

HUMAN RIGHTS EDUCATION AS THE OUTCOME OF HUMAN RIGHTS MOVEMENTS

Uta Gerlant

“THE LAW IS OUR ONLY LANGUAGE”: SOVIET DISSIDENTS AND HUMAN RIGHTS

“Adhere to the Soviet Constitution!” was one of the slogans on the banners waved at the independent Moscow demonstration on December 5, 1965 on behalf of the arrested authors Yuli Daniel and Andrei Sinyavsky. Daniel and Sinyavsky had published writings under pseudonyms abroad and stood accused of “anti-Soviet propaganda.” With the knowledge that the state had unlimited power to “violate the law behind closed doors,” some 200 protesters demanded that the trial be open to the public.¹ This demonstration became an annual event. In 1977, the demonstration was moved from December 5, the anniversary of the Soviet Constitution, to December 10, the international day of human rights. Ludmilla Alexeyeva later called this the “birthday of the human rights movement.”²

The 1965 demonstration in front of the Pushkin memorial was organized by the mathematician Alexander Esenin-Volpin, who became one of the mentors of the human rights movement.³ As Vladimir Bukovsky later remembered, “Alik was the first person who met with us, who spoke to us in a serious way about Soviet law. We all laughed at him. ... Who would have thought at the time that the ... amusing Alik Volpin ... would spark

1 Call for a public demonstration on December 1965; see Alexander Ginsburg, ed., *Weißbuch in Sachen Sinjavskij – Daniel* (Frankfurt a.M., 1967): 44. Although the trial was in theory open to the public, access to the courtroom was by invitation only; only the wives of the two writers were permitted to attend. This procedure was repeated during later trials; barred from the courtroom, friends, supporters and other sympathizers for the accused would gather for days in front of the court building. Sinyavsky and Daniel were sentenced to 7 and 5 years in the camp, respectively.

2 Ludmilla Alexeyeva, *Istoriya inakomyслиya v SSSR* (Vilnius and Moscow, 1992): 194. Ludmilla Alexeyeva played two roles: she was a dissident as well as a historian of the dissident movement. Alexeyeva was born in 1927. In the latter half of the 1960s, she joined the human rights movement in Moscow, and was a member of the Moscow Helsinki Group. She became head of the Moscow Helsinki Group after it reconvened in 1996. She is the president of the International Helsinki Federation since 1998, and remains active on human rights issues today. Alexeyeva studied history in Moscow. During her exile in the United States (1977 – 1993), she authored numerous historical works, including the standard history of the Soviet dissident movement, which analyzed the national and religious movements as well as the human rights movement. For our purposes, the term “dissident” refers to dissenters who invoked the law to engage in non-violent resistance against the Soviet system (during the period from the mid-1950s to the mid-1980s.) The Soviet dissident movement was pluralistic and included many different strains (see fn. 13).

3 In addition to Alexander Esenin-Volpin, Andrei Amalrik also names Boris Zuckerman and Valery Chalidze as two other key legal advisors to the human rights movement: “When expulsion began to be used against the dissidents, Chalidze, Volpin and Zuckerman were among the first to be expelled – which was proof of the importance of their actions.” See Andrei Amalrik, *Aufzeichnungen eines Revolutionärs* (Berlin, 1983): 110.

the movement for human rights in the Soviet Union.”⁴ Bukovsky continued, “I’m still surprised at the seriousness with which he spoke about rights in our ‘arbitrary state,’ as if we didn’t all know that the laws were only written on paper for propaganda purposes, and that they could be ignored at any time. After all, the KGB had told us quite openly, ‘We’ll always be able to find a law.’ ... As we saw, only ten years before these laws had done nothing to prevent the murder of nearly 20 million innocent people.”⁵

Demanding the Enforcement of Rights: The Example of the Crimean Tatars

For Soviet citizens of the 1960s, human rights were not a historical legacy, but the result of bitter life experiences. Soviet citizens’ consciousness of human rights as something that could be invoked matured only over time. In March 1968, Pyotr Grigorenko, a Ukrainian army general who fell out of favor in the early 1960s, appealed to the Crimean Tatars, who had come to Moscow from the areas where they had been forcibly resettled.⁶ The Tatars were refused the right to return to the Crimea even though the laws justifying their deportation had been overturned:

What is the reason given for the discrimination against your people? Article 123 of the Soviet Constitution states: “Direct or indirect limitations on civil rights on racial or national grounds ... is punishable by law.” The law is on your side. [Long applause.] Despite this, your rights are being trampled on. ... You are turning to the party leadership and to the government with servile written requests. ... In order to make your inalienable rights a reality, you cannot request them, you must demand them!⁷

Already in the early 1960s, the Crimean Tatars had begun to establish initiative groups in the places where they had been forcibly resettled. They elected delegates to Moscow to represent their demands for a return to the Crimea. The Crimean Tatars thus founded their own democratic and decentralized organization, which was unique in the history of independent movements in the Soviet Union.⁸ When the Crimean Tatar dissident Mustafa Dzhemilev helped found the Initiative Group for the Defense of Human Rights in the USSR in Moscow in 1969, they took over the term “initiative group” from the Crimean Tatar organizations.⁹ This is only one of many examples of the exchange and mutual influence between the human rights movement and other dissident trends.

The “Creative Miracle of the People”: The Samizdat

The dissidents did not count on being able to convince Soviet officials of the power of their arguments in specific cases of legal violations. They knew that only public pressure could bring results.¹⁰ One of the most important goals of the dissidents was publicizing violations of the law, and thus the samizdat, which circulated important writings and eluded censorship, became one of their most important tools.

With the samizdat, the “creative miracle of the people” as Grigorenko called it, the dissidents contributed to the “formation of independent public opinion and awareness of the law” by publishing literary texts, politi-

4 Vladimir Bukovsky, *Wind vor dem Eisgang* (Berlin, 1978): 133.

5 *Ibid.*, 189; he is speaking here in the year 1961.

6 The Crimean Tatars were deported from the Crimea to Central Asia on May 18, 1944. Nearly half the deportees died; see Alexeyeva, 93. Although the Crimean Tatars were politically rehabilitated in 1967, this had no practical consequences; see Gerhard Simon, *Nationalismus und Nationalitätenpolitik in der Sowjetunion: Von der totalitären Diktatur zur nachstalinischen Gesellschaft* (Baden-Baden, 1986): 397.

7 Pyotr Grigorenko, *Erinnerungen* (Munich, 1981): 434.

8 Unlike the Chechens and the Ingushetians, who returned spontaneously and without obtaining permission to their homeland en masse in the mid-1950s, the Crimean Tatars met with little success; see Simon (1968): 275ff.

9 Alexeyeva, 101.

10 *Ibid.*, 205.

cal essays, documentation, and news.¹¹ Novels and essays, in particular, expressed the plurality of dissident discourse, which also included open conflicts like the one between Sakharov and Solzhenitsyn over Solzhenitsyn's 1974 "Open Letter to the Soviet Leadership."¹² Following the example of the *Information Bulletin*, which the Crimean Tatars had been publishing since 1966–1967, the human rights movement started the *Chronicle of Current Events* in 1968, followed in 1970 by the *Messenger of Ukraine* and in 1972 by the *Chronicle of the Catholic Church* in Lithuania.

The first five issues of the *Chronicle of Current Events* appeared in 1968 under the title "Year of Human Rights in the Soviet Union." The first page of each of the 65 issues printed by December 1982 reprinted Article 19 of the Universal Declaration of Human Rights. The *Chronicle* was thus in a sense the "mouthpiece" of the dissident movement. It painstakingly reported on human rights violations by the state and on dissident activities from across the Soviet Union. In addition to reporting on the human rights movement, the *Chronicle* devoted attention to national, religious and other strands of Soviet dissidence.¹³ Today the *Chronicle* is the quintessential source for the history of the Soviet dissident movement.

"Monologue with a Gagged Mouth": The Early Human Rights Movement

At the end of the 1960s, the human rights movement in the Soviet Union began to gather steam. In 1969, dissidents from Russia, the Ukraine and the Baltic states passed the Program of the Democratic Movement of the Soviet Union. In it, they demanded civic rights, adherence to the Universal Declaration of Human Rights and political and national self-determination.¹⁴

In May of the same year, the Initiative Group for the Defense of Human Rights in the USSR was founded. The group's formation followed the arrest of Ivan Yakhimovich, who together with Pyotr Grigorenko wrote a letter protesting the Soviet invasion of Czechoslovakia.¹⁵ The Initiative Group directed its letter to the United Nations and later to other international organizations as well: "We appeal to the UN because our protests and grievances, which we have sent to the highest state and judicial bodies in the Soviet Union for years, have met with no response. Our hope that our voice could be heard and the power of lawlessness would end, which we

11 Grigorenko, 417; see also Alexeyeva, 205.

12 See also Alexander Daniel, "Počemu ne 'perestroilis' dissidenty?" in *Novoe Vremya* 15 (1995): 13-15, see esp. 15; Roy Medvedev, "Fragen, die jeden bewegen: Über Meinungsverschiedenheiten unter den Dissidenten in der UdSSR," in *Aufzeichnungen aus dem sowjetischen Untergrund: Texte aus der Moskauer Samizdat-Zeitschrift "Das XX. Jahrhundert"*, ed. Roy Medvedev (Hamburg, 1977): 18-40; and Larisa Bogoraz, Vladimir Golycin and Sergej Kovalev, "Političeskaja bor'ba ili zaščita prav? Dvadcatiletnij opyt nezavisimogo dviženija v SSSR: 1965-1985," in *Pogruženie v trjasinu. Anatomija zastoja*, ed. T. A. Notkina (Moscow, 1991): 501-544, see esp. 538. Bogoraz et al. note that the official Soviet response caused the dissidents to scale down the intensity of their protests in order to deflect additional persecution on the part of the state.

