



Day of Discovery on Campus: Women in Social & Political Leadership
Session 3: Eleanor Roosevelt and the Universal Declaration of Human Rights

The United Nations General Assembly adopted the Universal Declaration of Human Rights on December 10, 1948 in the midst of an especially bitter phase of the Cold War. Many people contributed to this remarkable achievement, but most observers believe that the UN Commission on Human Rights, which drafted the Declaration, would not have succeeded in reaching agreement without the leadership of the Commission's chair: Eleanor Roosevelt. ER herself regarded her role in drafting and securing adoption of the Declaration as her greatest achievement. As she readily admitted, she had no legal training or expert knowledge of parliamentary procedure, but she brought to her job as chair the skills she had acquired as political activist, reformer, and advocate for those excluded from power and an understanding of the meaning of freedom earned through a deep engagement in the struggle in her own country for social and economic justice, civil rights, and women's rights. She possessed not only a passionate commitment to human rights, but a hard-earned knowledge of the political and cultural obstacles to securing them in a divided world.

Origin of international commitment to human rights

When representatives of the major powers (the United States, the Soviet Union, the United Kingdom, France, and China) arrived in San Francisco on April 25, 1945 for the conference that founded the United Nations, their goals for the new organization did not include the promotion of human rights. The conference took place, however, after a long period of depression and war in which millions of people suffered cruel violations of their basic rights. Many people throughout the world believed that the organization should embrace the protection of human rights as part of its mission. Revelations of the brutality of the Nazi concentration camps, liberated just before the opening of the conference, gave urgency to this conviction. Some of the newly independent nations and other nations that chafed under domination by the big powers supported the idea. General Carlos Romulo of the Philippines led a successful effort to include a statement in the UN Charter that respect for human rights applied to everyone "without distinction as to race,

sex, language, or religion.” The Latin American countries pushed for the inclusion of an international bill of rights in the UN charter. Finally, some of the consultants from the forty-two NGOs invited by the U.S. State Department to advise the American delegation met with U.S. Secretary of State Edward Stettinius to press the case for human rights provisions. Clark Eichelberger of the American Association for the United Nations proposed, specifically, the establishment of a human rights commission. Up to this point, the United States had opposed the creation of any special commissions by the Charter, but after this meeting it supported the establishment of a human rights commission. As a result of all these efforts, human rights achieved a prominent place in the completed charter. The Charter also gave the Economic and Social Council (ECOSOC) the responsibility of forming “commissions in economic and social fields and for the promotion of human rights” (Article 68). After the UN General Assembly met for the first time in London in January and February 1946, ECOCOC appointed a “nuclear” commission to recommend a structure and mission for a commission on human rights. The commission included Eleanor Roosevelt (United States), M. Paul Berg (Norway), René Cassin (France), Fernand Dehousse (Belgium), Victor Raul de la Torre (Peru), C.L. Hsia (China), K.C. Neogi (India), Dusan Brkish (Yugoslavia), and Nicolai Kiukov, later replaced by Alexander Borisov (USSR). When the commission met for the first time on April 29, 1946, it unanimously elected Eleanor Roosevelt (ER) chair.

The Commission on Human Rights starts work

The nuclear commission made one crucial decision: that the first order of business of the Commission on Human Rights should be to draft an international bill of rights and recommend the means of implementing it. The commission also recommended that ECOSOC choose the members of the Commission on Human Rights based on their individual expertise, but ECOSOC decided instead to give the member states the power to select their own representatives to the commission. As established by ECOSOC in June 1946, the Commission on Human Rights was composed of representatives of eighteen member nations, five from the major powers; the other thirteen selected by ECOSOC for staggered three-year terms.

When the full Commission on Human Rights convened for the first time on January 27, 1947 at Lake Success, New York, its members included Australia, Belgium, Byelorussia, Chile, China, Egypt, France, India, Iran, Lebanon, Panama, Philippines, Ukraine, USSR,

United Kingdom, United States, Uruguay and Yugoslavia. Charles Malik, the delegate from Lebanon, served as rapporteur and John Humphrey, a Canadian professor of international law from McGill University, served as Secretary. The members of the commission unanimously elected ER chair. In accepting their trust, she promised to be “not only an impartial Chairman, but perhaps at times a harsh driver” and warned that the members of the commission would “have to stick to the subjects we are discussing” in order for the commission to accomplish the task given to it. ER kept her promise, bringing to the job the shrewd understanding of human nature, diplomatic skill, and discipline she had acquired over a lifetime of public service.

