

equitas

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Happy 75th Birthday

Universal Declaration of Human Rights

December 10th, 2023



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In Equitas' Executive Director's office lies a black leather pouch holding archival content on John Peters Humphrey (1905-1995)¹, the first director of the Human Rights Commission of the United Nations Secretariat, tasked to prepare the primary draft of the Universal Declaration of Human Rights (UDHR), and the co-founder of Equitas.

To commemorate the 75th anniversary of the UDHR, Equitas' Knowledge Management Team has created this booklet, where we use archival newspaper articles, interviews, speeches by and about John Peters Humphrey as well as his autobiography to simulate how he may have answered modern-day questions and clarified misconceptions about the UDHR.

¹ For more background information on John Peters Humphrey, please visit Equitas website: [Drafting the Universal Declaration of Human Rights | Equitas](#)



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Introduction to Equitas

Based in Montreal, Equitas is Canada's oldest and most active human rights education organization. Equitas works for the advancement of equality, social justice and respect for human dignity through transformative education programs.

Equitas works closely with many partners in Canada and around the world, in Burkina Faso, Haiti, Kenya, Tanzania, Senegal and the Middle East and North Africa region. We provide knowledge, skills and tools to support the empowerment of groups that are subject to discrimination, exclusion and other forms of human rights violations, particularly women, children and youth.

In the last 50 years, Equitas has reached over 4 million people worldwide through its programs. These programs are based on three pillars: participatory human rights education, human rights-based approach (HRBA) and gender-based analysis.

Through human rights education activities that address systemic discrimination, exclusion and other forms of human rights violations, Equitas contributes to changing attitudes and behaviours and providing the type of learning experiences that empower people to emerge as human rights changemakers.

To deliver on its mission, Equitas relies on values such as: equality and non-discrimination, meaningful participation, accountability, mutual respect and trust,



equitable partnership and innovation. These values speak to the way Equitas approaches its work and represents its collective will to live and work in a way that is consistent with human rights values.

For more information, visit equitas.org



Archival Simulated Q and A with John Peters Humphrey



Question 1: What is the genesis of the UDHR?

Quoted directly from the Right to Be Different Human rights in Canada: an assessment, Canadian Human Rights Commission 1988, p.4 "Universal Declaration of Human Rights: Promise of a New Order" by John Humphrey (JH).

Outrage at the gross violation of human rights immediately before and during the Second World War was the catalyst that gave birth to both the Declaration and the human rights provisions of the United Nations Charter. The Charter provided for the establishment of

a Human Rights Commission, which assumed responsibility for drafting an international bill of rights.

This commission held its first regular session early in 1947 under the chairmanship of Eleanor Roosevelt. It worked so well that it was able to send a draft to the General Assembly in time to be considered at its third session in Paris in 1948. Referred to committee, the draft was discussed at 85 meetings and amended on December 6, 1948. Four days later, on the night of December 10, 1948, the Assembly adopted the final text of the Universal Declaration of Human Rights without a dissenting vote, although there were four abstentions.²

Authority or anonymity

The Declaration had no author in the sense that Thomas Jefferson was the author of the American Declaration of Independence. Literally hundreds of people contributed. As the late Charles Malik, himself one of the chief architects of the Declaration, has written: "The complete story of how each provision actually arose can never be told, because the actual, living, dynamic process of genesis can never be captured or reproduced." Perhaps, in fact, the Declaration's very anonymity contributes to its great authority.

² In 1948, the UN General Assembly consisted of 56 member states. There were actually 8 abstentions not 4.

Question 2: If my rights are not respected, can I lodge a complaint by referring to the UDHR?

Quoted directly from JH autobiography (1984) *Human Rights and the United Nations: a great adventure* in the chapter entitled “First Draft of the Universal Declaration of Human Rights (1947)” excerpts from pp. 32-33 (hereinafter JH AUTOBIOGRAPHY).

