

PARIS, 31 July 1947

UNITED NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANISATIONTHE GROUNDS OF AN INTERNATIONAL DECLARATION
OF HUMAN RIGHTS

(Report of the Unesco Committee on the Philosophic Principles of the Rights of Man to the Commission on Human Rights of the United Nations.)

An international declaration of human rights must be the expression of a faith to be maintained no less than a programme of actions to be carried out. It is a foundation for convictions universally shared by men however great the differences of their circumstances and their manner of formulating human rights, it is an essential element in the constitutional structure of the United Nations. In order that all peoples and all governments shall be made aware that the authority and goodwill of the United Nations will be exercised with ever increasing power to apply these means for the advancement of human happiness in the great society, it is fitting that its members solemnly proclaim a declaration of rights to the civilised world. Such a declaration depends, however, not only on the authority by which rights are safeguarded and advanced, but also on the common understanding which makes the proclamation feasible and the faith practicable.

The preparation of a Declaration of Human Rights faces fundamental problems concerning principles and interpretations as well as political and diplomatic problems concerning agreement and drafting. For this reason the Unesco Committee on the Philosophic Principles of the Rights of Man has undertaken, on the basis of a survey of the opinion of scholars in the various parts of the world, an examination of the intellectual bases of a modern bill of rights, in the hope that such a study may prove useful to the Commission on Human Rights of the Economic and Social Council both in suggesting common grounds for agreement and in explaining possible sources of differences. The Unesco Committee is convinced that the members of the United Nations share common convictions on which human rights depend, but it is further convinced that those common convictions are stated in terms of different philosophic principles and on the background of divergent political and economic systems. An examination of the grounds of a bill of rights should therefore serve to reveal, on the one hand, the common principles on which the declaration rests and to anticipate, on the other hand, some of the difficulties and differences of interpretation which might otherwise delay or impede agreement concerning the fundamental rights which enter into the declaration.

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The United Nations stands as the symbol to all of victory over those who sought to achieve tyranny through aggressive war. Since it was created to maintain the peace of mankind and, as it maintains peace, to make ever more full the lives of men and women everywhere, it is fitting that it should record its faith in freedom and democracy and its determination to safeguard their power to expend. That faith in freedom and democracy is founded on the faith in the inherent dignity of men and women. The United Nations cannot succeed in the great purposes to which it is committed unless it so acts that this dignity is given increasing recognition, and unless steps are taken to create the conditions under which this dignity may be achieved more fully and at constantly higher levels. Varied in cultures and built upon different institutions, the members of the United Nations have, nevertheless, certain great principles in common. They believe that men and women, all over the world, have the right to live a life that is free from the haunting fear of poverty and insecurity. They believe that they should have a more complete access to the heritage, in all its aspects and dimensions, of the civilisation so painfully built by human effort. They believe that science and the arts should combine to serve alike peace and the well-being, spiritual as well as material, of all men and women without discrimination of any kind. They believe that, given goodwill between nations, the power is in their hands to advance the achievement of this well-being more swiftly than in any previous age.

It is this faith, in the opinion of the Unesco Committee, which underlies the solemn obligation of the United Nations to declare, not only to all governments, but also to their peoples, the rights which have now become the vital ends of human effort everywhere. These rights must no longer be confined to a few. They are claims which all men and women may legitimately make, in their search, not only to fulfil themselves at their best, but to be so placed in life that they are capable, at their best, of becoming in the highest sense citizens of the various communities to which they belong and to the world community, and in those communities of seeking to respect the rights of others, just as they are resolute to protect their own.

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Despite the antiquity and the broad acceptance of the conception of the rights of man, and despite the long evolution of devices to protect some human rights by legal systems, the systematic proclamation of declarations of human rights is recent. The history of the philosophic discussion of human rights, of the dignity and brotherhood of man, and of his common citizenship in the great society is long: it extends beyond the narrow limits of the western tradition and its beginnings in the West as well as in the East coincide with the beginnings of philosophy. The history of declarations of human rights, on the other hand, is short and its beginnings are to be found in the West in the British Bill of Rights and the American and French Declarations of Rights formulated in the seventeenth and eighteenth centuries, although the right of the people to revolt against political oppression was very early recognised and established in China. The relation of philosophic considerations to the declarations of human rights is suggested by the differences of these

two histories. The philosophic temper of the times was an indispensable background and preparation for each statement of human rights, but despite the broad agreements among the resulting statements there was no more agreement among philosophers in the eighteenth than in the twentieth century. Moreover, despite the faith in human dignity and the formula for human happiness prepared by philosophers, an implementation was needed in social and political institutions to secure human rights for men. An international declaration of human rights is involved in precisely the same problems. The philosophies of our times, notwithstanding their divergencies, have deepened the faith in the dignity of man and have vastly expanded the formula for his happiness; but the differences of philosophies have led to varied and even opposed interpretations of fundamental rights and the practical import of philosophies has become more marked.

