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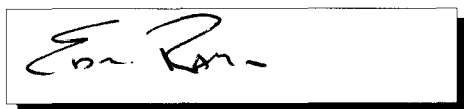
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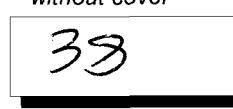
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**Legislative History of the
Convention on the Rights of the Child
(1978 - 1989)**

FINAL CLAUSES AND REORDERING OF THE ARTICLES:

ARTICLES 46-54

**(SIGNATURE, RATIFICATION, ACCESSION,
ENTRY INTO FORCE, AMENDMENTS,
RESERVATIONS, DENUNCIATION, DEPOSITARY
AND AUTHENTIC TEXTS)**

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.46-54

FINAL CLAUSES AND REORDERING OF THE ARTICLES:

ARTICLES 46-54

**(SIGNATURE, RATIFICATION, ACCESSION, ENTRY INTO FORCE,
AMENDMENTS, RESERVATIONS, DENUNCIA)**

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FINAL CLAUSES AND REORDERING OF THE ARTICLES:

ARTICLES 46-54

**(SIGNATURE, RATIFICATION, ACCESSION, ENTRY INTO FORCE,
AMENDMENTS, RESERVATIONS, DENUNCIATION, DEPOSITARY AND
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FINAL CLAUSES AND REORDERING OF THE ARTICLES:

**ARTICLE 46
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(RESERVATIONS)**

**ARTICLE 52
(DENUNCIATION)**

**ARTICLE 53
(DEPOSITARY)**

**ARTICLE 54
(AUTHENTIC TEXTS)**

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 46

The present Convention shall be open for signature by all States

ARTICLE 47

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

ARTICLE 48

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

ARTICLE 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

ARTICLE 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
2. An amendment adopted in accordance with paragraph (1) of this article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.
3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of this Convention and any earlier amendments which they have accepted.

ARTICLE 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General.

ARTICLE 52

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

ARTICLE 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

ARTICLE 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

Done at ... this ... day of ... 19..

II. FIRST POLISH DRAFT CONVENTION AND COMMENTS (1978)

In a letter dated 17 January 1978 addressed to the Director of the Division of Human Rights (see E/CN.4/1284), the Permanent Representative of Poland to the United Nations Office at Geneva proposed that "The question of the Convention on the Rights of the Child" be included in the agenda of the thirty-fourth session of the Commission of Human Rights. At that session, the Polish delegation presented a draft resolution (E/CN.4/L.1366) which contained a draft convention based upon the provisions of the 1959 Declaration of the Rights of the Child. The resolution was subsequently revised (E/CN.4/L.1366/Rev.1) and two additional articles (XI and XII) were added to the draft

convention annexed in the final version of the draft resolution (E/CN.4/L.1366/Rev.2) which was then adopted by the Commission on Human Rights (see E/CN.4/1292, pages 122 to 127) as resolution 20 (XXXIV) of 8 March 1978.

A. THE FIRST POLISH DRAFT

The following text is taken from the 1978 report of the Commission on Human Rights, E/CN.4/1292, pages 125 to 127.

Article XIII

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

Article XIV

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

Article XV

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

Article XVI

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

Article XVII

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such request.

Article XVIII

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

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

Article XIX

1. The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Convention to all States.

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 XIII to XIX of the draft are the following.

1. Dominican Republic

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

1. Articles XVI *et seq* should be arranged differently so that the order would be, first, the provisions relating to signature, then the provisions relating to ratification of the Convention and finally, in a separate article, the provisions relating to accession.
2. Denunciation, forming the subject of the closing article, should be dealt with later, after the aforementioned provisions. The provisions relating to entry into force should also be set out in the article on the matter.

2. Morocco

The following is taken from E/CN.4/1324/Add.1.

The Moroccan Government has an objection to make to article XIX, which refers to the five languages in which the convention is to be drawn up without mentioning Arabic. Since Arabic is one of the official languages of the United Nations, it seems logical that the convention should also be published in Arabic.

3. Zambia

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

Article XVI is endorsed on the understanding that States have ratified the Convention independently and voluntarily and, therefore, can similarly denounce it provided they have good and plausible reasons for doing so.

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 final clauses of the convention were discussed and adopted by the Working Group in 1988.