After cataloguing and defining the various rights and freedoms, I went on to mention three principles, the recognition of which is essential in any effective system for the international protection of human rights. The first was that the right of individual petition (which I had included in Article 29 of my draft) included the right to petition the United Nations. The second was the duty of all member states to respect and protect the rights enunciated in the declaration, and the third that its provisions were to be deemed fundamental principles of international law and the national law of each member state. “Their observance,” my text went on to say, “is, therefore, a matter of international concern and it shall be within the jurisdiction of the United Nations to discuss any violation thereof.” None of these principles were retained in the Universal Declaration, although some of them were put in the covenants. The Universal Declaration does not even recognize the right to petition national, let alone international authorities. In proposing these principles for inclusion in a declaration to be adopted by resolution of the General

Assembly, I skated over some fundamental problems in international law and organization. Like Mrs. Mehta with her general act, I had no plan for overcoming the difficulty that the General Assembly can only make recommendations. I knew very well that it had no power to impose binding obligations; but instinct told me that the Declaration would later be recognized in some way as binding, perhaps by the force of custom; and that, I think, is what has now happened.

Question 3: What is the link between the UDHR and other HR instruments, such as the Covenants?

In an interview with Humphrey in *The Candle: A Journal of International Human Rights* Winter 1984 published by Amnesty International Canadian Section (hereinafter THE CANDLE INTERVIEW), he was asked: What did the International Covenants add to the force of the Declaration, if anything?

JH responded:

Well, they added a system of implementation through the HR Committee, a reporting system and a procedure for inter-state complaints, and with the Optional Protocol of the Covenant on Civil...Moreover there are certain things in the Declaration that are not in the Covenants: the right to property, for example. But the importance of the Declaration can be seen in many of the resolutions that the General Assembly has passed

condemning South Africa. You'll always see a statement like this in these resolutions: 'South Africa has violated its obligations under the UN Charter and the UDHR.' How that shows that the Declaration is being used to interpret the Charter. Although human rights runs through the Charter like a golden thread, nowhere are these rights listed or defined.

Question 4: Equitas often talks about the HR values and principles that flow from the UDHR. What are these values and principles and how do they relate to the UDHR?

Excerpts from the archival document, THE DEAN WHO NEVER WAS, a lecture JH delivered on 16 November 1988, when the Law Faculty at McGill University established an annual lectureship in his name (hereinafter THE DEAN WHO NEVER WAS).

THE DEAN WHO NEVER WAS

The catalyst that brought about the many references to human rights and fundamental freedoms in the United Nations Charter, in the Universal Declaration, in the two United Nations Covenants, in the regional conventions on human rights, including the European Convention on the Protection of Human Rights and Fundamental Freedoms, and in other norms of world law relating to human rights was the gross, cynical and studied violations of human rights that occurred in certain countries during and immediately before the Second

World War – a war that was fought to vindicate human rights. There is, history tells us, a close relationship between respect for human rights and the peace of nations. “Is not peace, in the last analysis, a matter of human rights”, the late President Kennedy once asked. His question had already been answered by President Truman in the speech with which the latter closed the San Francisco Conference. Referring to the United Nations Charter, which had just been adopted, he said that it was “dedicated to the achievement and observance of human rights. Unless we can obtain these objectives for all men and women every-where – without regard to race, language or religion –we cannot have peace and security in the world.” Franklin Delano Roosevelt had already said in his Four Freedoms Address that human rights are “the necessary conditions of peace”. The same truth is more formally expressed in the U.N. Charter and in the preambles of the Universal Declaration and of the two Covenants. This close relationship between respect for human rights and the peace of nations is still another reason why this new world law of human rights is so important. If we could build a world in which human rights are better respected than they are now, the prospects of peace would be greater. I have said that the contemporary state system is obsolete. We must strengthen the role of the individual and weaken the role of the state.