The civil and political rights which were formulated in the eighteenth century have since that time been incorporated into the constitution or the laws of almost every nation in the world. During the same period, the developments of technology and industrial advances have led to the formation of a conception of economic and social rights. The older civil and political rights have sometimes been extended to embrace these new rights. In such applications and other context of the newer rights, the meanings have frequently undergone modification, and indeed the two have sometimes been thought to be in conflict. Finally, as science and technology have given men greater control over nature, rights which were in the past reserved for the few have gradually been extended to the many and are now potentially open to all. This addition of new rights and the changes in the significance of old rights in the context of developing knowledge and technology presents problems as well as opportunities. Perhaps the greatest problem involved in the basic ideas which underlie a declaration of human rights is found in the conflict of ideas which have been used to relate the social responsibilities entailed in the material and social developments of the nineteenth century to the civil and political rights earlier enunciated. This conflict has even shaken the simple form of the faith in the dignity of man which was based on the confidence in progress and the advance of knowledge, for it is the source of complexities in the interpretation of liberty and equality and of their interrelations, as well as of apparent contradictions among the fundamental human rights. In like fashion, the problem of the implementation of human rights, new and old, depends on the tacit or explicit resolution of basic philosophic problems, for the rights involve assumptions concerning the relations not only of men to governments, but also of the relations of groups of men to the state, and of states to one another, and in the complex of these interrelations the inter-dependence of rights and duties has been redefined.

Notwithstanding these difficulties, the Unesco Committee on the Philosophic Principles of the Rights of Man is convinced that the perspectives open to men, both on the planes of history and of philosophy, are wider and richer than before. The deeper the re-examination of the bases of human rights that is made, the greater are the hopes that emerge as possible. The Committee has therefore circulated to a select list of the Scholars of the world a series of questions concerning the changes of intellectual and historical circumstances between the classical

31 July 1947

declarations of human rights which stem from the eighteenth century and the bill of rights made possible by the state of ideas and the economic potentials of the present. On the basis of that inquiry, it has set down briefly, first, what seem to it some of the significant consequences of the evolution of human rights and, second, a schematic formulation of basic rights which in its opinion can and should be vindicated for all men. The history and the schematism grew out of the discussions of the Committee during its meetings in Paris from June 26 to July 2, but although they are based on a study of the replies received to the questionnaire, they do not represent the opinions of all the scholars who contributed to the symposium.

It is the conviction of the Unesco Committee that these inquiries into the intellectual bases of human rights may contribute to the work of the Commission on Human Rights in two fashions: first, by a brief indication of the places at which the discovery of common principles might remove difficulties in the way of agreement and the places at which philosophic divergences might anticipate difficulties in interpretation and, second, a more precise and detailed examination of the common principles that may be formulated and the philosophic differences that have divided men in the interpretation of those principles. The document which is here presented is an attempt to perform the first and preliminary task. The Committee is convinced that Unesco will be able to muster the scholarly resources necessary for the accomplishment of the second task if the Commission on Human Rights deems it desirable.

For the purposes of present inquiry, the Committee did not explore the subtleties of interpretations of right, liberty and democracy. The members of the Committee found it possible to agree on working definitions of these terms, reserving for later examination the fashion in which their differences of interpretation will diversify their further definition. By a right they mean a condition of living, without which, in any given historical stage of a society, men cannot give the best of themselves as active members of the community because they are deprived of the means to fulfil themselves as human beings. By liberty they mean more than only the absence of restraint. They mean also the positive organisation of the social and economic conditions within which men can participate to a maximum as active members of the community and contribute to the welfare of the community at the highest level permitted by the material development of the society. This liberty can have meaning only under democratic conditions; for only in democracy is liberty set in that context of equality which makes it an opportunity for all men and not for some men only. Democratic liberty is a liberty which does not distinguish by age or sex, by race or language or creed, between the rights of one man and the rights of another.