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

Article 23

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

Article 24

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

Article 26

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

Article 27

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

- (a) of signatures, ratifications and accessions under articles 23, 24 and 25;
- (b) of the date of the entry into force of the present Convention under article 26.

Article 28

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

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 22

The present Convention is open for signature by all States.

Article 23

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

Article 24

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

Article 25

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

Article 26

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

- (a) of signatures, ratifications and accessions under articles 22, 23 and 24;

- (b) of the date of the entry into force of the present Convention under article 25.

Article 27

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

C. 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, which is taken from A/C.3/40/3, paragraph 12, was subsequently annexed to the 1986 and 1987 reports of the Working Group to the Commission on Human Rights.

Article 24

The Present Convention shall be open for signature by all States.

Article 25

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

Article 26

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

Article 27

1. The present Convention shall enter into force six months after the date of deposit of the fifteenth instrument of ratification or accession.
2. For each State ratifying or acceding to the present Convention after the deposit of the fifteenth instrument of ratification or accession, the Convention shall

enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 28

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

- (a) of signatures, ratifications and accessions under articles 24, 25 and 26;
- (b) of the date of the entry into force of the present Convention under article 27.

Article 29

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

D. 1987: COMMENTS SUBMITTED TO THE WORKING GROUP

1. Office of Legal Affairs

The following comments on the proposals contained in A/C.3/40/3 (see section C above), which were submitted by the Office of Legal Affairs at the request of the Centre for Human Rights, are taken from E/CN.4/1987/WG.1/WP.2, pages 29-30. These comments were later reproduced in E/CN.4/1988/WG.1/WP.2.

1. Article 24

- (i) Some recent conventions have also included the phrase "by all States and Namibia, represented by the United Nations Council for Namibia".
- (ii) The designation of a time frame and place for signature is advisable, e.g.:

"This Convention will remain open for signature until [date] at United Nations Headquarters in New York."

2. Article 25

- (i) "The present Convention is subject to rectification [acceptance or approval] by the signatories."

The rest of the article is not needed (see below).

3. Article 26

"The present Convention is open at any time to accession by all States."

4. Article 27 (2)

As presently worded, the provision is impractical. Assuming a sixteenth State would deposit its instrument the day after the deposit of the fifteenth one, how could the Convention enter into force for that State 30 days later, while the Convention would only enter into force for the fifteen first States six months later... Furthermore, the situation would continue for five more months.

If the provision of 27 (1) is to be maintained, then 27 (2) should be reworded and that part of the phrase that reads "after the deposit of the fifteenth instrument of ratification or accession " would have to be replaced by:

"after the entry into force of the Convention".

Alternatively the time frame for entry into force could be made identical for paras. (1) and (2).

5. Article 28

It would be sufficient to include an article (preferably prior to article 25) designating the Secretary-General as depositary as follows:

"The Secretary-General of the United Nations is designated as depositary of the present Convention."

Since the practice of the Secretary-General as depositary of international agreements generally conforms to the established custom reflected in article 77 of the Vienna Convention on the Law of Treaties, it is not necessary to specify the traditional functions of the depositary here or in article 29.

General observations

The absence of any provisions relating to the procedure for amendment, submission of reservations, settlement of disputes or denunciations is noted. Should you wish to include these we would be happy to provide assistance. (See, for example, provisions in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.)

E. 1987: PROPOSAL SUBMITTED TO THE WORKING GROUP

1. Sweden

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

Article 30

"1. Reservations shall not be permitted except to article [1, 2, 5, 9, 11, 12, 12 bis, 13, 14, 15, 16, and 17.] */ Such reservations must not be incompatible with the object and purpose of this Convention.

2. No reservation to a provision of this Convention shall affect any obligation undertaken in another international treaty in effect for the concerned State Party.

**/ The articles listed correspond to the following present articles of the Convention: article 1 - 1 (definition of the child); article 2 - 7 (name and nationality); article 5 - 5 (parental guidance); article 9 - 17 (mass media); article 12 - 23 (disabled children); article 12 bis - 24 (health and health services); article 13 - 26 (social security); article 14 - 27 (standard of living); article 15 - 28 (education); article 16 - 29 (aims of education); and article 17 - 31 (leisure, recreation and cultural activities).*

F. 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 209-221 and 236. It should be noted that the original report contains a mistake in paragraph numbering.

209. In considering the final clauses, the Working Group had before it draft articles 24 to 29 and the comments and general observations thereon submitted by the Office of Legal Affairs (E/CN.4/1988/WG.1/WP.2, chapter VI).

