

Making Women Human: Unveiling the Contribution of Women to the Universal Declaration of Human Rights

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Abstract

The UDHR was adopted 75 years ago, on 10 December 1948. There are many myths surrounding the adoption of this historic and revolutionary document by the international community. Three of these myths are: Rene Cassin is the father of the UDHR; it is representing only Western or imperialist values and the male delegates from the Western countries played a dominant role in drafting it. The analysis in the paper dispels these myths. It argues that the UDHR is not authored by a single person. Its authorship is composite. It is the most translated and cited document in the world. It does not represent only the Western values; communist States, Muslim states and many small States have also made their seminal contributions in its drafting. The main focus of the paper is to document and analyse the role of women delegates, comprising only 3 per cent of all delegates participating in the drafting of the UN Charter and the UDHR, mostly from the Global South, in lobbying for including the provisions of ‘gender equality’ in them. Women delegates successfully lobbied to make the text of these two documents more gender neutral and non-sexist.

Keywords: Universal Declaration of Human Rights, gender equality, women’s rights, Global South, conventions on women’s rights

I. Introduction

Seventy-five years ago, the UN General Assembly (UNGA) was meeting in Paris at *the Palais de Chaillot*. It is in the *Palais de Chaillot* that the Assembly adopted the Universal Declaration of Human Rights (UDHR) on 10 December 1948. This event is now commemorated by a stone, and the esplanade is known as the *esplanade des droits de l’homme* (“esplanade of Human rights”). The UN chose this place for adoption of the UDHR because it was on the front terrace of the palace that Adolf Hitler was pictured during his short tour of the city in 1940, with the Eiffel Tower (which was constructed in 1889, to celebrate 100 years of the French Revolution) in the background. It was proclaimed approximately three years after the end of the Second World War. The world celebrated its 75th anniversary on 10 December 2023. A day before the UDHR was adopted, i.e., on 9 December 1948, the General Assembly had adopted the Convention on the Prevention and Punishment of the Crime of Genocide. These two foundational documents have laid the foundation of modern international architecture of the human rights regime. In fact, the UDHR is a cornerstone of this architecture.

The UDHR was drafted primarily by the erstwhile UN Commission on Human Rights and was discussed in the

Commission on the Status of Women, the Third Committee of the General Assembly and the plenary session of the General Assembly. In all these UN bodies, delegates from 50 countries took part in negotiations. It was a composite document. Its authorship cannot be attributed to one person. However, one draftsman of the UDHR, Rene Cassin, a French Professor of International Law, was awarded the Nobel Peace Prize in 1968 for his seminal contribution in its drafting. The citation of the prize said he is the father of UDHR. Research on the UDHR in the first fifty years of its proclamation had neglected the contributions women delegates made during its drafting. The objective of this paper is to discuss this neglected aspect to dispel the myth that there was a single father of this historic document.

II. Founding Mothers of the UDHR

“Equality and non-discrimination” constitute the dominant single theme of contemporary international human rights law. Among all the human rights norms two basic rights – the right to equality and non-discrimination – have played a significant role in changing and nurturing the lives of individuals, peoples and nations. These two principles, in fact, are the basis of all human rights law that has been developed since the end of World War II under the auspices of the United Nations (Thio 2020; Vijapur 1993; Farrior 2015).

The inclusion of the principles of gender equality and non-discrimination on the ground of sex in the UN Charter and the UDHR was in large part due to Latin American and Indian women delegates, representing the Global South (See Adami and Plesch 2022). These women delegates advocated for inclusive and gender-neutral language of the provisions of the UDHR. In fact, women from the Global South have also shaped international human rights norms.

The UN Conference on International Organization (UNCIO) at San Francisco, 1945, was attended by 50 nations; 22 delegations from the Americas, 14 from Europe, 10 from Asia, and four from Africa. Only 12 of them (amounting to only 3 percent of all delegates) had female delegates with functions other than ordinary secretarial assistance (Adami and Plesch 2022, p. xv). This Conference adopted the UN Charter on 26 June 1945. At the end of the San Francisco Conference, only four women – Bertha Lutz (Brazil), Minerva Bernardino (Dominican Republic), Wu Yi-Fang (China), and Virginia Gildersleeve (United States) – among the 850 international delegates who signed the UN Charter. Two other women were present at the conference but were not signatories: Cora T. Casselman (Canada) and Jessie Street (Australia). It is gratifying to note that three of them represented the Global South / the developing nations. These and other women delegates played a significant role in setting the standard of “gender equality” at the birth of the United Nations.

