal open-ended working group to meet for one week to consider the question of a draft convention on the*

*rights of the child during the session of the Commission. The Working Group met again in 1980 and was authorized in 1981 and each year thereafter to meet prior to the Commission session. In 1988, the Working Group met for two weeks in order to complete the first reading. The text of article 42 was discussed and adopted by the Working Group in 1987. This article was referred to as article 21 ter throughout the first and second readings.*

**A. 1987: PROPOSAL SUBMITTED TO THE WORKING GROUP**

**1. NGO Ad Hoc Group (see annex 1 for participating organizations)**

*For the text of this proposal see paragraph 96 in section B below.*

**B. 1987: DISCUSSION AND ADOPTION AT THE WORKING GROUP**

*The following is taken from the 1987 report of the Working Group to the Commission on Human Rights, E/CN.4/1987/25, paragraphs 96 to 99.*

96. The Working Group considered a text, which was supported by the delegation of Norway, for an article 21 ter submitted by the Informal NGO Ad Hoc Group on the Drafting of the Convention. The text read as follows:

"The States Parties to the present Convention undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike, using forms, terminology and language (including local languages) accessible to them."

97. The representative of Norway proposed that, in the above-mentioned text, the phrase ", using forms, terminology and language (including local languages) accessible to them." should be deleted. The proposal was accepted.

98. The representative of Australia strongly supported the incorporation of such a provision into the draft Convention, and was joined in this opinion by the delegations of Austria and Canada. These delegations, together with the representatives of the Netherlands and the United States, agreed with the representative of Norway, however, that the provision should end with the words "to adults and children alike".

99. The Working Group proceeded to adopt by consensus the following provision:

"The States Parties to the present Convention undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike."

## **C. TEXT AS ADOPTED AT THE FIRST READING**

*The following is taken from E/CN.4/1988/WG.1/WP.1/Rev.1.*

### Article 21 ter

The States Parties to the present Convention undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

## **IV. TECHNICAL REVIEW (1988)**

*By a letter addressed to the Secretary-General (see E/CN.4/1988/28, paragraph 248), the Working Group requested that a technical review of the draft convention be undertaken by the United Nations Secretariat in advance of the second reading. Among the aims of the technical review were to identify overlap and repetition between and within draft articles; to check for linguistic consistency and accuracy in the text; to compare the standards established with those in other widely accepted human rights instruments; and to make recommendations as to how any overlaps or inconsistencies might be corrected in the second reading.*

*The Secretary-General subsequently requested comments on matters within their respective mandates of a number of the specialized agencies and other United Nations bodies, as well as the International Committee of the Red Cross. Those comments were compiled in the Technical Review of the text of the draft Convention on the Rights of the Child (E/CN.4/1989/WG.1/CRP.1 and Add.1), which was taken into account by the Working Group during the second reading of the draft Convention. There were no comments received concerning present article 42.*

## **V. SECOND READING (1988-1989)**

*By a letter addressed to the Secretary-General (see E/CN.4/1988/28, paragraph 248), the Working Group requested that the draft of the convention as adopted at the first reading be circulated to all Member States so that their comments could be taken into account during the second reading of the draft. The Working Group conducted the second reading from 28 November to 9 December 1988 and adopted its report from 21 to 23 February 1989.*

### **A. DISCUSSION AND ADOPTION AT THE SECOND READING**

*The following is taken from the report of the Working Group to the Commission on Human Rights, E/CN.4/1989/48, paragraphs 637 to 639.*

637. The Working Group had before it a text of the article as adopted during the first reading including suggested linguistic revisions (E/CN.4/1989/WG.1/WP.2). The text read as follows:

"(The) States Parties (to the present Convention) undertake to make the principles and provisions of the Convention widely known, by [appropriate] and active means, to adults and children alike."

638. After brief comments by participants in the Working Group to retain the word "appropriate", the Working Group adopted the article with suggested revisions.

639. The text of article 21 ter was adopted to read as follows:

"States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike."