Article 25 (Signature/ratification)

210. The Chairman proposed that the text of article 25 of the Convention on the Elimination of All Forms of Discrimination against Women be adopted without any changes as article 25 of the Convention. It was so agreed and article 25 reads as follows:

"1. The present Convention shall be open for signature by all States.

2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.

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

4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations."

Article 26 (Amendments)

211. The observer for Finland proposed the insertion of a revision clause similar to the one contained in article 29 of the International Covenant on Economic, Social and Cultural Rights. He was of the view that, since the triangular relationship between the State, parents and the child was constantly changing, a mechanism whereby States Parties could revise the draft convention was necessary.

212. The working group, for this purpose, considered the approaches adopted in different human rights instruments, for example, the Convention on the Elimination of All Forms of Discrimination against Women (article 26) and articles 29 of the Convention against Torture and the International Covenant on Economic, Social and Cultural Rights.

213. Several speakers indicated their preference for the text in article 29 of the International Covenant on Economic, Social and Cultural Rights. Suggestions for amendments were made and agreed upon and the working group adopted article 26 to read as follows:

"1. Any State Party to the present Convention may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties to the present Convention with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that within four months from the date of such communication at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. An amendment adopted in accordance with paragraph 1 of this article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to this Convention.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of this Convention and any earlier amendments which they have accepted."

Article 27 (Entry into force)

214. The discussion referred mainly to the number of ratifications or accessions required for the entry into force of the draft convention. Some felt that the draft convention should set a high threshold, as had been done in the International Convention on the Elimination of All Forms of Racial Discrimination which required a minimum of 27 ratifications or accessions, so as to give to the draft convention a large basis as well as an equitable source of financing. Others, being of the view that a high threshold was neither necessary nor desirable, proposed that 15 ratifications or accessions should suffice for the draft convention to enter into force. The working group then reached a consensus on 20 ratifications or accessions, as required by the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture. Article 27 was adopted to read as follows:

"1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession."

Article 28 (Reservations)

215. Sweden submitted a proposal for the inclusion of a provision under which States Parties could make reservations (E/CN/1988/WG.1/WP.2).

216. In so doing, the observer for Sweden expressed the view that it was of the utmost importance that the draft convention should not be undermined by States Parties making reservations but should lead to the improvement of national laws to comply with international standards. However, in order to reach a consensus, Sweden withdrew its proposal and suggested that the working group consider the text of article 28 of the Convention on the Elimination of All Forms of Discrimination against Women. Another delegation expressed the view that the rights of the child were conceived differently depending on the legal system, values and beliefs of the country concerned. The implementation of child's rights should not shatter the family nor the values of the family. Therefore, reservations should be allowed so that certain countries could overcome constitutional and legislative obstacles. It was, however, pointed out that, as the concept of the

family differed so widely, the draft convention would be weakened if it was to be opened to such reservations.

217. Most of the participants supported the idea behind the Swedish proposal and stressed the need for having such a clause which would enable States Parties to make reservations that were not incompatible with the object and purpose of the draft convention. They indicated their preference for the text of article 28 of the Convention on the Elimination of All Forms of Discrimination against Women.

218. The working group decided to adopt the text of article 28 of the Convention on the Elimination of All Forms of Discrimination against Women without any changes as article 28 of the convention to read as follows:

"1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession."

"2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted."

"3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received."

Article 29 (Denunciation)

219. The Chairman-Rapporteur proposed that an article on denunciation be inserted in the draft convention and suggested that article 31 of the Convention against Torture could be used as a basis for discussion. It was proposed that only paragraph 1 of article 31 of the Convention against Torture would be sufficient, and the working group adopted draft article 29 to read as follows:

"A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General."

Article 30 (Notifications to the Secretary-General)

220. The Chairman proposed the adoption of the text of article 32 of the Convention against Torture omitting, however, any reference to various articles. This was accepted by the Working Group and the text of article 30 as adopted reads as follows:

"The Secretary-General of the United Nations shall inform all States Members of the United Nations and all States which have signed this Convention or acceded to it of the following:

- (a) Signatures, ratifications and accessions;
- (b) The date of entry into force of this Convention and the date of the entry into force of any amendments;
- (c) Denunciations."