It is worth recalling here the enthusiasm shown by Latin American delegates, who wanted the UN Charter to include a “Charter of Rights.” Brazil, the Dominican Republic and Mexico proposed a joint amendment to include among the UN Purposes, “to ensure respect for human rights and fundamental freedoms, without discrimination against race, sex, condition, or creed” (UNCIO, Docs. Vol. 3, p. 602; See Bergers 1992: pp. 447-77). The Panamanian delegation proposed a most extensive amendment to make it a Purpose of the Organization to maintain and observe the standards set forth in the proposed “Declaration of Essential Human Rights” (UNCIO, Docs. Vol. 3, p. 265-69). The proposed Declaration should contain a full-fledged bill of rights, and that should be made an integral part of the Charter. Likewise, the Uruguayan proposal required not only that the Organization “ensure” that members live up to minimum standards of decency in the treatment of their own citizens but also that it “guarantee” respect for essential human rights and liberties by adopting a system of effective international guardianship of these rights, besides adopting an international bill of rights. Moreover, it was proposed that the “Charter of Mankind” should be submitted to the consideration of the Assembly within a period of not more than six months (UNCIO, Docs. Vol. 3, pp. 34-35).

The delegates from Latin America were clearly the most active diplomats promoting women’s rights at the San Francisco Conference. They were headed by Bertha Lutz, a prominent scientist from Brazil, and both the President and Vice-President of the Inter-American Commission of Women. Minerva Bernardino from the Dominican Republic, and Amalia C. de Castillo Ledon from Mexico attended the Conference. They felt that they represented the women of the world and wanted to include references to women as often as possible in the UN Charter (Adami and Plesch 2022: pp. 17-38).

The female delegates from the USA, Canada, and the UK had a different view. According to their opinion, they participated in the negotiations as “delegates”, not women, and saw no reason to differentiate between women and men. Virginia Gildersleeves from the United States, who was Dean of a Women’s College, even suggested deleting the word “women” from the phrase “the equal rights of men and women” in the preamble of the Charter, because she thought it was unnecessary and implied a segregation of women. But it was opposed surprisingly by a man from the South African

delegation, Field Marshal Smuts, who drafted the text, and the amendment was rejected (Adami and Plesch 2022: p. xv).

The women delegates at the San Francisco Conference felt that they achieved more than what they could have imagined. At the end of the conference, Bertha Lutz proposed on behalf of all the women that a Special Commission should be established to follow-up the status of women in different countries, and this proposal was supported by a clear majority with the help of Indian delegate Arcot Ramaswami Mudaliar who chaired the commission tasked with organizing the Economic and Social Council (ECOSOC). Thus, Lutz's proposal became the UN Commission on the Status of Women (CSW). Known as the "Brazilian Declaration," this resolution declared ECOSOC's promotion of "human rights and fundamental freedoms for all without distinction of sex," necessitated a commission devoted to women's rights. This Commission would "study and prepare reports on the political, civil, and economic status and opportunity of women with special reference to discrimination and limitations placed upon them on account of their sex." In spite of U.S. opposition, a large majority, including many Latin American diplomats, supported it. The Mexican delegate commended Lutz on "a grand slam" (Marino 2022: p. 10).

Also, the women's lobby managed to include Article 8 in the UN Charter which ensures women to hold office in UN bodies. It was Jessie Street (Australia) who canvassed for language in the Charter that would make all UN positions equally open to women and men. Bertha Lutz spoke at the UNCIO stating that Article 8 is "a Latin American contribution to the constitution of the world [the UN Charter]". Article 8 was written by the women delegates of Uruguay, Brazil, the Dominican Republic, and Mexico (Cited in Dietrichson and Sator 2022: p. 23). The feminists managed to get a clause covering the whole organization, not only the Secretariat, as some delegations proposed, but the requirement, to place no restrictions on the eligibility of women and men, was much weaker than the women wanted. In the official reports it is noted that "the lady delegates graciously led the discussion on this topic... in a friendly atmosphere of mutual regard and understanding" (Skard 2008: p. 53).

It must be noted that Article 8 of the UN Charter was phrased in the negative, rather than as an affirmative obligation to include women, as the right to choose delegates and representatives to international organizations was thought to belong to nation-states, whose freedom of choice was not to be impeded in any way. In reality, women's appointments within the United Nations have not attained even the limited promise of Article 8. The Group on Equal Rights for Women in the United Nations had observed in 1986 that "gender racism" is practiced in UN personnel policies "every week, every month, every year" (Cited in Charlesworth, Chinkin, and Wright 1991: pp. 622-23). It is gratifying to note that since 1945 appreciable progress has been made to bring parity of women civil servants in the UN Secretariat. A recent report of the UN Secretary General reveals that for the first time, the representation of women at headquarters locations nearly reached parity, at 49.5 percent overall (United Nations 2021: p.1).

