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

IMPLEMENTATION PROVISIONS:

ARTICLE 43 (ESTABLISHMENT OF THE COMMITTEE)

ARTICLE 44 (REPORTS FROM STATES PARTIES)

ARTICLE 45 (INTERNATIONAL COOPERATION AND TECHNICAL ASSISTANCE)

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/articles.43-45

IMPLEMENTATION PROVISIONS:

**ARTICLE 43
(ESTABLISHMENT OF THE COMMITTEE)**

**ARTICLE 44
(REPORTS FROM STATES PARTIES)**

**ARTICLE 45
(INTERNATIONAL COOPERATION AND TECHNICAL ASSISTANCE)**

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IMPLEMENTATION PROVISIONS:

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**ARTICLE 45
(INTERNATIONAL COOPERATION AND TECHNICAL ASSISTANCE)**

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IMPLEMENTATION PROVISIONS:

**ARTICLE 43
(ESTABLISHMENT OF THE COMMITTEE)**

**ARTICLE 44
(REPORTS FROM STATES PARTIES)**

**ARTICLE 45
(INTERNATIONAL COOPERATION AND TECHNICAL ASSISTANCE)**

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.

ARTICLE 43

- 1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.**
- 2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.**
- 3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.**
- 4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.**

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from the United Nations resources on such terms and conditions as the Assembly may decide.

ARTICLE 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:

(a) within two years of the entry into force of the Convention for the State Party concerned;

(b) thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b), repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

ARTICLE 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the

Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of this Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

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. That text contained the following draft article.

Article XI

The States Parties agree to report on the status of the 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.

The resolution was subsequently revised (E/CN.4/L.1366/Rev.1) and the draft convention itself was also revised in the final version of the draft resolution (E/CN.4/L.1366/Rev.2). The only changes to the text of the draft convention were to existing article XI and the addition of a new article XII (see section A below). That resolution 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.

A. THE FIRST POLISH DRAFT

The following text is taken from the 1978 report of the Commission on Human Rights, E/CN.4/1292, page 125.

Article XI

The States Parties undertake to submit to the Economic and Social Council, through the Secretary-General, periodic reports on the implementation of this Convention. These reports shall be submitted initially one year after the entry into force of the Convention for the State concerned, and thereafter every five years.

Article XII

The reports submitted by the States Parties under article XI shall be considered by the Economic and Social Council, which may make general observations and bring them to the attention of the General Assembly.

B. COMMENTS ON THE FIRST POLISH DRAFT

The Secretary-General was requested in Commission on Human Rights Resolution 20 (XXXIV) of 8 March 1978 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. The views received are contained in documents E/CN.4/1324 and Corr.1 and Add.1-5. The comments concerning articles XI and XII of the draft are the following.

1. Austria

The following is taken from E/CN.4/1324.

The Austrian Federal Government does not favour a periodic reporting system of the kind envisaged in articles XI and XII. The results likely to be achieved do not seem to warrant the workload such a system would entail both nationally and in connection with the discussion of such reports in international organizations. As a compromise solution, one report, to be filed about three years after the entry into force of the Convention, could be envisaged

2. Barbados

The following is taken from E/CN.4/1324.

Regarding article XI, it is recommended that in view of the fact that there was a United Nations declaration on the rights of the child in 1959, all signatories to the suggested convention be asked to submit a preconvention statement on the present situation of their services for children prior to the ratification of the convention.

3. Colombia

The following is taken from E/CN.4/1324/Add.2.

In addition, we submit a few suggestions which might be taken into account in the Convention:

1. A permanent United Nations Agency should be created to monitor implementation of the rights of the child by Member State.

(...)

4. Cyprus

The following is taken from E/CN.4/1324.

1. At the end of article XI, add a new paragraph to read as follows:

"Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Convention."

2. Article XII should be reformulated as follows:

"The reports submitted by the States Parties under article XI shall be considered by the Economic and Social Council, which may make general observations, suggestions and recommendations and bring them to the attention of the General Assembly."

5. Malawi

The following is taken from E/CN.4/1324/Add.4.

Article XI obliges States Parties to this Convention to submit periodic reports to the United Nations Economic and Social Council on the implementation of the Convention. We feel it might be necessary to clarify the nature of the reports so that at least some States Parties can determine beforehand whether or not they have the necessary capabilities for the production of such reports.

In conclusion, we would have preferred if the Convention left matters of interpretation to Municipal Law and if the Convention avoided to encroach upon areas which are matters of Municipal Law.

6. Norway

The following is taken from E/CN.4/1324.

Add as new article XI:

"The States Parties undertake to establish or designate the administrative organs to be responsible for the protection and promotion of the rights of children."

Articles XI and XII

Observations:

1. A well-functioning reporting system is of the greatest importance for the effective implementation of a convention of this kind. The reporting system, and in particular the choice of the organ responsible for the examination of the reports, should therefore be given very careful consideration.
2. Obviously, the Economic and Social Council must be closely associated with the promotion and follow up of the provisions contained in the Convention. It is well-known, however, that the workload of the Council is already much too heavy. It must be expected to increase further when the important task of examining reports submitted by States in accordance with article 16 of the International Covenant on Economic, Social and Cultural Rights is fully assumed.
3. The question will therefore have to be asked whether the Economic and Social Council is left with sufficient capacity for a serious consideration of national reports on the rights of children. In the view of the Norwegian authorities, it would be desirable to discuss thoroughly whether this task should not be given to another United Nations body. The Sub-Commission on Prevention of Discrimination and Protection of Minorities appears to be well suited for this purpose.

7. International Council of Women

The following is taken from E/CN.4/1324.

We hope that every State Party will be requested to submit regular annual reports on the implementation of the Convention.

8. International Federation of Women Lawyers

The following is taken from E/CN.4/1324.

We believe that the provisions for implementation embodied in article XI of the draft convention are inadequate and that this most important matter requires further careful study.

9. International Union for Child Welfare

The following is taken from E/CN.4/1324.

We are somewhat disturbed by the apparent inadequacies of implementation contained in article XI of the draft convention as no organ seems to have been set up which would be responsible for the study of the reports. In addition, we do not think that a report every five years would be a sufficient safeguard for an effective implementation of the Convention. The latest report published by the ILO on their Convention on the minimum age of employment (No. 138, 1973) showing that over 50 million children under the age of 12 are fully employed, either in factories or on the land, also seems to point to the inadequacy of an implementation of a Convention by way of reports.

10. Women's International Democratic Federation

The following is taken from E/CN.4/1324.

(...)

4. WIDF ventures to make one suggestion regarding this excellent text, namely to include in it an additional article whereby Governments would undertake to implement measures to ensure that their military budgets are smaller than the budgets for health, education and social infrastructure (day-care centres, kindergartens, schools, etc.) and would be requested to submit periodic reports on the progress achieved in that direction.

11. World Jewish Congress

The following is taken from E/CN.4/1324.

We believe that draft article XI is not satisfactory as regards implementation, since there is no provision for a special body charged with this responsibility.

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 substance of article 43, which was based on article 21 of the revised Polish draft, was referred to as article 21 in 1979, article 20 in 1981 and article

22 thereafter. The substance of article 44, which was also based on article 21 of the revised Polish draft, was referred to as article 22 in 1979, article 21 in 1981 and article 23 thereafter. Article 45 was referred to as article 24 throughout the first and second readings. The text of all three articles was adopted by the Working Group in 1988. It should be noted that the final text of article 43, in particular the provisions concerning funding for the Committee, was not decided upon until it was adopted by vote in the Third Committee of the General Assembly in 1989.

A. 1979: REVISED POLISH DRAFT

A revised version of the draft convention was included in a note verbale dated 5 October 1979 addressed to the Division of Human Rights from the Permanent Representation of the Polish People's Republic to the United Nations in Geneva. This draft formed the basis for discussion at the 1980 session of the Working Group. The following text is taken from Commission on Human Rights document E/CN.4/1349, which was reissued for technical reasons.

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.

B. 1982: MODIFIED PROPOSAL PRESENTED BY POLAND

At its 1982 session, the Working Group had before it an elaboration of the draft convention which had been made available to the General Assembly in 1981 (see A/C.3/36/6) by the Polish delegation with a view to facilitate the drafting process. That document contained the text of the articles which had already been adopted as well as a number of modified proposals which had been made at the Working Group. The following text is taken from A/C.3/36/6, part II.

Article 20

The States Parties to the present Convention every three years shall submit periodical reports on the implementation of the present Convention to the Economic and Social Council through the Secretary-General of the United Nations.

Article 21

The reports submitted by the States Parties to the present Convention under article 20 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.

C. 1982: PROPOSAL SUBMITTED TO THE WORKING GROUP

- 1. Joint NGO Proposal (Co-sponsors: International Council of Women, Friends World Committee for Consultation, International Association of Penal Law, International Catholic Child Bureau, International Catholic Union of the Press, International Commission of Jurists, International Council of Jewish Women, International Federation of Women in Legal Careers, International Federation of Women Lawyers and the World Jewish Congress)**

The following is taken from E/CN.4/1982/WG.1/WP.1, page 7.

15. As regards the proposal contained in articles 20 and 21 of the Polish text in A/C.3/36/6, the Sponsors are of the view that the wording suggested does not sufficiently satisfy the implementation requirements of a convention of this character. They accordingly suggest that a Committee on the Rights of the Child should be specifically constituted for purposes of the present Convention, reflecting the implementation machinery contained in articles 28 to 40 inclusive of the International Covenant on Civil and Political Rights, whose wording should accordingly be adapted mutatis mutandis.

D. 1984: PROPOSALS SUBMITTED TO THE WORKING GROUP

1. Canada

The following is taken from the 1984 report of the Working Group to the Commission on Human Rights, E/CN.4/1984/71, annex II, page 4. The proposal was resubmitted without change in 1985 (see E/CN.4/1985/64, annex II, page 5) and in 1986 (see E/CN.4/1986/36, annex III, pages 1-2).

Article 22

1. The reports submitted by the States Parties to the present Convention under article 21 shall be considered by the Economic and Social Council.
2. To assist it in its task, the Economic and Social Council shall establish a Group of Experts entrusted with the responsibility of examining the reports submitted by the States Parties before they are considered by the Economic and Social Council; the

Group of Experts shall also prepare appropriate comments on every report for transmission, through the Economic and Social Council, to the State Party concerned.

3. The members of the Group of Experts shall be elected by the Economic and Social Council from a list of candidates nominated by States Parties.
4. The Economic and Social Council shall decide on the size of the Group of Experts, its geographic composition and the periodicity of its meeting.
5. The Economic and Social Council may bring its observations and suggestions on the implementation of this Convention to the attention of the General Assembly of the United Nations.

2. International Federation of Women in Legal Careers and the International Abolitionist Federation

The following is taken from E/CN.4/1983/NGO/33, which appeared after the 1983 session of the Working Group.

Article 21 (Periodic reports)

We believe that such reports should be submitted at least every two years if they are to have a real influence on the position of children.

Lastly, we would echo the proposal already made in document E/CN.4/1982/L.41 ^{*/} recommending the establishment of a Committee on the Rights of the Child which would be responsible for settling disputes between States and, as Ombudsman, for receiving and considering communications from persons or groups of persons representing children who are victims of violations of the rights set forth in the Convention.

[^{*/} E/CN.4/1982/L.41, the report of the Working Group submitted to the Commission on Human Rights, contains no reference to a Committee on the Rights of the Child, which had been proposed by the NGO sponsors listed in E/CN.4/1982/WG.1/WP.1 (see section C above).]