13 The national movements included the Russian national dissidents as well as dissident movements from the Ukraine, Lithuania, Latvia, Estonia, Georgia, and Armenia. In addition, the Crimean Tatars, the Meskhitians (Muslim, Turkish-speaking Georgians) and the Germans, who had been deported under Stalin, formed movements to return to their homelands in the Crimea, South Georgia, and along the Volga River near Saratov, respectively. The Germans' failure to obtain permission to return gave rise to an emigration movement similar to the Jewish emigration movement of the late 1960s (which also gave rise to a revival of Jewish culture). Among the religious groups in the Soviet Union, a number of Protestant Free Churches gave rise to movements that opposed the anti-religious state directives, including the Baptists, the Seventh Day Adventists, and the Pentecostals; the latter also gave rise to an emigration movement. The Catholic movement in Lithuania was part of the larger Lithuanian movement, while the Russian Orthodox movement remained relatively small. Other groups included the human rights activists, the artists from the so-called "Second Culture," the Socialists, the movements for socioeconomic rights (especially the independent unions), and the women's, environmental, and peace movements.

14 "Program der demokratischen Bewegung der Sowjetunion," in Borys Lewytkyj, *Politische Opposition in der Sowjetunion 1960-1972: Analyse und Dokumentation* (Munich, 1972): 136-175.

15 On the founding of the initiative group, see the journal "Khronika tekushchikh sobytij" (KhTS) 8 (1969): 175f; and Amalrik (1983): 110f. The letter by Ivan Yakhimovich and Pyotr Grigorenko is reprinted in *KhTS* 6 (1969): last page. The brief letter also stated, "We call upon all Soviet citizens to employ all legal means, avoiding any hasty or ill-considered acts, to obtain the withdrawal of the Soviet troops from Czechoslovakia and an end to the interference in their domestic affairs." Ivan Yakhimovich, who was born in 1931, was incarcerated in a mental institution and released two years later as an "invalid of the second degree." See S. P. de Boer, E. J. Driessen and H. L. Verhaar, eds., *Biographical Dictionary of Dissidents in the Soviet Union, 1956-1975* (The Hague, 1982): 202.

have constantly advocated, this hope is now gone.”¹⁶ However, the international organizations also failed to reply. The UN representative in Moscow refused to accept the letter, saying that the organization did not have jurisdiction over issues relating to private individuals.¹⁷ The founding of the Initiative Group for the Defense of Human Rights in the USSR, which emerged from the petition campaigns of the later 1960s, was nonetheless the first time that the generally individualistic human rights activists joined together in an informal organization.¹⁸

On November 4, 1979, Andrei Sakharov, Valery Chalidze and Andrei Tverdokhlebov established the Moscow Human Rights Committee; this was the only dissident group that Sakharov would join. The Committee aimed to engage in dialogue with the Soviet government, but this turned out to be a “monologue with a gagged mouth,” in Andrei Amalrik’s words.¹⁹ A half a year later, the Committee joined the International League for Human Rights. Even though the Committee was established to analyze and offer political advice on human rights issues, many private individuals turned to the Committee for assistance.²⁰

In September 1974, Valentin Turchin and Andrei Tverdokhlebov founded an Amnesty International group in the Soviet Union.²¹ As the *Chronicle of Current Events* announced in December 1974, “The declaration of the founding of the group was issued by 11 people, and was dated October 1973. Anyone who wishes to participate in the work of the Soviet group can contact the head of the group in Moscow, Valentin Turchin (Tel. 129 25 30) or secretary Andrei Tverdokhlebov (Tel. 297 63 69).” The amount of time that passed between the establishment of the group and the announcement hints at the difficulties the Soviet human rights activists faced in registering their group with the international organization. Yuri Orlov remembered the visit of the representatives to Moscow, who expressed numerous concerns:

It would be difficult to negotiate with a totalitarian government; we had to expect challenges from the KGB; we would have difficulties sending delegates to Amnesty congresses; Tverdokhlebov should direct his efforts towards more worthwhile activities than to an Amnesty group “if he wanted to overthrow the system.” “That is not our goal,” I announced to the room, just in case. After several hours of negotiations, the Amnesty representatives agreed to a compromise. In two months, Amnesty would register us as a “group” – the lowest level of member organization, which did not entail the right to send delegates to congresses. ... When Sean MacBride was awarded the Lenin Prize in 1977, many of us had already been arrested for our beliefs.²²

Ludmilla Alexeyeva described the role of the Soviet Amnesty group, which was assigned cases from Yugoslavia, Uruguay and Sri Lanka, as follows: “The appearance of Amnesty International in the Soviet Union strengthened the international ties of Soviet human rights activists and helped them learn about human rights in other countries. For that reason alone, the experience was valuable for creating an independent social association.”²³ Among the members of the Soviet Amnesty group were the Ukrainian dissident Mykola

16 Alexeyeva, 215. The first Soviet dissidents to appeal to the world public were Larisa Bogoraz and Pavel Litvinov, who wrote an open letter protesting the trial of Alexander Ginsburg and Yuri Galanskov in January 1968; see Amalrik (1983), 50f. Alexander Ginsburg and Yuri Galanskov were arrested along with Vera Laškova and Aleksei Dobrovolski because they published the White Book about the trial of Yuli Daniel and Andrei Sinyavsky in the samizdat. Their trial was known as the Trial of the Four, which was documented in a White Book by Pavel Litvinov, which was then published by Andrei Amalrik after Litvinov’s arrest.

17 *KHVS* 8 (1969): 175f.

18 On the 1974 founding of the Initiative Group for the Defense of Human Rights in Georgia, and its central figure Zviad Gamsachurdia, see Alexeyeva, 86.

19 Amalrik (1983), 34.

20 *KHVS* 34 (1974): 64; and Alexeyeva, 217f.

21 Alexeyeva, 245f.

22 Jurij Orlov, *Ein russisches Leben* (Munich, 1992): 213f. Seán MacBride was one of the founders of Amnesty International in 1961.

23 Alexeyeva, 246.

Rudenko, the Georgian dissident Zviad Gamsakhurdia and Sergey Zheludkov, who came from the Russian Orthodox dissident movement. In December 1973, the *Chronicle* reported in its column “news from the samizdat” that Tverdokhlebov had published three issues of the journal *Meždunarodnaja Amnistija* (Amnesty International), and hoped to establish it as a regular publication.²⁴

“Only International Public Support Can Protect Us”: Helsinki Groups in the Soviet Union

By the time the Final Act to the Conference on Security and Cooperation in Europe was signed in Helsinki in 1975, the national and religious dissident movements and human rights activists in the Soviet Union had developed a strong sense of justice. Although they had some reservations about its foreign policy implications, they viewed the Final Act as relevant to the issue of human rights.²⁵ In May 1976, the Moscow Helsinki Group was founded to promote the fulfillment of the Helsinki Accords in the USSR. In November 1976, Ukrainian and the Lithuanian Helsinki Groups were established, followed by the Georgian Group in January 1977 and the Armenian Group in April 1977. In addition, the Working Commission to Investigate the Use of Psychiatry for Political Purposes was founded in January 1977 under the aegis of the Moscow Helsinki Group. The Commission was advised by psychiatrists and jurists, and continued its work until its last member was arrested in 1981. On May 20, 1976, only eight days after the establishment of the Moscow Helsinki Group, the *Chronicle* reported on the first reactions by the state authorities. Orlov was summoned to the KGB, and TASS published a declaration abroad stating that “Orlov’s actions are difficult to interpret as anything other than an attempt to cast doubt among the international public on the sincere efforts by the Soviet Union to unconditionally implement the international obligations that it has assumed.”²⁶

The state authorities also reacted promptly, and with illegal means, to the establishment of the Ukrainian Helsinki Group. After Mykola Rudenko announced the founding of the Ukrainian Helsinki Group to the foreign journalists accredited in Moscow on November 9, 1976, unknown persons threw rocks into his apartment, injuring an elderly member of the group, Oksana Meško. The first memorandum by the Group, dated December 6, described this attack as a clear signal: “Only international public support will be able to protect the group from such acts of brutal violence.”²⁷

Shortly thereafter, on November 26, 1976, the establishment of the Lithuanian Helsinki Group was announced at a press conference held by the Moscow Group. Ludmilla Alexeyeva described her role as follows: “The Lithuanian Helsinki Group did not take a leading position within the Lithuanian opposition like the Moscow Group did in the human rights movement there or the Ukrainian Group in the Ukraine. However, the pure human rights emphasis of the Lithuanian Helsinki Group was one of its chief attractions to the national and civil resistance efforts of the Lithuanian Republic’s neighbors – Estonia and Latvia.”²⁸ The Georgian and Armenian Helsinki Groups, which were founded on January 14 and April 1, 1977, respectively, focused primarily on national issues, as did the Ukrainian group, which related in particular to the protection of their language and culture.

24 *KHIS* 30 (1973): 103f.

25 See also the contribution by Ernst Wawra in this volume.

26 *KHIS* 40 (1976): 120.

27 Vasyli Ovsijenko, ed., “Memorandum No. 1,” in *Ukraïns’ka Gromads’ka Grupa spryjannja Hel’sinks’kych uhod*, vol. 2 (Charkiv, 2001): 34-43, see esp. 36.