Earlier research on the drafting of the UDHR generally emphasized the contributions of male delegates who participated in the process of drafting. The role of founding fathers, such as Rene Cassin from France, Charles Malik from Lebanon, P. C. Chang from China, and John Humphrey from Canada, among others, was generally highlighted. This gave an impression that women's participation in its drafting was missing. Research carried out by scholars in the new millennium have shown that many non-Western female delegates from Brazil, Dominican Republic, India, and Pakistan made significant contributions to make the language of the Declaration gender neutral. They also advocated for "Human Rights" rather than "Rights of Man", a concept popular since the adoption of the French Declaration of Rights of Man and Citizens, 1789. Women delegates from Belarus, Poland and the USSR, besides being supportive of female delegates of the global South, also made significant contributions to incorporate women's perspectives in it.

Many women delegates helped make the UDHR what it is today. These delegates include, *inter alia*, Angela Jurdak Khoury of Lebanon; Fryderyka Kalinowski of Poland; Bodil Begtrup of Denmark; Minerva Bernardino of the Dominican Republic; Begum Shaista Ikramullah of Pakistan and Hansa Mehta of India. Let us elaborate their contributions.

Indian delegate, Hansa Mehta, who was the only woman delegate beside Eleanor Roosevelt in the drafting committee of the Declaration in CHR, changed the wording of Article 1 in the UDHR from "rights of man" to "human rights" and from "all men" to "everyone" and "all human beings". It must be noted that the original text of this Article, as proposed by the Philippines, had used gender opaque language. It read: "All men are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another like brothers." This text, co-proposed by France, was adopted. Mehta protested at this language (Ramcharan and Ramcharan 2019: p. 33). "That

would never do”, she said. “All men” might be interpreted to exclude women”. Eleanor Roosevelt disagreed with Hansa Mehta, as she came from a long tradition of activism in the United States. She also argued that the women in the US had never felt they were left out of the Declaration of Independence because it said “all men”. However, eventually she supported gender-inclusive language due to insistence from other women delegates mostly from developing countries, who felt strongly on this point. Thirty-two countries voted in favour of the change, only two (the US and China) voted against it and three abstained (Jain 2005: p. 20; Adami 2019: pp. 67 & 92). Thus, it is to Mehta’s credit that we do not refer to the UDHR today as “the Universal Declaration of the Rights of Man.” Her efforts helped to ensure the replacement of the phrase “All men are born free and equal” with “All human beings are born free and equal,” in Article 1 of the historic document. With some subsequent polishing, the following is what was adopted as the UDHR’s opening Article: “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”

The CSW also helped shape the language of the UDHR, and used the principles of the Declaration as the basis for its agenda. Its adoption was at once a triumph and a defining moment for it. During the drafting process, the CSW had successfully sought to include language that explicitly set forth the equality of women. Its members also argued against the inclusion of what they saw as gender-insensitive language, such as references to "men" as a synonym for humanity and phrases like "all men are brothers". Many of these references were eventually changed. They encountered resistance from members of the CHR, but succeeded in introducing new, more inclusive language, a truly groundbreaking achievement from a historical perspective (UN Women 2019: p. 5, Also see United Nations 1996: pp. 15-16).

In many ways, the story of the UDHR is a story of women shaping human rights history. Pakistan’s Begum Shaista Ikramullah was a trailblazer for equal rights and freedoms for women. As Pakistan’s delegate to the third committee of the UN, she championed the inclusion of Article 16 of the UDHR on equal rights in marriage, to combat child marriage and forced marriage – drawing from her own life’s experience (United Nations 2018).

Let us recall four other prominent women delegates who played a significant role in the crafting of the UDHR. Dominican Republic’s diplomat and feminist advocate Minerva Bernardino, was a vocal and passionate advocate for women's rights and gender equality, not only was she among the four women who signed the UN Charter in 1945, she was one of the signatories of the UDHR in 1948. Bernardino advocated for the phrase “equal rights of men and women” to replace “equal rights of men” in the preamble of the UDHR, recognizing the importance of inclusive language in the fight for gender equality. She believed that omitting the phrase “and women” would have suggested intentional discrimination and would have perpetuated systemic inequalities. Evdokia Uralova of Belarus was the Rapporteur of the CSW to the CHR in 1947. She is credited for her persuasive arguments for equity in Article 32 (now Article 23) which states: “Everyone, without any discrimination, has the right to equal pay for equal work.” Together with Fryderyka Kalinowski, of Poland, and Elizaveta Popova, of the USSR, she stressed the rights of persons in non-self-governing territories as covered in Article 2. Marie-Hélène Lefauchaux, of France, advocated for including non-discrimination based on sex in Article 2, which reads, “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (Adami 2019: p. 130 [e-book format]).

