

THE 55TH ANNIVERSARY OR WHO AND HOW WRITES RIGHTS

ALEXANDER BULYCHEV*

This year we are going to celebrate the 55th anniversary of the adoption of the Universal Declaration of Human Rights. However, what are human rights? The concept itself went through a long evolution before it was possible to list a set of rights on paper and proclaim a Universal Declaration. The idea of human rights developed with the development of the world and new epochs highlighted its new sides.

When we think about human rights, we can clearly see three ‘generations’, two of which are included to the Universal Declaration of Human Rights.

The first generation is political and civil rights (the right to life, liberty and security of an individual, the right to vote, the freedom of thought, protection against arbitrary arrest etc). These rights steadily developed during the XVII and XVIII centuries. That time absolutism in some European countries managed to combat chaos of the late feudal era, however, at the same time, it managed to combat the common man and deprive him of almost all rights. People had no safeguards against arbitrary arrest, detention or exile, and the very idea of public accountability of the government seemed dangerous and dissident. The main aim of the concept of human rights was to protect subjects (that soon turned to citizens) against arbitrary rule. The English Habeas Corpus Act of 1679, the American Declaration of Independence of 1776 and the Constitution of 1787 and the French Declaration of Rights of Man and Citizen of 1789 are important landmarks of the process of struggle for civil and political rights. In 1789 the French Declaration proclaimed four ‘natural and unallied rights’ – freedom, property, security and resistance

* Alexander Bulychev is a student at MGIMO

against oppression. And during the next two centuries these rights were embedding to the constitutions all around the world.

Economic and social rights (the right to work, the right to equal pay for equal work, the right to rest and leisure, the right to education and the like) belong to the second generation. Arbitrary rule was already more or less prevented, however, a lot of people failed to integrate to laissez-faire capitalism. Pauperized masses were dangerous for political systems. What is more, the existence of millions of poor people undermined economic growth (mass consumption is impossible when so many people can not make both ends meet). So ideas of economic and social responsibilities of the state were advanced and developed. The Russian Revolution of 1917 and the Great Depression of 1929 legalized state intervention to economy and gave the government some social responsibilities. What is more, it became clear that human beings do not have only political, but economic and social rights as well.

At the same time women fought for and by the end of World War II in some countries managed to achieve equality in rights with men.

As for the third generation, it only appeared in the 1960s, and thus was not included to the Universal Declaration. It was the time of national liberation, struggle against colonialism and first steps of newlyborn states on the international arena. This new set of rights is sometimes called 'collective rights'. These are: the right to development, the right to disarmament, the right to healthy environment etc. There will probably be the 4th and the 5th generations but this does not undermine the importance of the Universal Declaration. It gives a firm basis for further development of the concept that is why there is more reason to dwell on this document at greater length.

By the end of World War II human rights were incorporated in many national constitutions, however the international law had no definition of human rights. The adoption of the UN Charter in 1945 necessitated the elaboration of some international document on human rights. The Charter proclaimed in its first article the aim 'to achieve international co-operation...in promoting and encouraging

respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion'. So in 1946 the UN Commission on Human Rights was created and tasked to work out an international document on human rights.

Historians agree that Eleanor Roosevelt was the key figure in the process of creating the Universal Declaration. President Truman (her husband's successor) appointed her to the Commission and she was unanimously elected its first chairperson. She had plenty of difficulties trying to bridge the gap between two rival camps – the Western world and the Soviet bloc. Meetings of the Commission sometimes fended to turn to spirited discussions about what is more important, political rights or social security? Mutual accusations of 'suppression of genuine freedom' on the one side and 'neglect of economic rights' on the other side hampered the work of the Commission. However Madam Roosevelt was determined to ensure the adoption of the Declaration by Christmas 1948 and she pressed for it. Finally, the document was elaborated. It consisted of 30 articles, On the 10th of December 1948 the General Assembly of the United Nations Organization adopted the Universal Declaration of Human Rights. In 1948 the Organization had 58 members of whom 48 voted in favour of the Declaration, none voted against, 8 members abstained and 2 were absent.

The Soviet bloc abstained because of lack of economic and social rights in the Declaration, Saudi Arabia considered it too pro-western and South Africa, where apartheid had just started, objected to the spread of human rights to all races.

The Declaration gave birth to a great number of treaties and in 1988 it became an international treaty. Today there are a few hundreds of international law acts that protect human rights. However, it is still very important to read and remember 30 articles of the first universal act on human rights – the Universal Declaration of Human Rights. It is a firm basis for the whole system of human rights.