28 Alexeyeva, 51.

Four members of the Georgian Helsinki Group were arrested in April. In December, the Armenian group disbanded after two of its members were arrested. While the Armenian group had managed to release several statements on human rights violations in the Armenian SSR as well as a statement to the Belgrade conference, the Georgian group only succeeded in publishing a document about the release of the group member Viktor Rchcheladze from the Georgian Ministry of Culture and about his work on behalf of the Meskhetians.²⁹ Most effective were the Moscow and the Ukrainian Helsinki groups, who compiled numerous memoranda, held press conferences, and looked after the victims of human rights violations.

In the early 1980s, when the Soviet Union’s international reputation had been damaged by the invasion of Afghanistan, the persecution of the dissidents intensified. In the 1970s, especially the Moscow and the Ukrainian Helsinki Groups managed to recruit new members to replace those who had been arrested. However, the increased repression of 1981–1982 spelled the end of the groups that were still active at the time. In Lithuania, four members of the Helsinki group were incarcerated, and an additional member, the priest Bronislovas Laurinavičius, was killed.³⁰ When the 74-year-old attorney Sofia Kalistratova was threatened with arrest in Moscow in 1982, the last remaining members of the Moscow group who had not been arrested announced the dissolution of the group.³¹ By contrast, the Ukrainian Helsinki Group never formally disbanded. In the early 1980s, when 18 members of the Ukrainian group were incarcerated in the forced labor camp near Kuchino in the Urals alone, the Ukrainian group stated that its activities had been “displaced” to the camps.³² In addition, beginning in 1977 the Ukrainian group had representatives abroad, with Leonid Plyushch in France and Nadiya Svitlychna, Pyotr Grigorenko and Nina Strokata in the United States.³³ With glasnost and perestroika underway and with the return of the first Ukrainian group members from the camps, they resumed their work for a democratic Ukraine in 1987. Their group later became the nucleus for a number of political parties and democratic initiatives.³⁴ The Moscow Helsinki Group also resumed its activities and continues to operate today.

With the Bible and the Declaration of Human Rights: The Christian Dissidents’ Conception of Law

The appeal to law was central for all of the dissident currents in the Soviet Union, including the comparatively small number of Russian Orthodox dissidents. In December 1965, two young orthodox priests, Nikolai Elishman and Gleb Yakunin, sent a letter to the Patriarch of Moscow and Chairman of the Presidium of the Supreme Soviet of the USSR. In it, they invoked the constitution and Soviet law to demand the right to freedom of belief and the separation of church and state. The authorities, with the cooperation of the church hierarchy, constantly circumvented both of these fundamental principles. Some time later, Igor Shafarevich and Gleb Yakunin published analyses of Soviet laws on religion in the samizdat.³⁵

29 Alexeyeva, 76f and 88; on the founding of the Georgian Helsinki Group, see *KhTS* 44 (1977): 27.

30 Alexeyeva, 51; *KhTS* 63 (1981): 102f.

31 See Document 195, “O prekreaščenii raboty Moskovskoj grupy Chel’sinski,” reprinted in *Dokumenty Moskovskoj Chel’sinskoi grupy, 1976-1982*, eds. G. V. Kuzovkin, and D. I. Zubarev (Moscow, 2006): 555. See also *KhTS* 65 (1982); on Sofia Kalistratova, see also Yevgenija Pechuro, ed., *Zastupnica: Advokat S.V. Kallistratova, 1907-1989* (Moscow, 1997).

32 Vasył Ovsijenko, “Pravozachysnyj ruch v Ukraïni (Seredyna 1950-ch – 1980-i roky), in *Ukraïns’ka Gromads’ka Grupa spryjannja Hel’sinski’kych uhod*, vol. 1, ed. Yevgen Zacharov (Charkiv, 2001): 5-42, see esp. 38; the members of the Ukrainian Helsinki group spent a total of 170 years in prisons, psychiatric institutions, and in exile. When that figure is added to the years that they had spent imprisoned before joining the Group, the total is some 550 years. There are different figures for the number of members of the Ukrainian Helsinki group; this author has counted a total of 49 members based on a variety of sources.

33 *Ibid.*, 30.

34 *Ibid.*, 39ff.

35 Igor Shafarevich, *Zakonodatel’stvo i religii v SSSR* (Paris, 1973); Gleb Yakunin, “O sovremennom položenii RPC i perspektivach religioznogo vozroždenija Rossii,” in *SSSR: Vnutrennye protivorečija*, vol. 3, ed. Valerij lidze (New York, 1982): 149-197.

Similar to the Jewish and German dissident movements, many in the independent Pentecostal movement began to pursue emigration.³⁶ In 1977, Nikolai Goretoy, who was a priest in a Pentecostal church in the far eastern region of the Soviet Union, told foreign journalists in Moscow, “We are free people, not prisoners or slaves. We are appealing to President Carter as a brother in Christ for assistance in implementing the right to emigration for believers on the basis of the agreements signed by the Soviet Union as well as the Universal Declaration of Human Rights.”³⁷

Ludmilla Alexeyeva estimates that of all the Evangelical Free Churches who opposed the unacceptable state regulations, the Church of True and Free Seventh-day Adventists most strongly invoked civic rights in defense of their claims. Since the mid-1970s, the independent Adventists published religious literature and human rights documents through the True Witness publishing house in Samarkand. In 1975, their apartments in Samarkand were searched and their bibles, the Universal Declaration of Human Rights, and additional documents were seized. The Free Adventists demanded the return of the confiscated materials, but only their bibles were returned.³⁸ When the new constitution, which was ultimately passed in 1977, was still under debate, many Adventists sent letters to the Constitutional Commission demanding the inclusion of democratic rights, including the right to freedom of religion and conscience.³⁹

At a press conference on May 11, 1978, Rostislav Galeckiy stated that the Free Adventists had formed a group two years earlier that was active on legal issues and had already published 31 documents. He declared that the group would now abandon anonymity and carry out their activism openly and in public. After naming the seven members of the group, Galeckiy described their goals as follows: to submit protests and appeals to local authorities, international organizations, and the governments of Helsinki Agreement signatory states, as well as to work to educate their church members who were being persecuted on religious grounds about their legal rights. The group also provided assistance to the victims of persecution and their families.⁴⁰ The preacher Vladimir Shelkov described the activities of the Free Adventists as “a peaceful battle for basic rights and freedoms of humans and citizens.”⁴¹

At the same time as the Helsinki groups were formed, a number of committees were founded to work on behalf of religious rights. On December 27, 1976, Gleb Yakunin founded the Christian Committee for the Defense of the Rights of Believers in the USSR in Moscow, which sought to collect and disseminate information about the situation of Orthodox Christians and other religious groups in the Soviet Union. The Committee also worked to reopen churches, monasteries and convents, and to defend the victims of religious persecution. Their founding declaration stated: “At present neither the episcopate of the Russian Orthodox Church nor the leaders of other religious organizations are defending the religious rights for various reasons. Under these circumstances, the Christian public must assume responsibility for the legal defense of religious rights.”⁴²

In November 1978, five Lithuanian priests founded the Catholic Committee for the Defense of the Rights of Believers. The Committee published a number of declarations, including one protesting the new regulations on religious associations. As Ludmilla Alexeyeva wrote, “The majority of Catholic priests openly support this declaration by the Catholic Committee, and thanks to their opposition the new regulations are largely ineffec-

36 I am referring here only to the independent orthodox and free churches, not the churches that accepted the authority of the state.

37 *KHTS* 45 (1977): 68.

38 *KHTS* 38 (1975): 68.

39 *KHTS* 46 (1977): 93.

40 *KHTS* 49 (1978): 61f.

41 Vladimir Shelkov, *Edinyj ideal* (Munich, 1976): 1.

42 Christian Committee, ed., *Christianskij komitet zaščity prav verujuščich v SSSR: Dokumenty. Vol'noe slovo*, vol. 28 (Frankfurt a.M., 1977): 3.

tive in Lithuania.”⁴³ During the Madrid Conference in November 1980, the Catholic Committee sent a declaration to the Helsinki Accord signatory states describing the violations of the rights of religious believers.

On September 9, 1982, Josyp Terelya, who at the time lived in Transcarpathia, founded the Initiative Group for the Defense of Believers and the Church in the Ukraine.⁴⁴ The Initiative Group fought for the legalization of the Ukrainian Uniate Church (UUC): “From now on, all information about the UUC will be conveyed to the international public – the Catholics of the world should know and should remember the conditions under which we exist.”⁴⁵ The central demand of the group was the reopening of the churches, monasteries and convents of the Ukrainian Catholic Church, as well as the seminaries at Lviv and Uzhhorod, and to obtain permission to send Ukrainian theology students to study in Rome and other European cities.⁴⁶ The Initiative Group for the Defense of Believers and the Church published the Chronicle of the Catholic Church in the Ukraine. After the second arrest of Josyp Terelya in February 1985, the Initiative Group disappeared from the historical record.⁴⁷

The Struggle for Workers’ Rights and against Red Tape: The Independent Trade Unions

“They [the unions] are not always tenacious in defending collective agreements and work safety, and they often are weak in their response to violations of workers’ rights, and in countering bureaucracy and red tape.”⁴⁸ These were the words of Leonid Brezhnev at the 26th Congress of the Communist Party of the Soviet Union in 1981. The movement for socioeconomic rights in the Soviet Union took shape against the backdrop of these conditions. The earliest efforts began in 1977 with collective missives to the international public, which were passed on to foreign journalists at press conferences. The signers came from several different regions of the Soviet Union and had met in government agency waiting rooms in Moscow, where they had gone to protest their dismissals from their jobs. The protesters cited the Soviet constitution and Soviet law in support of their complaints. In November 1977, a collective complaint signed by 33 protesters stated: “it is the solemn duty of all citizens of the Soviet Union to preserve our Socialist properties and to work against gross violations of human rights.”⁴⁹

