

this draft for comment to the Commission on Human Rights in view of its close relationship with the Universal Declaration of Human Rights which was adopted by the General Assembly on 10 December 1948.

The Commission on Human Rights discussed the draft Declaration in 1957 and in 1959. After consulting Governments and non-governmental organizations, it decided, in 1959, to present its comments to the Economic and Social Council in the form of a revised text.

The matter came before the Council's mid-1959 session.

The Council did not discuss the individual provisions of the Commission's new draft of the Declaration. (The Commission's text contained a preamble and 11 principles. Later in the year, the General Assembly combined two of the principles into a single clause with amendments so that the final text listed 10 principles.) During a general debate on the draft, however, many members expressed satisfaction that the preliminary work on the draft Declaration had now been completed but reservations on the text itself were mentioned. Thus, the United Kingdom and the United States criticized it on the ground that it was not concise enough and lacked clarity, while the USSR and others believed that it should be more specific and detailed in its provisions and should contain some indication of how the rights set forth were to be implemented.

On 30 July 1959, the Council decided, by resolution 728 C (XXVIII), to transmit to the General Assembly the relevant chapter of the report of the 1959 (fifteenth) session of the Commission on Human Rights, together with the records of the Council's discussions.

The draft Declaration as revised by the Commission on Human Rights was extensively discussed at the Assembly's fourteenth session in the Assembly's Third (Social, Humanitarian and Cultural) Committee.

Several representatives—including those of Denmark, the Netherlands, the United Kingdom and the United States—maintained that a brief and concise Declaration would be most effective. They also thought that no provisions should be included as to how the principles affirmed were to be put into effect. Others, however, believed that it would be preferable to draw up a convention. Although prepared to

support a declaration, the USSR and others stressed that it should contain directives for implementing the rights set forth.

These general views were reflected in many of the amendments and sub-amendments presented during the Third Committee's debate on the draft Declaration.

PREAMBLE

Two main questions were discussed in connexion with the preamble and also in connexion with the principles of the Declaration: (1) should the Declaration state, in positive terms, the needs of the unborn child for special protection; and (2) to what extent should the role of the State vis-à-vis the child be emphasized.

One paragraph of the Commission's text affirmed that "the child needs special safeguards, including special legal protection, by reason of his physical and mental immaturity."

Italy proposed adding a phrase to make it clear that the child required special safeguards and care, including legal protection, "from the moment of his conception." In support of this proposal, which was favoured by several representatives, it was maintained that the rights of the child were inherent from before birth and that every child had a right to be born and a right to life.

Against this amendment, it was argued that some countries, especially those where abortion was permitted under certain circumstances, would find such a provision difficult to accept. Moreover, it was held, the amendment raised a highly controversial issue and should not, therefore, be included in a declaration which was to be universally acceptable.

The Italian amendment was rejected in favour of a compromise text suggested by the Philippines to the effect that "the child, before as well as after birth, needs special safeguards and care, including appropriate legal protection, by reason of his physical and mental immaturity."

The question was also raised in connexion with a proposal by Afghanistan, Argentina, Brazil, Italy, Spain and Uruguay to add a new principle to the Commission's text of the Declaration stating the right of the child to life, to be respected and safeguarded from the moment of conception. This proposal was rejected.

Also debated was another paragraph in the