The Committee is fully aware that these working definitions are susceptible of highly diverse particularisations and that they contain, therefore, great ambiguity. But the Committee is convinced that the philosophic problem involved in a declaration of human rights is not to achieve doctrinal consensus but rather to achieve agreement concerning rights, and also concerning action in the realisation and defense of

rights, which may be justified on highly divergent doctrinal grounds. The Committee's discussion, therefore, of both the evolution of human rights and of the theoretic differences concerning their nature and interrelations, was intended, not to set up an intellectual structure to reduce them to a single formulation, but rather to discover the intellectual means to secure agreement concerning fundamental rights and to remove difficulties in their implementation such as might stem from intellectual differences.

I.

The fundamental human rights which were specified first and proclaimed widely at the beginnings of the modern period were rights which regulated man's relations to political and social groups and which are therefore usually referred to as Civil and Political Rights. They had as purpose to protect man in actions which do not derogate from the freedom or well-being of others and to assign to him the exercise of functions by which he might exert a proper influence on the institutions and laws of the state. As a result of religious movements and the development of national states, a series of freedoms were formulated more and more precisely and insistently from the Renaissance to the eighteenth century: to free man from unwarranted interference in his thought and expression, the freedom of conscience, worship, speech, assembly, association and the press. During the seventeenth century, each of these freedoms received eloquent defense on the grounds, not only that they may be granted without danger to the peace of the state, but also that they may not be withheld without danger. Legal implementation for their protection was step by step provided by the institution of courts or the extension of the jurisdiction of existing courts, and these rights may, therefore, be associated with respect to the means of securing them, with other personal rights and with the right to justice, by which it was recognized that all men have an equal right to seek justice by appeal to law and in that appeal to be protected from summary arrest, cruel treatment and unjust punishment. As civil rights, moreover, they are closely related to the right to political action by which the function of citizens in states is defined, and the growth of democratic institutions during this period is largely an expression of the conviction men can achieve justice and the defense of their rights only by participation direct or indirect in the governments by which they are ruled. Political rights were therefore written into instruments and institutions of government, whereas civil rights, protected from interference by governments by recourse to courts, were written into bills of rights. The right to political action within a state discussed during this period, moreover, in close conjunction with the right to rebellion or revolution by which men might set up a government in conformity with justice if the fundamental principles of justice and the basic human rights are violated in such fashion as to permit no redress by recourse to peaceful means, and also in conjunction with the right to citizenship by which men may abandon their existing citizenships and assume the citizenship of any country which is prepared to accept them as citizens. Finally, during the nineteenth century,

the discussion of the right to political action made increasingly clear that it is a right which can be exercised wisely only in conjunction with the right to information by which the citizen may equip himself for the proper exercise of his political functions.

During the nineteenth century there were added to these rights another set of fundamental human rights which grew out of the recognition that to live well and freely man must have at least the means requisite for living and which was made increasingly practicable by the advances in technology and industrialization in making the means of livelihood potentially accessible to all men. These have come to be called Economic and Social Rights. They were first treated as sub-divisions or extensions of civil and political rights, but in the course of the last hundred years it has become apparent that they are different in kind from the older rights and that they therefore require different implementation. In their earliest form they are associated with the right to property, which in the eighteenth century was conceived by many philosophers to be the basic human right from which the others are derived, in such fashion that even liberty and the pursuit of happiness are often treated as property rights of man. The evolution of social and economic rights depended on the discussion of the relation of the ownership and the use of property, of private and common ownership, and of private rights and public responsibility. Similarly, the right to education was early conceived to belong to all men, and the institution of public systems of education was designed to effect the realisation of that right. Likewise, the right to work was treated first as a freedom consequent on the right to property and was only later implemented with legal provisions for bargaining and arbitration concerning the conditions and the rewards of work. The right to protection of health usually started in the various states from modest beginnings in pure food and drugs legislation under the provisions of police power, and slowly extended to the provision of minimum medical and dietetic services, while the end of the nineteenth century and the beginning of the twentieth century saw the growth of various forms of social security designed to embody the right to maintenance during infancy, old age, sickness and other forms of incapacity, and involuntary unemployment. Finally, there are few to deny, in the retrospect of technological advances today, the right of all to share in the advancing gains of civilization and to have full access to the enjoyment of cultural opportunities and material improvements.

Since the increased accessibility of economic and social rights was achieved as a consequence of the advances of science and since the ideals and accomplishments of an age find their expression in art and literature, a new emphasis has been placed on Rights of the Mind; on the right to inquiry, expression and communication. Whether the purpose of communication be the expression of an idea or an emotion, the furthering of an individual or social purpose, or the formulation of an objective and scientific truth, the right is grounded both in the purpose of developing to the full the potentialities of men and in the social consequence of such communications.

