

# THE UNIVERSAL DECLARATION OF HUMAN RIGHTS \*

ALEJO LABRADOR\*\*

*Introductory.*—The Universal Declaration of Human Rights is, as its name implies, a statement of the basic or fundamental rights of man in any organized state. It asserts that all men are born free and equal in dignity and rights, irrespective of race, color, sex, language, religion or political opinion; it recognizes their right to life, to liberty and personal security, to property and the pursuit of happiness. As in a body politic men must waive portions of their rights in the interest of the common weal, the declaration defines, in general, the limitations on these rights and how they may be affected or curtailed. Most of the rights recognized exist in the constitutions and laws of the countries composing the United Nations Organization. There are, however, others still in the process of recognition, such as the right to work and the choice of employment and to a just and favorable remuneration thereof, the right to a living wage, the right to rest and leisure, and the right to a decent standard of living and even social security and education. The declaration is said to be universal, because it is intended to apply to all peoples everywhere; and it is a mere Declaration because it has no binding legal force, merely proclaiming standards towards which nations should strive to enhance the liberty, freedom, contentment and happiness of their peoples.

For our purposes, the rights included in the declaration may roughly be grouped under the following subjects: (a) Those that secure life, liberty and personal security; (b) those that protect rights of property; (c) those that guarantee freedom of thought, speech and religion; (d) those that guarantee equality; (e) those that promise social security; and (f) those that safeguard political rights.

*The right to life, liberty and security, and the right to property.*  
—The first group may include the right to life, liberty and security of person;<sup>1</sup> freedom from slavery or from torture, or from cruel or unusual treatment or punishment;<sup>2</sup> freedom from arbitrary arrest, detention or exile;<sup>3</sup> in criminal cases, the right to a fair and public hearing;<sup>4</sup> the right to the presumption of innocence, the right against

---

\* Address delivered before the Rotary Club of Manila.

\*\* LL.B. (U.P.), Justice of the Supreme Court.

<sup>1</sup> Article 3.

<sup>2</sup> Article 5.

<sup>3</sup> Article 3.

<sup>4</sup> Article 10.

prosecution for *ex post facto* laws;<sup>5</sup> the right of privacy in family, home and papers;<sup>6</sup> the freedom of movement and residence;<sup>7</sup> the right to seek asylum in other countries from persecution;<sup>8</sup> freedom of marriage, provided entered into freely. In the second group, we may include the right of property, of which one may not be arbitrarily deprived<sup>9</sup> and the exclusive right to one's scientific, literary or artistic productions.<sup>10</sup> These two groups may be traced way back in the year 1215, when the Magna Charta was obtained from King John of England.<sup>11</sup> In this first important charter of human rights no mention is made of equality of persons before the law, or of the freedom of religion or worship. There was then only one religion allowed, that prescribed by the state, while slavery was still rampant. The feudal system of land tenure was still in vogue, and consequently neither was equality of men in the modern concept recognized. There were lords and nobles, and the burghers and landless. Freedom of movement within the kingdom and out of it was, however, already guaranteed, as necessity for Englishmen, many of whom were merchants.<sup>12</sup> More than 400 years later, when in 1689 the Bill of Rights was passed in the English Parliament, the rights to liberty and personal security, and the right to property were increased in scope. As the most essential and fundamental of human rights, these two groups, the right to life, liberty and personal security, and the right to property, are fully recognized in the constitutions and laws of all the states composing the United Nations Organization, with the exception of Russia and the states behind the Iron Curtain, where life and property are under the strict regimentation.

*Freedom of speech, thought and religion.*—The third group includes freedom of thought, conscience and religion, whether enjoyed alone or in community with others, the right to change the same, and the right to observe, practice or teach it;<sup>13</sup> the freedom of opinion and expression, which includes the right to read, speak, or hear information in any form from any country;<sup>14</sup> and freedom of peaceful assembly and association.<sup>15</sup>

---

<sup>5</sup> Article 11.

<sup>6</sup> Article 12.

<sup>7</sup> Article 13.

<sup>8</sup> Article 14.

<sup>9</sup> Article 17.

<sup>10</sup> Article 27.

<sup>11</sup> Magna Charta, Secs. 38 and 39.

<sup>12</sup> Magna Charta, Secs. 41 and 42.

<sup>13</sup> Article 18.

<sup>14</sup> Article 19.