E. 1986: MODIFIED PROPOSAL PRESENTED BY POLAND

At its 1986 session, the Working Group had before it an elaboration of the draft convention which had been made available to the General Assembly in 1985 (see A/C.3/40/3) by the Polish delegation with a view to expediting the drafting process. That document contained the text of the articles which had already been adopted as well as a number of modified proposals which had been made at the Working Group. The following text is taken from A/C.3/40/3, paragraph 12.

Article 22

The States Parties to the present Convention every three years shall submit reports on the implementation of the present Convention to the Economic and Social Council through the Secretary-General of the United Nations.

Article 23

1. Reports submitted by the States Parties to the present Convention under article 22 shall be considered by the Economic and Social Council, which may bring its observations and suggestions to the attention of the State Party concerned and of the General Assembly of the United Nations. The Council may also request a State Party to submit additional reports on specific issues relating to this Convention.

2. To assist it in its task, the Economic and Social Council shall establish a Group of Governmental Experts entrusted with the responsibility of examining the reports submitted by States Parties.

3. The Economic and Social Council shall decide on the size of the Governmental Group of Experts, its equitable geographical composition and the periodicity of its meetings.

F. 1987: PROPOSALS SUBMITTED TO THE WORKING GROUP

1. Canada

The following is taken from E/CN.4/1987/WG.1/WP.13.

Article 22

1. There shall be established a Group of Experts consisting of 10 members of high moral standing and competence in the fields covered by the Convention.

2. The experts shall be elected by the States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation to the different forms of civilization as well as the principal legal system.

3. The members of the Group shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election shall be held no later than six months after the date of entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the

States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

5. Elections of the members of the Group shall be held at a meeting of the States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two-thirds of the States Parties shall constitute a quorum, the persons elected to the Group shall be those who obtain the largest number of votes and an absolute majority of the votes of the States Parties present and voting.

6. The members of the Group shall be elected for a term of four years. However, the term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these members shall be chosen by lot by the Chairman of the meeting referred to.

7. If a member of the Committee dies or resigns or for any other cause can no longer perform the duties of the Group, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the States Parties.

8. States Parties shall be responsible for the expenses of the members of the Group while they are in performance of the duties of the Group.

For the text of the Canadian proposal concerning article 23 (present article 44), which was taken from E/CN.4/1987/WG.1/WP.29, see paragraph 141 in section G below.

2. Poland

For the text of this revised proposal see paragraph 139 in section G below.

3. Sweden

The following is taken from E/CN.4/1987/WG.1/WP.15.

Article 22

1. Within six months after entry into force of the Convention a Committee of Experts shall be established to examine the progress made by States Parties in achieving the realization of the obligations undertaken by States Parties in the present Convention.

2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention and who shall serve in their personal capacity. The experts shall be elected by the States Parties from a

list of persons nominated by them, consideration being given to the representation to the different forms of civilization as well as the principal legal system.

3. Elections of the members of the Committee shall be held every second year at meetings of the States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the States Parties present and voting.

4. The members of the Committee shall be elected for a term of four years. However, the term of five of the members elected at the first election shall expire at the end of two years. Immediately after the first election the names of these five members shall be chosen by lot by the Chairman of the meeting at which the election takes place.

5. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

6. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

7. The Committee shall establish its own rules of procedure.

8. The Secretary-General of the United Nations shall provide the necessary staff and facilities for elections to and the effective performance of the functions of the Committee.

9. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

For the text of the Swedish proposal concerning article 23 (present article 44), which was taken from E/CN.4/1987/WG.1/WP.7, see paragraph 140 in section G below.

4. Four Directions Council

The following is taken from E/CN.4/1987/WG.1/WP.15.

Article 23

1. The reports submitted under article 22 shall be considered by the Economic and Social Council

2. To assist it in its task, the Economic and Social Council shall first transmit the reports of States Parties to its Committee on the Implementation of the Covenant on Economic, Social and Cultural Rights, for examination in conjunction, where appropriate, with States Parties' periodic reports under that Covenant. The Committee shall prepare appropriate comments on each report for transmission, through the Economic and Social Council, to the State Party concerned.

3. In its examination of reports, the Committee may avail itself of relevant written information submitted to it by the specialized agencies, other relevant United Nations bodies, and non-governmental organizations.

5. International Movement A.T.D. Fourth World

The following is taken from E/CN.4/1987/WG.1/WP.5.

Article 22, paragraph 22

2. The periodic reports on the implementation of the present Convention shall pay special attention to the least protected children.

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

The following is taken from E/CN.4/1987/WG.1/WP.2, page 18.

a) Establishment of a Committee

For the purposes of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Rights of the Child (hereinafter referred to as the Committee). The Committee shall be composed of experts of high moral standing and competence in the fields covered by the Convention. They shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilisation as well as the principal legal systems.

b) Reporting obligations of States Parties

1. The States Parties to the present Convention undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein, including information about the competent national body or bodies responsible for the implementation of these rights, the progress made in the enjoyment of those rights, and assistance they may require from the international community:

- (i) within one year of the entry into force of the present Convention for the States Parties concerned;

- (ii) thereafter as the Committee may decide, but no less frequently than every five years.

The Committee may request further information from States Parties.

2. All reports shall be submitted to the Secretary-General of the United Nations who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Convention.

c) Procedures of the Committee

1. The Committee shall adopt its own rules of procedures.
2. The Committee shall be able to seek and receive reliably attested information from any source.
3. The Committee may, when it considers it appropriate, initiate a study on specific issues relating to one or more articles of the Convention and their implementation.
4. The Committee shall develop a procedures for handling situations of serious and repeated violations of the provisions of the Convention.
5. At the request of a State Party, the Committee shall, if it considers it appropriate, appoint an individual, group or body to assist the State Party in resolving, through enquiry and/or action, a concern expressed by that State Party regarding implementation, within its territory, of one or more provisions of this Convention.
6. The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

d) Reports by the Committee to the General Assembly

The Committee shall study the reports submitted by the States Parties and shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities. It may make suggestions, recommendations and general comments based on the examination of the reports and information received, and these shall be communicated to the States Parties concerned and shall be included in its annual report together with observations, if any, from the States Parties. The Committee's report shall also refer to measures taken by the international community to respond to requests for assistance by States Parties. The Secretary-General of the United Nations shall bring the Committee's report to the attention of the Commission on Human Rights.

e) Secretariat of the Committee

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

f) International co-operation

1. In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by this Convention, the Committee shall transmit to the United Nations Children's Fund (UNICEF), as the designated lead agency on children, the reports of the States Parties, drawing UNICEF's attention to requests for technical assistance, as well as the Committee's suggestions, recommendations and general comments on States Parties' reports along with States Parties' observations.
2. UNICEF shall collaborate with the specialized agencies and organs of the United Nations and non-governmental organizations to establish and carry out programmes of action to further the implementation of the rights guaranteed by the Convention, giving special attention to requests for assistance submitted by States.
3. The specialized agencies shall keep UNICEF fully informed of measures they have taken either in response to States Parties' requests or within their programmes of action to further the full realization of rights guaranteed by the Convention, and shall bear in mind the importance of responding to States Parties' requests.
4. The States Parties to the present Convention agree that international action for the achievement of the rights recognized in the present Convention includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.
5. Nothing in the present Convention shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Convention.

G. 1987: DISCUSSION 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 139 to 156.

139. For the consideration of these articles, the Working Group had before it a revised proposal for article 22 submitted by the observer for Poland, which read:

- "1. The States Parties to the present Convention undertake to submit, at least every four years, reports on the implementation of the present Convention to the Secretary-General of the United Nations.
2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.
3. Where relevant information has previously been furnished to the United Nations or to any specialized agency, it will not be necessary for any State Party to reproduce that information, but a precise reference will suffice.
4. The first such report will be submitted within one year after the entry into force of the present Convention for the State concerned."

The Working Group also had before it the following proposal by Poland for article 23.

- "1. Reports submitted by the States Parties to the present Convention under article 22 shall be considered by the Economic and Social Council, which may bring its observations and suggestions to the attention of the State Party concerned and of the General Assembly of the United Nations. The Council may also request a State Party to submit additional reports on specific issues relating to this Convention.
2. To assist it in its task, the Economic and Social Council shall establish a Group of Governmental Experts entrusted with the responsibility of examining the reports submitted by States Parties.
3. The Economic and Social Council shall decide on the size of the Governmental Group of Experts, its equitable geographical composition and the periodicity of its meetings."

140. The representative of Sweden tabled two proposals: one together with the delegation of Canada for article 22 concerning the establishment of an implementation body, and another for article 23 regarding the reporting system. Those proposals were as follows:

Article 22

- "1. Within six months after entry into force of the Convention a Committee of Experts shall be established to examine the progress made by States Parties in achieving the realization of the obligations undertaken by States Parties in the present Convention.

2. The Committee shall consist of 10 experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by the States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation to the different forms of civilization as well as the principal legal system.
3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
4. The initial election shall be held no later than six months after the date of entry into force of the present Convention and thereafter every second year. The elections shall be held at meetings of the States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the States Parties present and voting.
5. The members of the Committee shall be elected for a term of four years. However, the term of five of the members elected at the first election shall expire at the end of two years. Immediately after the first election the names of these five members shall be chosen by lot by the Chairman of the meeting at which the election takes place.
6. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
7. If a member of the Committee dies or resigns or for any other cause can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.
8. The Committee shall establish its own rules of procedure.
9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for elections to and the effective performance of the functions of the Committee.
10. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties."

141. The observer for Canada submitted the following revised proposal for article 23:

"1. States Parties to the present Convention undertake to submit to the Group of Experts reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights;

(a) within three years of the entry into force of the Convention for the States Parties concerned;

(b) thereafter every five years.

2. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

3. Reports made under this article may indicate factors and difficulties affecting the degree of fulfilment of the obligations under the present Convention.

4. The Group of Experts shall study the reports submitted by the States Parties and shall submit its report and such general comments as it may consider appropriate through the Economic and Social Council to the General Assembly.

5. Copies of the report and comments of the Group of Experts shall be sent to the States Parties and to any specialized agencies having competence in a manner referred to in a report.

6. The States Parties may submit to the Group of Experts observations on any comments that may be made in accordance with paragraph 4.

7. Specialized agencies may submit observations or comments made in a report that they receive in accordance with paragraph 5.

8. The Group of Experts may invite specialized agencies to assist in the implementation of the Convention and, for that purpose, may

(a) invite specialized agencies to submit reports on matters within their jurisdiction;

(b) to participate as observers, if they agree, in meetings of the Group of Experts considering matters within the jurisdiction."

142. The representative of the United States submitted for consideration by the Group a proposal for an article 23 bis to read:

"1. Where a State Party is constituted as a federal State, the national Government of such State Party shall undertake appropriate measures to implement the provisions of this Convention in so far as it exercises legislative

and judicial jurisdiction over the subject matter thereof. In so far as the subject matter of the provisions of this Convention falls within the jurisdiction of the constituent units of the federal State, the national Government shall take suitable measures, in accordance with its constitution and its laws, to the end that the competent authorities of the constituent units may take appropriate measures for the fulfilment of this Convention."

143. In addition, proposals were submitted by the Informal NGO Ad Hoc Group for the Drafting of the Convention and by the Four Directions Council, as contained in documents E/CN.4/1987/WG.1/WP.2 and E/CN.4/1987/WG.1/WP.15, respectively.

144. The representative of Sweden reminded the Working Group, inter alia, of the enormous strain affecting the reporting system of international human rights instruments in recent years, as well as of the problems facing some committees charged with the control of their implementation, which had a significant backlog in their consideration of country reports. In order not to add to the burden of both the reporting States and the implementation bodies, her delegation was proposing a reporting system which, although similar in some respects to what was contained in already existing international instruments, had some new elements to offer which, in her view, would help to facilitate the implementation process of the draft Convention and make it more efficient. One of those elements was the introduction of reporting by stages, whereby reporting States would be able to concentrate on a certain number of articles at a time and be able therefore to submit more concise and succinct reports.