Eleanor Roosevelt’s education on the role of human rights

Eleanor Roosevelt (1884-1962), the niece of President Theodore Roosevelt, came from a prominent Dutch-American family. Though living in a world of privilege, she experienced hardship early in life, becoming an orphan at the age of nine. She never went to college, but became fluent in French as a child and spent three years at the Allenswood School in England where she received an excellent education. Marie Souvestre, the French feminist who headed the school, encouraged the girls in her charge to examine economic and social issues and think for themselves. When ER returned to the United States, she worked for a time in a settlement house on the Lower East Side of New York City where she acquired first-hand knowledge of the problems of people at the bottom of the economic ladder. She married Franklin D. Roosevelt (FDR), her fifth cousin once removed, and raised five children. When her husband became assistant secretary of the Navy in 1913, they moved to Washington where ER developed ties to activists in the labor movement, observed the tragic consequences of war, and, after discovering her husband’s affair with another woman, began to construct an independent life. When she and FDR returned to New York in 1920, she joined various reform organizations and started to write and speak on political issues. After her husband suffered an attack of polio in 1921, ER expanded her political activities, acting sometimes on her husband’s behalf, but building her own networks as well. She helped organize the Women’s Division of the State Democratic Committee (American women had won the right to vote in 1920) and became a leader in the Women’s Trade Union League, the National Consumers League, the League of Women Voters, and other groups. After FDR became governor of New York in 1928, ER remained an active Democratic Party organizer, urged the appointment of women to government positions,

and supported efforts at reform. She also began to play an important role in mediating conflicts among FDR's closest associates.

Eleanor Roosevelt's impact on social and economic issues

When the United States elected FDR president in 1932, ER found ways to expand her influence and help shape the social and economic programs devised by the Roosevelt Administration to deal with the Great Depression. She traveled widely gathering information on the conditions people faced, spoke to many different organizations, and began writing a widely syndicated daily column (*My Day*). She pressed FDR and members of his cabinet to appoint more women and African-Americans to government positions, served as a liaison between FDR and the leaders of the African-American community, promoted programs for unemployed miners, and helped create the National Youth Administration and the Federal Arts programs. No first lady before her had ever wielded such power. Before and during World War II, she advocated on behalf of refugees seeking to flee Europe and sought a relaxation of the barriers that prevented increased immigration to the United States. She also intensified her efforts on behalf of African-Americans during the war, pressing for the establishment of the Fair Employment Practices Commission and advocating the integration of the American military.

Eleanor Roosevelt a woman for all humanity

When her husband died in office on April 12, 1945, ER suddenly found herself on her own. In December 1945, President Harry Truman offered her a position on the first United States delegation to the United Nations. She hesitated at first because of her lack of diplomatic experience, but quickly adapted to her new role, emerging at the first meeting of the UN General Assembly as an international stateswoman. The most hotly debated issue at the meeting was the fate of the European refugees stranded in camps in the Western zones of Germany who had fled Eastern Europe or been liberated from Nazi concentration camps. The Soviet Union and its allies insisted that the refugees return to their countries of origin; the Western nations believed they should be allowed to settle elsewhere if they so wished. As the American representative to the Third Committee (Social, Humanitarian, and Cultural Affairs), ER debated this issue first in committee, then in the General Assembly with Andrei Vyshinsky, the tough Soviet

delegate. ER's success in this debate established her reputation as a strong and able diplomat.

The first session of the Commission on Human Rights began with a discussion of what an international bill of rights should contain. ER proposed that the commission review one by one a list of rights compiled by John Humphrey and drawn from the many existing and proposed bills of rights collected by his staff or sent to the commission by governmental and non-governmental bodies. She suggested they proceed "with one question only in mind, would this right be included in the first draft of the Bill"? The commission accepted her proposal and moved forward. Opposing ideological views quickly came to the fore. Delegates trained in Western democratic traditions, such as Charles Malik, emphasized the rights of the individual (or "person"); representatives from Communist countries, such as Valentin Tepliakov of the Soviet Union and Vladislav Ribnikar of Yugoslavia, believed that the "common interest is more important than the individual interest." ER succinctly summed up the major difference in outlook: "Many of us believe that an organized society in the form of a government, exists for the good of the individual; others believe that an organized society in the form of a government, exists for the benefit of a group." P.C. Chang of China, who often argued philosophical issues with Malik, urged the recognition of non-Western ideas in the international bill of rights. Differences also emerged between the industrialized nations and the developing nations, for whom civil and political rights were of less immediate concern than social and economic rights. Dr. Ghasseme Ghani of Iran told his colleagues that in nations where people were still illiterate, freedom of speech and the press could lead to chaos. The UN, he argued, should first assist those countries in promoting literacy and educating their people.