If it is true, Mr. Chairman, that, in the present state of international law and organization, an educated public opinion is the ultimate sanction of this new and rapidly developing world law of human rights, then it follows,

you will agree, that non-governmental organizations, like Amnesty International, and even individuals have an important role to play. It is an historical fact that non-governmental organizations played an important role at the San Francisco Conference. It was Franklin Roosevelt's idea, shortly before his death, to invite some 40 American n.g.o.'s to send observers to San Francisco where they became consultants to the American delegation. By their energetic lobbying, they were partly responsible for the inclusion of the provisions relating to human rights in the United Nations Charter.

[...] Just one more word about education. When people know what their rights are, it is easier for them to put pressure on governments to respect them, and governments are more likely to respect them. That is why the world-wide celebration this year of the 40th anniversary of the adoption of the Universal Declaration is so important. Never since 1948 has the message of the Declaration reached so many people. I am not particularly fond of rock music; but when several weeks ago I sat with my wife in the Montreal Stadium and watched over sixty thousand youngsters swaying to the music in a concert dedicated to the Universal Declaration, I knew that they were getting the right message.

In response to myth 1: Human rights are useless.

THE DEAN WHO NEVER WAS

And now, Mr. Chairman, let me address – and this will finish all that I have to say this evening – one other matter: the concept of duty. Article 29 of the Universal

Declaration says that “everyone has duties to the community in which alone the free and full development of his personality is possible”. For every right, there are corresponding duties. I certainly have a duty to respect the rights of others. I have a duty to respect the law. That does not only mean that I must drive on the right side of the street, in Canada at least, and pay my income taxes. It may mean that, in time of national emergency, I must acquiesce when, in the interest of the nation, the state interferes in what, were it not for the emergency, would otherwise be my rights. It is also a fact that few, if any, human rights are absolute. Even John Stuart Mill recognized this. And this is recognized by that same article 29 of the Declaration, to which I have just referred. It says that “in the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect of the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.” It is my duty, Mr. Chairman, to respect these legitimate limitations on the enjoyments of my rights.

[...] The challenge of the future – and I mean the immediate future – is how to set up efficient mechanisms for the enforcement and implementation of these standards. It will not be an easy thing to do; but it is one that has to be done if this planet is to have any future.

In response to myth 2: A declaration has no legal force or no binding force.

Quoted directly from the speech John Humphrey (JH) delivered at the Palais de Chaillot on Dec. 10th, 1988, where he addressed Mr. President, Francois Mitterand, who invited him to the 40th anniversary of the UDHR at the Palais de Chaillot where the Declaration was adopted on the night of 10 December 1948 (hereinafter JH 40th ANNIVERSARY SPEECH).

Immediately after that historic vote in this very hall, by which the Universal Declaration was adopted, it acquired a moral and political authority equal, if not superior, to that of any other contemporary international instrument. The late Eleanor Roosevelt—that great woman who presided over the U.N. Commission on Human Rights and its drafting committee when the Commission’s draft of the instrument was being prepared—used to call it the Magna Carta of Mankind; and His Holiness Pope John Paul II has referred to it as the “basic inspiration and cornerstone of the United Nations”. Alexander Solsynitzan [*sic* Aleksandr Solzhenitsyn] once said that its adoption was the greatest success of the United Nations. No other international instrument had indeed ever or has better reflected the aspirations of mankind. Not only did it become the standard by reference to which the conduct of governments in their relations with individual men and women could be judged; but it inspired a whole new body of international law, both global and regional.

But in the 40 years since the Declaration was adopted, it has been invoked so many times, especially by the General Assembly of the United Nations, as if it were binding in law, that it has now become part of the customary law of nations and is therefore binding on all states. The best example of this practice is the long series of resolutions which the Assembly has adopted condemning South Africa for violations its obligations under the United Nations Charter and the Universal Declaration of Human Rights³ . It is obvious that the General Assembly is using the Declaration to interpret the Charter which, while it mentions human rights in seven of its articles, nowhere defines or even lists them. I could, if permitted, give you many other examples of that same practice, including resolutions which say that the Declaration shall - note the imperative language - be obeyed.