Article 31 (Authentic texts)

221. The Chairman proposed that the working group adopt the text of article 33 of the Convention against Torture as draft article 31 of the draft convention. This was agreed to and the article as adopted reads as follows:

- "1. This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.
- 2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States."

(...)

Numbering of the articles of the Convention

236. At the request of the Chairman, the representative of Norway submitted a proposal for the renumbering of the articles of the draft convention (E/CN.4/1988/WG.1/WP.30). Some speakers stated that they hesitated to renumber the articles at that stage, because the work had not arrived at a point where a final renumbering could be done. In the meantime, it was better to keep the old numbering of the articles for easy reference of the members during the second reading. Otherwise, it would not facilitate the discussion. The Chairman of the working group stated that he thought it would be useful to make some progress in the renumbering, but he agreed to postpone the question until the second reading.

G. TEXT AS ADOPTED AT THE FIRST READING

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

Article 25

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. the present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26

1. Any State Party to the present Convention may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties to the present Convention with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
2. An amendment adopted in accordance with paragraph (1) of this article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to this Convention.
3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of this Convention and any earlier amendments which they have accepted.

Article 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 29

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 30

The Secretary-General of the United Nations shall inform all States Members of the United Nations and all States which have signed this Convention or acceded to it of the following:

- (a) signatures, ratifications and accessions;
- (b) the date of entry into force of this Convention and the date of the entry into force of any amendments;
- (c) denunciations.

Article 31

1. This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

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

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. THE FINAL CLAUSES

1. Comment by the Legal Counsel

The following general comments are taken from E/CN.4/1989/WG.1/CRP.1, page 44.

Final clauses

Article 25 as presently drafted deals with four subjects: signature, depositary, ratification and accession. We believe that each subject justifies a separate article and should be in the following sequence: signature, ratification, accession, ...

With respect to the provision dealing with signature, the place and duration for signature should be clearly stated. This is to distinguish it from other stages, e.g. accession.

A deletion of your article 28, paragraph 2, is suggested. The way that is worded is likely to create more disputes among the parties.

The last sentence of your article 28, paragraph 3, is not precise; it could mean the date on which the notification is received by a State Party. We suggest that it should be the date on which the notification is received by the Secretary-General. There would be one uniform date for the entry into force of withdrawal of reservation.

Notwithstanding our comments in paragraphs 3 and 4 above, consideration should be given to whether it is really necessary to have a reservation clause. If it is decided to maintain such a clause, we suggest that you may wish to consider the text along the lines of Article 28 of the 1984 Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

Regarding your article 30, normally, when the Secretary-General is designated as the depositary, he fulfils this function on the basis of article 77 of the 1969 Vienna Convention on the Law of Treaties, which is more than what is listed in your article 30. Accordingly, article 30 would not serve a useful purpose. On the contrary, it arguably detracts from other functions entrusted to him. More recent United Nations treaties thus do not list the depositary functions. It suffices to have one article which states that the Secretary of the United Nations is designated as the depositary. He would then fulfil all that is required of him as the depositary.

The following specific comments are taken from E/CN.4/1989/WG.1/CRP.1, pages 45-47.

Article 25 (Signature-Ratification)

The present article should be amended to read as follows:

"Signature

"The present Convention shall be open for signature by all States until ... at United Nations Headquarters in New York.";

or, if the Convention is to be open for signature elsewhere as well:

"The present Convention shall be open for signature by all States until ... at ..., and subsequently, until ..., at United Nations Headquarters in New York."

Article 26 (Amendments)

The present article should be amended to read as follows:

"Ratification

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

Article 27 (Entry into Force)

The present article should be amended to read as follows:

"Accession

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

Article 28 (reservations)

A deletion of your article 28, paragraph 2, is suggested. The way that is worded is likely to create more disputes among the parties.

The present article should be amended to read as follows:

"Entry into force

"1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

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

Article 29 (Denunciation)

The present article should be amended as follows:

(Present article 26)

Article 30 (Notifications to the Secretary-General)

The present article should be amended as follows:

"Reservations

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General."

Article 31 (Authentic Texts)

The present article should be amended as follows:

"Denunciation".

(Present article 30).

ADDITIONS TO FINAL CLAUSES: Suggestions by the Legal Counsel

The following articles should be added as follows:

Article 32

"Depositary

"The Secretary-General of the United Nations is designated as the depositary of the present Convention."