145. The observer for Canada noted that the main issues to be addressed in the implementation provisions were the establishment of a committee - with its corresponding composition, elections and mandate - the periodicity and content of reports of the States Parties and the role of the specialized agencies. Regarding the composition of the Committee, she considered it important that the one to be established should be a committee of experts serving in their personal capacities. While fully appreciating the concerns with respect to the increasing burden of reports, she said that ways might be considered to lessen that burden, provided the monitoring of the Convention was not weakened thereby. The observer for Canada also thought that the question of the number of States Parties necessary for the Convention to enter into force might be left to be considered under the final clauses of the draft Convention.

146. The delegation of Denmark supported the Swedish proposal regarding the reporting system, and the representative of the Netherlands favoured the establishment of a separate committee or group of experts. The delegation of Belgium expressed its concern at the proliferation of committees and would be more inclined to entrust the task of monitoring the implementation of the Convention to existing committees. The representative of Belgium, supported by the representative of Australia, considered that the Committees charged with monitoring compliance with the Covenants on Economic, Social and Cultural Rights and on Civil and

Political Rights could look at the relevant country reports, according to whether the reports touched upon economic, social and cultural rights or civil and political ones.

147. The Belgian delegation also accepted - as did the representative of Italy - the proposal submitted by the International Movement ATD-Fourth World that the following paragraph 2 be added to the proposal for article 22 originally made by the delegation of Poland. "The periodic reports on the implementation of the present Convention shall pay special attention to the least protected children". The delegation of the Holy See joined those of Belgium and Italy in their support for the proposal submitted by that non-governmental organization.

148. The delegation of Venezuela expressed its preference for a monitoring committee consisting of specialists of the highest level, all the expenditure involved being covered from United Nations financial resources, and not by contributions from States Parties. The delegation of the United Kingdom stated its preference for a committee consisting of experts - not more than 15 in number - in the field of children's rights; with reference to the financial implications of monitoring compliance with the future Convention, it indicated its preferences in the following order: (1) voluntary funding, (2) assessed funding by States Parties, and (3) assessed funding by the United Nations regular budget.

149. The representatives of Austria and Norway said that they would like to see a separate independent committee established under the Convention and, in order not to be overloaded, States Parties might submit reports in stages; the representative of Norway also thought it necessary that close consideration be given to the role of the specialized agencies.

150. The representative of Argentina referred to two proposals, namely the one put forward by the Canadian and Swedish delegations and that submitted by the delegation of Poland. He considered that the proposal presented by the Polish delegation was closer to the current situation in establishing a group of governmental experts to assist the Economic and Social Council in its task of considering the reports submitted by the States Parties, while the Canadian-Swedish proposal was geared more towards the future when some States would have ratified the Convention and then a committee of experts, such as the one proposed by Canada and Sweden, would be more appropriate.

151. The delegation of Japan expressed its preference for a separate Committee, and indicated that the frequency of submitting reports should not be so often as every three or four years and the expenses incurred by that Committee should be paid from the financial resources of the United Nations.

152. The United States delegation joined the delegations of Sweden and the United Kingdom in supporting a staggered system of reporting to whatever Committee or Group of Experts was established under the Convention. He emphasized that the United Nations specialized agencies should provide factual and technical assistance to the Committee, but should not become involved in judging or monitoring the implementation of the Convention or condition their assistance to States on their

implementation of the Convention. The representative of Sweden agreed with the comments by the delegation of the United States relating to the specialized agencies. Finally, the representative of the United States stated his understanding that his country would only support the funding of the Committee and its activities by States Parties and not from the general funds of the United Nations. In that regard, he indicated that the most appropriate funding mechanism for implementation of the Convention was that contained in article 18(5) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the human rights Convention most recently considered and approved by the Commission on Human Rights.

153. The representative of France said that he was in favour of a monitoring mechanism, provided it was not too burdensome, and suggested that the States Parties might submit periodic reports every five years. He indicated his preference - considering the proliferation of monitoring organs - for the committees controlling the implementation of the two Covenants being those that would control the implementation of the new Convention.

154. In view of the concern of the members of the Working Group about the proliferation of committees and budget restrictions, the representative of Senegal expressed the opinion that inspiration might be drawn from monitoring mechanisms set up by other bodies. In that connection, he referred to the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers and its methods of work, which would, in his delegation's view, answer the need for effectiveness. Such a committee might be composed of experts from the World Health Organization and the United Nations Children's Fund, as well as of legal advisers and other experts, as required. His delegation also considered that any implementation mechanism to be set up should take account of the specific features of the particular category of subjects to be protected by the Convention. In its view, the rights of the child required more extensive knowledge of the nature and of all aspects of the problems of children in general.

155. The Chairman suggested the formation of a working party consisting of the delegations of Canada, Poland, Sweden and the Informal NGO Ad Hoc Group on the Drafting of the Convention, to furnish the Working Group with a composite text on the implementation provisions, taking into account the views expressed by the Group during the discussion of the question. The consolidated text for article 22 was as follows:

"1. For the purpose of [monitoring the implementation of the provisions of the present Convention] [examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention] there shall be established a Committee on the Rights of the Child (hereinafter referred to as the Committee).

2. The Committee shall consist of [10-12-15] experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by the States Parties from among

their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation to the different forms of civilization as well as the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.
5. The elections shall be held at meetings of the States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
6. The members of the Committee shall be elected for a term of four years. The term of [] of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these [] members shall be chosen by lot by the Chairman of the meeting.
7. If a member of the Committee dies or resigns or for any other cause can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.
8. The Committee shall establish its own rules of procedure.
9. The Committee shall elect its officers for a period of two years.
10. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.
11. [With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from the United Nations resources on such terms and conditions as the Assembly may decide.] or

[States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.]

The following three articles may be merged into one article:

5. The Committee may invite the specialized agencies of the United Nations to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities.

6. The Committee may make arrangements with the specialized agencies of the United Nations and with non-governmental organizations in consultative status with the Economic and Social Council in order to receive their views on the implementation of the Convention in areas falling within the scope of their respective activities.

7. The specialized agencies of the United Nations and other international organizations may submit reports to the Committee on the implementation of the present Convention in areas falling within the scope of their activities.

8. States Parties may submit to the Committee their own comments to any observations concerning them by the Committee or by agencies or non-governmental organizations mentioned in paragraph [].

9. Reports on the activities of the Committee shall be submitted to the General Assembly [annually] [biennially]. They shall include any observations made under paragraphs [] and 6 and any comments under paragraph [].

10. The States Parties shall keep their reports widely available to the public.

[11. The Committee may, when it considers it appropriate, initiate a study on specific issues relating to one or more articles of the Convention and their implementation.

12. At the request of a State Party, the Committee shall, if it considers it appropriate, appoint an individual, group or body to assist the State Party in resolving, through inquiry and/or action, a concern expressed by that State Party regarding implementation, within its territory, of one or more provisions of this Convention.]"

The Working Party regretted that it did not have time to consider the following proposals on international co-operation:

"[1. In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by this Convention, the Committee shall transmit to the United Nations Children's Fund (UNICEF), as the designated lead agency on children, the reports of the States Parties, drawing UNICEF's attention to requests for technical assistance, as well as the

Committee's suggestions, recommendations and general comments on States Parties' reports along with States Parties' observations.

2. UNICEF shall collaborate with the specialized agencies and organs of the United Nations and non-governmental organizations to establish and carry out programmes of action to further the implementation of the rights guaranteed by the Convention, giving special attention to requests for assistance submitted by States.

3. The specialized agencies shall keep UNICEF fully informed of measures they have taken either in response to States Parties' requests or within their programmes of action to further the full realization of rights guaranteed by the Convention, and shall bear in mind the importance of responding to States Parties' requests.

4. The States Parties to the present Convention agree that international action for the achievement of the rights recognized in the present Convention includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

5. Nothing in the present Convention shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Convention.]"

156. On the issue of financing the implementation of the Convention, the delegation of the United States proposed the following text, as an alternative to the provisions on funding set forth in the joint Canadian, Polish, Swedish and non-governmental organizations proposed in article 22:

"[12. The States Parties shall be responsible for expenses incurred in connection with the holding of meetings of the States Parties and of the Committee, including reimbursement to the United Nations for any expenses, such as the cost of staff and facilities, incurred by the United Nations pursuant to paragraph 10 of this article.]"

H. 1988: PROPOSALS SUBMITTED TO THE WORKING GROUP

The following States and organizations submitted written proposals to the Working Group.

1. Australia

The following is taken from E/CN.4/1988/WG.1/WP.21.

Article 23 (new paragraph 5)

5. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b), repeat basic information previously provided and may concentrate on those changes (including legal, administrative and in practice) that relate to the implementation of the Convention in that State, as well as responding to any questions the Committee may have raised when considering previous reports from that State Party.

2. Canada

The following is taken from E/CN.4/1988/WG.1/WP.11.

Article 23 (paragraph 11)

The Committee may request approval from the General Assembly for the Secretary-General to undertake on its behalf a study or studies on specific issues relating to one or more articles of the Convention and their implementation, or on issues relating to, but not specifically provided for, in the Convention. On the basis of such studies, the Committee may formulate recommendations to the international community on how the implementation of the present Convention may be improved.

3. Italy

The following is taken from E/CN.4/1988/WG.1/WP.9.

Article 23 (new paragraph)

The reports shall make express reference to the measures undertaken by the States parties in order to ensure the exercise of the rights enounced by the present Convention to children who are in a situation of special need.

4. Venezuela

The following is taken from E/CN.4/1988/WG.1/WP.7.

Article 22 (2) Last sentence

The reports (of the States Parties) may indicate the concerns of their respective Governments, in the sphere of the protection due to children, in regard to situations not provided for in this Convention.

5. Yemen

The following is taken from E/CN.4/1988/WG.1/WP.5.

Article 23

At the request of a State Party, the Committee may assist in the evaluation, within that country, of issues relating to the implementation of the present Convention, including constructive approaches to its realization.

6. International Labour Organisation (ILO)

The following is taken from E/CN.4/1988/WG.1/WP.12.

Article 23(5)

5. (a) The specialized agencies and organs of the United Nations shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate and activities.
- (b) The Committee may make further arrangements with the specialized agencies and organs of the United Nations and with non-governmental organizations in consultative status with the Economic and Social Council in order to receive their views on their implementation of the Convention in areas falling within the scope of their respective activities.
- (c) The specialized agencies and organs of the United Nations and other international organizations may submit reports to the Committee on the implementation of the present Convention in areas falling within the scope of their activities.
- (d) States Parties may submit to the Committee their own comments to any observations concerning them by the Committee or by agencies or non-governmental organizations mentioned in subparagraph (b).
- (e) In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by this Convention, the Committee shall transmit to the United Nations Children's Fund (UNICEF), [as the designated lead agency on children,] and to other concerned specialized agencies and organs of the United Nations as appropriate the reports of the States Parties, drawing their attention to requests for technical assistance, as well as the Committee's suggestions, recommendations and general comments on States Parties' reports along with States Parties' observations.

- (f) UNICEF shall collaborate with the specialized agencies and organs of the United Nations and, as appropriate, non-governmental organizations in carrying out programmes of action to further the implementation of the rights guaranteed by the Convention, in response to the requests for assistance submitted by States.
- (g) The States Parties to the present Convention agreed that international action for the achievement of the rights recognized in the present Convention includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.
- (h) Nothing in the present Convention shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Convention.