THE DEAN WHO NEVER WAS

Because, by reason of subsequent events, the Declaration has now become much more than, in the words of its preamble, it was originally meant to be, that is to say, simply "a common standard of achievement for all peoples and all nations", an exhortation as it were however important. Those of you who know anything about international law know that it has two principal sources of authority: treaties and customs. Treaties – and the two United Nations covenants on human rights are treaties – are like contracts and are binding

³It is underlined in the speech.

on all states that ratify them. Custom is, in the words of article 38 of the Statute of the World Court, “general practice accepted as law”. You will note that there must be a psychological element, what the lawyers call opinion juris. The practice must be thought to be obligatory. One could write a doctoral thesis about this. The fact is, in any event, that the Declaration has been invoked so many times as if it were law; has been used so many times to interpret the Charter which nowhere defines or even lists human rights; and so many resolutions have been adopted saying that the Declaration shall be observed, that it is now part of customary law of nations and is therefore binding on all states as if it were a treaty. Customary law is indeed stronger than treaty law. It is binding on all states, states cannot make reservations to it as they can to most treaties, and states cannot escape their obligations under it as they can be renouncing most treaties.

It turns out therefore that the adoption of the Universal Declaration was a much more important event than anyone could have dared to imagine in 1948. The Declaration is now binding on all states. This means, among other things, that those states, including the United States and China, which have not ratified the two United Nations covenants, are nevertheless bound by almost identical norms of law enunciated by the Declaration.⁴

⁴ The United States ratified the International Covenant on Civil and Political Rights (ICCPR) in 1992 but has not ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) (<https://dividedwefall.org/icescr/>). China has not ratified the ICCPR

On a similar note, this is how JH may have addressed the question of enforcement in general:

Let me distinguish between what I mean by enforcement and what I mean by implementation. They are quite different concepts. Enforcement implies an element of coercion or at least the fear of coercion. Implementation - look at your dictionary - means simply making something work, an idea that is also conveyed by the French equivalent of the word as it is used at the United Nations, mise en oeuvre. There are very few mechanisms of enforcement at the world level; for the simple reason that we have no international sheriffs or police that can enforce the law against recalcitrant countries. You will remember what I said about the contemporary state system being obsolete. It is almost as if, at the national level, in Canada, for example, you could take a case to court - which you cannot always do at the world level - get a judgement against someone who has violated your rights but have no way of executing the judgment. You know what your rights are in law but you cannot ensure their protection.

(<https://www.hrw.org/news/2013/10/08/china-ratify-key-international-human-rights-treaty>).

China ratified the ICESCR in 2001 but will only implement Article 8, Clause 1, allowing everyone to form and join trade unions of their choice (<https://www.hrichina.org/en/international-covenant-economic-social-and-cultural-rights-icescr>).



It is true that if violations of human rights are such that they are a threat to the peace, a breach of the peace or an act of aggression, the Security Council can invoke sanctions, even military sanctions, against a recalcitrant state. This is, of course, enforcement; but the United Nations has no army of its own to enforce such sanctions; and in the final analysis the work must be done by the member states of the Organization, member states that cannot always be counted on to respect their obligations under the Charter. United Nations peace-keeping forces, which in the last analysis are also national forces, do not have such a mandate. Their function is to keep the peace between warring forces.

But there does exist a whole cluster of mechanisms of implementation: debates in the General Assembly and other international organizations concerning human rights, including their violation; the adoption of resolutions condemning states for violating human rights as in the case of South Africa; studies and reports by such bodies as the United Nations Human Rights Commission⁵ and its sub-commission and their working parties and rapporteurs; etc. The undeclared aim of all of these mechanisms is to educate world opinion. We sometimes call it the organization of shame. It is something to which all governments, including authoritarian governments, are sensitive.

⁵ The actual name is the UN Commission on Human Rights, which was replaced by the Human Rights Council in 2006.

In response to myth 3: Women do not have the same rights as men.

JH AUTOBIOGRAPHY pp.30-31

The League of Nations had done some useful work to improve the condition of women, and I expected that the new commission would want to go on from where the League had left off. I therefore arranged for the preparation of a questionnaire on the legal status of women based on the League's experience. This would, I hoped, elicit some useful information from governments. It proved to be a useful tool in the hands of the commission.

