

38/142. 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,

Recalling the action taken by the Economic and Social Council on the draft Declaration,⁵⁵

Bearing in mind the reports of the Secretary-General of 8 September 1980,⁵⁶ 19 October 1982⁵⁷ and 6 October 1983,⁵⁸ containing the views of Member States on the text of the draft Declaration,

Noting that the first of the above-mentioned reports contains, in section VI, 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,

Bearing in mind the existence of different national legislation in the field of the protection and welfare of children,

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,

1. *Requests* the Secretary-General to invite Member States to comment on the most appropriate procedure for completing work 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 and the forum for future discussion, bearing in mind the suggestions and proposals made in the Sixth Committee;

2. *Also requests* the Secretary-General to submit to the General Assembly at its thirty-ninth session a report containing the comments and observations received pursuant to paragraph 1 above, with a view to taking a final decision on the procedure to be followed;

3. *Decides* to include in the provisional agenda of its thirty-ninth session an item entitled "Consideration of 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".

*101st plenary meeting
19 December 1983*

⁵⁵ See A/C.3/36/3.

⁵⁶ A/35/336.

⁵⁷ A/37/146.

⁵⁸ A/38/389 and Add.1-3.