

World Health Summit

Coimbra, 20 de Abril de 2018

I was kindly invited to speak here today about “Human Rights in general”. I accepted the invitation: it is of course a pleasure to be here today with you. But I must say that it is a risky mission, the one that was assigned to me. Speaking about “Human Rights in general” is a risky and difficult task. Not only because of the broadness of the topic: what does it mean, really, to speak about Human Rights in general? Human Rights are, in itself, an immense universe; anyone who accepts to give a speech about Human Rights “in general” accepts also the risky task of enlarging a universe that is already, in itself, immensely large. The probabilities of getting lost in such a vast field are very high. But there is another reason why this task of mine is such a risky task. A growing number of academics and opinion makers around the world have invented a pejorative expression to designate general speeches about Human Rights. The expression is “*The Rights Speech*”.

For those who use the expression in a negative sense, “The Rights Speech” is a sort of futile and common place speech that should be avoided because it is a contribution to the present disorder of the world. It is – they say – a futile speech; an invitation to forget the duties that we all have towards the communities in which we live our lives; a common place that justifies a moral perspective of the human existence that is simply childish.

I do not agree with this growing number of academics, thinkers and opinion-makers who despise what they call the “Rights Speech”. And I believe, on the contrary, that it is a great responsibility to talk nowadays about Human Rights.

First of all, because next December (the tenth) we will be commemorating the seventieth anniversary of the Universal Declaration of Human Rights, which was approved by the General Assembly of the United Nations on the tenth of December of 1948. Secondly, because the voyage that we have started since then (since the 10<sup>th</sup> December 1948) is everything but futile or childish. It has been a

great historical enterprise. Unique in our history. A moral revolution, that was able to create a better world for human life. Celebrating the seventieth anniversary of this moral revolution is an important step: we ought to take it very seriously.

The world that we have built since then (since 1948) is a very fragile world. Human Rights are not a natural thing. They were not born easily. On the contrary: they are a *constructum*; an artefact; something that was created with great effort – an effort of culture and civilization. And we know by experience that things which took a long time to build can always be abruptly destroyed. But these are statements that require some explanation.

So, I will divide my speech into two main parts.

First, I will try to explain why Human Rights are so – let's say – “artificial”. Are they, really, an artefact, a construction of culture and civilisation that took a long effort to be achieved?

Secondly, I will try to explain why I think they are now in peril. Why are Human Rights so fragile? Are they at risk, in this second decade of the 21<sup>st</sup> Century?

## I

### Human Rights as a *constructum*

Even the more complex ideas can be simplified. It is true that sometimes the process of simplifying (what is by nature complex) is equivalent to brutal reduction. In this case we should avoid trying to make simple what is complex. Human Rights are a very complex subject. Nevertheless, I believe that they are among those very complex ideas that can be presented in a simple – yet not distorted – way.

*We are all born free and equal.* This is, I believe, the “simple” idea that sums up the entire subject of Human Rights. And it is this idea that is expressed by article one of the Universal Declaration: «All human beings are born free and equal in dignity and rights».

This idea is the very foundation of the entire building. All other rights (for instance: the right to life, liberty and personal security; or the right not to be held in

slavery or not to be subjected to torture) are just consequences of this grounding idea, according to which *all human beings are born free and equal*.

This basic idea is not a “natural” idea – far from it. If we consider only our European and western heritage, or the cultural and western tradition of thought, we can easily conclude that this idea was just a religious and philosophical idea until the end of the 18<sup>th</sup> Century, without any practical consequences. The *natural* order of human societies was until then organized according to the opposite principle. Human beings were considered to be naturally unequal by birth; human beings were considered to be naturally unfree by birth. The first declarations of Rights that denied this broad conception were the American bill of Rights (1791) and the French Bill of Rights (1789), both products of the modern constitutional revolutions. But even during the following century (the 19<sup>th</sup> century) this revolutionary idea remained as a strictly theoretical idea, lacking any sort of true practical or political meaning. During this century two main currents of thought denied the practical importance (and the moral authority) of the Human Rights doctrine: the reactionary current of thought, on the one hand, that dreamed with a possible return to the world that existed before the Enlightenment Revolutions; the Marxist current of thought, on the other hand, that considered the Human Rights doctrine as a by-product of the will of power of a certain social class – the bourgeoisie.

On the tenth of December of 1948, the General Assembly of the United Nations denied finally these two currents of thought. Only then the basic idea of the Human Rights doctrine – we are all born free and equal – was recognised as a political value, I would say, as the basic constitutional value of all mankind. We know very well why it happened in the late forties of the twentieth century. Two world wars led us to this conclusion: we had to choose between a path of destruction and savagery and a path of culture and civilisation. We chose the second path. And the most important testimony of our choice is article first of the Universal Declaration, which is coincident with article first of the French

Declarations of Rights from 1789. We are all born free and equal – a triumph of the Human Spirit; a clear choice of a civilized world.

## II

Is this choice now and again in danger? I believe it is.

Among many other things, the astonishing recent developments of technology and science (including medical science; including neurologic and bioethical developments) question our present conceptions of freedom and of individual self-determination.

On the other side, the impetus of globalization, with its growing pace towards inequality (inequality among persons; inequality among states; inequality among economic corporations) questions our present conceptions of equality. Once again, it seems, we are bound to rethink our future. What does it mean, to be born free and equal in dignity and respect in the beginning of this new century? To give a proper answer to this mighty question is our responsibility – the responsibility of those among us who are willing to celebrate, next December, the seventieth anniversary of the Universal Declaration of Human Rights.

Maria Lúcia Amaral

*Provedora de Justiça*