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

The following is taken from E/CN.4/1988/WG.1/WP.2, page 21.

Article 22

1. For the purpose of monitoring the implementation of the provisions of the present Convention and the progress made by States Parties in achieving the realization of the obligations undertaken, there shall be established a Committee on the Rights of the Child, hereinafter referred to as the Committee.

...

6. The members of the Committee shall be elected for a term of six years. The term of one third of the members elected at the first election shall expire at the end of two years, due account being taken of maintaining equitable geographical distribution within the membership; immediately after the first election, the names of these [] members shall be chosen by lot by the Chairman of the meeting.

...

11. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from the United Nations resources on such terms and conditions as the Assembly may decide.

The following is taken from E/CN.4/1988 WG.1/WP.2, pages 23-24.

Article 23

1. States Parties to the present Convention undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, reports on the compliance with their obligations under the present Convention, including information about the competent national body or bodies responsible for the implementation of those rights and assistance they may require from the international community:

...

(b) thereafter, after having submitted an initial report covering all their substantive obligations under the Convention, every four years or at such intervals as the Committee may decide. Such reports shall be submitted in stages to be established by the Committee within nine months after the entry into force of the Convention.

The Committee may request further information from States Parties and shall prepare such observations as it may deem appropriate for transmission to the States Parties concerned.

2. Reports made under this article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention, and shall make reference to the situation of the most disadvantaged children and to measures being taken to guarantee to them the rights contained in this Convention.

3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Convention, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

4. The Committee may decide that a State Party which has completed a full reporting cycle covering all its substantive obligations under the Convention may limit its further reporting to legal and administrative changes and changes in practice affecting its obligations, and to such questions relating to the obligations of the State Party concerned which may have been indicated by the Committee, as well as to continuing factors and difficulties, if any, affecting implementation of the Convention.

...

9. Reports on the activities of the Committee shall be submitted to the General Assembly annually. They shall include any observations made under paragraphs [] and 6 and any comments under paragraph [].

...

11. The Committee may, when it considers it appropriate, initiate a study on specific issues relating to one or more articles of the Convention and their implementation.

12. At the request of a State Party, the Committee shall, if it considers it appropriate, appoint an individual, group or body to assist the State Party in resolving, through inquiry and/or action, a concern expressed by that State Party regarding implementation, within its territory, of one or more provisions of this Convention.

13. In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by this Convention, the Committee shall transmit to the United Nations Children's Fund (UNICEF), as the designated lead agency on children, and to other concerned specialized agencies and organs of the United Nations as appropriate the reports of the States Parties, drawing UNICEF's attention to requests for technical assistance, as well as the Committee's suggestions, recommendations and general comments on States Parties' reports along with States Parties' observations.

14. UNICEF shall collaborate with the specialized agencies and organs of the United Nations and, as appropriate, non-governmental organizations in carrying out programmes of action to further the implementation of the rights guaranteed by the Convention, in response to the requests for assistance submitted by States.

15. The States Parties to the present Convention agree that international action for the achievement of the rights recognized in the present Convention includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

16. Nothing in the present Convention shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Convention.

I. 1988: DISCUSSION AND ADOPTION AT THE WORKING GROUP

The following is taken from the 1988 report of the Working Group to the Commission on Human Rights, E/CN.4/1988/28, paragraphs 80 to 208.

Article 22 (Establishment of the Committee)

80. The working group had before it a proposal submitted by Canada, Poland, Sweden and the NGO Ad Hoc Group (E/CN.4/1988/WG/1/WP.2, chapter V).

81. In introducing the proposal, the observer for Canada stated that the working group had to decide whether a committee on the rights of the child should be established and to what purpose. If the Working Group decided that a committee should be established, it also had to decide on the mode of election of its members and the terms for which they would be elected, the frequency and duration of its meetings and other aspects relating to its operation. In particular, the Working Group had to take decisions concerning the financing of the committee's operation.

82. Article 22 was first considered in general. During the discussion, one participant suggested that the working group might examine the possibility of the States Parties submitting their reports to the Secretary-General or of a committee established under another human rights international convention undertaking the supervision of compliance with the obligations of the States Parties under the present convention. One representative expressed her belief that neither in the United Nations system nor among the non-governmental international organizations was there at present a legal entity which had an overall view of the rights of the child: it therefore believed that if it proved possible to establish a committee of specialists in this branch of the law, with expert knowledge of the serious problems that affect childhood today and with moral and legal authority to approach any governmental or private international agency to draw attention to the shortcomings in respect of children in the area of their different specialities (health, development, employment, prevention of crime, treatment of children who infringe the law, etc.), such a committee could be of considerable benefit to children and young people, in other words, minors.

83. The members agreed, after considerable discussion, that a committee on the rights of the child was needed and decided to discuss each of the paragraphs to be included in article 22.

Paragraph 1

84. Paragraph 1 of article 22 of the proposal by Canada, Poland and Sweden was taken as a basis for the discussion. All the participants agreed that the second text in square brackets should be adopted, because it reflected the idea of a dynamic process that the members had in mind for the implementation of the convention. They also agreed that the phrase "thereinafter referred to as the committee" should be deleted.

85. One representative suggested that, in view of the current lack of an overall vision of the rights of the child at the present time, the committee should be empowered, on the assumption that it has such a vision, to promote studies on topics it considers to be of special importance at a given time. Another participant suggested including among the faculties of the committee that of preparing studies on the situation of the rights of the child, as established in the convention, in countries which were not States Parties. Other participants dismissed the idea indicating that a convention was applicable only in States having ratified it. They further expressed the view that other bodies of the United Nations system normally undertook such studies in the area of their speciality.

86. Another participant hesitated to accept the proposal which, it felt, lacked precision concerning the kinds of information the committee would examine and the sources of that information. Therefore, it proposed the following text:

"For the purpose of studying the reports submitted by the States Parties, there shall be established a Committee on the rights of the child."

87. Several delegations disagreed with that proposal on the basis that it only partially covered the purposes of the committee. It was then suggested that the words "through the study of reports submitted in accordance with article 23" should be added to the proposal of Canada, Poland and Sweden after the word "examining".

88. Some participants considered that proposal restrictive and voiced their preference for the formulation contained in article 28, paragraph 1, of the International Covenant on Civil and Political Rights, while others suggested redrafting the paragraph on the basis of the relevant provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (article 17) and the International Convention on the Elimination of All Forms of Racial Discrimination (article 8).

89. The proposal formulated by one of the participants to add, at the end of the sentence after "Committee on the rights of the child", the phrase "which shall carry out the functions hereinafter provided" was widely supported and finally adopted.

Paragraph 2

90. In discussing paragraph 2, most of the participants stated that, for financial or economic reasons, they supported the view that the committee should consist of no more than 10 members. Some preferred 12 members because it would better meet the need for equitable geographical distribution. One speaker suggested that the number of members should be proportionate to the number of States having ratified the convention, so that it would become higher as more States become parties to the convention. Finally, it was agreed that the committee should consist of 10 members.

91. In relation to the second sentence of the paragraph, some participants proposed deletion of the words "and to the representation of the different forms of civilization as well as the principal legal systems" on the grounds that the concepts involved were not sufficiently defined. However, some speakers said that the concept was sufficiently defined, and that it had already been used in other international instruments. One participant stated that the reference to "legal systems" could be interpreted to mean that only experts in law would be qualified to be members of the committee. Another supported that view, indicating that the experts elected to the committee should have specific competence in the field of the child and not necessarily be specialists in law. Another stated that the first part of the paragraph covered the question of the competence of the experts. In accepting that that was in fact so, both participants agreed to maintain the phrase "as well as the principal legal systems". Paragraph 2 was adopted.

Paragraphs 3, 4 and 5

92. Paragraphs 3, 4 and 5 of the proposal were adopted without discussion.

Paragraph 6

93. In the course of the discussion, participants expressed their general support for the election of the members of the committee for a term of four years and for the renewal of half of the members elected after two years.

94. One participant accepted a suggestion from a non-governmental organization which proposed inserting the sentence "They shall be eligible for re-election if renominated." after the first sentence. The proposal was supported by others and paragraph 6 of the proposal by Canada, Poland and Sweden was adopted with that amendment.

Paragraphs 7 and 8

95. Paragraphs 7 and 8 were adopted without comments.

Paragraph 9

96. During the discussion, one participant suggested including the possibility of re-electing the officers to the committee, but most expressed the view that the question should be decided by the committee itself, when establishing its rules of procedure. Paragraph 9 was therefore adopted without amendments.

Paragraph 10

97. The question of the duration and frequency of the meetings of the committee gave rise to a discussion during which several proposals were made. The Chairman of the Working Group opened the discussion by proposing the adoption of a text similar to article 20 of the Convention on the Elimination of All Forms of Discrimination against Women. The attention of the group was drawn to Economic and Social Council resolution 1985/17, paragraph (d), which provided sufficient flexibility concerning the location and timing of meetings.

98. Several participants drew attention to the financial implications of the decision to be taken on that question, since financial restrictions would certainly affect the frequency and duration of the meetings, as well as the work-load of the committee. Consequently, it would be premature to take a decision on those questions. The General Assembly would decide when and where the committee would meet.

99. One participant expressed the view that the Working Group could not dictate the responsibilities of the States Parties; the decision should be left to them, if they were to be responsible for the expenses of the committee, and to the General Assembly if the United Nations was to be responsible for such expenses.

100. One participant suggested that the decision should be left to the first meeting of the committee, as established in article 18 of the Convention against Torture. At that time, the committee would be aware of the financial implications. Another considered that it would not be wise to leave the decision to the first meeting of the committee, at which only 15 States Parties would be represented, since the decision would affect other countries which were not at the time States Parties to the convention.

101. Several participants stressed the need for a formulation that would assure a minimum frequency in the meetings so that the committee would be able to accomplish its role and functions. If the convention did not contain a clause establishing at least one annual meeting, the scope of the convention would be jeopardized. A certain flexibility allowing for adjustment of the frequency and duration of the meetings to the work-load and to financial restrictions was also needed.

102. Some participants suggested that the review of the frequency and duration of the meetings by the committee or the meeting of the States Parties would provide further flexibility. However, as a decision had not been taken on who would finance the operation of the committee, it did not seem appropriate that only a few countries should decide on the budget if the United Nations was to finance the operation. One participant suggested the inclusion, in brackets, of two possibilities [the meeting of the States Parties] and [the General Assembly].

103. The Chairman then proposed the adoption, as the first sentence of paragraph 10 of the article, of the text of article 20, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women, concerning the venue of the meetings of the committee, which had not given rise to any comments, and the text was adopted. The Chairman requested a new proposal for a second sentence, based on the previous discussion.

104. Poland proposed the following text (E/CN.4/1988/WG.1/WP.16):

"The Committee shall normally meet annually in order to consider the reports submitted in accordance with [] of the present Convention. The duration of the meetings of the Committee shall be determined and reviewed, if necessary, by the meeting of the States Parties to the present Convention."

105. In introducing the proposal, the observer for Poland suggested that the participants might also discuss a second alternative, which was to add, at the end of the sentence, the words "subject to the approval of the General Assembly".

106. Several participants expressed the concern that the words "to consider the reports submitted in accordance with [] of the present Convention" narrowed the scope of the activities of the committee, since it had to perform different tasks not mentioned in the formulation, while one preferred to maintain that text. The following amendment was proposed: "in order to fulfil (or undertake) its responsibilities".

107. Some participants stated that the current discussion was a repetition of that on the first paragraph of article 22 and proposed deleting the phrase after the word "annually". That proposal was adopted by consensus.