More perhaps than in any other United Nations body the delegates to the Commission on the Status of Women were personally committed to its objectives. Although they represented governments under whose instructions they worked, they acted as a kind of lobby for women of the world. There was no more independent body in the United Nations. Many governments had appointed and continued to appoint as their representatives women who were militant in their own countries...They reached many of their decisions in private, informal meetings in which we had no part. Later, after the section on the status of women in the Secretariat was better organized, the commission worked more closely with it and took its chief into their confidence. But I did make several friends in the first group to come to the commission, including Marie-Hélène Lefauchaux of France and Dorothy Kenyon of

the United States. Later, I made a much closer friend of Minerva Bernadino of the Dominican Republic who, although she did not come to the first session, was one of the most influential women at the United Nations – a friendship which had its importance in the development of certain aspects of the human rights program...

[The commission]...also discussed the legal status and treatment of women, including political rights, and asked the Economic and Social Council to request governments to complete by June certain parts of the questionnaire already mentioned, indicating any change in law or practice since the adoption by the General Assembly of its resolution on political rights. There was some ideological debate. The Soviet Union was proud of its record in the matter of the equality of men and women and, at this and other sessions, often attacked the Western countries for their "backwardness."

THE DEAN WHO NEVER WAS

Here is an example near home of a mechanism of implementation with which you are probably familiar. Mrs. Sandra Lovelace, a Canadian Indian, married a non-Indian man. This meant that, under the Indian Act as it then was, she lost all of her rights in the Indian band of which she had been a member; whereas if an Indian man married a non-Indian woman he brought her into his band, a blatant case of discrimination based on sex. Under the Optional Protocol to the Covenant on Civil and Political Rights, Mrs. Lovelace took her case to the monitoring body set up by that Covenant which decided

that Canada had violated her obligations under the Covenant. The United Nations had no way of forcing Canada to respect that decision. But the Canadian parliament nevertheless removed the offensive provision from the Indian Act. Why? Because, I have no doubt, the Canadian government did not want to appear before world public opinion as a country that does not respect its international obligations.

In response to myth 4: Promoting respect for human rights is the responsibility of the State only.

JH 40th ANNIVERSARY SPEECH

The Universal Declaration of Human Rights is law. International law, jus inter gentes, is traditionally defined, however, as a law governing the relations of states and of states only. If the Universal Declaration of Human Rights is now part of the customary law of nations, then, because it confers rights on individual men and women, that definition is no longer correct. That fact is, Mr. President, that the Declaration is helping to bring about a radical change in the very nature and structure of traditional international law. What was once a purely horizontal order is becoming vertical. This new law reaches down to entities other than states. What we have in the past called international law should now be called world law. Traditional international law is becoming obsolete in this nuclear age. The Universal Declaration and the other world law that it has inspired is radically changing an obsolete international order.

Human rights have been and still are directed to the protection of human dignity. But human rights law also has another purpose. History tells us that there is a close relationship between respect for human rights and the peace of nations. The catalyst that brought about the many references to human rights in the United Nations Charter was indeed the gross violations of those rights during and immediately before the Second World War.

We live on a planet that has been governed – if one can indeed say that it has been governed – by a legal order that is becoming obsolete. During my own lifetime, we have lived through two world wars which have shattered the planet on which we live. We are still suffering the consequences. How many wars, declared or not, divide nations and peoples? It is governments that make wars; it is individual men and women who suffer the consequences. Perhaps the radical change in the very nature of international law to which I have referred and which is being brought about chiefly by this new world law of human rights will help us keep this planet a place where men and women can continue to live.

I have talked about a revolution in the nature and structure of international law. But what is law? Law tells us what should happen. It does not tell us what will happen. That is why, in developed legal systems, there exist elaborate mechanisms for the implementation and enforcement of the law – the courts, the police, etc. At the international level, these mechanisms are weak when indeed they even exist. Most of them are directed,

moreover, however they may be described, only to the education of world public opinion. We sometimes call it the organization of shame. Such mechanisms, the adoption of resolutions by the United Nations, for example, are not without impact. Governments, even authoritarian governments, are sensitive to public opinion. But, however important, what we now have is not enough. The challenge of our generation is to devise adequate measures of implementation and enforcement of this new world law of human rights.