Gradually, a movement began to form to work for a greater right of co-determination in order to eliminate problems such as corruptions and violations of labor laws. This movement also protected workers from arbitrary dismissal and other forms of harassment, which were often directed against labor activists. In April 1978, Vsevolod Kuvakin led a group that attempted to officially register the Independent Trade Union of Workers. He sent copies of the founding declaration to the International Labor Organization (ILO) and the International Confederation of Free Trade Unions (ICFTU).⁵⁰ When this founding declaration went largely unnoticed, Kuvakin founded the Working Group for the Defense of Labor, Economic and Social Rights in the USSR, which publicized violations of labor law and comparative studies on work and living conditions of workers in dif-

43 Alexeyeva, 47.

44 Document 39, File 67, Archive Smoloskyp, Kiev.

45 Document R-9, File 67, Archive Smoloskyp, Kiev. The 1596 Union of Brest placed the Orthodox Church of western Ukraine under the Roman Church, although they were permitted to keep their Byzantine rites. Under pressure from the Soviet authorities, a council of the Uniate Church dissolved the union with Rome in March 1946 and joined the Moscow Patriarchate. Only half of the Ukrainian Orthodox priests followed; many were arrested while others only formally acceded to the jurisdiction of Moscow. A branch of the church went underground. For more on the Uniate Church, see also Iwan Hvat, “Die ukrainische katholische Kirche des byzantinischen Ritus,” in *Kirche in Not* 23 (1975): 111-113.

46 The Initiative Group also compiled their demands into a memorandum, which they directed to the Ukrainian government; see Sofija Karasyk, “Josyp Terelja,” in *Mižnarodnyj biografičnyj slovnyk dysydydentiv*, 1:2 (Charkiv, 2006): 771-774; and also *KhTS* 65 (1982).

47 Cronid Lubarsky, ed., *Vesti iz SSSR: Prava Čeloveka*, vol. 2, see Journal No. 21 from the year 1983, Art. 21-28 (Munich, undated).

48 *Pravda*, Feb. 24, 1981.

49 “Svobodnyj profsojuz trudjaščichsja: Ustav i drugie dokumenty,” in *Vol’noe Slovo* 30 (Frankfurt a.M., 1978): 56.

50 The International Labor Organization (ILO) is based in Geneva; the headquarters of the ICFTU was in Brussels.

ferent countries in the samizdat. The best-known organization was the Free Interprofessional Association of Workers (SMOT), whose establishment was announced to Western press correspondents on October 28, 1978. By December 1978, ten groups from a variety of locations, with a total of 150 to 200 members, had joined SMOT. They were not only interested in representing workers' interests, but also in cultural and human rights issues more generally, which they also discussed in their information bulletin. The SMOT, which was an initiative founded by intellectuals, succeeded in bringing the social problems of working people to the attention of human rights activists. Independent trade union activists and socialist groups also published pamphlets on socioeconomic issues. In December 1982, for example, SMOT pamphlets circulated in Perm and Ivanovo called on workers to boycott the subbotnik (voluntary Sunday work) and participate in the struggle for workers' rights. In April 1983, pamphlets with a similar content appeared in Moscow, signed by a group that called itself the "New Path."⁵¹

"To the Success of Our Hopeless Cause!": Dissidence as an Act of Self-Liberation⁵²

In his memoirs, Sergei Kovalev described what united the diverse strains of dissidents:

... our own moral incompatibility with a regime that tramples upon the dignity and rights of the individual. There is no other way to explain the behavior of people who did not believe they would succeed, even partially, during their own lifetime. What we did we did first of all for ourselves, to liberate ourselves from what was for any adult person a demeaning domination by the authorities. Above all, we wanted to liberate ourselves, not to liberate others.⁵³

How did these dissidents attempt this act of self-liberation? Under the conditions of the Soviet system, the dissidents developed specific methods to express their opposition. Without asking for permission from the party and the state, they collected and disseminated information, formed groups and held meetings. By protesting the denial of basic rights for themselves and their fellow citizens, they staked their claim to multiple basic rights and freedoms. First, they struggled for the right to freedom of opinion and information with letter campaigns and the samizdat, as well as pamphlets that were distributed and pasted on walls. Second, they advocated the right to freedom of association through the establishment of groups and organizations. Third, they advocated the right to freedom of assembly, through demonstrations, popular assemblies (by Crimean Tatars and the Meskhetians) and religious services within the independent and free churches, the celebration of their own memorial holidays, and poetry readings and nonconformist exhibitions, which were often held outdoors.⁵⁴ In addition, they fought for the right to private religious education, through the founding of underground seminaries.

However, there are also rights that cannot be achieved unless they are granted by the state. For these rights, the dissidents could only make demands and engage in symbolic action. For the right to freedom of movement, the Crimean Tatars attempted to return to the Crimea, and Jews, ethnic Germans and Pentecostals requested permission to emigrate. For the right to stand in elections, they supported independent candidates,

51 Alexeyeva, 316ff; Karl Schlögel, *Widerstandsformen der Arbeiterschaft in der Sowjetunion: 1953-1983* (Berlin, 1982): 171, 180, 190; and Marina Sedunova, *K istorii SMOTa – neoficial'nogo profsojuza rubeža 1970-80-ch gg.*, manuscript of a lecture delivered at a conference organized by the Memorial titled "Dissidentskoe dviženie v SSSR. 1950e-1980e gg. Predmet issledovanija. Istočniki. Metodika izučeniija," held in Moscow, Aug. 24-26, 1992.

52 This was a favorite drinking toast among many dissidents.

53 Sergei Kovalev, *Der Flug des weißen Raben. Von Sibirien nach Tschetschenien: Eine Lebensreise* (Berlin, 1997): 110.

54 These national memorial celebrations included May 22, the Ukrainian day commemorating the national poet Taras Ševčenko; the Crimean Tatar's celebration of Lenin's birthday on April 22 and the anniversary of their deportation on May 18; the Jewish commemoration of the massacre at Babi Yar in late September and other religious holidays commemorated at the Moscow Synagogue.

for example candidates from the group Elections 79.⁵⁵ And for the right to a fair trial, they remained uncompromising when placed on trial and showed solidarity with friends.

In order to demonstrate their independence from and disagreement with the state, the dissidents also engaged in other forms of civil disobedience, including forms of self-sacrifice. For example, they took legal action against the arbitrary use of state power, rejected national awards or Soviet citizenship, boycotted elections, refused military service, undertook hunger strikes and carried out public self-immolation.⁵⁶

The forms of dissident action were varied, and dissident movements and their members also varied in their goals and points of view. However, the dissidents were united in their appeal to the rule of law and in their refusal to engage in violence. They did not believe that the ends justified the means and insisted that their own actions be in conformity with their goals.

“We Did Not Sign Those with You in Mind”: State Arbitrariness and the Law

The opening quotation by Vladimir Bukovsky on the compatibility of the law with the worst forms of state terror against the Soviet population in the 1930s elicits the legal nihilism that was both the origin and the outcome of this terror.

Soviet citizens in the post-Stalin era were confronted with many different legal norms, some of them contradictory. These norms ranged from international agreements to constitutional principles and laws that protected the rights and freedoms of citizens, to laws that sometimes contradicted these same principles. Other laws were specifically formulated to persecute unpopular individuals and groups. These latter laws fell under the so-called “flexible and all-purpose law” that could be employed in an arbitrary fashion, even when no crime had been committed. Although formally illegal under international standards of jurisprudence, such laws were used by the state in cases like that of Gennadi Kryuchkov, a Baptist who was put on trial in Moscow in November 1966. Kryuchkov invoked the constitutional principle of freedom of religion and the law on the separation of church and state and argued that the state had made it impossible for a Christian to observe all the laws on religion in the Soviet Union.⁵⁷

The laws that the Soviet state could use at any time and with complete arbitrariness against its citizens, and which were often used to convict dissidents, included Articles 70 (“Anti-Soviet Agitation and Propaganda”), 190-1 (“Slander of the Soviet State or Social System”) and 190-3 (“Collective Action in Disturbance of the Public Order”) of the Russian Soviet Federative Socialist Republic penal code, and the corresponding articles in the penal codes of the other Soviet Republics. Article 227 was also used against religious dissidents. The introduction of Articles 188-3 in October 1983 allowed the state to extend the terms of convicts, thus facilitating the ongoing persecution of political prisoners.⁵⁸

The cynical exploitation of the law on the part of the state is illustrated by an episode that Andrei Amalrik describes in his memoirs: after his return from exile, he again received a summons, where he was accused of refusing regular employment. Amalrik responded that he was working “at my desk; and I also invoked the

55 Alexeyeva, 262.

56 Refusing citizenship was a symbolic act, as it would have required recognition by the state to take effect. Public self-immolations were mainly carried out by Crimean Tatars, Ukrainians, and citizens of the Baltic republics.

57 Gerhard Simon, “Der Kampf für die Glaubentoleranz,” in *Opposition in der Sowjetunion. Berichte und Analysen*, ed. Heinz Brahm (Düsseldorf, 1972): 137-162, see esp. 138.

58 Article 190 was added to the Russian Soviet Federative Socialist Republic penal code in September 1966; see Radio Liberty, ed., *Research No. 430* (Munich, 1983).

conventions signed by the Soviet Union regarding the abolishment of forced labor. The state's attorney replied with great common sense: 'But we did not sign those with you in mind.'⁵⁹

How to Negotiate with Officials: The Law as the Only Language

At the start of the 21st century, we are witnesses to events in Russia that are the legacy of two contradictory traditions: the tradition of legal nihilism, in which the state undertakes illegal actions and even violence, as was exemplified by Andrei Amalrik, and the unconditional appeal to the law, as was exemplified by Alexander Esenin-Volpin and his fellow dissidents.