The Drafting Process

Before adjourning on February 10, 1947, the Commission on Human Rights unanimously agreed that three of its members would prepare a draft of the international bill of rights using as a guide the verbatim transcript of the discussion in the full commission of which rights should be included. They assigned this task to ER, P.C. Chang, and Charles Malik, who would be assisted by the Secretary, John Humphrey. The full commission would then revise this draft at its next meeting in December. The French and Soviet members of the commission protested to ECOSOC, however, about

the limited size of the committee and the lack of a representative from Europe. In response, ER, on her own authority, enlarged the group to eight. The additional members were René Cassin (France), Colonel William Roy Hodgson (Australia), Hernán Santa Cruz (Chile), Geoffrey Wilson (United Kingdom), and Vladimir Koretsky (Soviet Union), one of a series of Soviet delegates who served on the commission.

During the break between the first session of the Commission on Human Rights and the first meeting of the drafting committee on June 9, Humphrey prepared a preliminary draft of the international bill of rights based on the various bills of rights his staff had collected and on the discussion held in the full commission in February. With this document as a starting point, the drafting committee began its work. After some discussion of the draft prepared by Humphrey, the committee asked a subcommittee, made up of ER, Cassin, Malik, and Wilson, to prepare new drafts of the bill of rights as the committee's deliberations progressed. This subcommittee then asked Cassin to restructure and revise the Humphrey draft. Humphrey, who later wrote that he "had practically no experience drafting documents," had focused on including rights that he believed could be defended in a court of law. Cassin, who brought experience in drafting legislation to his task, strove to give the document a logical structure. Cassin incorporated approximately seventy-five percent of Humphrey's draft into his new version and added only three entirely new articles, but he reordered the articles into a tighter framework. He also wrote a preamble and added six general principles to the beginning of the document that helped clarify the meaning of the articles that followed. Both men made an important contribution. As Mary Ann Glendon puts it, "Humphrey had simply compiled a list of rights, loosely grouped into categories. Cassin's draft illuminated their meaning and relations." The "declaration," as the members of the committee started to refer to it around this time, underwent many changes during the following eighteen months, but much of the substance of Humphrey's draft and the logical structure and unity of Cassin's draft survived the long process of revision.

A Declaration versus a Covenant

In December the Commission on Human Rights met in Geneva, the city that would later become the home of the UN human rights program. Although both the United States and the Soviet Union argued that the Commission should complete a declaration of human rights before it tried to draft a covenant (a document that, unlike a declaration, would

become legally binding on the nations that ratified it), the majority voted to separate into three groups in order to work simultaneously on a declaration, a covenant, and methods of implementation. The groups would then report back to the full commission. ER chaired the working group that reviewed the drafting committee's version of the Declaration and prepared revisions to recommend to the full commission. This working group also included René Cassin of France, Carlos Romulo of the Philippines, and Aleksandr Bogomolov, Soviet ambassador to France. When the full commission reconvened, ER often kept them at work from early in the morning until after midnight. "I drove them hard," she wrote to a friend after the commission adjourned, "but they are glad now it's over and all the men are proud of their accomplishment." At the conclusion of the session, the Commission on Human Rights had a draft of the Declaration, a draft of a covenant, and a report on ways of implementing them to send to the governments of all the UN member nations for their review.