This is the message, Mr. President, that I wanted to convey in this short intervention. Never in the history of the Universal Declaration has it received the public attention which it has during this 40th anniversary. Perhaps this is the élan vital that will help us to bring peace to our world and universal recognition of the dignity of man and of woman.

THE DEAN WHO NEVER WAS

Equally important, the Universal Declaration and the many treaties that have been inspired by it are helping to bring about a revolutionary change in an international legal order which has become obsolete. Traditional international law governed the relations of states and of states only. What is happening now is that its rules are reaching down to entities that are not states on which it also confers rights and imposes duties. Traditionally a horizontal order it is now becoming vertical. This radical change in the very nature and structure of international law – it would be better now

to call it world law – is also taking place in other branches of the order. The World Court has, for example, ruled that the United Nations itself, which is not a state, has international juridical personality, that it can, that is to say, possess rights and owe duties under the order. But it is the world law of human rights, which confers rights on individual men and women, that is the principal actor in the process. When a hundred years from now, jurists write about the history of international law in the 20th century, they will certainly say that by far the most important development was this radical change in the nature and structure of the order.

In response to myth 5: Human rights are an invention of the West.

THE CANDLE INTERVIEW

Mind you, I doubt whether we could do now what was done in 1948. In the first place, there would be a lot of things in the Declaration which might make it unacceptable to people like ourselves. Don't forget that it was a different kind of UN in those early years. The membership was just a little over fifty, and it was pretty much controlled by the West, so that Western traditions were very very important.

There is not even a mention of self-determination in the Declaration. If it had been adopted two years later we couldn't have avoided that... they [western states] had serious problems with the Covenants until the colonies were emancipated, and then the question became

academic. The general wisdom at the UN was to give a definition of self-determination which made it apply only to colonial peoples.

[My most important contribution to the Declaration] I would think probably was the inclusion of economic and social rights. Don't forget that in 1948 economic and social rights were considered to be pure socialism. In 1948 *The Montreal Star* had an editorial on the Declaration entitled "Human Rights and the Pink Paper".

JH AUTOBIOGRAPHY pp.29

It was typical of Mrs. Roosevelt that she should want the drafting committee [of the UDHR] to begin work at once and she invited her two colleagues [P.C. Chang from China and Charles Malik from Lebanon] and me to meet her in her Washington Square apartment on the Sunday following the adjournment.

It soon became obvious that this committee would not draft the bill: Chang and Malik were too far apart in their philosophical approaches to be able to work together on the text. There was a good deal of talk, but we were getting nowhere. Then... Chang suggested that I put my other duties aside for six months and study Chinese philosophy, after which I might be able to prepare a text for the committee. This was his way of saying that Western influences might be too great, and he was looking at Malik as he spoke. He had already, in the commission, urged the importance of historical

perspective...I didn't go to China nor did I study the writings of Confucius!

Pp.31-32

[...] I was no Thomas Jefferson and, although a lawyer, I had had practically no experience drafting documents. But since the Secretariat had collected a score of drafts, I had some models on which to work. One of them had been prepared by Gustavo Gutierrez and had probably inspired the draft declaration of the international duties and rights of the individual which Cuba had sponsored at the San Francisco Conference. There were also texts prepared by Irving A. Issacs, by the Rev. Wildred Parsons, S.J., by Tollin McNitt and by a committee chaired by Viscount Sankey after a public debate conducted in Britain by the *Daily Herald*. One had been prepared by Professor Hersh Lauterpacht and another by H.G. Wells. Still others came from the American Law Institute, the American Association for the United Nations, the American Jewish Congress, the World Government Association, the *Institut de droit international* and the editors of Free World...Without two exceptions, all these texts came from English-speaking sources and all of them from the democratic West. The documentation which the Secretariat brought together ex post facto in support of my draft included texts extracted from constitutions of many countries. But I did not have this before me when I prepared my draft.