The state used the law "as an instrument of control, as a tool of state politics, as a mechanism for achieving and defending state interest, and the interest of the state was the highest interest of all."⁶⁰ The dissidents countered this view with the primacy of the law, arguing that "the law takes precedence over power."⁶¹ Although the Soviet Union had signed the humanitarian articles of the Helsinki Final Act primarily due to foreign policy considerations, Soviet citizens began to invoke the Act to justify their demands. Andrei Amalrik called the sphere of conflict occasioned by these contradictory goals the "gray zone," in which laws existed that the Soviet state preferred to ignore. Whereas the dissidents attempted to "lighten" this gray zone by invoking the law on behalf of their demands, the state authorities attempted to "darken" it amending existing laws, carrying out show trials, and undertaking other forms of repression.⁶² In the process, the dissidents were often caught between the constitution and the law; the same rights that were guaranteed under the constitution were retracted by the laws. The law was employed as a means of communication, as the sphere in which the conflict took place between citizens who were demanding their rights and freedoms and the repressive state. As Larissa Bogoraz asked:

If we are not going to turn away, to remain silent, what language can we use to speak to power without losing our independence, without becoming trapped by doctrine and a political cat-and-mouse game? We were lucky to realize that the law could be this language – the only language in which the state is obligated to speak with its citizens; a language that is not part of the sphere of politics and political dogma; a language that prescribes equality for all participants in the conversation, whether an individual, a collective, the society, the "people," or the state.⁶³

However, some of the dissidents were also critical of this reliance on the law. They argued that the state could only be said to be in violation of the law when the rule of law actually existed; where legal codes and declarations only served to mask arbitrary politics, any invocation of the law and violations of the law on the part of citizens was less than useless.⁶⁴ Mario Korti argued that the slogan "adhere to the Soviet Constitution," which hung on banners at the protest December 5, 1965, was ultimately a statement of loyalty toward the Soviet power, which had assumed power by disbanding the constitutional assembly and which refused to allow free and fair elections. The dissidents were thus arguing over the letter of the law instead of grasping its essence.⁶⁵ But even if the 1936 Constitution, which guaranteed the basic rights of citizens, was acknowledged as a farce,

59 Amalrik (1983), 391.

60 Bogoraz, 525.

61 Alexander Esenin-Volpin, "Zakony vyše vlasti! Interview mit Alexander Esenin-Volpin," in *Karta: Rossijskij nezavisimyj istoričeskij i pravozaščitnyj žurnal*, 7-8 (1995): 37f.

62 Andrei Amalrik, *Kann die Sowjetunion das Jahr 1984 erleben?* (Zurich, 1992), 41.

63 Bogoraz, 525.

64 *Ibid.*, 542.

65 Mario Korti, "O nekotorych aspektach dissidentskogo dviženija," in *Karta: Rossijskij nezavisimyj istoričeskij i pravozaščitnyj žurnal* 6 (1994): 42-46, see esp. 45.

what else could be done other than take the state authorities at their word? The dissidents showed that they were willing to pay a high price with the years they spent in prisons and penal colonies, while the Soviet authorities undermined their own legitimacy with every criminal conviction of dissenters. That was the true accomplishment of the dissidents; they insisted on their rights as Soviet citizens fully aware that they were not only morally in the right, but that they had the law on their side.

THE HELSINKI FINAL ACT AND THE CIVIL AND HUMAN RIGHTS MOVEMENT IN THE SOVIET UNION

The average dissenter has operated openly by trying to draw the regime's attention to his protest; or semi-openly, by engaging in activities like circulating forbidden literature, which, as he fully realizes, must lead sooner or later to an interview with the secret police, loss of his job, perhaps exile or a camp. In most cases it is not a craving for martyrdom, but a rational design which lies behind such tactics: to make the regime come out from behind its protective screen of ideology and "socialist legality."¹

This description by Adam Ulam captures the underlying principles of the foundation of the Public Group to Promote Observance of the Helsinki Agreements in the USSR. Generally known as the Moscow Helsinki Group, the organization was founded on May 12, 1976 following the passage of the Helsinki Final Act. The Helsinki Final Act, which was also known as the Helsinki Accords, was signed by 35 nations on August 1, 1975, during the Conference on Security and Cooperation in Europe (CSCE), held in Helsinki, Finland. According to one of the key clauses in the Accords, the signatories had to "respect human rights and fundamental freedoms, including freedom of thought, conscience, religion or belief."² The full text of the Act was published in the Soviet press and would soon become a rallying point for dissenters (*inakomyslyashchiy*) and dissidents in their struggle for human rights.³ A few months after the signing, a Moscow group was formed to monitor the Soviet government's behavior under the provisions of the Act. Much to the consternation of the Soviet authorities, the Helsinki Accords initiated the development of a new era in the Soviet civil and human rights movement known as the "Helsinki period."⁴

The Moscow Helsinki Group would play an influential role in the Soviet human rights movement. The Group drew both its legitimacy as well as its name from the human rights provisions contained in the Final Act.⁵ Its members included a number of leading dissidents such as Yuri Orlov and Alexander Ginzburg. In the course of

1 Adam B. Ulam, *Russia's Failed Revolutions: From the Decembrists to the Dissidents* (London, 1981): 420.

2 Helsinki Final Act 1975, reprinted in *100(0) Schlüsseldokumente zur deutschen Geschichte im 20. Jahrhundert*, accessed on April 10, 2009 from http://mdx.bib-bvb.de/de1000dok/dok_0024_ksz.html?object=translation&lang=de&teil=1.

3 For a discussion of the terms "dissident" and "dissenter" (literally, "inakomyslyashchiy" or "one who thinks differently") see Ludmilla Alexeyeva, *Soviet Dissent: Contemporary Movements for National, Religious, and Human Rights* (Middletown, 1985); Larissa Bogoras and Alexander Daniel, "Auf der Suche nach einer nichtexistenten Wissenschaft: Dissens als historisches Problem," in *Rußland heute: von innen gesehen. Politik, Recht, Kultur*, ed. Arsenij B. Roginskij (Bremen, 1993): 117-135; Christian Schneider "Der unsichtbare Dritte" in *Mittelweg* 36:2 (2001): 8-29; Anke Stephan, *Von der Küche auf den Roten Platz: Lebenswege sowjetischer Dissidentinnen* (Zürich, 2005).

4 Alexeyeva, 335.

5 See the Declaration of Foundation "Ob obrazovanii obshchestvennoy grupy sodeystviya vypolneniyu khel'sinkskikh soglasheniy v SSSR – The Formation of the Public Group to Promote Observance of the Helsinki Agreements in the USSR" of the Moscow Helsinki Group, reprinted in *Dokumenty Moskovskoy Khel'sinskoy grupy, 1976-1982*, eds. G. V. Kuzovkin and D. I. Zubarev (Moscow, 2006): 23f.

their work, the members of the Moscow Helsinki Group came in contact with various state authorities, including the Communist Party, the KGB, and the courts. In addition, they came to the attention of an international audience, primarily via their contacts to Western journalists who were active in the Soviet capital. In the years following its foundation, the Moscow Helsinki Group would continue to serve as the cornerstone of the emerging Soviet human rights movement.⁶

This essay will describe how the provisions of the Helsinki Final Act were received by the Soviet Union and incorporated into an agenda for change. I focus on the Moscow Helsinki Group to examine how international agreements such as the Helsinki Final Act can serve to mobilize human rights activists and agendas. In doing so, I will illustrate the struggles and the significance of the human rights movement in the Soviet Union during the 1970s.

The Origins of the Civil and Human Rights Movement in the Soviet Union

The inception and inspiration for the later Helsinki movement can be traced back to early civil and human rights activism in the Soviet Union. Although the earliest starting point of the movement might be traced back to the period of Khrushchev's Thaw, by 1968 the nascent Soviet human rights movement had definitively emerged on the political stage.

In the 1960s, a number of dissidents had begun to publish statements criticizing the oppression of the Stalin years and the abuse of human rights during the 1960s. Many of these critiques were published in the samizdat. Although the writers did not specifically use terms such as "human rights," they often legitimized their critiques by referring indirectly to the principles of the movement. Some of the most famous writings include Boris Pasternak's *Doctor Zhivago*, Alexander Solzhenitsyn's *One Day in the Life of Ivan Denisovich* and *The Gulag Archipelago*, and Andrei Amalrik's *Will the Soviet Union Survive until 1984?* In the mid-1960s, a number of writers who warned of a new wave of Stalinization were put on trial. One such case was the 1966 trial of Yuli Daniel and Andrei Sinyavsky, who had published their writings in the West under the pseudonyms Nikolai Arzhak and Abram Tertz.⁷ In an unprecedented move, the two defendants denied the accusations. This shattered the conventions created by the show trials during the Stalinist era, whereby defendants were typically coerced to enter a plea of guilty in order to demonstrate contrition for their supposed crimes.⁸ Daniel and Sinyavsky were accused of "verbal anti-Sovietism" and writing slanderous statements against the Soviet system, and of allowing their works to be published abroad where they were used to malign the Soviet Union.⁹ The two writers were sentenced to seven years in a labor camp. Alexander Ginzburg compiled documents related to the trial and published the work underground and abroad as *The White Book*.¹⁰ Both Ginzburg and the authors of the individual documents were imprisoned for this "illegal trial transcript." In imposing such harsh sentences, the authorities hoped to make an example of Daniel and Sinyavsky. Instead the verdicts had the opposite effect, resulting in an enormous increase of protests and a signature campaign against the verdict. These protests created unprecedented publicity for dissenting literature and writings in the Soviet Union.

