

THE RIGHT OF LIVING AS A BASIC HUMAN RIGHT

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INTRODUCTION

The object of this study is the discussion of the right of living as a basic human right in the light of the views of the major philosophers and the provisions of the constitutions of States, and finally the framework of the system of human rights which emerged following the tragic events that accompanied the Second World War. The war caused intensive regulation of human rights by way of universal international instruments, such as the 1948 Universal Declaration of Human Rights, and the two 1966 Covenants on Human Rights, and regional instruments such as the 1950 European Convention on Human Rights, the 1969 American Convention on Human Rights, and the 1981 African Charter on Human and Peoples Rights. Thus, the international community, for the first time in history, not only recognized human rights as legal rights, and guaranteed these rights in international agreements, but also provided appropriate measures for their implementation by signatory States.

DEFINITION OF THE RIGHT OF LIVING

Before embarking upon the principal inquiries, in order to avoid confusion and misunderstanding, it is essential to define "the right of living." There is considerable confusion over the concept and definition of the right of living. This in turn stems from the confusion between "the right to life," i.e., the right not to be deprived of life (which, according to the International Covenant on Civil and Political Rights, comes within its purview)¹ and "the right of living," which means the system of economic, social and cultural rights that are incorporated and specified in the International Covenant on Economic, Social and Cultural Rights.² These rights, which are called by certain writers "welfare rights,"³ became positive law for the States Parties to the Covenant on Economic, Social and Cultural Rights after its entry into force in January 1976.⁴

The right of living is confused with the right to life, *inter alia*, by C. Brinton, who asserts that "the right to life could be interpreted as giving the individual at least an emergency claim on the society for assistance."⁵ The same idea is reflected in the formulation of the French League of the Rights of Man, wherein

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