Lakshmi Menon, delegate of India to the General Assembly’s Third Committee in 1948, argued forcefully for the repetition of non-discrimination based on sex throughout the UDHR as well as for a mention of "the equal rights of men and women" in the preamble. She was also an outspoken advocate of the "universality" of human rights, strongly opposing the concept of "colonial relativism" that sought to deny human rights to people in countries under colonial rule. If women, and people under colonial rule, were not explicitly mentioned in the Declaration, they would not be considered included in "everyone," she argued (Ramcharan and Ramcharan 2019: pp. 51-52).

The women's lobby never sought to have the words like “man”, “his”, “himself” in the UDHR articles; it lobbied to make the text more gender neutral and non-sexist. The drafters had very few substantive drafting principles and that they let their text grow organically from one drafting stage to the next. Their prohibition of discrimination is an exception to this practice. Primarily as a result of Communist insistence the drafters adopted this prohibition as a drafting principle that came to deeply affect the meaning and scope of every article they wrote. This principle is reflected in the repeated use of the words "all," "everyone," and "no one": "all people and all nations" (Preamble), “All human beings” (Article 1), “Everyone” (Article 2), “Everyone” (Article 3), “No one” (Article 4), “No one” (Article 5), “Everyone” (Article 6), “all” (7), “Everyone” (Article 8), “No one” (Article 9), “Everyone” (Article 10), “Everyone” and “No one” (Article 11),

"No one" (Article 12), "Everyone" (Article 13), "Everyone" (Article 14), "Everyone" (Article 15), "All men and women" (Article 16), "Everyone" (Article 17), "No one" (Article 18), "Everyone" (Article 19), "Everyone" and "No one" (Article 20), "Everyone" (Article 21), "Everyone" (Article 22), "Everyone" (Article 23), "Everyone" (24), "Everyone" (25), "Everyone" (26), "Everyone" (Article 27), "Everyone" (Article 28), "Everyone" (Article 29), and "In no case" and "Nothing" (Article 30).

Though the drafters were successful, due to the active role of founding mothers of UDHR, to remove any gender bias from the text of Declaration's Articles, yet half of them have escaped the scrutiny of gender lenses. For instance, the word "brotherhood" in Article 1; the word "him" in Article 8; the word "his" in Articles. 10,11 (1), 12, 13 (2), 15 (2), 17 (2), 18, 21(1 & 2), 22; 25 (1), 29 (2); the words "himself and his family" in Article 23 (3); and the word "he" in Article 27 (2) confirms this. These omissions could have occurred inadvertently.

III. Provisions of the UDHR

The UDHR, representing as "a common standard of achievement for all peoples and all nations" according to its Preamble, consists of 30 laconic provisions totalling not quite 1,800 words. This historic instrument has recognized both the civil and political rights (Articles 1-21) and the economic, social and cultural rights (Articles 22-28). These rights are: Recognition of being born free and equal in dignity and rights (Article 1); Right to equality (Article 2); Right to life, liberty and security of person (Article 3); Freedom from slavery or servitude (Article 4); Freedom from torture or cruel, inhuman or degrading treatment or punishment (Article 5); Right to recognition everywhere as a person before law (Article 6); Right to equality before law (Article 7); Right to an effective remedy by competent national tribunals (Article 8); Right not to be subjected to arbitrary arrest, detention or exile (Article 9); Right to fair trial (Article 10); Presumption of innocence and prohibition of retroactive criminal law (Article 11); Prohibition of arbitrary interference with privacy, family, home or correspondence (Article 12); Right to freedom of movement (Article 13); Right to seek asylum (Article 14); Right to a nationality (Article 15); Right to marry and found a family (Article 16); Right to own property (Article 17); Right to freedom of thought, conscience and religion (Article 18); Right to freedom of opinion and expression (Article 19); Right of peaceful assembly and association (Article 20); Right to participate in the governance of the State, and the right to democracy and right of equal access to public service (Article 21); Right to social security (Article 22); Right to work and to form and join trade unions and to equal pay for equal work (Article 23); Right to rest and leisure (Article 24); Right to a decent standard of living (Article 25); Right to education (Article 26); Right to participate in the cultural life of the community (Article 27); and Right to social and international order suitable for the realization of human rights (Article 28).