Another example of early human rights activism in the Soviet Union was the annual Pushkin Square demonstrations. The first demonstration was held on December 5, 1965 on the anniversary of the Soviet constitu-

6 See Alexeyeva, 286.

7 Max Hayward and Leopold Labedz, eds., *On Trial: The Case of Sinyavsky (Tertz) and Daniel (Arzhak)* (London, 1967).

8 See Jörg Baberowski, *Der Rote Terror: Die Geschichte des Stalinismus* (Munich, 2003); Robert Conquest, *The Great Terror: A Reassessment* (London, 1990); and Karl Schlögel, *Terror und Traum: Moskau 1937* (Munich, 2008).

9 On the accusation of "verbal anti-Sovietism," see Alexeyeva, 277.

10 Alexander Ginzburg, ed., *Weißbuch in Sachen Sinjawschij – Daniel* (Frankfurt a.M., 1966/67).

tion. Beginning in 1966, Andrei Sakharov and other leading human rights activists attended the December 5th demonstrations to hold brief speeches and participate in a moment of silence. These demonstrations were the first rallies in several decades to be organized entirely by private citizens, and the first rallies in decades to be held on a date other than May 1. The demonstrators used the occasion to express their solidarity with political prisoners in the Soviet Union, and to draw attention to the legal violations and abuses carried out by the Soviet state.¹¹

A number of factors coalesced in 1968 to mark the definitive emergence of the human rights movement in the Soviet Union.¹² In spring 1968, Andrei Sakharov, who was also the co-inventor of the Soviet hydrogen bomb, published *Progress, Coexistence and Intellectual Freedom*, in which he emphasized the convergence of the two superpowers.¹³ The principles Sakharov outlined in this essay would serve as further inspiration for the emerging human rights movement. As Alexander Daniel has noted, “Once this essay had appeared, the concept of human rights was no longer merely an aide for moral orientation; it had taken on a new character (not only for Russia, but for the whole world), that of political philosophy.”¹⁴

The second key event marking the founding of the Soviet human rights movement was the establishment of the *Chronicle of Current Events* (“*Khronika tekushchikh sobytiy*”). Published in over 60 issues from 1968 to 1981, the *Chronicle* documented numerous cases involving violations of human rights. Every issue of the *Chronicle* reprinted Article 19 of the 1948 UN Universal Declaration of Human Rights, which stated: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”¹⁵ The *Chronicle* aimed to serve as a source of information for both the human rights movement and for the world public. The issues were compiled and distributed by the samizdat, an underground self-publishing movement established to elude the oversight of state censorship. Because the *Chronicle* authors rarely had access to a printing press, they prepared up to seven or eight copies using carbon paper, either by hand or with a typewriter. Each recipient was then to follow the procedure of recopying and distributing the works. The result was a lively exchange of manuscripts, letters of appeal, poems, songs, and even reports on human rights violations on the part of the state.¹⁶ In addition to the individual works, the samizdat also published periodicals such as *Sintaksis*, *Sfinksy*, *Kokteyl* and *Feniks*. Vladimir Bukovsky, who documented the abuse of psychiatry for political purposes, defined samizdat as follows: “I myself write it, edit it, censor it, publish it, distribute it, and am imprisoned for it.”¹⁷

The final disillusionment and break with the state came in summer 1968 with the invasion of Czechoslovakia by the Soviet Union and other Warsaw Pact states. Before 1968, the majority of dissidents believed that the

11 See Alexeyeva, 269, 290-291 and Alexander Daniel, “Im Geist der Freiheit – Zur Geschichte der Menschen- und Bürgerrechtsbewegung in Russland,” in *Russland auf dem Weg zum Rechtsstaat? Antworten aus der Zivilgesellschaft*, ed. Deutsches Institut für Menschenrechte (Berlin, 2003): 18-41.

12 This list of events which took place in the Soviet Union in 1968 is by no means exhaustive. For example, for reasons of space I omit mention of the “Trial of the Four,” the “Appeal to the World Community” by Larisa Bogoras and Pavel Litvinov, and the demonstrations against the invasion of Czechoslovakia by the Soviet Union and Warsaw Pact allies in the wake of the Prague Spring.

13 Andrei Sakharov, *Progress, Coexistence and Intellectual Freedom* (New York, 1968).

14 Alexander Daniel, *1968 in Moscow: A Beginning*, accessed on April 22, 2009 from <http://www.eurozine.com/articles/2008-09-02-daniel-en.html>.

15 Universal Declaration of Human Rights 1948, accessed on April 9, 2009 from <http://www.un.org/Overview/rights.html#a19>.

16 The name “samizdat” was a play on the names of the state publishing houses, the Gosizdat and Goslitizdat. In addition, the “magnitizdat” (from magnitofon, or magnetic recorder, and izdatel'stvo, meaning publisher) were also widely distributed underground. Another form of distribution was the “tamizdat” (from tam izdatel'svo, meaning “published there”), in which works by Soviet authors were smuggled abroad for publication. See Dietrich Beyrau, *Intelligenz und Dissens: Die russischen Bildungsschichten in der Sowjetunion 1917 bis 1985* (Göttingen, 1993): 230-234; Daniel (2003): 21; and Gene Sosin, “Magnitizdat: Uncensored Songs of Dissent,” in *Dissent in the USSR. Politics, Ideology, and People*, ed. Rudolf L. Tökés (Baltimore, 1975): 276-309.

17 Wladimir Bukowski, *Wind vor dem Eisgang* (Berlin, 1978).

Soviet system was capable of reform.¹⁸ In response to the invasion, a number of Russian human rights activists gathered at the Red Square on August 25, 1968, carrying signs and placards demanding freedom and protesting the Soviet military intervention in Czechoslovakia. This demonstration was one of the first attempts to create a public response to a current political event in the Soviet Union. In his memoir, Sakharov described the invasion of Prague as follows:

The hopes inspired by the Prague Spring collapsed. And “real socialism” displayed its true colors, its stagnation, its inability to tolerate pluralistic or democratic tendencies, not just in the Soviet Union but even in neighboring countries. Two natural and rational reforms – the abolition of censorship and free elections to a Party Congress – were regarded as too risky and contagious. The international repercussions of the invasion were enormous. For millions of former supporters, it destroyed their faith in the Soviet system and its potential for reform.¹⁹

The Formation of the First Human Rights Groups

As the previous analysis demonstrates, the early human rights movement was dominated by individual activists. By the late 1960s, however, the first civil and human rights organizations in the Soviet Union had been founded. These organizations included the Initiative Group for the Defense of Human Rights in the USSR (1969), the Moscow Human Rights Committee (1970), Group 73 (1973), and Amnesty International Moscow, which was founded in 1974 as the successor to the Initiative Group. The organizations legitimized their work by referring to the principles enshrined in the Soviet constitution and international agreements such as the 1948 UN Declaration on Human Rights. The human rights organizations operated within the existing legal framework of the Soviet Union, and the groups took particular care to emphasize the legality of their actions. One important organization was the Moscow Human Rights Committee, founded in 1970 by Andrei Sakharov, Valery Chalidze and Andrei Tverdokhlebov. The Human Rights Committee was the first Soviet organization that dealt with the theoretical justifications for human rights as the basis for a program of action, as well as the first group to print the texts of a number of national and international laws and treaties on civil and human rights. Another key aspect of the Committee’s work was collecting evidence of violations of Soviet law and the UN Declaration on Human Rights on the part of state authorities.

The nascent human rights movement in the Soviet Union in the early 1970s included individuals and organizations who engaged in a variety of activities, from reading samizdat publications, to signing petitions, to quietly supporting the work of more vocal dissidents. All of these individuals and groups were linked by one common factor: the disproportionate response by the state authorities. As the human rights movement began to become active in the Soviet Union, the authorities responded with a broad palette of repressive measures, ranging from police and judicial warnings, humiliation and defamation of character, loss of employment, imprisonment, incarceration in psychiatric hospitals, internal exile, forced emigration, and the loss of Soviet citizenship. Soviet dissidents thus paid a high price for their struggle to achieve civil and human rights and the rule of law. By 1975, there were some 10,000 political prisoners in the Soviet Union.²⁰

A second commonality that united the Soviet human rights movement prior to Helsinki was its comparative invisibility abroad. Although leading dissenters such as Alexander Solzhenitsyn, Lev Kopelev and Andrei Sakharov were well known in Western Europe, they were only marginally successful in winning global attention

¹⁸ See Alexeyeva, 289.

¹⁹ Andrei Sakharov, *Memoirs* (New York, 1990): 289f.

²⁰ Bundesinstitut für ostwissenschaftliche und internationale Studien, ed., *Sowjetunion 1975/76. Innenpolitik, Wirtschaft, Außenpolitik: Analyse und Bilanz* (Munich, 1976): 75-82.

for their cause. It was not until the Helsinki Final Act that the human rights movement in the Soviet Union succeeded in becoming visible on the global stage.