## **VI. CONSIDERATION BY THE COMMISSION ON HUMAN RIGHTS, THE ECONOMIC AND SOCIAL COUNCIL AND THE GENERAL ASSEMBLY**

*The text of article 42 as adopted by the Working Group at the second reading was adopted along with the other articles of the Convention by the Commission on Human Rights by its resolution 1989/57 of 8 March 1989, by the Economic and Social Council by its resolution 1989/79 of 24 May 1989 and by the General Assembly by its resolution 44/25 of 20 November 1989.*

## **VII. RELATED REFERENCES**

*See annex 2, "Related articles of the Convention".*

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## **ORGANIZATIONS PARTICIPATING IN THE NGO AD HOC GROUP**

The organizations listed below participated consistently in the NGO Ad Hoc Group on the drafting of the Convention on the Rights of the Child, which was active in the drafting process from 1983 to 1989. The individual participating organizations did not necessarily subscribe to every provision contained in the various proposals submitted by the NGO Ad Hoc Group.

### *Participating organizations*

Amnesty International  
Anti-Slavery Society for the Protection of Human Rights (Anti-Slavery International)  
Associated Country Women of the World  
Baha'i International Community  
Defence for Children International (Secretariat for the NGO Ad Hoc Group)  
Friends World Committee for Consultation  
Human Rights Internet  
International Abolitionist Federation  
International Association of Democratic Lawyers  
International Association of Juvenile and Family Court Magistrates  
International Association of Penal Law  
International Catholic Child Bureau  
International Commission of Jurists  
International Council of Jewish Women  
International Council on Social Welfare  
International Federation of Business and Professional Women  
International Federation of Social Workers  
International Federation of Women Lawyers  
International Federation of Women in Legal Careers  
International Movement of ATD Fourth World  
International Social Service  
Rädda Barnen International  
Rädda Barnen Sweden  
Save the Children Alliance  
World Association for the School as an Instrument of Peace  
World Association of Girl Guides and Girl Scouts  
World Organization for Early Childhood Education  
Zonta International.

## **RELATED ARTICLES OF THE CONVENTION**

The following grouping of related substantive articles is based on the guidelines adopted by the Committee on the Rights of the Child for the preparation of State party reports (CRC/C/5):

### ***GENERAL MEASURES OF IMPLEMENTATION***

- Implementation of rights (article 4)
- Promotion of rights and dissemination of information (article 42)
- Respect for higher standards (article 41)

### ***DEFINITION OF A CHILD***

- Definition of a child (article 1)

### ***GENERAL PRINCIPLES***

- Non-discrimination (article 2)
- Best interests of the child (article 3)
- Right to life, survival and development (article 6)
- Respect for the views of the child (article 12)

### ***CIVIL RIGHTS AND FREEDOMS***

- Name and nationality (article 7)
- Preservation of identity (article 8)
- Freedom of expression (article 13)
- Access to appropriate information (article 17)
- Freedom of thought, conscience and religion (article 14)
- Freedom of association and peaceful assembly (article 15)
- Protection of privacy (article 16)
- Prohibition of torture and the death penalty (article 37(a))

### ***FAMILY ENVIRONMENT AND ALTERNATIVE CARE***

- Parental guidance and the child's evolving capacities (article 5)
- Parental responsibilities (articles 18(1) and (2))
- Separation from parents (article 9)
- Family reunification (article 10)
- Recovery of maintenance for the child (article 27(4))
- Children deprived of a family environment (article 20)
- Adoption (article 21)

- Illicit transfer and non-return (article 11)
- Prevention of abuse and neglect (articles 19 and 39)
- Periodic review of placement (article 25)

### ***BASIC HEALTH AND WELFARE***

- Disabled children (article 23)
- Health and health services (article 24)
- Social security and child care services and facilities (articles 26 and 18(3))
- Standard of living (article 27)

### ***EDUCATION***

- Education, including vocational training and guidance (article 28)
- Aims of education (article 29)
- Leisure, recreation and cultural activities (article 31)

### ***SPECIAL PROTECTION MEASURES***

#### ***Children in situations of emergency***

- Refugee children (article 22)
- Children in armed conflicts (article 38)

#### ***Children in conflict with the law***

- Administration of juvenile justice (article 40)
- Children deprived of their liberty (article 37(b), (c) and (d))
- Sentencing of juveniles (article 37(a))
- Physical and psychological recovery and social reintegration (article 39)

#### ***Children in situations of exploitation, including physical and psychological recovery and social reintegration***

- Economic exploitation, including child labour (article 32)
- Drug abuse (article 33)
- Sexual exploitation and sexual abuse (article 34)
- Sale, trafficking and abduction (article 35)
- Other forms of exploitation (article 36)
- Children belonging to a minority or indigenous group (article 30)

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