Article 33

"Authentic texts

"The original of the present Convention, of which the Arabic, Chinese, English, French and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.

Done at ... this ... date of ... 198 ... in the name of"

2. Comment by UNESCO

The following is taken from E/CN.4/1989/WG.1/CRP.1, page 45.

Article 25 (Signature-Ratification)

In order to avoid unnecessary repetition, paragraph 2 of article 25 could be deleted. In fact, paragraph 3 of the same article as well as article 31 designate the Secretary-General of the United Nations as depositary of the Convention.

B. THE ORGANIZATION OF THE TEXT OF THE CONVENTION AND THE ORDER OF THE ARTICLES

1. Comment by the Legal Counsel

The following is taken from E/CN.4/1989/WG.1/CRP.1, page 6.

Consideration should be given to an eventual division of the draft Convention into parts or sections (like the two Covenants).

e.g.: Articles 1-19:	Substantive provisions
Articles 22-24:	Deal with the establishment, reports and methods of work of the Committee on the Rights of the Child.
Articles 25-31:	Final provisions

Consequently, the various parts or sections of the draft Convention should be given separate titles (as in the supplementary Convention on the Abolition of Slavery). The same should be done for various articles (as in the Convention Relating to Stateless Persons).

This would give greater clarity to the text and facilitate ease of reference.

2. Comment by UNESCO

The following is taken from E/CN.4/1989/WG.1/CRP.1, page 6.

This draft still needs considerable work, and not only in respect of education. There is too much repetition, hidden to some extent by the lack of logical sequencing and linking of items dealing with the same or similar matters. For example:

Article 9 bis seems to belong with article 2;
Article 5 belongs with article 20;
Article 8 bis belongs with article 18 ter;
Article 17 belongs with article 7a; etc.

3. Comment by UNICEF

The following is taken from E/CN.4/1989/WG.1/CRP.1, page 6.

In order to conform to the general practice with respect to international human rights treaties, consideration might be given to the following re-ordering of the first few articles:

Article <u>1</u>	- Definition of the child
Article <u>4</u>	- Obligations clause dealing with non-discrimination
Article <u>5</u>	- General obligations clause
Article <u>5 bis</u>	- General qualifications clause
Article <u>1 bis</u>	- And so on - substantive rights provisions

4. Additional comments and clarifications by the Secretariat

The following is taken from E/CN.4/1989/WG.1/CRP.1/Add.1, paragraphs 42-43.

42. The attention of the Working Group is drawn to the suggested reordering of the articles made by UNESCO and UNICEF in document E/CN.4/1989/WG.1/CRP.1. On a few other occasions, in the same document, organizations have pointed out special connections between certain articles. In addition, reference is made to a proposal for the re-numbering of articles, submitted by Norway and contained in document E/CN.4/1988/WG.1/WP.30.

43. Upon reviewing the draft Convention and the above-mentioned comments, while seeking only minimum changes, the Working Group may wish to consider the following reordering */ of the articles:

New Old

1	1	(Child - age)
2	4	(Non-discrimination)
3	3	(Best interest of child; primary consideration)
4	5	(Implementation by States of rights recognized)
5	5 <u>bis</u>	(Parental direction and guidance)
6	1 <u>bis</u>	(Right to life, child's survival and development)
7	2	(Right to name and nationality)
8	9 <u>bis</u>	(Preservation of identity)
9	6	(Parental care/non-separation from parents)
10	6 <u>bis</u>	(Family reunification/contact with parents)
11	6 <u>ter</u>	(Illicit transfer and non-return of children)
12	7a	(Freedom of expression and information)
13	9	(Mass media)
14	7 <u>bis</u>	(Freedom of thought, conscience and religion)
15	7 <u>ter</u>	(Freedom of association and freedom of peaceful assembly)
16	7 <u>quater</u>	(Privacy, honour and reputation)
17	8	(Parental/guardian responsibility in upbringing)
18	8 <u>bis</u>	(Prevention of abuse by those having care)
19	10	(Special protection for parentless children)
20	11	(Adoption)
21	11 <u>bis</u>	(Refugee child)
22	12	(Disabled child)
23	12 <u>bis</u>	(Health and access to health care)