II.

The evolution, extension and increase of human rights provide clear indication of their scope and of the problems which must be solved by a modern declaration of human rights. Rights which were first proclaimed effectively for only a privileged few have been extended until they may now be claimed by all. Rights which were imperfectly secured have been supplemented by rights which are essential to their realisation. But in that process of extension and growth, the significance of many basic rights has been changed. Their significance has sometimes been rendered more precise and that process has frequently led to the recognition of how far man is from the realisation of his rights. The change in their significance has frequently extended them to applications for which they were not originally intended, sometimes with good, and sometimes with evil, effect. It has sometimes rendered rights vague, and it has even perverted what had been conceived as rights to sources of abuse against the fundamental rights of other men.

The evolution of man's conception of his rights serves to make clear, moreover, not only the problems involved in a modern declaration of human rights, but also the means for the solution of those problems. Human rights have become, and must remain, universal. All the rights which we have come slowly and laboriously to recognise belong to all men everywhere without discrimination of race, sex, language or religion. They are universal, moreover, not only because there are no fundamental differences among men, but also because the great society and the community of all men has become a real and effective power, and the interdependent nature of that community is beginning at last to be recognised. This universality of the rights of man, finally, has led to the translation into political instrumentalities of that close interdependence of rights and duties which has long been apparent in moral analysis. But the enjoyment of rights involves, not only the acceptance by the individual of corresponding obligations to society but it is conditioned by the material resources of the society to which he belongs. Thus, the right to work implies the obligation to engage in work useful to the society; the right to maintenance, education, etc... can be enjoyed by each man only in so far as the society by productive work creates the resources out of which these rights can be assured. The problem, which the Commission of Human Rights must resolve consequently turns on the relation of rights to political and economic institutions and the implementation of a bill of rights proclaimed for all men, as men and as members of the world community.

In the present world situation then, all of the rights which man has acquired through the centuries are important to the life of man and the development of the world community, but those which have been made possible by the most recent advances of knowledge and technology and by the institution of the agencies of the United Nations have assumed priority over, and have affected, the conception of the earlier rights, for the new rights have not only been added to the list of rights, but they have made also clear the full sense of older rights and have made them universally practicable. They make it possible to draw a list of fundamental rights on which, the Unesco Committee

on the Philosophic Principles of the Rights of Man is convinced, all men are agreed. They are rights which should inspire individual men, nations, and international agencies to work for their achievement and to use their full authority and power in support of them. They may be seen to be implicit in man's nature as an individual and as a member of society and to follow from the fundamental right to live.

1. - THE RIGHT TO LIVE.

The right to live is the condition and, as it were, the foundation of all other rights. It is the condition of other rights since it is the minimum human right. It is inseparably involved in the very existence of man. But to live is more than barely to exist, and it is therefore the right which makes specific all other rights since they mark the degree of well-being which man may achieve. All rights derive, on the one hand, from the nature of man as such and, on the other, since man depends on man, the stage of development achieved by the social and political groups in which he participates.

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One group of rights is essentially connected with the provision of means for subsistence, through his own efforts or, where they are insufficient, through the resources of society.

2. - THE RIGHT TO THE PROTECTION OF HEALTH.

3. - THE RIGHT TO WORK.

Every man has the right to work, at a wage which represents a fair reward for the quantity and quality of the work done, provided the wages be always at least sufficient to provide means of subsistence and provided the hours of work be reasonable and the leisure adequate.

The right to work implies the right of the workers to participate in the collective determination of the conditions of their work, as well as the right of the workers to understand the general significance of the work done. Work cannot be considered as a commodity, and the recognition of its moral and social value is, therefore, an essential right of the workers.

No discrimination will be set up to bar anyone from access to any form of work for which he is qualified.

4. - THE RIGHT TO MAINTENANCE in involuntary unemployment, infancy, old age, sickness and all other forms of incapacity.

5. - THE RIGHT TO PROPERTY.

Every man has the right to private property in so far as is necessary for his personal use and the use of his family; no other form of property is in itself a fundamental right.

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Bare living, however, is not sufficient, and another group of rights supplements these, providing intellectual foundations for living well, training for the proper use of human as well as the opportunities for self-development and the advancement of the common good.

6. - THE RIGHT TO EDUCATION.