108. Concerning the third sentence of paragraph 10 of the article, the participants agreed that the proposal, including the oral amendment made by Poland, satisfied the concern of most delegations. One delegation stated its concern that the proposal for determining the duration of meetings of the Committee was inflexible, but that consensus on the proposal should not be impeded. An amendment was needed in the last line, which should read "a meeting of the States Parties". The third sentence of paragraph 10 of article 22, as amended, was adopted.

Paragraph 10 bis

109. Paragraph 10 bis was adopted without comment.

Paragraph 11

110. In the course of the discussion on paragraph 11, many participants strongly favoured the first alternative of the proposal submitted by Canada, Poland and Sweden, fearing that many countries would not ratify the convention if they had to meet the expenses of the committee. In addition, the successful implementation of the convention would not be assured, as had been the case for other international instruments, if States Parties had to cover such expenses. Developing countries were not in a position to afford the increasing expenses in view of their obligations related to their external debt. Therefore, only the financing of the committee by the United Nations would assure the accomplishment of the purposes of the convention. The delegation of Colombia stated that its country would not be in a position to bear the costs incurred by the committee in carrying out its duties and, consequently, it was in agreement that the United Nations should assume that responsibility. Some participants drew attention to the problems confronting the Committee on the Elimination of Racial Discrimination, precisely because States Parties were unable to pay their contribution and the harm that did to the cause of human rights. They also drew attention to the minimal percentage of its budget that the United Nations assigned to human rights.

111. Some participants definitely opposed that view on the ground that the United Nations budget was already overstrained and could not absorb any additional burden. The principle of the responsibility of the States Parties for the expenses of the operation of a convention had been established under several international instruments: under the Convention against Torture, such a principle had recently been adopted.

112. Since a consensus could not be reached, one participant proposed that both proposals should be maintained in square brackets and that the question should be discussed at a later stage.

113. The text of article 22, as adopted by the working group, reads as follows:

"1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the rights of the child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of 10 experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by the States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of the States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or for any other cause can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at the United Nations Headquarters or at any other convenient place as determined by the Committee.

The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

10 bis. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

11. [With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.]

or

[States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.]

[12. The States Parties shall be responsible for expenses incurred in connection with the holding of meetings of the States Parties and of the Committee, including reimbursement to the United Nations of any expenses, such as the cost of staff and facilities, incurred by the United Nations pursuant to paragraph 10 of this article.]"

Article 23 (Reports from States Parties)

114. The Working Group had before it a proposal submitted by Canada, Poland and Sweden (E/CN.4/1988/WG.1/WP.2, chapter V). In introducing article 23, the observer for Canada said that much of the language of the proposal had been taken from other international instruments and raised the question whether mention of specialized agencies and non-governmental organizations should be included in that article.

115. At the suggestion of the Chairman, the discussion on article 23 was continued on a paragraph-by-paragraph basis.

Paragraph 1

116. With reference to paragraph 1, all participants expressed the view that the wording contained in the first square brackets "[Committee, through the Secretary-General of the United Nations]" was better than the wording in the second square brackets "[Secretary-General of the United Nations for consideration of the Committee]".

117. Some participants expressed their preference for the wording contained in the third text in square brackets "[on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those

rights]", rather than the fourth text in square brackets of the paragraph "[on the compliance with their obligations under the present convention]". The phrasing contained in the third text was based on article 18 of the Convention on the Elimination of All Forms of Discrimination against Women and also appeared in several other international instruments, such as the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights.

118. Several speakers were of the view that the fourth text within square brackets provided a more dynamic and comprehensive idea of the substance of the reports. It was suggested that the wording should be changed to read "on their compliance with the obligations under the present Convention".

119. Some speakers proposed amendments combining both texts. The formulations proposed were: (a) "measures taken in their compliance with the obligations" and (b) "on their compliance with the obligations under the present Convention, including information about the measures they have adopted which give effect to the rights recognized therein, and on progress made in the enjoyment of these rights".

120. Some participants suggested that Governments should also be requested to report about their future programmes in relation to their obligations under the convention. Others opposed that suggestion on the grounds that it was not appropriate to include too many details and in particular that the Committee should not be burdened with reports on intentions.

121. Some French-speaking participants hesitated to support the formula in the fourth square brackets because when translated into French it was vague and did not give an accurate idea of the content of the report as envisaged by the authors of the proposal. They requested the adoption of the phrase in the third square brackets, which was clearer in French.

122. The phrases contained in the fifth square brackets "[including information about the competent national body or bodies responsible for the implementation of those rights]" and the sixth square brackets "[and assistance they may require from the international community]" were generally considered superfluous because those questions were addressed in other articles of the convention. Furthermore, the Committee would later establish its own rules, where it seemed more appropriate to include such details. However, one participant stated that the reference to national bodies was a useful one, because it might encourage the action of those institutions, which participated in the implementation of the convention at the national level.

123. With regard to paragraph 1 (a) of the proposal, it was pointed out that the text should refer to "the State Party" and not to "the States Parties" concerned, because the entry into force of the convention would take place for each State individually.

124. With regard to subparagraph (b), some speakers emphasized the importance of the reporting obligation as the sole means of ensuring compliance with the convention, but also pointed to the difficulties encountered by States when they had

to prepare reports too frequently leaving them no time to implement their plans and make progress. Most participants preferred the establishment of a specific reporting period in the convention and considered that the five year cycle was the most appropriate.

125. Some speakers supported the second alternative of the proposal, because a reporting system in stages would enable the Committee to focus on certain aspects and it would also lighten the burden of the States Parties. They agreed, however, that reports should be submitted every five years and proposed amending the second alternative accordingly.

126. In connection with the second paragraph of the second alternative, one speaker said that it should be in paragraph 4, among the faculties of the committee and not among the obligations of the States Parties. Some participants wished to maintain the paragraph, agreeing that it might be placed among the attributions of the Committee.

127. It was finally agreed that the first alternative should be adopted, without the phrase in square brackets and that the last sentence of the first paragraph as well as the second paragraph in the second alternative would be discussed at a later stage. The text was adopted as paragraph 1 of article 23.

Paragraph 2

128. The discussion on the first sentence of paragraph 2 of the proposal by Canada, Poland and Sweden focused on which of the two formulations in square brackets was more appropriate. One speaker preferred the first option [may], while many agreed that the second option [shall] with the addition of the words [if any], based on article 40 of the International Covenant on Civil and/Political Rights, was the most appropriate.

129. India, Poland and Norway put forward a proposal to include a second sentence in paragraph 2 to read:

"Reports shall also contain sufficient information on social, economic and institutional aspects, as well as on assistance required from the international community, to provide the Committee with a comprehensive understanding of the operation of the Convention in that country."

130. One of the authors of the proposal explained that the phrase "as well as on assistance required from the international community" had been included in accordance with a proposal submitted by UNICEF and the non-governmental organizations (E/CN.4/1988/WG.1/WP.2, chap. V).

131. One speaker proposed adding the phrase "and on national institutions responsible for the implementation of those rights." after the words "institutional aspects".

132. Some participants hesitated to support the proposal because it contained too many details and words not clearly defined, such as "aspects" and "assistance", which were rather vague in that context. Furthermore, that wording gave the impression that the working group was trying to take the place of the Committee, which was the appropriate organ to establish guidelines for the reports of States Parties. The first sentence of the paragraph was already sufficiently clear and complete.

133. The authors of the proposal insisted that at least the last phrase "to provide the Committee with a comprehensive understanding of the operation of the Convention in that country" should be included in order to indicate precisely the content desired while maintaining a broad scope for the reports.

134. One speaker suggested replacing the word "operations" by the word "implementation", which seemed to be more comprehensive.

135. It was agreed that the addition would complete the concept of the content of the report, and the second sentence was adopted, as amended.

136. With regard to the question of the rights of disadvantaged children, raised in the second sentence of the draft proposal of Canada, Poland and Sweden, some speakers stated that children should all be given equal attention and such a sentence was therefore superfluous. Others supported the reference to disadvantaged children on the ground that it was sometimes necessary to apply unequal measures to obtain equal rights. One participant said that, in particular situations, some children might constitute a category of "children with special needs", e.g. in circumstances of natural disaster or social problems, which should be covered by the convention. There were also certain groups of children who were in a marginal, specially disadvantaged situation, who needed increased attention.

137. The following proposal (E/CN.4/1988/WG.1/WP.9) was submitted by the Italian delegation:

"The reports shall make express reference to the measures undertaken by the States Parties in order to ensure the exercise of the rights announced by the present Convention to children who are in a situation of special need."

138. One speaker considered that the concept of "children in special need" was not sufficiently defined and asked whether children who were the victims of violence, apartheid or colonial domination were included in that category or whether it only included handicapped children or refugees. Another participant stated that a very great number of children in developing countries could be included in that category; however, all children had the same rights.

139. Some speakers said that, although they shared the concern of the author of the proposal, the question was already covered by other articles of the convention and the current discussion should concentrate on the reporting system dealt with in article

23, and not on substantive matters. Furthermore, they were not convinced that positive discrimination would bring about the desired results.

140. Since there was no consensus, the representative of Italy withdrew her proposal and stated that it would be submitted for inclusion in the preambular part of the convention.

141. One representative expressed the view that the relationship between the Committee and the State Party should be understood, not as the present relationship in certain committees which seemed to be that of a court and a defendant, but as a dialogue in which the State could explain its major concerns and the Committee could pass on with its more overall, in the sense of universal, knowledge of the different situations that confront children. In this regard, the same speaker suggested that the reports of States Parties should also contain information on situations not covered by the convention, thus providing an opportunity to report on new problems or developments which had become a matter of concern for the States Parties.

142. In that regard, a proposal which was intended for paragraph 2 of article 23 (E/CN.4/1988/WG.1/WP.7) was submitted to the working group by Venezuela. It read as follows:

"Reports from the States Parties may indicate the Government's concern in areas where children require protection in situations not covered by this Convention."

143. The proposal was supported by several speakers on the ground that a number of rights might not be covered by the convention, in particular in situations emerging from new developments in science and technology, as well as in fields that might have been overlooked by the members of the working group.

144. Other speakers felt that part of article 23, as already adopted, covered the point made in the proposal, because the States Parties had the possibility of reporting on those questions if they wished. Furthermore, if the working group adopted paragraph 11 of the proposal submitted by Canada, Poland and Sweden, the Committee would be able to undertake studies that might deal with the new concerns. The Committee had a specific task, which was to supervise the fulfilment by the States Parties of their obligations under the convention. New concerns of the States Parties could also be covered by article 4 of the convention, which was very broad and in which all violations of the rights of the child could be included.

145. Some speakers expressed their concern that the convention failed to address certain points which might become a problem in future years. However, it did not seem appropriate to cover that point within the context of the reporting system and it was suggested that the matter should be discussed subsequently.

Observing that a consensus on that point was not possible, the Chairman decided that the proposal should be studied further.

147. Several participants were of the view that if a committee on the rights of the child were established, its costs should be defrayed by the United Nations, its terms of reference should be original, and it should be representative of all the regions and ambitious in its objectives. In other words, it should provide the best possible guarantee of all the rights of the child. In any event, it should not confine itself to what other committees did, particularly at a time when the work of other committees was under discussion in New York. The working group should make an effort to assign functions to the Committee that were consonant with the expectations aroused by the possible adoption of a convention on the rights of the child. In view of the importance of this implementation machinery and in order to be able to study it better in the light of the discussions that had taken place, the representative of Venezuela stated that she had decided to enter a general reservation on this implementation machinery in its entirety in order to have time for reflection.

Paragraph 3

148. The discussion on paragraph 3 of the proposal submitted by Canada, Poland and Sweden focused on whether such a provision was needed. Some speakers considered it necessary as a way of reducing the burden of States Parties. One participant stated that the clause did not add anything new because it was the practice of Governments to refer to previous reports when they wished to do so.

