Explanation of vote by Mrs. Mukta D. Tomar, Counsellor, on the draft resolution contained in document A/C.3/59/L.29/Rev.1 on ‘Rights of the child’ [November 23, 2004]

Madam Chair,

My delegation will, regrettably, abstain in the vote on the whole on the draft resolution on ‘Rights of the child’ contained in document A/C.3/59/L.29/Rev.1.

Our abstention is not because of any diminution in India’s commitment to promoting and protecting the rights of the child today as compared to the past years. Indeed, India had been a traditional co-sponsor of the resolution till the 56th session of the General Assembly. Since then, we have, to our regret, been unable to co-sponsor the resolution.

India is fully committed to protecting her children and promoting their welfare and development, a commitment reaffirmed most recently by the Prime Minister of India in his address to the nation on our Independence Day this year.

India is home to about four hundred million children and is committed to the development of every child and ensuring that the rights of her children are fully protected. The consideration of India’s second periodic report by the Committee on the Rights of the Child in January 2004, the adoption of the ‘National Charter for Children’ in February 2004 and the ratification this month of the two additional Protocols to the Convention on the Rights of the Child are only some of the manifestations that reaffirm the Government’s full dedication to its commitments.

Madam Chair,

The Convention on the Rights of the Child, with 192 States Parties as its adherents, provides a comprehensive framework and has successfully brought the international community together in its determination to ensure that the rights of the child are fully promoted and protected.

Article 4 of the Convention addresses the issues of resources and international cooperation. By deleting the reference to this article in the draft resolution and by refusing to accept language that recognises that adequate financial resources are necessary to ensure the economic and social rights of children and to contribute to efforts by the international community to mobilise resources to assist States, particularly developing countries, to achieve these objectives, the sponsors of the resolution have not only displayed a lack of transparency and fair play in the negotiation process, but also a complete disregard of commitment to the obligations undertaken under Article 4 of the Convention.
Madam Chair,

My delegation has sought to engage itself fully in negotiations on this draft resolution. Admittedly, a national government has the primary responsibility for promoting and protecting the rights of its children. However, the purpose of engaging in negotiations on resolutions of this kind is not only to collectively reaffirm commitments undertaken by governments, but to engage in discussions on international co-operation as well.

Madam Chair,

This year, the main sponsors of the draft resolution have revised the text considerably, which alters and amends previously agreed language. Further, new elements have been incorporated into the text for the first time, without adequate prior consultations, such as a proposal to invite the Chairman of the Committee on the Rights of the Child to present an oral report on the work of the Committee to the General Assembly at its sixtieth session; a proposal to welcome the Committee’s efforts to reform its working methods so as to consider States Parties’ reports by working in two chambers, and so on. We have often been reminded by the very sponsors of this text that the General Assembly should not be seen to be dictating to the treaty bodies what the latter should be doing. Efforts by the main sponsors to force changes to the text which do not enjoy the full support of the members of this Committee are contrary to the spirit of consensus that is sought to be achieved.

We are disappointed that some of the constructive suggestions made by my delegation, inter alia, the re-insertion of text from operative paragraph 6(a) of Resolution 58/147 on ‘Rights of the Child’ which ‘Calls upon States parties to ensure that the members of the Committee on the Rights of the Child are of high moral standing and recognized competence in the field covered by the Convention, and serve in their personal capacity, consideration being given to equitable geographical distribution as well as to the principal legal systems’; and the incorporation in operative paragraph 11 in L.29 Rev.1 of references to a ‘development perspective’ were rejected without any sound reason.

We have stated before, and wish to reiterate now, that achieving consensus on a resolution does not mean achieving consensus among the co-sponsors alone. Consensus requires carrying all members of this body. It is inadmissible for a few delegations to assume the role of being the self-appointed guardians of important issues in this Committee.

My delegation will continue to participate actively in negotiations on this draft resolution in the coming year to ensure that important and legitimate concerns not only of my delegation, but concerns shared by several delegations, will be addressed and taken on board during negotiations on the text in the future.

For these reasons, my delegation will abstain in the vote on the resolution as a whole.

Thank you, Madam Chair