The Helsinki Final Act and its Reception by Dissidents

The Conference on Security and Cooperation in Europe, which culminated in the signing of the Helsinki Final Act in 1975, was convened as a result of an initiative sponsored by the Soviet Union. Soviet proposals for an international conference dated back to the 1966 Bucharest Declaration. As a result of the different initiatives, delegations from 35 nations – including all European states with the exception of Albania, as well as Canada and the United States – convened to resolve a number of key issues. The foremost goal for the Soviet Union was the confirmation of the status quo in Europe, to be achieved via an agreement concerning the postwar national boundaries in Europe. In addition, the Soviet Union aimed to promote technological change with the West. To achieve these goals, the Soviet Union was willing to engage in discussions on human rights and the freedom of information, and even to permit these principles to be adopted into the Final Act.²¹

Although space does not permit a detailed description, the literature is unanimous in concluding that Leonid Brezhnev succumbed to a fatal miscalculation in the negotiations for Basket 3 and the Final Accords.²² According to Manfred Hildermeier, in Helsinki the Soviet Union committed “the gravest of errors,” while Marie-Pierre Rey described the Act as a “Pyrrhic victory.”²³ Stefan Plaggenborg asserted that the Soviet Union had “underestimated” the importance of Basket 3, while Vladislav Zubok concluded that the agreement ignited a “time bomb under the Soviet Regime.”²⁴ Indeed, Brezhnev had assumed that the principle of non-interference in domestic affairs would continue to hold sway even after the Final Act. Instead the international community and dissidents within the Soviet Union drew upon the principles of human rights under the Act to legitimize what became a fundamental shift in human rights activism and international negotiation. In contrast to the 1948 UN Universal Declaration of Human Rights, in which the issue of human rights was framed solely within the confines of the territorial state, the 1975 Helsinki Final Act created an unprecedented new scope for action. The text of the Act was reprinted in key Soviet newspapers, leading to a wide degree of familiarity among the general population with the terms of the agreement. This in turn gave human rights activists and dissidents in the Soviet Union a “quotable foundation” upon which to base their demands.²⁵

In the 1975 Final Act, therefore, human rights were linked to issues of international peace and detente. In this sense, human rights were no longer an issue of domestic jurisdiction but rather an established instrument of international relations. The essential human rights enshrined in the Final Act became a touchstone and a point of reference for dissidents, providing a new vocabulary and conceptual framework for human rights activism. The negotiations and signing of the Final Act were reported in detail, and the final text of the docu-

21 For reasons of space, I will not describe the history of the CSCE in greater detail. For further information, see Wilfried von Bredow, *Der KSZE-Prozess: Von der Zählung zur Auflösung des Ost-West-Konflikts* (Darmstadt, 1992); Vojtech Mastny, Christian Nuenlist and Andreas Wenger, eds., *Origins of the Europe an Security System: The Helsinki Process Revisited, 1965-1975* (London, 2008); and Peter Schlotter, *Die KSZE im Ost-West-Konflikt: Wirkung einer internationalen Institution* (Frankfurt a.M., 1997).

22 The Helsinki Final Act was divided into four “Baskets.” Basket 1 was concerned with questions relating to security in Europe; Basket 2 included the sphere of cooperation in the field of economics, of science and technology and of the environment; Basket 3 was concerned with cooperation in humanitarian and other fields; and Basket 4 concerned the follow-up to the conference.

23 Manfred Hildermeier, *Geschichte der Sowjetunion 1917-1991: Entstehung und Niedergang des ersten sozialistischen Staates* (Munich, 1998): 978-979; Marie-Pierre Rey, “The USSR and the Helsinki Process, 1969-75: Optimism, Doubt, or Defiance,” in Mastny, 65-81, see esp. 65.

24 Stefan Plaggenborg, “‘Entwickelter Sozialismus’ und Supermacht 1964-1985,” in *Handbuch der Geschichte Russlands: 1945-1991. Vom Ende des Zweiten Weltkriegs bis zum Zusammenbruch der Sowjetunion*, eds. Stefan Plaggenborg, Manfred Hellmann, Gottfried Schramm and Klaus Zernack (Stuttgart 2002): 319-517, see esp. 453; Vladislav M. Zubok, *A Failed Empire: The Soviet Union in the Cold War from Stalin to Gorbachev* (Chapel Hill, 2009): 238.

25 Wolfgang Eichwede, “Archipel Samizdat,” in *Samizdat. Alternative Kultur in Zentral- und Osteuropa: Die 60er bis 80er Jahre*, ed. Wolfgang Eichwede (Bremen, 2000): 8-19, see esp. 14.

ment was reprinted in *Pravda* for the edification of the Soviet citizenry.²⁶ The enormous publicity surrounding the Helsinki Accords was the first time many Soviet citizens had become aware of the Soviet Union's international obligations in the area of human rights. With their newfound knowledge of the human rights provisions of the Helsinki Accords, Soviet citizens obtained legitimacy for their negotiations with Soviet authorities on issues such as permission to travel abroad and similar demands.²⁷

However, at least initially, the Soviet human rights movement was divided in its assessment of the Helsinki Accords. Many activists believed the Final Act was a step back from the Universal Declaration of Human Rights and argued that the agreement represented a defeat of the demands of the West. In his memoir, Pyotr Grigorenko provided what was one of the most pointed expressions of this criticism:

August 1, 1975, will go down in history as a great victory of Soviet diplomacy and as the most shameful page in the history of Western diplomacy. What did the Soviet Union achieve by the Helsinki Conference? It sought confirmation by an international act of law of its right to hold on to territories it had seized by force during the war, and to maintain its own armies on those territories in any strength and in any disposition. All of this the Helsinki Final Treaty gave the Soviet Union. For the West everything remained precisely as it had been before Helsinki. ... To us it was evident that foreign policy successes now gave the Soviet government the opportunity to intensify its pressure against human rights inside the country. We were not impressed by the bombastic promises in the humanitarian area that were written into the conference's Concluding Act. We remembered previous international treaties in which the Soviet Union took upon itself obligations in regard to human rights but never carried them out.²⁸

In a statement issued upon joining the Moscow Helsinki Group, Malva Landa also criticized the Final Act for the "vague" and "unsatisfactory" formulation of its articles on human rights.²⁹

However, the majority of dissidents believed the provisions of the Final Act provided new scope and opportunity for action. Already on August 16, 1975, Larisa Bogoraz and Anatoly Marchenko issued an appeal to the US President Gerald Ford which cited the Helsinki Accords.³⁰ Both Orlov's and Sakharov's memoirs describe the Soviet dissidents' initial deliberations on the utility of the Helsinki Final Act. As Orlov described:

The accords moved human rights from the sphere of "internal affairs" and kind-hearted international desire to the sphere of concrete international politics, although this was a fact that the Soviet government did not admit, and Western governments did not exploit at the time. But appeals to the public world would not help. We had created our own committee and send expert documents to governments about USSR's violations of the political agreement it had signed.³¹

Sakharov similarly concluded that the Helsinki accords were fundamental in shifting the terms of human rights activism within the Soviet Union, even as this new scope for action was achieved at a cost:

The concept capitalized on the importance ascribed to the Helsinki Final Act by Soviet leaders, and on the Act's vital "linkage" of international security and human rights. The actions of human rights defenders who "piggybacked" on the Helsinki Act struck a sensitive nerve in the Soviet government

26 The Soviet press also covered the negotiations by the Soviet delegation in the weeks leading up to the conference, and reported on Brezhnev's trip to Helsinki, where he signed the Final Act. The front page of *Pravda* reprinted a photograph of Brezhnev signing the Final Act. See accounts in *Pravda* between July 29 and August 3, 1975 as well as in several other Soviet newspapers. The text of the Helsinki Final Act was reprinted on five pages which followed the account of the signing. The text included the signatures of the heads of state of the signatory states. See *Pravda*, Aug. 2, 1975, 2-6.

27 See Alexeyeva, 336.

28 Petro G. Grigorenko, *Memoirs* (New York, 1982): 433f.

29 See the statement by Landa upon joining the Moscow Helsinki Group; Archiv Samizdata No. 2635, Bayerische Staatsbibliothek, Munich.

30 See Cornelia I. Gerstenmaier, *Die Bürgerrechtsbewegung in der Sowjetunion* (Hannover, 1976): 100f.

31 Yuri Orlov, *Dangerous Thoughts: Memoirs of a Russian Life* (New York, 1991): 189.

and group members, especially in the provinces, were subjected to harsh reprisals. One can't overlook this negative, tragic side of the groups' very existence.³²

The Founding of the Moscow Helsinki Group

The Moscow Helsinki Group rushed to announce the founding of the group, hoping to preempt the anticipated move by prosecutors and the KGB against Orlov. Taking advantage of international publicity and contacts to Western journalists, on May 12, 1976, Orlov announced the foundation of the Moscow Helsinki Group at a press conference in Sakharov's apartment. According to the founding declaration, the group aimed "to promote the observance of humanitarian articles in the Final Act of the Conference on Security and Cooperation in Europe."³³ In addition, the Group intended to inform the heads of the signatory states as well as the world public "about cases of direct violations" of the Helsinki Accords.³⁴

The founding declaration was based on principle VII (Basket 1) and Basket 3 of the Helsinki Final Act:

1. Declaration on Principles Guiding Relations between Participating States: Article VII "Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief."
2. Co-operation in Humanitarian and Other Fields. 1. Human contacts (including point b, reunification of families). 2. Information. 3. Co-operation and exchanges in the field of culture. 4. Co-operation and exchange in the field of education.³⁵

In citing these provisions, the Moscow Helsinki Group signaled that its work would be focused on issues of civil and human rights. The eleven founding members of the group included Ludmilla Alexeyeva, Mikhail Bernsh-tam, Yelena Bonner, Alexander Ginzburg, Grigorenko, Alexander Korchak, Malva Landa, Anatoly Marchenko, Yuri Orlov, Vitaly Rubin, and Natan Sharansky.