149. Another speaker expressed the view that the question should be considered by the committee when it elaborated its rules of procedure.

150. In general, the group agreed that it was not necessary to include that text in the convention. However, the committee should consider including such a clause in its guidelines for the reports of the States Parties.

151. In discussing paragraph 4 of the proposal by Canada, Poland and Sweden, several speakers expressed their support for the idea contained in the proposal but suggested different wording and drew attention to the difficult task involved in reporting on changes affecting the obligations of States Parties under a convention which covered so many different aspects. The Chairman then asked the group to draft a new proposal to facilitate the discussion.

152. The observer for Australia submitted the following proposal (E/CN.4/1988/WG.1/WP.21):

"A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b), repeat basic information previously provided and may concentrate on those changes (including legal, administrative and in practice) that relate to the implementation of the Convention in that State, as well as responding to any questions the Committee may have raised when considering previous reports from that State Party."

153. The author of the proposal explained that it was aimed at reducing the work of the Committee and States Parties by avoiding unnecessary repetition in reports. If the committee could focus on the most significant aspects of the convention's implementation in a country, it would be a much more effective mechanism.

154. Some participants stated that the five-year reporting cycle was long enough to justify a new comprehensive report and that the text under discussion would limit the possibilities for the States Parties to make their activities known in the context of the implementation of the convention.

155. The Chairman of the working group proposed that the group adopt the first part of the text, which had not given rise to discussion, with a full stop after the word "provided". His proposal was adopted by consensus. The text was adopted as paragraph 3 of article 23.

Paragraph 4

156. During the discussion on paragraphs 1 and 2 of the convention, several speakers had expressed the view that the committee should be able to request the States Parties to provide information on aspects of the implementation of the convention on which they had provided insufficient information or none at all in their reports to the Committee.

157. The observer for Egypt said that a provision on that point should be included among the faculties of the Committee and not among the obligations of/the States Parties. A discussion took place based on the last sentence of article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, which reads: "The Committee may request further information from the States Parties."

158. One participant proposed adding the following sentence: "The Committee may require further information from the reporting countries" to the preceding paragraph. Another proposed including after the words "further information", the phrase "relevant to the implementation of this Convention".

159. The following text was then adopted:

"The Committee may request from the States Parties further information relevant to the implementation of this Convention."

160. At a later stage, it was decided to include that text as paragraph 4.

Paragraph 5

161. The discussion on paragraph 5 was based on paragraph 9 of the proposal by Canada, Poland and Sweden. All participants agreed that the Committee should submit its reports to the General Assembly biennially. One indicated that those reports should be submitted through the Economic and Social Council.

162. The Chairman proposed the following text, as paragraph 5 of article 23:

"The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, every two years, reports on its activities."

163. The paragraph was adopted by consensus.

Paragraph 6

164. The discussion on paragraph 6 was based on paragraph 10 of the proposal by Canada, Poland and Sweden. The importance of the availability to the public of the reports of States Parties was stressed by the authors, who indicated that it was a way to increase public awareness and also part of the educational process related to the rights enshrined in the convention. A discussion took place on the precise wording of the text and the Chairman proposed the following:

"The States Parties shall make their reports widely available to the public in their own countries."

165. That text was adopted as paragraph 6 of article 23.

166. The text of article 23 as adopted reads as follows:

"1. State Parties to the present Convention undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:

(a) within two years of the entry into force of the Convention for the State Party concerned,

(b) thereafter every five years."

2. Reports made under this article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in that country.

3. A State Party which has submitted a comprehensive initial report to the Committee need not in its subsequent reports submitted in accordance with paragraph 1(b) repeat basic information previously provided.

4. The Committee may request from the State Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly of the United Nations through the Economic and Social Council, every two years, reports on its activities.

6. The States Parties shall make their reports widely available to the public in their own countries."

Article 24 (Methods of work of the Committee)

167. The working group had before it in this regard a proposal submitted by Canada, Poland and Sweden and a proposal submitted by the informal non-governmental organization drafting group (E/CN.4/1988/WG.1/WP.2, chapter V). Following a general discussion, *inter alia*, on the part of the specialized agencies, UNICEF and other organs could play in the implementation of the convention, the Chairman drew attention to a consolidated proposal (E/CN.4/1988/WG.1/WP.12) and suggested that the discussion should focus on that proposal.

168. In this regard, one speaker stated that there was no text of the proposal in Spanish and it was impossible to proceed any further. Attention was drawn to the translation of the original proposal by non-governmental organizations in E/CN.4/1988/WG.1/WP.2, some clauses of which were similar to/those of the revised proposal. The text of the proposal was then read at dictation speed so that members might take note of the translations provided by the interpreters.

169. Several participants, among them UNICEF, UNHCR and non-governmental organizations, gave their general support to that proposal, which they considered incorporated a dynamic approach and innovative mechanisms and agreed with the mention of UNICEF as the designated lead agency on children. The important role which the specialized agencies and organs of the United Nations could play in the implementation of the convention and the assistance which the non-governmental organizations could provide was generally recognized. Several speakers mentioned the technical assistance that such organizations could provide and the importance of their participation and assistance for the compliance of the Convention.

170. However, many governmental representatives stated that the main responsibility for implementation of the convention lay with the States Parties. A convention represented an agreement first among States, which took on certain obligations and only the States Parties were entitled to control compliance with the convention. Some speakers expressed their doubts as to whether specialized agencies should have the right to be present during the examination of reports. The specialized agencies and organs of the United Nations, as well as the non-governmental organizations should be able to participate in the implementation of the convention and they could therefore agree to authorize the Committee to invite them to be present should the Committee consider it appropriate.

171. Several governmental representatives expressed doubt as to the inclusion of the acronym "UNICEF" in the text of the convention, but said that if there would be a consensus to its inclusion they would not object. Two representatives stated that they hesitated to accept the inclusion of the mention of UNICEF in the text, because its name and mandate could be changed by the General Assembly. Other speakers stated that UNICEF was an organ specialized in assistance to children; however, other specialized agencies had also played an important role in areas connected with the rights of the child; UNICEF was not particularly specialized in legal matters, a field in which some international, regional, national, intergovernmental and non-governmental organizations had traditionally worked. One participant expressed reluctance at drawing UNICEF into the role of dealing with complaints against States Parties or becoming an organ charged with judging matters relating to the convention. It was suggested that the mention of UNICEF should be replaced by the words "concerned agencies and organs of the United Nations".

172. Finally, the text of the proposal (E/CN.4/1988/WG.1/WP.12) was found to be too long and complicated. The Chairman therefore proposed the formation of a drafting group to prepare a new proposal based on the discussion.

173. The drafting group composed of Brazil, the German Democratic Republic, India, the Netherlands, Norway, the United Kingdom and UNICEF submitted a consolidated proposal (E/CN.4/1988/WP.1/WP.15) which read as follows:

"In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

- (a) The Committee may invite UNICEF, other organs of the United Nations, the specialized agencies and such other organizations or bodies as it may consider appropriate, to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates and to submit reports on their own activities in areas covered by the Convention.
- (b) The Committee shall transmit to such of the bodies mentioned in paragraph (a) as it may consider appropriate, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance."

174. In introducing the new proposal on behalf of the drafting group, the representative of Norway stated that two main principles had been taken into account: (a) the need to stress international co-operation in the implementation of the convention, and (b) the importance of the specialized agencies and organs of the United Nations, as well as the non-governmental organizations, which were able to assist, within the fields of their specific competence, in the implementation of the convention. The new text was more precise and the drafting group had kept close to the wording in other international instruments. The preambular part of the consolidated proposal was adopted.

175. Some non-governmental representatives observed that the proposal did not provide for the specialized agencies and organs of the United Nations to be present during consideration of the reports of States Parties. One of the authors of the proposal explained that such a provision had deliberately been left aside because it could give the impression that those agencies and organs would have a judicial role.

176. Other participants proposed deleting the words "and such other organizations and bodies as it may consider appropriate" on the ground that it did not seem appropriate to include in the convention mention of organizations which could not be properly identified.

177. Other speakers opposed that proposal on the ground that it was important to recognize in the convention the essential role of the non-governmental organizations in its implementation. Only organizations or bodies with the necessary competence to make a contribution would be invited. In that connection, the importance of technical assistance was again stressed by some participants.

178. One speaker objected to the idea that the organizations or bodies mentioned in the first part of the sentence could submit reports to the committee on their activities. One of the authors of the proposal explained that the reason why they should submit such reports was that the committee would then have a way of monitoring the convention in a comprehensive way and he stated that his own delegation and others were aware that the convention would never be successfully implemented without the co-operation of the non-governmental organizations. One speaker proposed adding the words "competent" or "relevant" before "organizations or bodies".

179. The Chairman drew the attention of the group to the fact that three different issues were under discussion: (a) the organizations that would be present during consideration of reports, (b) the organizations that would provide advice, and (c) the organizations that would submit reports.

Article 24(a)

180. Reference was made by several speakers to article 22 of the Convention on the Elimination of All Forms of Discrimination against Women and the possibility of adopting that text with certain amendments was discussed.

181. In an effort to clarify the ideas previously discussed, the representative of the Union of Soviet Socialist Republics drafted the following text to complement article 22 of the above-mentioned convention:

"The Committee may invite the specialized agencies, as well as UNICEF and other competent bodies, as it may consider appropriate, to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates."

182. Some speakers observed that the text did not contain a reference to non-governmental organizations and proposed adding "governmental and

non-governmental organizations". That idea did not satisfy some participants who considered that its formulation was more restrictive than the text of the proposal, because the words "competent bodies" were very comprehensive, and included non-governmental organizations. The author of the proposal stated that to enumerate all the types of governmental, non-governmental and intergovernmental organizations and bodies that might eventually be involved would be too long. The proposal provided a general and flexible formula.

183. The representative of the Union of Soviet Socialist Republics stated that the wording "UNICEF, other organs of the UN, the specialized agencies and such other organizations or bodies" was not only too broad and uncertain but also inconsistent with articles 7, 8 and 71 of the United Nations Charter and other United Nations documents, in particular, Economic and Social Council resolution 1296 (XLIV) on the status of the non-governmental organizations. With this in mind, he voiced an opinion that these flaws of the proposal under discussion could be eliminated if the Committee would be entitled to seek the advice of "specialized agencies, UNICEF and other competent bodies".

184. Two speakers expressed reservations about the inclusion of a specific reference to UNICEF. They stated that this did not mean in any sense that their Governments did not give due confidence to the United Nation's Children's Fund whose work in the area of its mandate was fully recognized. One delegation which stated that it was in agreement with the general proposal, proposed that square brackets be placed only around the word "UNICEF" until instructions had been received from its Government. Another stated that it had not expected that the mention of UNICEF would provoke any kind of problem, as UNICEF had been recognized by the United Nations as a point of convergence for all matters in the field of the child and had played an important role in developing countries, where it had saved the lives of many children. Subsequently, the speaker concerned indicated his willingness to withdraw his proposal regarding the brackets provided that UNICEF make it clear that the clause would not be interpreted in any way as affecting the mandate of UNICEF or the authority of its Executive Board and the General Assembly to set general UNICEF policy and to determine its budget; the representative of UNICEF provided the requested assurances and the delegation which had proposed the square brackets around the acronym "UNICEF" withdrew its proposal.

185. Another representative requested that the record state clearly that the words "other competent bodies" were to be interpreted in their widest sense to include intergovernmental and non-governmental bodies. It was agreed that the record would reflect the inclusion within the terms "other competent bodies" of intergovernmental and non-governmental bodies.