Every man has the right to a certain minimum of elementary education. That elementary education should eventually be brought to a minimum level of fundamental education available to all men, which should in turn facilitate the mutual understanding of the peoples of the world. In addition, higher education should be accessible to all who have the capacity to benefit by it, and society should select such persons by appropriate means, with due respect to the principle of equal merit and the satisfaction of legitimate aspirations on the part of the individual.

7. - THE RIGHT TO INFORMATION.

Every man, that he may play his part in human society, has the right to the fullest and most accurate information from all relevant sources.

8. - FREEDOM OF THOUGHT AND THE RIGHT TO FREE INQUIRY.

The right to live finds its most complete manifestation in the life of thought and in the various modes of artistic and scientific expression. Every man has the right to follow as he finds them compelling the consequences of his reasoning and to hold such doctrines as he judges to be true. He shall not be hindered in the pursuit of knowledge or in communicating the results of his inquiries to others in the effort to increase the sum of human knowledge.

9. - THE RIGHT OF SELF-EXPRESSION.

Even apart, from direct calculation of social utility, however, every man has the right to express himself in art and science, not only as part of his own self-fulfilment, but also as a possible contribution to the culture of his nation and time, since the highest expression of culture and the greatest utility to society frequently derive from works little esteemed by their contemporaries for aesthetic value or immediate practical use.

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Finally, there is a group of rights which bear on man's participation in society and his protection from social and political injustice.

10. - THE RIGHT TO JUSTICE.

Every man has an equal right to justice. He cannot be summoned for an act which was not a legal offence at the time when it was committed. He has the right to be protected by law from illegal arrest, brutality, torture, cruel and unjust punishment and double jeopardy. In the case of legal arrest, he has the right to a speedy and public trial by due process of law.

The inviolability of domicile and correspondence is limited only in accordance with due process of law and in so far as its enjoyment may endanger the existence of society or the principles on which it is founded.

11. - THE RIGHT TO POLITICAL ACTION.

Every citizen is entitled, both by voting and by direct participation, to make his contribution to the conduct of public affairs. In pursuance of this aim, he has the right to express his ideas and to form associations for the promotion of his ideas, provided that such expressions and such associations are not incompatible with the principles of democracy or with the rights of man.

12. - FREEDOM OF SPEECH, ASSEMBLY, ASSOCIATION, WORSHIP AND THE PRESS.

As instruments, therefore, in the exercise of his right to political action, no less than as consequence of his right to self-expression, man has the right to set forth his ideas and to seek to persuade others to accept them. Society is entitled to limit the exercise of these rights only in exceptional circumstances and only in so far as their exercise might endanger the existence of the society or the principles on which it is founded.

13. - THE RIGHT TO CITIZENSHIP.

In the event that a man is not satisfied with the institutions of the nation of which he is part, he has the right to abandon his existing citizenship and to assume the citizenship of any country which is prepared to accept him as a citizen.

14. - THE RIGHT TO REBELLION OR REVOLUTION.

In the event that the government of his nation operates contrary to the fundamental principles of justice and the basic human rights in such fashion that no redress is permitted by peaceful means, man has the right to set up a government more nearly in conformity with justice and humanity.

15. - THE RIGHT TO SHARE IN PROGRESS.

Every man has the right to full access to the enjoyment of the technical and cultural achievements of civilisation.

These rights, the Unesco Committee on the Philosophic Principles of Human Rights is convinced, are of fundamental importance not only to the enrichment of the human spirit but to the development of all forms of human association, including the development of national cultures and international co-operation. The Unesco Committee has attempted to indicate some of the intellectual ramifications and implications of the problem of human rights in the modern world and in the international framework of the United Nations by setting forth briefly the turns of the historical development of human rights and the broad lines of the interrelations of human rights which are consequent on that development. The Committee is particularly concerned to emphasise the dynamic character of the interrelations of human rights and the need, therefore, to explore and control the basic ideas which are in process of being fitted to new industrial and technological means for the achievement of human good. The Committee reaffirms its conviction that a further study of the oppositions of philosophic doctrines which lead to diversities of interpretations of human rights, or which conceal fundamental principles on which agreement is possible despite these diversities, might facilitate the discussion of human rights today. It reaffirms also its further conviction that Unesco might properly be asked to take the study of these philosophic differences. Such a study should be undertaken, however, only if it is seen to contribute to the formulation and implementation of the Declaration of Human Rights which is in process of preparation by the Commission on Human Rights, for the Unesco Committee is convinced that agreement is possible concerning such a declaration and that it will constitute a basic contribution to the fullness of man's life, and to the stability and to the effectiveness of the operation of the United Nations.

Revised.
Original: English

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