Thirteen of the UN member states submitted comments on the Geneva draft of the Declaration and from May 3 through May 21, 1948, the drafting committee met to consider these comments and prepare a new draft. Work proceeded slowly, however, largely because Alexei P. Pavlov, the new Soviet delegate, first proposed setting aside the Geneva draft entirely and starting over; then, when the drafting committee voted that idea down, pressed for revisions that would place greater emphasis on the responsibilities of individuals to the state, sharpen the Declaration's anti-discrimination articles, and add language aimed at preventing the resurgence of Fascism. As a result, the committee failed to finish a new draft before the full commission reconvened, settling instead for a report on what it had accomplished. When the third session of the Commission on Human Rights got under way at Lake Success on May 26, 1948, the changes proposed by this report guided the commission as it revised the Geneva draft article by article. The arguments over economic and social rights at this session became especially intense. ER, like the other members of the commission, supported including economic and social rights in the Declaration. Her husband had recognized such rights in his "four freedoms" (which included "freedom from want") and in his economic Bill of Rights speech of 1944 and ER herself declared that "Men in need were not free men." In the Declaration, however, ER sought to word economic and social rights in a way that would allow countries with differing economic systems and views of the role of government to achieve these rights in different ways.

A Human Rights Declaration accessible to civil society

As the slow process of drafting the Declaration continued, she became frustrated by the arguments of her more legalistic colleagues. At the conclusion of the third session of the commission, she wrote in *My Day* that “Six weeks of arguing over the weight of each word put down, as well as the legal meaning of every phrase, is not so easy for me” She herself wanted a declaration that could be “readily understood by the ordinary man or woman,” and worked throughout the drafting process to eliminate the kind of legal language that a layperson would find obscure. Despite the intensity of some of the arguments within the commission, ER managed to steer the Commission on Human Rights to its goal and send a completed draft of the Declaration (the “Lake Success draft”) to ECOSOC. Work on the covenant remained incomplete.

ER had overcome many obstacles in guiding the Commission on Human Rights to this point. In addition to the wrangling over words, impediments to the completion of the Declaration included the sharp ideological differences over the role of the state and, especially, the Soviet Union’s unwillingness to compromise and persistence in raising the same issues over and over. “[I]t is slightly annoying,” ER wrote in 1947, “to start at the very beginning each time you meet and cover the same ground all over again.”

ER also clashed with members of her own State Department, especially Robert Lovett who became undersecretary of state in June 1947. Lovett argued that neither a declaration nor a covenant on human rights would serve the interests of the United States and believed that economic and social rights (such as the right to work and the rights to education and health) had no place in a bill of human rights. ER persisted, however, and persuaded the State Department to accept the inclusion of economic and social rights in the Declaration and to join the majority of the Commission on Human Rights in supporting the drafting of both a declaration and a covenant. James Hendrick, ER’s State Department advisor, later wrote that ER’s determination overcame Lovett’s opposition and Secretary of State George Marshall’s skepticism about the Declaration: “Without her the whole project could have fallen into bits and pieces.”

Finally, ER labored with a keen knowledge of the shortcomings of her own country in upholding basic human rights. She knew that some Americans, especially in the South,

would oppose a declaration of human rights (and still more a legally binding covenant) because it would challenge the discrimination practiced in the United States against African-Americans. For this reason, among others, she believed in the importance of an unequivocal anti-discrimination article in the Declaration. It would support the struggle for civil rights in America, a struggle in which she herself actively participated. As she wrote to a woman from Iowa, "One major point [in the Declaration] guarantees no discrimination because of race, creed or color. We must work in our communities to break down prejudice and eliminate discrimination if we are to be an example to the rest of the world."

ER succeeded as chair of the Commission on Human Rights for many reasons. She came to meetings well-prepared, reading all the background material provided by John Humphrey and the US State Department. She listened to the other delegates, but limited debate when necessary to move the process forward. She never felt the need to take credit herself. She sought to establish a personal rapport among the delegates by inviting them to teas and dinners. She never seemed to grow tired.

The importance of international consensus

Although the Commission on Human Rights completed its work on the Declaration in June 1948, the process of reaching agreement on a final draft of the document was far from over. In the fall of 1948, ECOSOC sent the Lake Success draft to the Third Committee of the General Assembly for its consideration. Meeting in Paris between September 28 and December 9, the Third Committee, composed of representatives of all 58 UN member nations, debated every article of the draft Declaration in over eighty-five working sessions. All the member nations of the UN now had an opportunity to propose changes. Although ER reminded the delegates that their governments had already had the opportunity to submit comments on an earlier draft of the Declaration and that the Commission on Human Rights had carefully considered these suggestions, the delegates offered nearly 170 amendments. Charles Malik managed the difficult job of chairing the Third Committee, while ER represented her nation and worked with the other delegates to reach agreement on the articles. She reported regularly on the deliberations of the committee in her *My Day* column, questioning the sense of proposing so many amendments and lamenting the long speeches and the "attack and counterattack among the representatives of the big powers," which turned the committee