Each of the rights, contained in the UDHR, is to be protected without distinction as to race, colour, sex, language, religion, political or other opinion, property or other status, birth or national or social origin (Article 2). Articles 28-30 of the Declaration provide a larger framework in which all human rights are to be universally enjoyed. Possibly the most novel provision of this document is its declaration (under Article 28) that "*everyone is entitled to a social and economic order in which the rights and freedoms set forth in this Declaration can be fully realized*" [italics added]. Article 29 acknowledges that, along with rights, human beings also have obligations to the community, which also enable them to develop their individual potential freely and fully. Finally, Article 30 protects the interpretation of the articles of the Declaration from any outside interference contrary to the UN purposes and principles. It explicitly states that no State, group or person can claim, on the basis of the Declaration, to have the right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth in the UDHR.

Carillo Salcedo, former Spanish Professor and a former magistrate at the European Court of Human Rights, has distinguished five groups of the human rights recognized by the UDHR: 1) inherent personal rights (Articles 3, 4, 5, 6, and 7); 2) rights guaranteeing personal security (Articles 8, 9, 10, 11, 12, and 14); 3) rights relating to the political life of the individual (Articles 18, 19, 20, and 21); 4) economic and social rights (Articles 17, 22, 23, 24, 25, 26, and 27); and 5) rights concerning to the social and juridical life of individuals (Articles 13, 15, and 26) (Salcedo 1985: pp. 305-306).

In sum, the Preamble of the Declaration points out its significant feature. It states that the individual, not the State or the government, is "*the foundation of freedom, justice and peace in the world*" [italics added]. The Declaration empowers all of us to stand up for our own human rights and those of others. Moreover, it proclaims that "*[w]hereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law*" [italics added]. Looked at historically, this is quite a startling

proposition.

IV Gender Equality Beyond the UDHR: UN Instruments, Conferences and Development Goals

It must also be noted that from 1947 to 1962, the CSW focused on setting standards and formulating international conventions to change discriminatory legislation and foster global awareness of women's issues. We have already discussed above that in contributing to the drafting of the UDHR, the CSW successfully argued against references to "men" as a synonym for humanity, and succeeded in introducing new, more inclusive language. The CSW carried forward the principles of gender equality and non-discrimination based on sex to further heights by drafting the following eight international conventions or declarations on women's rights for approval by the General Assembly, such as: (i) Convention on the Political Rights of women, which was the first international law instrument to recognize and protect the political rights of women (1952); (ii) Convention on the Nationality of Married Women (1957); (iii) Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962); (iv) Declaration on the Elimination of All Forms of Discrimination against Women (1967); (v) Convention on the Protection of Women and Children in Emergency and Armed Conflict, (1974); (vi) Convention the Elimination of All Forms of Discrimination against Women (CEDAW) 1979; (vii) UN Declaration on the Elimination of All Forms of Violence against Women, (1993); (viii) Optional Protocol to CEDAW (1999), which introduces the right of petition for women victims of discrimination.

The CSW also contributed to the work of UN offices, such as the ILO's 1951 Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, which enshrined the principle of equal pay for equal work.

This journey of promoting gender equality did not stop here. It created many historical moments. Four international Conferences on Women were organized under the auspices of the United Nations: Mexico City (1975), Copenhagen (1980), Nairobi (1985), and Beijing (1995). The first conference was organized to coincide with International Women's Year. The conference defined a World Plan of Action for the Implementation of the Objectives of the International Women's Year, which offered a comprehensive set of guidelines for the advancement of women through 1985. The Copenhagen Conference aimed to review progress in implementing the goals of the first world conference, focusing on employment, health and education. A Programme of Action called for stronger national measures to ensure women's ownership and control of property, as well as improvements in protecting women's rights to inheritance, child custody and nationality. The third conference to Review and Appraise the Achievements of the UN Decade for Women (1973-1985) took place in Nairobi. The conference's mandate was to establish concrete measures to overcome obstacles to achieving the Decade's goals. Governments adopted the Nairobi Forward-Looking Strategies for the Advancement of Women, which outlined measures for achieving gender equality at the national level and for promoting women's participation in peace and development efforts.