186. One representative asked that the words "as well as" be withdrawn. Another expressed support for the words but said that if their withdrawal would lead to adoption by consensus he would agree. It was so decided.

187. The working group thus adopted the following text: the text of the first sentence of article 22 of the Convention on the Elimination of All Forms of

Discrimination against Women, with the addition of "and UNICEF" in the first line after "The specialized agencies" and the replacement of the last word of the sentence, "activities", by "mandate", was adopted as the first sentence of article 24, paragraph (a). The proposal by the representative of the USSR, with the elimination of the words "as well as", was also adopted as the second sentence of that paragraph. As the third sentence of that paragraph, the working group adopted the second sentence of article 22 of the Convention on the Elimination of All Forms of Discrimination against Women, with the addition of the words "and UNICEF" after "specialized agencies". (See paragraph 205 below).

188. The representative of Venezuela stated that she reserved her delegation's position until the Spanish text was available, first, for reasons of principle and, second, because she did not understand the decision taken.

Article 24(b)

189. The discussion on paragraph (b) of the consolidated proposal (E/CN.4/1988/WG.1/WP.15) continued on the basis of the following consolidated text introduced by Canada:

"The Committee shall transmit, as it may consider appropriate, to the specialized agencies, UNICEF and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance along with the Committee's observations and suggestions on these requests or indications.

190. This proposal satisfied all the participants, although one stated that it probably dealt with questions that had to do with the procedures of the committee and suggested deleting the phrase after the word "assistance". Another proposed adding "if any" after "observations and suggestions". All agreed to that amendment. The observer for Zimbabwe proposed that the words "as it may consider appropriate" be deleted from the text on the grounds that all reports requesting assistance should automatically be transmitted. She did not insist on her proposal but requested that the report reflect her point that the Committee should decide on the appropriate agency, but should transmit all reports in which technical assistance was requested.

191. The representative of Venezuela stated that in a text which had obvious legal implications, she would not be able to join the consensus if she did not have a Spanish text.

192. The text, as amended, was adopted as paragraph (b) of article 24. (See paragraph 205 below.)

Article 24(c) and (d)

193. In discussing article 23, it had been suggested that the question of how to deal with new problems or developments which had become a matter of concern and were not covered by the convention should be dealt with elsewhere. In that connection,

the observer for Canada submitted the following proposal (E/CN.4/1988/WG.1/WP.11):

"The Committee may request approval from the General Assembly for the Secretary-General to undertake on its behalf a study or studies on specific issues relating to one or more articles of the Convention and their implementation, or on issues relating to, but not specifically provided for, in the Convention. On the basis of such studies, the Committee may formulate recommendations to the international community on how the implementation of the present Convention may be improved."

194. In introducing his proposal, the observer for Canada stated that the concept of studies should not interfere with the reporting cycle of the States Parties. According to the proposal, the committee would not have the authority or the resources to initiate studies. It would have to submit proposals to the General Assembly, which will take the decisions on those studies. That provision would enable the committee to make recommendations on new developments that could affect the rights of the child in the future, taking into account that realities changed. It would also enhance the participation of States Parties, specialized agencies and non-governmental organizations, which would transmit their concerns to the committee. The proposal relied on a precise precedent in the International Covenant on Economic, Social and Cultural Rights.

195. The idea that the Committee would undertake studies was generally supported by the group, although several issues were brought up in connection with the proposal. One participant stated that if the committee was formed by qualified experts, it would not need to request outside experts or organizations to undertake studies, so that no expenses would be incurred. That was the case for the Human Rights Committee of the International Covenant on Civil and Political Rights, which prepared studies on its articles, which were transmitted to the General Assembly.

196. Another speaker voiced the view that the studies should be requested by the Secretary-General to specialized institutions with a recognized level of knowledge in the matter and not the Secretariat of the United Nations. According to some speakers, both views were compatible, since the studies could be requested of specialized agencies or organs of the United Nations, as well as of competent non-governmental organizations. However, it was necessary to stress the role of the United Nations in the implementation of the convention and therefore the decision on the areas where a study should be carried out should be taken by the General Assembly, upon a recommendation from the Committee.

197. The following consolidated proposal for paragraphs (c) and (d) of article 24 was then submitted by Canada, Portugal, Senegal and Venezuela (see E/CN.4/1988/WG.1/WP.23):

"(c) The Committee may recommend to the General Assembly that the Secretary-General undertake on its behalf studies on specific issues relating to

one or more articles of the Convention and their implementation, or on issues relating to, but not specifically provided for, in the Convention."

"(d) The Committee may make suggestions and general recommendations based on the examination of the reports and other information as well as on the studies undertaken at its request."

198. In discussing paragraph (c), some speakers found that the wording "issues relating to the Convention" was not precise enough, because it could be understood as implying any legal study on the convention or a variety of studies that were not those that the group had in mind. One speaker proposed changing the wording to "issues relating to the rights of the child". The group considered that the new formulation reflected the idea of the kind of studies to be undertaken and it was also more comprehensive, since issues not specifically provided for in the convention were encompassed.

199. The representative of Venezuela stated that she preferred the first formulation in which the idea of issues not specifically provided for in the convention was explicit. However, she joined the consensus on paragraph (c), requesting that her delegation's point be reflected in the report. Paragraph (c), as amended, was adopted.

200. Paragraph (d) of the proposal was considered too vague, because it did not specify to whom the recommendations would be addressed or on what "other information" the recommendations would be based.

201. All participants agreed that the recommendations should be reported to the General Assembly. They also agreed to take the words of the last sentence of article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination: "Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties."

202. The group further agreed to insert in the text the fact that the recommendations "shall be transmitted to any State Party concerned."

203. In discussing the question of the information on which the recommendations should be based, the Chairman drew the attention of the group to the contents of articles already adopted, which established the following categories of information: (a) reports by States Parties; (b) experts' advice; (c) reports by specialized agencies and UNICEF; (d) studies undertaken by the Secretary-General at the request of the committee.

204. Some speakers expressed the view that a flexible and comprehensive implementation of the convention required that all those categories be included, but the committee should also have the faculty of commenting on information not included in the categories of the convention. One speaker objected to that view on the grounds that a vague formulation might induce comment on unreliable information and stated that it was necessary to establish the type of information on

which the recommendations would be based. The following text was then suggested: "information received pursuant to articles 23 and 24". One participant stated that that formulation did not cover all his delegation's concerns. However, as it covered the most important, he joined the consensus and paragraph (d) of article 24, as amended, was adopted.

205. The text of article 24, as adopted by the working group reads as follows:

"In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies and UNICEF shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, UNICEF and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies and UNICEF to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, UNICEF and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance along with the Committee's observations and suggestions, if any, on these requests or indications.

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child.

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 23 and 24 of this Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties."

206. Later during the session, in the course of the 20th meeting, the representative of Venezuela stated that "at this hour (5:00 p.m.) and this stage in the work of this working group, when you reopen consideration of article 24, which had not achieved a consensus, my delegation, through you, Mr. Chairman, wishes to inform the other members of the working group that we are not able to join in any possible consensus on the current drafting of paragraphs (a) and (b) of article 24. Because of the importance of this article and the precedent which the current text establishes, we request that it should remain between square brackets in the document which the working group submits to the Commission on Human Rights."

207. Several speakers stated that it was their understanding that those paragraphs, as well as articles 22, 23 and 24, had already been adopted and, as was usual, not without many sacrifices in order to adhere to the consensus among participants who had made reservations when they deemed it appropriate. It was felt that it would be very regrettable if a consensus reached after a long discussion was later questioned since all participants had had the opportunity to express their respective opinions. All the articles of the draft convention reflected compromises; delegations had given priority to the rights of the child and had made sacrifices in order to accomplish their task; if the discussion on the articles already adopted were to be reopened, the opportunity to complete the first draft would be lost and it could take a long time for the convention to come into force. The representative of Venezuela insisted on her request and referred to the square brackets which appeared in paragraphs 11 and 12 of article 22.

208. Several speakers stated that they could not support the proposal to put square brackets around paragraphs (a) and (b) as they had been thoroughly discussed and adopted. The Chairman stated that it did not appear that the working group was in agreement with the proposal, but that Venezuela's request would be included in the report and could be brought up during the second reading. The representative of Venezuela did not withdraw her request.

J. TEXT AS ADOPTED AT THE FIRST READING

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

Article 22

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of 10 experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by the States Parties from among their nations and shall serve in their personal capacity, consideration being given to equitable geographical distribution as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit

their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of the States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two-thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these five members shall be chosen by lot by the Chairman of the meeting.
7. If a member of the Committee dies or resigns or for any other cause can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.
8. The Committee shall establish its own rules of procedure.
9. The Committee shall elect its officers for a period of two years.
10. The Meetings of the Committee shall normally be held at the United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.
- 10 bis. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

11. [With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from the United Nations resources on such terms and conditions as the Assembly may decide.]

or

[States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.]

[12. The States Parties shall be responsible for expenses incurred in connection with the holding of meetings of the States Parties and of the Committee, including

reimbursement to the United Nations for any expenses, such as the cost of staff and facilities, incurred by the United Nations pursuant to paragraph 10 of this article.]

Article 23

1. States Parties to the present Convention undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:
 - (a) Within two years of the entry into force of the Convention for the State Party concerned;
 - (b) Thereafter every five years.
2. Reports made under this article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in that country concerned.
3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1(b) repeat basic information previously provided.
4. The Committee may request from the States Parties further information relevant to the implementation of the Convention.
5. The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, every two years, reports on its activities.
6. States Parties shall make their reports widely available to the public in their own countries.

Article 24

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

- (a) The specialized agencies and UNICEF shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, UNICEF and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies and UNICEF to submit reports on the

implementation of the Convention in areas falling within the scope of their activities.

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, UNICEF and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance along with the Committee's observations and suggestions, if any, on these requests or indications.

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child.

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 23 and 24 of this Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

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.

A. Comment by UNESCO

The following is taken from E/CN.4/1989/WG.1/CRP.1, page 43.

Article 23

Paragraph 2 "in fine" of article 23 should read "the implementation of the Convention in the country concerned".

B. Comment by International Labour Organisation (ILO)

The following is taken from E/CN.4/1989/WG.1/CRP.1, page 43.

Article 24

The draft articles on supervision include provisions which would appear to ensure appropriate international co-operation and the contribution of specialized agencies (article 24): (a) Representation, advice and reports; (b) transmission of reports on conventions; (c) studies on specific issues).

Administrative and financial implications of meetings of States parties and the Committee

With regard to the system of States parties meeting the expenses of supervision, it is recalled that ILO supervision operates on the principle of participation and contribution to expenses by the whole membership. It would appear desirable that the principle should apply to instruments on human rights such as the draft Convention on the Rights of the Child. Such an approach would appear consistent with the aims set by the world community in adopting the instruments in question.

C. Comment by World Health Organization (WHO)

The following is taken from E/CN.4/1989/WG.1/CRP.1, page 43.

Article 24

This article provides in its paragraph (a) for the presentation of the World Health Organization, as one of the specialized agencies, at the consideration of the implementation of those provisions of the draft Convention falling within its competence by the Committee on the Rights of the Child, to be established under article 22, paragraph 1 of the draft Convention. The World Health Organization may also be called upon by the Committee to provide expert advice on the implementation of those provisions. The Committee may also transmit to the World Health Organization under article 24, paragraph (b), reports from the parties to the Convention that contain a request, or indicate a need, for technical assistance. This is very useful, indeed, and the World Health Organization may be able to make some useful contributions under article 24.

The following is taken from E/CN.4/1989/WG.1/CRP.1, page 9.