[...] My draft comprised of 48 short articles. Four principles were suggested for inclusion in the preamble:



there can be no peace unless human rights are respected; man -- and I meant this word to include women -- does not only have rights, he owes duties to the society of which he forms part; he is a citizen not only of his state but of the world; and there can be neither human freedom nor human dignity unless war and the threat of war are abolished. The only one of these principles that was included in the text of the Universal Declaration was the one which said that respect for human rights is the foundation of peace.

INTERESTING FACTS QUIZ

1. **TRUE OR FALSE:** On December 10th, 1948, the United Nations Third General Assembly adopted the Declaration with a vote of 48 to zero with 8 abstentions that came from the USSR, The Ukrainian Soviet Socialist Republic (UKSSR), the Byelorussian Soviet Socialist Republic (BSSR), Yugoslavia, Poland, Czechoslovakia, Saudi Arabia and South Africa. Honduras and Yemen were absent for the vote.
2. **TRUE OR FALSE:** Eleanor Roosevelt was the only woman involved in the drafting of the UDHR.
3. **TRUE OR FALSE:** There is no separate article in the UDHR articulating that human rights also apply to peoples in the colonies. Several states argued that the general statement against discrimination was enough to ensure the rights of the colonized. Others disagreed, in particular, the Communist bloc countries, namely Yugoslavia, who proposed a separate article.
4. **TRUE OR FALSE:** Syria, Egypt, Saudi Arabia, Pakistan and Afghanistan were among the states

against the incorporation of the right to social security, education, free choice of employment and an adequate standard of living in the Declaration.

5. **TRUE OR FALSE:** Countries of Africa and Asia were grossly under-represented in the United Nations during the drafting of the Declaration.

NOTES

ANSWER SHEET

1. **TRUE:** No country voted against the declaration. The countries that abstained had participated and cooperated during various stages of the drafting procedures. The Soviet countries abstained because they felt that the UDHR did not go far enough in condemning Nazism and Fascism. Saudi Arabia abstained because of the wording in Art. 16 on equal marriage rights and because of Art 18, which gave people the right to change their religious beliefs, notwithstanding the fact that other countries with large Muslim populations like Syria, Iran, Turkey and Pakistan voted for the Declaration. South Africa abstained from voting because the document would be used to condemn apartheid and racial discrimination.⁶

⁶ For more information, visit:

https://ccnmtl.columbia.edu/projects/mmt/udhr/udhr_general/drafting_history_10.html#:~:text=The%20Third%20General%20Assembly%20adopted,Saudi%20Arabia%20and%20South%20Africa.

<https://homework.study.com/explanation/who-voted-against-the-universal-declaration-of-human-rights.html>

<https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e887>

2. **FALSE:** Eleanor Roosevelt, former first lady of the United States and Chairman of the UN Human Rights Commission, was the most prominent woman on the Drafting Committee, but she was not the only woman involved. According to Rebecca Adami, “Three non-western female delegates had a particularly strong influence on the Declaration... They were Minerva Bernardino from the Dominican Republic, Hansa Mehta from India, and Begum Shaista Ikramullah from Pakistan.”⁷
- a. **Hansa Mehta** was a delegate to the UN Commission on HR from 1947-1948. She fought for women’s rights in India and abroad and is credited for changing the language of Article 1 of the UDHR from “All men are born free and equal” to “All human beings are born free and equal”.
 - b. **Minerva Bernadino** was a diplomatic leader in the feminist movement in Latin America and the Caribbean from the Dominican Republic. She was not only one of the signers of the UDHR in 1948 but also pushed including the phrase “equality of men and women” in the preamble, among other changes.