The fourth World Conference in Beijing focused on the cross cutting issues of equality, development and peace, and analyzed them from a gender perspective. It emphasized the crucial links between the advancement of women and the progress for society as a whole. It reaffirmed clearly that societal issues must be addressed from a gender perspective in order to ensure sustainable development. The Beijing Conference unanimously adopted the Beijing Declaration and Beijing Platform for Action (BPfA) which was, in essence, an agenda for women's empowerment. These action points stand as milestones for the advancement of women in the twenty-first century. The BPfA specified twelve critical areas of concern, the solutions to which were considered to be necessary to women's advancement. They were: (i) Women and poverty; (ii) Education and training of women; (iii) Women and health; (iv) Violence against women; (v) Women in armed conflict; (vi) Women and the economy; (vii) Women in power and decision-making; (viii) Institutional mechanisms for the advancement of women; (ix) Human rights of women; (x) Women and the media; (xi) Women and the environment; (xii) The girl child.

The Beijing conference's main takeaway was that the problems covered by BPfA are universal and worldwide in scope. Inequality and discrimination against women are sustained worldwide by deeply ingrained attitudes and behaviours, both in public and private spheres. Implementation thus necessitates adjustments to all levels of beliefs, attitudes, behaviours, and priorities. The Conference made it very evident that it was committed to upholding international norms and standards of gender equality, that institutions at all levels needed to be reoriented in order to speed up implementation, and that action must be taken to protect and promote the human rights of women and girls as an essential component of universal human rights. The UN and its member States decided to support the

"mainstreaming" of a gender viewpoint in policies and initiatives.

Out of eight Millennium Development Goals (to be achieved between 2000 and 2015), five Goals had gender perspectives: Goal 1 was concerning eradication of extreme poverty and hunger. Goal 2 is aimed at achieving universal primary education. Goal 3 deals with promoting gender equality and empowerment of women; Goal 4 was to reduce child mortality; and, Goal 5 mandates improvement of maternal health.

On 25 September 2015 the General Assembly approved the new development Agenda of 17 Sustainable Development Goals (SDGs) and 169 targets. The SDGs Agenda is grounded in the UDHR and international human rights treaties, and the SDGs seek "to realize the human rights of all and to achieve gender equality and the development of all women and girls". It also explicitly emphasizes the importance of women's human rights for development, noting that "the achievement of full human potential and of sustainable development is not possible if one half of humanity continues to be denied its full human rights". The SDG global framework aims to end poverty, protect the planet and ensure prosperity for all. The SDGs are based on an inclusive agenda that could help tackle some of the immense development challenges facing the world, such as poverty, climate change and conflict. They are thus based on key principles, such as being inclusive in nature and 'leaving no one behind' – universally applicable and based on human rights (see Kaltenborn, Krajewski, Kuhn 2020).

The SDGs have to be achieved by 2030. Goals 1 to 8 have gender dimensions: G1: end poverty; G2: end hunger and achieve food security; G3: ensure healthy lives for all; G4: ensure quality education for all; G5: achieve gender equality and empower all women and girls; G6: ensure availability of water and sanitation for all; G7: ensure affordable and sustainable energy for all; G8: promote sustained, inclusive and sustainable economic growth, full and productive employment, and decent work for all.

SDG 5 is considered a great step forward. It encompasses a multi-dimensional approach to gender equality with a wide range of targets that include ending discrimination and Violence Against Women, including trafficking and sexual (and other types of) exploitation; ending child, early and forced marriage, and female genital mutilation; recognizing unpaid care and domestic work; promoting women's participation and opportunities for leadership; ensuring universal access to sexual health and reproductive rights; enabling ownership of land and other property, including natural resources; and providing access to intermediate technology. All 17 SDGs are interconnected, that means that gains in any one area would catalyze achievements in others, with the potential to create greater synergies and impact.

V. Legal Status, Significance and Impact of the UDHR

The UDHR inspired four regional human rights instruments – the European Convention on Human Rights (1950), the American Convention of Human Rights (1969), the African Charter on Human and People's Rights (1981), and the Arab Charter of Human Rights (2004). These treaties entered into force in 1953, 1978, 1986 and 2008 respectively. Besides many other international treaties (like the Japanese Peace Treaty of 1951, the Constitution of OAU of 1963 and the Helsinki document of 1975), these regional treaties have quoted UDHR in their Preambles. Though no such machinery exists in Asia, many of the provisions of the Universal Declaration are included in the human rights chapters/ sections of the constitutions of the Asian states, including India (Morsink 2009: p.1). Its provisions have been included in more than 90 constitutions of UN Member States. Moreover, it is frequently invoked in international, regional and national human rights jurisprudence.