into a Cold War battleground. She found the language used by some of the delegates “an example of the way grown people should not talk about each other.” The Commission on Human Rights had spent nearly two years crafting the Declaration; now a much large group of delegates was attempting to rewrite it. “It seems to me it would be better to accept the Declaration even though we might see flaws in it than to amend it too much, since amending it might do more harm than good,” she wrote on October 9. ER continued to argue for straight-forward language and against trying to specify the “ways in which all rights are to be carried out in the various countries.” During the long course of its deliberations, the Third Committee made some significant revisions, such as referring explicitly to the equal rights of men and women in the Preamble, but in the end, most changes to the Lake Success draft simply developed or refined the principles already present. At the end of a long session that ended at 3 AM on December 7th, the Third Committee voted 29 to 0 with 7 abstentions to adopt the Universal Declaration of Human Rights and send it to the General Assembly. Malik, who, Humphrey wrote, “conducted the proceedings with a firmness that at first surprised me,” received a lot of recognition for steering the Declaration through the committee.

A standing ovation for Eleanor Roosevelt

When the General Assembly took up the document on December 9, Andrei Vyshinsky argued that the Declaration possessed “serious defects” and proposed revising it again before reconsidering it at the next session of the General Assembly. The delegates rejected the Soviet resolution, however, and at midnight on December 10, in the Palais de Chaillot, voted 48 to 0 to adopt the Universal Declaration of Human Rights. The USSR and its allies (Byelorussia, Ukraine, Poland, Czechoslovakia, and Yugoslavia) abstained, along with Saudi Arabia and South Africa. Speaking after the completion of the voting, Herbert Evatt of Australia, president of the General Assembly, paid tribute to Eleanor Roosevelt as “the person who, with the assistance of many others, has played a leading role in this work.” With those words, the delegates rose to give ER a standing ovation.

When ER urged the General Assembly to adopt the Universal Declaration of Human Rights, she noted the importance of keeping “clearly in mind the basic character of the document. It is not a treaty; it is not an international agreement. It is not and does not purport to be a statement of law or legal obligation. It is a declaration of basic principles

of human rights and freedoms, to be stamped with the approval of the General Assembly by formal vote of its members, and to serve as a common standard of achievement for all peoples of all nations.” As she noted in *My Day*, a document created by 58 nations “is apt not to seem perfect to any one of them.” Nevertheless, she believed it “may well become the international Magna Carta of all men everywhere.”

The struggle for human rights goes on

The Universal Declaration of Human Rights serves as the cornerstone of the modern human rights movement. Since its adoption by the United Nations in 1948, the Commission on Human Rights has converted its principles into legally binding conventions, such as the UN conventions on civil and political rights, social and economic rights, and torture. Its principles have made their way into the constitutions of newly independent nations and into legal proceedings of regional bodies such as the European Court of Human Rights. Most significantly, perhaps, it has inspired and given authority to numerous non-governmental human rights groups in their efforts to bring public pressure to bear on governments that violate the human rights of their own citizens. It has become to a large extent what Eleanor Roosevelt hoped it would become: “a document of moral force in the world.”

The resistance of her own country to going a step beyond the Declaration and entering into human rights treaties, which ER tried to combat, remains strong (the United States has failed to ratify the covenants on economic and social rights, women, children, and persons with disabilities, for example), and the world has made slow progress in implementing the covenants and the principles of the Declaration. But as ER well knew: “In each generation and in each country there must be a continuation of the struggle and new steps forward must be taken” for human rights “is preeminently a field in which to stand still is to retreat.”

Suggested Reading:

Black, Allida. *The Eleanor Roosevelt Papers: Vol. I. The Human Rights Years, 1945-1948*. Detroit, MI, Thomson Gale, 2007.

Glendon, Mary Ann. *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*. New York, Random House, 2001.

Morsink, Johannes. *The Universal Declaration of Human Rights: Origins, Drafting, and Intent*. Philadelphia: University of Pennsylvania, 1999.

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