<sup>15</sup> Article 20.

The concept of freedom of religion or worship started in America, when in 1621 the Pilgrims emigrated thereto in quest of religious freedom. The first public acknowledgment was made in the Maryland Toleration Act of 1649, thus:

"No person professing to believe in Jesus Christ shall be in any wise troubled, molested or discountenanced for or in respect of his or her religion nor in the free exercise thereof."

Freedom of religion was also in the Virginia Declaration of Rights,<sup>16</sup> in the Virginia Statute of Liberty,<sup>17</sup> and finally in the Constitution of the United States in 1787, thus:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; no religious test shall even be required as a qualification to any office or public trust."<sup>18</sup>

Freedom of the press was first expressly recognized in the Letter from the First Continental Congress in 1774, wherein it was declared:

"The last right—regards the freedom of the press. Its importance consists, besides the advancement of the truth, in the diffusion of liberal sentiments in the administration of government, whereby oppressive officers are shamed or intimidated into more honourable and just modes of conducting affairs."<sup>19</sup>

Freedom of the press is affirmed in the Virginia Declaration of Rights.<sup>20</sup> The freedom of speech or of the press was finally embodied in the United States Constitution, which provides in the first amendment thereto that "Congress shall make no law abridging the freedom of speech or of the press." Like the first two groups, this right is also recognized in all the free nations of the world.

*Equality of Men.*—The concept of the equality of men is deeply rooted in the principal religions of the world. Hence Paul said, "There is neither Jew nor Greek; there is neither bond nor free, there is neither male nor female, for ye are all one in Christ Jesus." The Buddhist Teacher (*Gautama Siddharta*) taught that "all men are created equal", while the Hebrews stated in their books that "the heathen is thy neighbor, thy brother; to wrong him is to sin," while the greatest Roman orator and politician, Cicero, described liberty "as the sweetest of all blessings, and which *if it is not equal for all*, is not liberty." In spite of these deep-seated foundations of the prin-

<sup>16</sup> Sec. 16 (yr. 1776).

<sup>17</sup> Yr. 1786.

<sup>18</sup> Art. V and Amendment I to the United States Constitution.

<sup>19</sup> p. 1273, *Human Rights*.

<sup>20</sup> Sec. 12.

ciple of equality, the first formal declaration of the equality of men only appears in 1776, in the American Declaration of Independence, in the following words of Jefferson: "We hold these truths to be self-evident; that all men are created equal." Equality, as understood at that time, however, was applicable only to the white men, Jefferson himself being a slave holder. The question of slavery, which was allowed in the American Constitution, later became an underlying cause of the Civil War. In 1861, Abraham Lincoln proclaimed the emancipation of slaves, and the 13th Amendment to the Constitution was later approved prohibiting slavery or involuntary servitude within the United States or any place subject to their jurisdiction.<sup>21</sup>

The concept of equality as defined in the Charter, does not mean equality in society, but merely equality before the law, and equality of opportunity. Thus it is provided that every one has the right to be considered a person before the law,<sup>22</sup> and that all persons are equal in court and entitled to the equal protection of the laws,<sup>23</sup> The Declaration also provides:

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests."<sup>24</sup>

And Article 24 provides:

"Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay."

In connection with the above provision, it is to be remembered that we have in the Philippines a Minimum Wage Law,<sup>25</sup> a Child Labor Act,<sup>26</sup> an Eight-Hour Labor Law,<sup>27</sup> Women's Maternity Act,<sup>28</sup> a Labor Compensation Act,<sup>29</sup> and an Employer's Liability Act<sup>30</sup>—all of

---

<sup>21</sup> December 18, 1865.

<sup>22</sup> Article 6.

<sup>23</sup> Article 7.

<sup>24</sup> Article 23.

<sup>25</sup> Rep. Act No. 602.

<sup>26</sup> Rep. Act No. 679.

<sup>27</sup> Com. Act No. 444.

<sup>28</sup> See Sec. 8, Rep. Act No. 679.

<sup>29</sup> Act No. 3428 as amended.