24	12 <u>ter</u>	(Periodic review of placed children)
25	13	(Social security)
26	14	(Standard of living)
27	15	(Education)
28	16	(Objectives of education)
29	16 <u>bis</u>	(Cultural, religious and linguistic rights)
30	17	(Rest, leisure, participation in cultural and artistic life)
31	18	(Protection from economic exploitation)
32	18 <u>bis</u>	(Protection from narcotic and psychotropic substances)
33	18 <u>ter</u>	(Protection from sexual exploitation)
34	18 <u>quater</u>	(Prevention of abduction, sale or traffic in children)
35	18 <u>quinto</u>	(Protection from all other forms of exploitation)
36	18 <u>sixt</u>	(Physical and psychological recovery and social re-integration)
37	19	(Treatment in penal matters)
38	20	(Armed conflicts)
39	21	(Other more favourable provisions)
40	21 <u>ter</u>	(Dissemination of the principles and provisions of the convention)
41	22	(Establishment of the committee)
42	23	(Reports from States Parties)
43	24	(Methods of work of the committee)
44	25	(Signature)
45	25	(Ratification)
46	25	(Accession)
47	27	(Entry into force)
48	28	(Reservations)
49	26	(Amendments)
50	30	(Denunciation)
51	25	(Depositary)
52	31	(Authentic texts)

**/ It should be noted that article 7 (Child's right to express opinions) was mistakenly omitted from the list; that "denunciation" should have been old number 29 and not 30; and that "depositary" should have been old number 31 and not 25.*

V. SECOND READING (1988-1989)

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

A. DISCUSSION AND ADOPTION AT THE SECOND READING

The following is taken from the report of the Working Group to the Commission on Human Rights, E/CN.4/1989/48, paragraphs 667 to 694.

Articles 46, 47 and 48 (Articles 25, 25 bis and 25 ter)

667. In connection with its consideration of articles 25 to 31, the Working Group had before it the proposals for the final clauses contained in E/CN.4/1989/WG.1/WP.66 submitted by Poland at the request of the Chairman which read as follows:

"Article 25, Signature

The present Convention shall be open for signature by all States until ... at United Nations Headquarters in New York

Deleted - see below article 30 revised.

Article 25 bis, Ratification

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

Article 25 ter, Accession

The present Convention shall remain open for (be open to) accession by any (all) State(s). The instruments of accession shall be deposited (Accession shall be effected by the deposit of an instrument of accession) with the Secretary-General of the United Nations."

668. The observer for Poland explained that since article 25 was dealing with four different matters, they had, in accordance with the suggestion made by the Legal Counsel and UNESCO, separated the article into different articles as 25, 25 bis, 25 ter and that the paragraph dealing with the depositary was moved under new article 30. The Polish delegate also added that the elimination of the titles would be preferable since no other article in the Convention had a title. Finally, he pointed out that the addition of the phrase "until ... at United Nations Headquarters in New York" as suggested by the Legal Counsel was not necessary.

669. The delegate of Morocco stated that, taking into consideration the variety of rights covered by the Convention, the harmonization of the final clauses could be made on the basis of the two Covenants and more specifically, on the basis of article 43, paragraph 1, of the International Covenant on Civil and Political Rights and article 26 of the International Covenant on Economic, Social and Cultural Rights regarding signature and accession. This proposal was endorsed by the delegation of Senegal.

670. The representative of the Legal Counsel explained that their suggestion had to be understood in the light of the Vienna Convention on the Law of Treaties, which was a development that came after the Covenants, but that the Working Group was free to choose its approach to the final clauses.

671. The delegate of Italy drew the Working Group's attention to the difference between the Vienna Convention - which was a codification of international law - and the present Convention which exclusively concerned human rights. She has remarked that the Vienna Convention is not only a codification of the international customary law, but it indicates also the progressive development of international law. The rules of this last category (progressive development of international law) do not oblige all the States of the world, but only those who have ratified the Convention or adhered to it. Some rules, regarding for instance the admission and the reservation can be considered as indicating the progressive development of international law. Therefore, she added her preference for the approach proposed in E/CN.4/1989/WG.1/WP.66.

672. The Working Group adopted article 25 without the phrase "until ... at United Nations Headquarters in New York".

673. The Working Group then adopted articles 25, 25 bis and 25 ter as proposed in document E/CN.4/1989/WG.1/WP.66 to read as follows:

"Article 25, Signature

The present Convention shall be open for signature by all States.