Health: Role of WHO

The draft Convention is quite comprehensive and provides for a variety of rights for the child, with some detailed aspects thereof. A number of articles in the draft Convention and also some preambular paragraphs are of direct relevance to the World Health Organization's areas of competence. However, apart from general references to the specialized agencies and international co-operation (e.g. article 12 and 24) no particular role has been given to the World Health Organization in the draft Convention. Nor is it mentioned by name.

D. Comment by United Nations High Commissioner for Refugees (UNHCR)

The following is taken from E/CN.4/1989/WG.1/CRP.1, page 43.

Article 24

As currently drafted, paragraph (a) of the proposed article 24 implies that the UNHCR could be invited by the Committee on the Rights of the Child to provide expert advice. It could not, however, be invited to submit reports nor would it be entitled to be represented at the consideration of the implementation of such provisions of the Convention as fall within its mandate. This results from the fact that with respect to these two matters, the proposed paragraph speaks in terms of "specialized agencies and UNICEF". As you are aware, according to United Nations terminology, UNHCR is not a specialized agency but rather an organ of the United Nations. Given the fact that more than half the world's refugees are children, UNHCR's interest in the work of the Committee is self-evident. It is also highly possible that the Committee may at some point wish UNHCR to report on the situation of refugee children. It would, therefore, appear advisable to modify the wording of paragraph (a) of article 24 slightly. This could be done, for example, by replacing the phrase "the specialized agencies and UNICEF" throughout the paragraph with the phrase "the specialized agencies, UNICEF and other United Nations organs".

E. Comment by the Legal Counsel

The following is taken from E/CN.4/1989/WG.1/CRP.1, page 7.

Article on settlement of disputes

The draft Convention should include an article on the settlement of disputes. Such a provision would be very useful, for such a new subject as this one.

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. PROPOSALS SUBMITTED TO THE WORKING GROUP AT THE SECOND READING

1. Netherlands

The following is taken from E/CN.4/1989/WG.1/WP.54.

Article 22, new paragraph 11

11. The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

2. Latin American Meeting

By note verbal to the Centre for Human Rights, the Permanent Mission of Argentina requested that the report and recommendations of the Latin American meeting [of NGOs] in support of the United Nations draft Convention on the Rights of the Child be circulated as an official information document at the Working Group. The meeting took place in Buenos Aires from 29 September to 2 October 1988. The following is taken from E/CN.4/1989/WG.1/WP.1.

In article 22, paragraph 3: "... their own nationals, taking into account the opinion of public and private organizations related to childhood".

In article 22, paragraph 11: It is suggested that the first draft proposal be adopted.

In article 23, paragraph 5: "... on their activities; these reports shall also be submitted to the United Nations Commission on Human Rights who shall proceed accordingly".

B. 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 640 to 666.

Article 43 (Article 22)

640. The Working Group had before it article 22 as adopted in first reading, without any suggested revisions (E/CN.4/1989/WG.1/WP.2):

"1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of 10 experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by the States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of the States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or for any other cause can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at the United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

10 bis. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

11. [With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from the United Nations resources on such terms and conditions as the Assembly may decide.]

or

[States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.]

[12. The States Parties shall be responsible for expenses incurred in connection with the holding of meetings of the States Parties and of the Committee, including reimbursement to the United Nations for any expenses, such as the cost of staff and facilities, incurred by the United Nations pursuant to paragraph 10 of this article.]"

641. As the first six paragraphs raised no discussion or objection, the Working Group adopted paragraphs 1, 2, 3, 4, 5 and 6.

642. With regard to paragraph 7, the delegate of Argentina stated that the wording was too broad and suggested more specific reference(s) to a member's incapacity to perform the duties of the Committee besides death or resignation. He reminded the Working Group that the status of a member could be for example jeopardized within his or her own country and that possibility too should be covered by a more adequate language in the paragraph.

643. In agreeing with this statement, the representative of Portugal proposed the inclusion, after the word "resigns", of the phrase "or manifests his or her impossibility to..."; or as a second alternative, the deletion of the phrase "or for any other cause can no longer perform the duties of the Committee". In that case, the paragraph would read: "If a member of the Committee dies or resigns, the State Party which nominated the member shall appoint ...".

644. The delegate of India suggested the deletion of the word "can" and the addition, after the words "no longer", of the verb "wishes". The phrase would thus

read: "If a member of the Committee dies or resigns or for any other cause no longer wishes to perform ...".

645. The observer for Canada then proposed the addition, after the word "resigns", of the phrase "or if he or she or a member of his or her family indicates that he or she can no longer perform the duties of the Committee...".

646. The representative of the United Kingdom drew the Working Group's attention to two problems:

- confirming reasons for non-attendance would be impracticable and the fact of non-attendance at a given number of meetings might be considered as, in itself, justification for seeking a replacement;
- even though each member was to be considered in his/her personal capacity for the election, this was not the case for the replacement and that a fair method would be to replace the former member by the one who got the second highest voting rate in the secret ballot.

647. The delegate of the Union of Soviet Socialist Republics expressed his disagreement with the proposals and statements made so far, pointing out that an exhaustive list of impossibilities of attendance could not be practically included in the article, and that the "second best" policy proposed by the United Kingdom was against the principle of equitable geographical distribution. The representatives of Poland and Senegal also stressed the importance of this principle and stated that the words "subject to the approval of the Committee" provided a good solution for replacement and would thus permit the members to abide by this principle while proceeding with the substitution of a member.

648. Some delegations expressed their wish to not re-open the discussion on matters over which a difficult consensus had been reached and urged the Working Group to proceed with adoption.

649. The Working Group adopted paragraph 7 with the addition of the word "declares" after the words "resigns or", according to the proposal made by the representative of Portugal. The delegation of Senegal asked that its doubts and concerns about this paragraph be reflected in the report.

650. Paragraphs 8, 9, 10 and 10 bis were adopted without any discussion.

651. With regard to paragraphs 11 and 12, it was explained that they were presented in square brackets because consensus could not be reached over the financial matters which were left to the competence of the Commission on Human Rights.

652. The representative of Sweden stated that his delegation wished to withdraw the proposal for alternative 2 of paragraph 11 in order not to complicate the debate on the paragraph. He further indicated his delegation's support for the first alternative of paragraph 11. The representatives of Finland, the Federal Republic of Germany,

Norway and the United States of America took the view that both alternatives should be left in the text for decision by the Commission on Human Rights. The representative of Norway stated that the Working Group had adopted both alternatives during the first reading.

653. A proposal for amendment to paragraph 11 submitted by the observer for the Netherlands (E/CN.4/1989/WG.1/WP.54) read as follows:

"11. The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities."

654. With regard to this proposal, some delegations stated that the matter was already covered by article 11 and preferred not to retain it.

655. Following the foregoing debate, the Working Group decided to adopt paragraphs 11 and 12 as had been adopted during the first reading replacing the reference to paragraph 10 in the last line of paragraph 12 by a reference to paragraph 10 bis, upon the proposal made by the delegation of the United States of America.

656. Article 22 was adopted by the Working Group to read as follows:

"1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of 10 experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of the States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he/she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at the United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

10 bis. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

11. [With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from the United Nations resources on such terms and conditions as the Assembly may decide.]

or

[States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.]

12. [States Parties shall be responsible for expenses incurred in connection with the holding of meetings of States Parties and of the Committee, including reimbursement to the United Nations for any expenses, such as the cost of staff and facilities, incurred by the United Nations pursuant to paragraph 10 bis of this article.]"

Article 23 (Article 44)

657. The Working Group had before it article 23 as adopted at first reading as well as the suggested revisions contained in E/CN.4/1989/WG.2/WP.2 which read as follows:

"1. States Parties (to the present Convention) undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:

(a) within two years of the entry into force of the Convention for the State Party concerned,

(b) thereafter every five years.

2. Reports made under this article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in (that) the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not in its subsequent reports submitted in accordance with paragraph 1(b) repeat basic information previously provided.

4. The Committee may request from (the) States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly of the United Nations through the Economic and Social Council, every two years, reports on its activities.

6. (The) States Parties shall make their reports widely available to the public in their own countries."

658. The representative of Venezuela stated that, although the question of scientific experimentation was not explicitly dealt with by the Convention, it was a matter in which States Parties should inform the Committee under paragraph 4.

659. The Working Group adopted paragraphs 1, 2, 3, 4, 5 and 6 with the suggested revisions to read as follows:

"1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:

- (a) within two years of the entry into force of the Convention for the State Party concerned,
 - (b) thereafter every five years.
2. Reports made under this article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.
 3. A State Party which has submitted a comprehensive initial report to the Committee need not in its subsequent reports submitted in accordance with paragraph 1(b) repeat basic information previously provided.
 4. The Committee may request from States Parties further information relevant to the implementation of the Convention.
 5. The Committee shall submit to the General Assembly of the United Nations through the Economic and Social Council, every two years, reports on its activities.
 6. States Parties shall make their reports widely available to the public in their own countries."

Article 45 (Article 24)

660. The Working Group had before it article 24 as adopted at first reading and the suggested revisions contained in E/CN.4/1989/WG.1/WP.2 which read as follows:

"In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

- (a) The specialized agencies, (and) UNICEF and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, UNICEF and other competent bodies as it may consider [appropriate] to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, (and) UNICEF and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities.
- (b) The Committee shall transmit, as it may consider [appropriate], to the specialized agencies, UNICEF and other competent bodies, any reports from

States Parties that contain a request, or indicate a need, for technical advice or assistance along with the Committee's observations and suggestions, if any, on these requests or indications.

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child.

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 23 and 24 of this Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties."

661. The delegation of Venezuela requested the deletion of the first sentence of paragraph (a) of the article which reads as follows:

"The specialized agencies, UNICEF and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate."

The Venezuelan delegation stated that the justification for this proposal appears in paragraphs 24 to 188 of the report of the Working Group of January 1988, document E/CN.4/1989/28 from which it is clear that the proposal concerning this sentence had been rejected by the majority of governmental representatives present in the room during discussion. In particular, paragraphs 172, 173, 174 and 175.

662. The Chairman ruled that the proposal had been tabled too late and that the Working Group had already proceeded to the second reading.

663. Many delegations expressed their wish to focus on the revised text as contained in E/CN.4/1989/WG.1/WP.2 instead of re-opening discussion.

664. The delegate of the United States of America declared that he agreed with the additions suggested by the UNHCR in the first sentence, that the second sentence should remain unchanged, but proposed for the third sentence the inclusion of the words "and other competent bodies as it may deem appropriate" instead of the reference to "other UN organs", in order to allow the non-governmental organizations to submit reports along with the intergovernmental organizations. The representatives of Norway, Ireland, the United Kingdom and Sweden expressed their support for this proposal whereas the delegations of Italy, Australia, Portugal, the Federal Republic of Germany, Egypt, Morocco and the Union of Soviet Socialist Republics stated their preference for the text as contained in E/CN.4/1989/WG.1/WP.2. Some of these delegations expressed their concern over the inclusion of additional groups to the process of submission of reports. In particular, the representative of Italy strongly supported the inclusion of the words "and other United Nations organs".

665. The Working Group adopted subparagraph (a) with the suggestions contained in E/CN.4/1989/WG.1/WP.2. Subparagraphs (b), (c) and (d) were adopted without any discussion or objection.

666. Article 24 as adopted by the Working Group reads as follows:

"In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies, UNICEF and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, UNICEF and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, UNICEF and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, UNICEF and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance along with the Committee's observations and suggestions, if any, on these requests or indications.

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child.

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 23 and 24 of this Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties."

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

The text of these articles were adopted by the Working Group at the second reading were 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. The final text of article 43 was adopted by vote in the Third Committee of the General Assembly and the text of the Convention was adopted by the General Assembly by its resolution 44/25 of 20 November 1989.

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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.