<sup>30</sup> Act No. 1874 as amended.

which attempt to grant labor a compensation commensurate with the responsibility of his work and reasonably sufficient to maintain the laborer and his family, assure him the desired rest necessary for his leisure. We now have a law authorizing labor to organize for the protection of the interests of its members.<sup>31</sup>

But the declaration stops here. There is no provision giving anyone the right to join an association which others of a different race, color, creed, or class have formed for themselves. The social problem now existing in the United States, where color is discriminated against, is not, therefore, solved by the provisions of the declaration. Unfortunately, therefore, the high-strung phrases of equality of men in dignity, irrespective of race or color, as contained in the Charter had (in Communist propoganda) sometimes been branded as empty words.

*Guarantees of Social Security.*—We next come to a new ground not fully recognized in the statutes of many of the countries of the UNO, the guarantee of social security. As these are of recent application in our country, they deserve more than a passing mention. The provisions of the charter on this subject are as follows:

“Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.”<sup>32</sup>

“(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

“(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.”<sup>33</sup>

“(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

“(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

“(3) Parents have a prior right to choose the kind of education that shall be given to their children.”<sup>34</sup>

<sup>31</sup> Rep. Act No. 875.

<sup>32</sup> Article 22.

<sup>33</sup> Article 25.

<sup>34</sup> Article 26.

We have here in our country a system of gratuity for employees of the government who are separated from their work, an insurance system, and a retirement and pension upon reaching old age. For laborers or employees of industrial concerns there is also a provision for compulsory insurance, as well as a directive for the payment of pensions if their finances permit. We do not have however, laws such as they have in the United States and in England giving benefit payments to persons of old age, dependents, the blind, and low income groups.

It seems that our government and our people have the desire to give aid and pension to old age and indigence, but as to whether its finances permit it to exercise its well known Christian spirit, only the future can or may tell.

*Guarantee of political rights.*—The right to vote and to hold public office in a state where the will of the people shall be the final authority of the government is guaranteed in Article 21. This is the provision that guarantees democracy and suffrage.

*Conclusion.*—I have endeavored, perhaps to the extent of boring you, to cover all the provisions of the declaration, to show that it affects all phases of human life and activity, thought, conscience and culture, how all-embracing are their scope. Let us not forget, however, that this charter of human rights and liberties is not a treaty, nor an international agreement; nor the statement of law or of legal obligation.<sup>35</sup> It purports to be merely "a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, may strive by teaching and education to promote respect of these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction."<sup>36</sup> It has been stated that the drafting of this memorable document "is part of an international effort designed to acquaint the world with the ideas of freedom and the vital necessity for their preservation and extension," which is "indispensable in this day when totalitarian concepts are being spread vigorously not only by Communists but also by the remnants of nazism and facism."<sup>37</sup> Most of the provisions on human freedoms and rights represent the gains

---

<sup>35</sup> Mrs. FRANKLIN D. ROOSEVELT, 1948.

<sup>36</sup> Resolution of Proclamation, General Assembly of the United Nations, December 10, 1948.

<sup>37</sup> Mrs. FRANKLIN D. ROOSEVELT, Chairman of the Committee on Human Rights, Bulletin of June 30, 1952.

that democratic peoples of the world, particularly United States and Britain, have achieved in centuries of persistent struggle against the forces of tyranny and oppression; while the economic and social provisions, as well as the civil and political rights, have been inspired by existing statutes and policies approved by the legislative and executive branches of the Federal Government of the United States.

Five years have now elapsed since the approval of the famous memorial. Ever since the United Nations has come into being in 1946, the great people of America proffered their skill and experience to sister nations and have poured billions of dollars in aid to the beleaguered countries of Europe and the backward peoples in this portion of the world to help the former regain their economy and the latter in their economic and social and cultural uplift. As we watch the slow but sure process of implementation of the rights defined in the great charter, we find that its real value and significance lies not alone in the fundamental importance of the rights and freedoms asserted, but in the ray of hope that it has kindled in the hearts of the so-called backward peoples, especially of South East Asia, and the impetus that it has given to their struggles for freedom and self-government. And in the paternal and fraternal solicitude shown by the great democracies of the world for the uplift of man and the dignification of his status, we notice that awakening of a world consciousness in the brotherhood between peoples of all nations, irrespective of color, race, creed, or material or cultural achievement; and we see, thru the misty clouds of time, the dawning of the glorious day when the *bigger man* recognizes that his less fortunate neighbor is his brother who deserves all forms of sympathy and help in his own personal struggle to achieve a life of sufficiency, if not of plenty, and thus hasten the advent of the day of international peace, contentment and happiness, all to the glory of Divine Providence.