The UDHR has become the most translated document in the world. It must be noted that the UDHR has been translated by the UN in 555 languages and dialects (as of December 2023) of the world. This is a world record. In 1948 there were only five translations. In November 1999 Guinness World Records declared that this document was translated in 298 languages, and updated the certification in 2009 when the number reached 370. Morsink describes the UDHR as the "lingua franca of our age". He explains: "It has been translated into even more languages than the Bible" (Morsink 2009: p.1). Kellman reveals that the Bible has been translated in part into 2,123 languages and as a whole into 349 languages (Kellman 2021: p. 8). The UDHR is a translingual text shaped by the languages of framers and translators. It is gratifying to note that the UDHR translations are available in all Indian languages included in 8th Schedule of our Constitution, except in Konkani and Dogri languages. These 555 translations are available at the UN website.

Though the UDHR was a non-binding document, nevertheless, a majority of the scholars and jurists takes the view today that, whatever the intent of the governments which voted on the Declaration in 1948, the rights stipulated in it now have acquired the status of customary international law or should be considered as part of the "general principles of law recognized by civilized nations" mentioned in Article 38(1)(c) of the Statute of the International Court of Justice

as a source of international law (See Schabas 2021). Let us elaborate on this point. The International Court of Justice invoked it in the Iranian Hostages Case (1980), in which it observed that: “wrongfully to deprive human beings of their freedom and subject them to physical constraint in conditions of hardship is itself manifestly incompatible with the principles of the Charter of the United Nations, as well as with the fundamental principles enunciated in the Universal Declaration of Human Rights.” In a separate opinion on the Namibian case (1971), Judge Ammoun stated that the provisions of UDHR “can bind States on the basis of custom ... whether because they constitute a codification of customary law ... or because they have acquired the force of custom through a general practice accepted as law. Whichever, undoubtedly no State can avoid its impact” (Smith 2014: p. 39).

As a Magna Carta of Mankind and the foundation of international human rights law, the UDHR serves as a model for numerous international treaties and declarations on human rights. A large corpus of UN human rights law has evolved during the last 75 years, addressing concerns such as, among others, slavery, genocide, humanitarian law, the administration of justice, social development, religious tolerance, cultural cooperation, discrimination, violence against women and the status of refugees and minorities. Kofi Annan, the former Secretary-General of the United Nations, has rightly remarked on the occasion of the 50th anniversary of the UDHR that it has served “as the foundation for all subsequent human rights work and become ever more deeply integrated into the fabric of national and international life, both ethically and juridically. ... the Declaration has lost none of its relevance as a blueprint for human dignity and wellbeing” (United Nations 1998: p. v).

The status of the UDHR is unique. It is not an international treaty, requiring ratification but is simply a resolution of the General Assembly. Nevertheless, the Declaration has been widely regarded, in the opinion of Geoffrey Best, as forming an appendix to the UN Charter, hence acquiring a status analogous to that of the Charter itself (Best 1990: p.8). Another distinguished scholar, Louis B. Sohn (Sohn:1982, pp. 16-17) too holds a similar view:

The declaration ... is now considered to be an authoritative interpretation of the Charter, spelling out in considerable detail the meaning of the phrase “human rights and fundamental freedoms,” which Member States agreed in the Charter to promote and observe. The Universal Declaration has joined the Charter ... as part of the constitutional structure of the world community. The Declaration as an authoritative listing of human rights, has become a basic component of international customary law binding all States not only members of the United Nations.

In sum, the moral, political and legal significance of the UDHR can be illustrated better by citing the opinion of Mary Robinson, former UN High Commissioner for Human Rights, who wrote, “A famous British historian ... (Lord Acton) said of the two pages of the 1789 French Declaration of the Rights of Man that they weighed more than whole libraries and more than all of Napoleon’s armies. The remark is also fitting for the Universal Declaration” (Robinson 1998, p. 120). Moreover, it is widely regarded as the founding document of the modern human rights movement. It has become the platform for thousands of domestic and international NGOs. Thus, it has emerged as the most important document in the history of human rights, in fact, in the annals of human history.