⁷ See [The role of women in shaping the Universal Declaration of Human Rights | OHCHR](#)

- c. **Begum Shaista Ikramullah** was a delegate of the UN Third Committee from Pakistan and member of the first parliament of the newly independent Pakistan. She pushed for articles and language in the UDHR emphasizing freedom, equality and choice, to combat child and forced marriage.⁸

3. **TRUE:** There is no separate article. There was an attempt, however, by “[t]he Yugoslav delegation [who] proposed to add to the Declaration a separate article which states that ‘the rights proclaimed in this Declaration also apply to any person belonging to the population of Trust and Non-Self-Governing Territories (307/Rev.1/Add.1)’”...[Footnote 20 Chapter 3: “The other nations that voted for the separate article were Pakistan, Peru, Poland, Saudi Arabia, Syria, UKSSR, USSR, Yemen, Yugoslavia, BSSR, Czechoslovakia, Ethiopia, Haiti, India, Iran.]”⁹

However, “[t]he British delegation proposed to reframe the Yugoslav article as a second clause in Article 2 [non-discrimination], effectively

⁸ Ibid

⁹ Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting, and Intent* (Philadelphia: University of Pennsylvania Press, 1999), p.98 (Footnote 20 p.354)

‘demoting’ concerns for the colonies...the UNGA [United Nations General Assembly] voted in favor of the British proposal by a vote of 29 to 17, with 10 abstentions. As a result, the Egyptian ‘universality phrase’ failed to stand as a separate article, though it remains in the operative text of the UDHR as the second clause of Article 2.”¹⁰

4. **FALSE:** “Syrian delegate Abdul Kayaly proposed that the UDHR’s Article 22 should express concerns about social security in broader terms of social justice. [Jamil Murad] Baroodi, for Saudi Arabia, added that the Syrian proposal conformed to Islamic law. He informed his colleagues on the Third Committee that Muslim populations enjoyed social security through such institutions as Zakat and Waqf, which were different than social assistance programs common in the West, but no less effective. Such Islamic institutions, he asserted, ‘were not only

¹⁰ Susan Waltz, “Universal Human Rights: The Contribution of Muslim States,” 26 *Human Rights Quarterly*, no.4 (2004): 830

Waltz also notes that the “Egyptian representative, Omar Loutfi, who argued that it was ‘essential that the Declaration should state that it was for nations and peoples that were not autonomous or were under Trusteeship’... [and also] offered language that presents the UDHR’s most direct assertion of universality: rights enshrined in the Declaration apply ‘both among the peoples of the Member States themselves and among the peoples of territories under their jurisdiction.’”: 829

the equivalent of a social security system, but their machinery was simpler, their administration less costly and their effectiveness had stood the test of fourteen centuries.’... The Syrian proposal was central to the debate on this issue, and it received considerable support from various quarters, but ultimately it did not find its way into the final text of the UDHR. Although the specific Muslim proposal was not accepted, Muslim delegations generally offered strong support to articles elaborating socioeconomic rights.”¹¹

5. **TRUE:** “...in the 1940s some of the most prominent drafting nations still had their colonial empires. The Declaration was written at a time when these empires just started to break up. Two of the most influential drafters, [Charles] Malik from Lebanon and [Carlos P.] Romulo from the Philippines, were from countries that gained their independence in 1946 ...Syria also joined that year. In 1947 India, Burma, Pakistan and in 1948 Ceylon gained their independence. Both India and Pakistan played an active role in the drafting. The People’s Republic of China was not established until 1949, meaning that the great talents of P.C. Chang, which helped shape the

¹¹ Waltz, 826

Declaration, were used on behalf of Chiang Kai-Shek's fading government rather than to express the wishes of the new Communist regime. That same year Indonesia gained its independence from the Netherlands. Other Asian nations, such as Laos, Cambodia and Vietnam, did not gain their independence from France until 1954. None of these Asian countries were therefore directly represented in the drafting process. As for Africa, only four nations from that continent took part in the process [Footnote 11 Chapter 3: "Egypt, Ethiopia, Union of South Africa and Liberia."]"¹²

¹² Morsink, 96 (Footnote 11 p.353).

ADDITIONAL RESOURCES

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