

Statement of Interpretation on Article 17

Replying to a request for information on the part of one government in the course of the third cycle of supervision, the Committee felt it useful to recall that in Conclusions I it had made clear the need for the governmental reports to contain adequate information on the application of Article 17 in each of the States concerned and especially on general arrangements for the social and economic protection of mothers and children, economic assistance available to mothers before and after confinement, procedures for the establishment of paternity or maternity, maintenance arrangements for children born out of wedlock, guardianship, custody, the legitimation and inheritance rights of such children, the protection of unmarried mothers, the system of guardianship for orphans, the protection of homeless children, the measures taken in regard to adoption, and the treatment of juvenile delinquents (Conclusions I (1969), Statement of Interpretation on Article 17).

As regards the general legal position of children born out of wedlock, the Committee specified that:

- a. while it might not be possible at the present time for such children to be treated before the law in exactly the same way as other children, a State whose legislation manifestly discriminated against the first group of children could not be held to satisfy its obligations under Article 17;
- b. besides ensuring as near as possible equality of treatment, the State should also take such measures as are necessary and appropriate for the protection of children born out of wedlock, in view of their special needs.

As for protection of unmarried mothers, the Committee made it clear that the mere absence of unjust discrimination against unmarried mothers did not amount to "ensuring the effective exercise of the right of mothers and children to social and economic protection" and considered that special measures were necessary, such as the institution of services of guidance and assistance including financial assistance.

Regarding the protection of mothers before and after confinement, the Committee firmly held that the basic principle in this field is that mothers, before and after confinement, should be in a position of medical and financial security.

Finally, in the sphere of the protection of homeless children, the Committee considered that the basic objective of such arrangements should be to provide such children with the nearest possible approximation to a normal home environment.