VI. Concluding Observations

Discussion in the preceding sections enables us to arrive at three broad observations. First, it is not true that UDHR has a single father (in Rene Cassin) or author, as the Nobel Committee thought. Though Cassin participated actively in the drafting of the document, he condensed, edited, rearranged and polished a version of the text that was prepared by the UN Secretariat. His contribution was substantial but, contrary to the myth, he did not author the Declaration. Cassin did not exactly claim authorship of UDHR but late in life he did attribute to himself “sole responsibility” for the initial draft. The Secretariat draft was a compendium of more than 400 pages. Cassin did eventually edit the Secretariat’s draft to prepare his own text which had at least three quarters of text from the Secretariat draft. There were other prominent delegates like P.C. Chang of China, Charles Malik from Lebanon, Eleanor Roosevelt from the United States, and other delegates who played a historic role in its drafting. Thus, it must be said that the UDHR had many authors. Its authorship is composite. All UN member States in 1948, who actively participated in its drafting, are its authors. In fact, it is a negotiated text by government representatives.

Second, the Latin American, Indian and other Asian women delegates (representing the Global South), largely responsible for the inclusion of the principles of gender equality and non-discrimination on the basis of sex in the UN Charter and the UDHR, were also their authors. These delegates received support from women delegates of Poland, Denmark, Belarus, and the USSR. The role of the founding mothers of the UDHR (Bertha Lutz from Brazil, Castillo de

Ledón of Mexico, Minerva Bernardino from the Dominican Republic, Isabel P. de Vidal from Uruguay, Eydokia Uralova from Byelorussia, Hansa Mehta, Laxmi Menon, and Begum Hamid Ali, all from India, Begum Shaista Ikramullah from Pakistan, Amalia Angela Jurdak Khoury from Lebanon; Fryderyka Kalinowski from Poland, Jesse Street from Australia, and Bodil Begtrup from Denmark) must be acknowledged.

Third, it must be noted that due to the UDHR's provisions on gender equality and subsequent Declarations, Conventions, Protocols on Human Rights and Women's rights that a gradual movement of women's empowerment began and we saw in 1953-54 the first woman President of General Assembly, Mrs. Vijay Laxmi Pandit (India) and the three Prime Ministers in 1960s, 1970s – Golda Meir (Israel), Sirimavo Bandaranaike (Sri Lanka), and Indira Gandhi (India). There is more to it. In 1988, Mrs. Benazeer Bhutto (Pakistan) became the first woman Prime Minister in the Muslim World, Mary Robinson (the Republic of Ireland) became the first woman UN High Commissioner for Human Rights (1997-2002) and Mrs. Margret Thatcher became first British Prime Minister (1979-1990). Today we have many women Presidents, Prime Ministers, Ministers, Parliamentarians and business corporates. This revolution is the impact of UDHR.

As a final observation, the UDHR can be characterized as one of the world's greatest living documents, truly representing a 'conscience of humanity'. Mary Robinson, former UN High Commissioner for Human Rights, has described it as "one of the great aspirational documents of our human history" (Cited in Cronin-Furman 2009: p. 178). Its adoption has shown its importance as a fundamental frame of reference in international legal and political discourse. "It has become", what Ashild Samnoy says, "a repository of slogans and verbal ammunition in the political and ideological struggles among nations" (Samnoy 1993: p. 1). "It has not only emerged as a political weapon, but also as a source of inspiration for peoples in their struggle for better conditions and to attain more civilized politics". Though it is a mere UN Declaration, its effect has been epochal and has achieved the status of customary international law (Kayode 2015: p. 733). "[It] has served as a vibrant moral conscience to the entire world and its principles, a global phenomenon. It provides international norms and standards to which the world community is expected to adhere. It has greatly promoted and enhanced democratic principles around the world" (Kayode, 2015: p. 733). Over the years, as Boutros Boutros Ghali proclaimed, in his opening statement to the World Conference on Human Rights at Vienna on 14 June 1993, human rights have emerged as the "common language of mankind and the ultimate norm of all politics. Adopting this language allows all peoples to understand others and to be the authors of their own history. Human rights, by definition, are the ultimate norm of all politics" (UN 1993: p. 8). With the emergence of a huge corpus of "International Human Rights Law", for which the historic UDHR laid the foundation, we have arrived in "the age of human rights" (Henkin 1990: p. xvii). In fact, "human rights is the idea of our time (Mahoney 2007: p. viii). Archibald McLeish once said that human rights is the true revolutionary movement of our times. The Declaration is that revolution's eternal scripture (Cited in Shestack 2000: p. 600). There is no doubt that the UDHR is a revolutionary document which has changed in a most fundamental way the character and quality of international relations and of international law. It constitutes not a fully completed revolution; it reflects an ongoing revolutionary process which is aimed at consolidating and strengthening the human dimension of international law and of international relations (Flinterman 1998: p. 427).

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