Article 25 bis, Ratification

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

Article 25 ter, Accession

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

Article 50 (Article 26)

674. The Working Group had before it the text of article 26 as contained in the working paper submitted by Poland (E/CN.4/1989/WG.1/WP.66). This text, which reflected the suggestions made during the technical review, read as follows:

Article ... Amendments

"1. Any State Party to the present Convention may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to (the) States Parties (to the present Convention) with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that within four months from the date of such communication at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of (the) States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. An amendment adopted in accordance with paragraph (1) of this article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of (the) States Parties (to this Convention).

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of this Convention and any earlier amendments which they have accepted."

675. The Working Group accepted the proposed revisions and adopted article 26, as revised, reading as follows:

"1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that within four months from the date of such communication at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. An amendment adopted in accordance with paragraph (1) of this article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of this Convention and any earlier amendments which they have accepted."

Article 49 (Article 27)

676. The Working Group had before it the text of article 27 as contained in the working paper submitted by Poland (E/CN.4/1989/WG.1/WP.66). This text, which reflected the suggestions made during the technical review, read as follows:

Article ... Entry into Force

"1. The present Convention shall enter into force on the thirtieth day following (after) the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying (the present Convention) or acceding to the Convention (it) after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the (date of the) deposit by such State of its (own) instrument of ratification or accession."

677. The Working Group accepted the proposed revisions and adopted article 27, as revised, reading as follows:

"1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

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

Article 51 (Article 28)

678. The Working Group had before it the text of article 28 as contained in the working paper submitted by Poland (E/CN.4/1989/WG.1/WP.66). This text, which reflected the suggestions made during the technical review, read as follows:

Article ... Reservations

"1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

(2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.)

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations who shall

then inform all States (thereof). Such notification shall take effect on the date on which it is received by the Secretary-General."

679. With regard to the proposed deletion of paragraph 2, the representative of the Legal Counsel explained that a similar formulation had been already included into article 19 of the Vienna Convention on the Law of Treaties and it was therefore deemed unnecessary to repeat it in the present draft.

680. In the discussion that followed the observer for Turkey expressed the view that the subject of paragraph 2 went beyond the framework of this Convention, the role of which should not be to re-write the law of treaties. He therefore favoured the deletion of paragraph 2.

681. Some other delegations opposed the deletion of paragraph 2 and argued that this important provision of the Convention should be maintained. The representative of Italy indicated in this connection that not all the States had ratified the Vienna Convention and therefore its application was not yet universal; besides, emerging new States would not be bound by its provisions. Paragraph 2 was subsequently retained.

682. The Working Group then adopted article 28, as revised, reading as follows:

"1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General."

Article 52 (Article 29)

683. The Working Group had before it the text of article 29 as adopted at first reading (E/CN.4/1989/WG.1/WP.2).

684. No revisions or amendments were proposed and the Working Group therefore adopted article 29 to read as follows:

"A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General."

Article 30 (Article 53)

685. The Working Group had before it the following text of article 30 as adopted at first reading:

"The Secretary-General of the United Nations shall inform all States Members of the United Nations and all States which have signed this Convention or acceded to it of the following:

- (a) Signatures, ratifications and accessions;
- (b) The date of entry into force of this Convention and the date of the entry into force of any amendments;
- (c) Denunciations."

686. The Working Group also had before it the text of article 30 as contained in the working paper submitted by Poland (E/CN.4/1989/WG.1/WP.66). This text, which reflected the suggestions made by the Legal Counsel and UNESCO during the technical review, read as follows:

"Article ... Depositary

The Secretary-General of the United Nations is designated as the depositary of the present Convention."

687. The observer for Poland, who introduced these proposals, explained that a description of the functions of depositary was not necessary in this text since the Secretary-General was under obligation to perform such functions as specifically provided for in article 77 of the Vienna Convention on the Law of Treaties.

688. The Working Group accepted the proposed change and adopted article 30, as revised, reading as follows:

"The Secretary-General of the United Nations is designated as the depositary of the present Convention."

Article 54 (Article 31)

689. The Working Group had before it the following text of article 31 as adopted at first reading (E/CN.4/1989/WG.1/WP.2):

"1. This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

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

690. The Working Group also had before it the text of article 31 as contained in the working paper submitted by Poland (E/CN.4/1989/WG.1/WP.66). This text, which reflected the suggestions made by the Legal Counsel during the technical review, read as follows:

Article ... Authentic Texts

"1. (This Convention,) The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

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

2. In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.

3. Done at ... this ... day of ... 19... in the name of"

691. The Working Group accepted the proposed revisions and, after having made some editorial changes, adopted article 31, as revised, to read as follows:

"The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.

