

Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization”.

*107th plenary meeting
16 December 1982*

37/115. Draft Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally

The General Assembly,

Recalling its resolution 36/167 of 16 December 1981, whereby it decided, *inter alia*, that appropriate measures should be taken to finalize the draft Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally.

Noting, in this connection, the current efforts of the Commission on Human Rights to elaborate a draft Convention on the Rights of the Child,

Taking note of the decisions taken by the Economic and Social Council on the draft Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally,⁵⁵

Bearing in mind the reports of the Secretary-General, of 8 September 1980⁵⁶ and 19 October 1982,⁵⁷ which contains the views of Member States on the text of the draft Declaration,

Noting that section VI of the first of the above-mentioned reports⁵⁶ contains some proposed amendments and reformulations of certain articles based on comments by Member States,

Fully aware of the sovereign right of Governments to define their national and international policies as regards the protection and welfare of children, including foster placement and adoption,

Recognizing that it is the responsibility of Governments to determine the adequacy of their national services for children and to recognize those children whose needs are not being met by existing services,

Noting the usefulness of regional co-operation in matters regarding the well-being of children,

Recognizing that the best child welfare is good family welfare and that when family care is unavailable or inappropriate, substitute family care should be considered, in conformity with national legislation,

Convinced that adoption of the draft Declaration will promote the well-being of children with special needs,

Noting that the further views of Member States on the draft Declaration as well as on the amendments and reformulations of certain articles contained in section VI of the report of the Secretary-General⁵⁶ would provide helpful guidance for further efforts to elaborate a generally agreed draft Declaration,

1. *Requests* the Secretary-General:

(a) To circulate to Member States, for their views, the draft Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally as well as the conclusions contained in the report of the Secretary-General;⁵⁶

(b) To submit to the General Assembly at its thirty-eighth session a report containing the views of Member States;

2. *Decides* to resume consideration of this item at its thirty-eighth session and to determine at that session the most appropriate course of further action.

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37/116. State of signatures and ratifications of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of international armed conflicts (Protocol I) and the protection of victims of non-international armed conflicts (Protocol II)

The General Assembly,

Recalling its resolutions 32/44 of 8 December 1977 and 34/51 of 23 November 1979,

Having considered the report of the Secretary-General⁵⁸ on the state of signatures and ratifications of the two Protocols Additional⁵⁹ to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts.

Taking note of resolution VII of the Twenty-fourth International Red Cross Conference, adopted on 13 November 1981,

Convinced of the continuing value of established humanitarian rules relating to armed conflict and the need to secure the full observance of human rights in armed conflicts pending the earliest possible termination of such conflicts,

Noting the virtually universal acceptance of the four Geneva Conventions of 12 August 1949⁶⁰ concerning the protection of victims of armed conflicts, and their binding character for all parties,

Noting further with appreciation the continuing efforts of the International Committee of the Red Cross to disseminate information about the two additional Protocols,

Concerned, however, at the fact that so far only a limited number of States have signed, ratified or acceded to the two Protocols,

Mindful of the need for continued improvement of the implementation, and for further expansion, of the body of humanitarian rules relating to armed conflicts,

1. *Reiterates its call*, contained in resolution 34/51, to all States to consider without delay the matter of ratifying or acceding to the two Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts;

2. *Calls upon* all States becoming parties to Protocol I to consider the matter of making the declaration provided for under article 90 of that Protocol;

3. *Requests* the Secretary-General to submit to the General Assembly at its thirty-ninth session a report on the status of the Protocols based on information received from Member States;

4. *Decides* to include in the provisional agenda of its thirty-ninth session an item entitled “Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts: report of the Secretary-General”

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⁵⁵ See A/C.3/36/3.

⁵⁶ A/35/336.

⁵⁷ A/37/146.

⁵⁸ A/34/445.

⁵⁹ A/32/144, annexes I and II.

⁶⁰ United Nations, *Treaty Series*, vol. 75, Nos. 970-973.