Done at ... this ... day of ... 19.."

Reordering of the articles

692. The Working Group had before it a proposal submitted by the Norwegian delegation on the reordering of articles of the draft convention (E/CN.4/1989/WG.1/WP.69) which read as follows:

"Proposal for reordering of articles

PREAMBLE

PART I

New Old

1	1	(Child - age)
2	4	(Non-discrimination)
3	3	(Best interest of child)
4	5	(Implementation of rights recognized)
5	5 <u>bis</u>	(Parental guidance)
6	1 <u>bis</u>	(Right to life)
7	2	(Right to name and nationality)
8	9 <u>bis</u>	(Preservation of identity)
9	6	(Parental care/non-separation from parents)
10	6 <u>bis</u>	(Family reunification)
11	6 <u>ter</u>	(Illicit transfer and non-return)
12	7	(Child's right to express opinions)
13	7a	(Freedom of expression and information)
14	7 <u>bis</u>	(Freedom of thought, conscience and religion)
15	7 <u>ter</u>	(Freedom of association and freedom of peaceful assembly)
16	7 <u>quater</u>	(Privacy, honour and reputation)
17	9	(Mass media)
18	8	(Upbringing and child-rearing)
19	8 <u>bis</u>	(Prevention of abuse)
20	10	(Parentless children)
21	11	(Adoption)
22	11 <u>bis</u>	(Refugee child)
23	12	(Disabled child)
24	12 <u>bis</u>	(Health)
25	12 <u>ter</u>	(Periodic review of placed children)
26	13	(Social security)
27	14	(Standard of living)
28	15	(Education)
29	16	(Objectives of education)
30	16 <u>bis</u>	(Cultural, religious and linguistic rights)
31	17	(Rest and leisure)
32	18	(Protection from economic exploitation)
33	18 <u>bis</u>	(Protection from narcotic and psychotropic substances)
34	18 <u>ter</u>	(Protection from sexual exploitation)
35	18 <u>quater</u>	(Prevention of abduction, sale and traffic)
36	18 <u>quinto</u>	(Protection from all other forms of exploitation)
37	19	(Torture/capital punishment)
38	20	(Armed conflicts)
39	18 <u>sixto</u>	(Recovery and re-integration)
40	19 <u>bis</u>	(Treatment in penal matters)
41	21	(Other more favourable provisions)

Part II

New Old

42	21 <u>ter</u>	(Dissemination of the principles and provisions of the convention)
43	22	(Establishment of the committee)
44	23	(Reports from States Parties)
45	24	(Methods of work of the committee)

Part III

46	25	(Signature)
47	25 <u>bis</u>	(Ratification)
48	25 <u>ter</u>	(Accession)
49	27	(Entry into force)
50	26	(Amendments)
51	28	(Reservations)
52	29	(Denunciation)
53	30	(Depositary)
54	31	(Authentic texts)

693. In introducing this proposal the Norwegian delegation indicated that the suggested reordering of articles was based on the proposals submitted earlier (E/CN.4/1989/WG.1/CRP.1/Add.1).

694. The Working Group agreed with the Norwegian proposals and the articles were reordered accordingly, with the necessary modifications in the use of the term "States Parties to the present Convention".

B. STATEMENT MADE DURING THE ADOPTION OF THE REPORT

1. Portugal

The following is taken from the report of the Working Group to the Commission on Human Rights, E/CN.4/1989/48, paragraph 726.

726. Lastly, the delegation of Portugal expressed certain misgivings about the statements made by some delegations concerning the content of several provisions of the text, at the very moment when the Working Group was completing the preparation of the draft Convention. The delegation of Portugal said it was sure that, at the time of ratifying that convention and in the event that the formulation of reservations proved justified, those delegations would take into account the applicable principles of international law, and in particular article 51 of the draft convention.

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

The text of the final clauses, articles 46 to 54, as adopted by the Working Group at the second reading was adopted along with the other articles of the Convention by the Commission on Human Rights by its resolution 1989/57 of 8 March 1989, by the Economic and Social Council by its resolution 1989/79 of 24 May 1989 and by the General Assembly by its resolution 44/25 of 20 November 1989.

* * * * *