The Moscow Helsinki Group urged activists in other nations and Soviet republics to follow their example. By April 1, 1977, Helsinki Groups had formed in the Soviet areas of Ukraine, Lithuania, Georgia, and Armenia. The Helsinki Groups in the other republics were all independent organizations, not mere satellites of Moscow. However, the groups were unified in their aim to monitor and enforce the Helsinki agreement. Several other organizations adopted the Helsinki principles to legitimize their work in monitoring human rights violations, including a number of other non-governmental organizations and religious groups. The Helsinki Groups in the former Soviet republics also included issues of national self-determination and national rights on their agenda.³⁶

The Work of the Helsinki Groups

What were the goals of the Helsinki Groups, and how did these organizations operate to promote the agreements reached by the Accords? These questions can in part be answered by turning to the founding declaration of the Moscow Helsinki Group, which set out the principles and goals behind its work. As described above, the members invoked several provisions in the Accords, including "Respect for Human Rights and Fundamental Freedoms" (Principle VII) and the provision for "Co-operation in Humanitarian and Other Fields." The

³² Sakharov 1990, 457.

³³ Kuzovkin, 23f.

³⁴ *Ibid.*, 23f.

³⁵ *Ibid.*

³⁶ For an example of the work of another Helsinki Group, see Lesya Verba and Bohdan Yasen, eds., *The Human Rights Movement in Ukraine: Documents of the Ukrainian Helsinki Group, 1976-1980* (Baltimore, 1980).

group was thus formed for the express purpose of monitoring and promoting compliance with the Accords. In order to monitor compliance, the group would accept written complaints of human rights violations submitted directly by Soviet citizens. After verifying the complaint, when possible, the groups would campaign internationally by publicizing the violations abroad and calling for intervention by the other signatory states. The complaints would also be forwarded for review at the follow-up meetings to Helsinki, including the 1977 Belgrade meeting and the 1980 meeting in Madrid.

By the beginning of 1977, Orlov's committee was challenging the regime as no dissident group had done before. Its documents were comprehensive and well chosen. The group did not try to report all the violations it learned of – that was the work of the *Chronicle* – but instead chose those that best represented the regime's failure to observe the Helsinki Accords...³⁷

The human rights complaints compiled by the Moscow Helsinki Group typically contained documentation in a number of key categories: 1. general declarations; 2. appeals to CSCE signatory states; 3. violations of the Soviet constitution or Soviet law; 4. trial transcripts and trial reports; 5. psychiatric abuses; 6. political prisoners and conditions of incarceration; 7. international contacts and the exchange of information; 8. statements on current events or anniversaries of special events such as the thirtieth anniversary of the Universal Declaration of Human Rights; 9. national issues; 10. religious freedom and associated issues of travel and emigration abroad; 11. persecution of dissidents; 12. reunification of families.

In what follows, I will describe the work of the Moscow Helsinki Group using the example of the first document of the Moscow Helsinki Group, which reported on the persecution of Mustafa Dzhemilev.³⁸ The documentation contained three sections. The first section presented the circumstances surrounding Dzhemilev's case and described his conviction under Article 190-1 of the Criminal Code of the Russian Federative Republic. As the complaint described, Dzhemilev had been charged with for his activities on behalf of the Crimean Tatars deported during the "Great Patriotic War." The key evidence in Dzhemilev's conviction was the coerced testimony of a witness who later recanted his statement. After serving his sentence, Dzhemilev was re-arrested and sentenced to a further two and a half years. The second section of the documentation comprised an analysis of the case against Dzhemilev, spotlighting the five points that violated the Helsinki Accords and Soviet law. The Moscow Helsinki Group focused its protest on the second conviction, arguing that Dzhemilev's poor health meant the second sentence was tantamount to his "physical extermination." The Group also argued that Dzhemilev's prosecution constituted a "violation of the fundamental rights of peoples" – in this case the Crimean Tatars. In the final section of the complaint document, the Moscow Helsinki Group arrived at two conclusions. First, they argued that the official justification for Dzhemilev's conviction violated the humanitarian provisions of the Helsinki Final Act. Second, the Group argued that the Soviet violation of the Helsinki provisions obviated the principle of international non-interference, which obligated the signatory states to intervene on Dzhemilev's behalf. The complaint document was signed by Orlov, Bernshtam, Bonner and Ginzburg on May 18, 1976.³⁹

This first complaint document set the pattern for later complaints submitted by the Group. The documents typically opened with a survey of the case, and then continued with a discussion of the human rights violations in the case and the relevance of Helsinki and other international accords as well as the Soviet constitu-

37 Joshua Rubenstein, *Soviet Dissidents: Their Struggle for Human Rights* (Boston, 1980): 228.

38 See Document 1 "O presledovanii Mustafy Dzhemileva – The Persecution of Mustafa Dzhemilev" of the Moscow Helsinki Group, reprinted in Kuzovkin, 24-26. In addition to the Moscow Helsinki Group, individuals like Lev Kopelev also attempted to intervene on behalf of Dzhemilev. See "Rettet Mustafa Dshemiljew," April 22, 1976, reprinted in Lev Kopelev, *Verboten die Verbote! In Moskau auf der Suche nach der Wahrheit* (Hamburg, 1977): 95-100.

39 See Kuzovkin, 24-26.

tion and law. Finally, the complaints closed with a summary analysis and a call for action by the signatory states. Many complaints also included additional documentation, such as the results of the local investigation to verify the complaint.⁴⁰ In some instances, the complaints included lengthy attachments such as lists of names of other individuals who had been harmed in the case. These lists could include, for example, the names of family members denied permission to emigrate, the names of persons whose telephones had been disconnected to prevent contact to Western organizations, and the names of associates unjustly incarcerated in psychiatric institutions. The Moscow Helsinki Group compiled a total of 195 complaints between May 12, 1976 and September 6, 1982, when the last three members who were not imprisoned announced the Group would discontinue its work. In the six years of its existence, the Group also compiled numerous appeals to the signatory states, trade unions in the United States, Canada, Europe, and the world public.⁴¹

In order to forward their complaint documents to the recipients abroad, the Moscow Helsinki Group often gave the complaints to foreign journalists or handed the documents directly to embassy staff of the 35 signatory states. In addition, the documents and appeals were also circulated via the samizdat. Many documents that reached the West were republished in periodicals such as the *Cahiers du Samizdat* and the *Samizdat Bulletin*.

Within the operation of the Helsinki Groups, the role of the West was conceived as the mediator between the dissidents and the Soviet regime.⁴² “As formulated by Orlov, the group’s primary strategy was to raise an echo in the West, to use the Helsinki Accords as a bridge to Western governments and world opinion.”⁴³ The international dimension was a key aspect of the Group’s work. In order to “raise the echo” in the West, the Moscow Helsinki Group forwarded its reports and appeals to delegations from the signatory states, engaged in collaborative work with the US Helsinki Commission in Washington, and submitted documentation to the follow-up meetings to Helsinki. These efforts in turn served to underscore the central status of the Moscow Helsinki Group within the Soviet human rights movement. Indeed, the US Helsinki Commission was founded after a meeting by Yuri Orlov, Valentin Turchin and Veniamin Levich with the US congressional representative Millicent Fenwick in 1976. Upon her return from Moscow, Fenwick introduced legislation that culminated in the establishment of the Commission, which included six members of both houses of the US Congress. Alexeyeva, who had emigrated from the Soviet Union, also compiled several collections of documents on human rights violations under the Helsinki Final Act for the Commission as well as for the follow-up conferences in Belgrade and Madrid.⁴⁴

The State Response

The Helsinki Groups came soon under fire from Soviet legal authorities and the KGB. Although the head of the Moscow Helsinki Group, Yuri Orlov, had received a judicial caution only three days after the Group’s founding, no members had been arrested or convicted in the first months of the Group’s existence. In 1977, however, this would change. After the explosion in the Moscow subway on January 8, in which seven persons died and more

40 The local authorities and the KGB at times attempted to prevent verification of complaints. For example, in June 1976, Vladimir Slepak, Natan Sharansky and Sanya Lipavsky (who was not a member of the Moscow Helsinki Group) attempted to verify a complaint, but this was prevented by the local authorities. See Document 9 “O sud’be evreev sela Il’inka – The Fate of the Jews of the Village Ilinka” of the Moscow Helsinki Group, reprinted in Kuzovkin, 86f. This village reappears twice in the records, in Document 49 of April 30, 1978, and in Document 63 of Sep. 18, 1978.

41 See Kuzovkin and the documents collection of Moscow Helsinki Group edited by Khronika Press, *Sbornik dokumentov. Obshchestvennoy gruppy sodeystviya vypolneniyu khel’sinskikh soglasheniy. Vypusk perviy do devyatiy* (New York, 1977-1984).

42 See Alexeyeva, 338.

43 Rubenstein, 220.

44 On the founding of the U.S. Helsinki Commission, see William Korey, *The Promises We Keep: Human Rights, the Helsinki Process, and American Foreign Policy* (New York, 1993): 21-42; and also Amy Schapiro, *Millicent Fenwick: Her Way* (London, 2003): 162-183. Today the Commission includes nine members of both houses and three members of the executive branch.

than 40 were injured, the Soviet press attempted to link the dissidents to the attack. Andrei Sakharov and a group of organizations – including the Moscow Helsinki Group, Amnesty International and the Ukrainian Helsinki Group – issued statements which emphasized their adherence to the principle of non-violent protest and vehemently denied any participation in the attack. In their joint statement, the groups also called upon the Western media to apply the term “dissident” with greater care and precision, as actual Soviet dissidents had nothing in common with those who committed terrorist acts.⁴⁵ Two days before the joint declaration of the groups, Sakharov also issued a pointed statement which accused the KGB of deliberate provocation and an attempt to discredit dissidents as murderers and terrorists in order to pave the way for their persecution without interference from the West.⁴⁶

The first arrests of members of the Moscow Helsinki Group were carried out by Soviet authorities in early 1977. In the following year, a number of members were sentenced to prison camps, incarcerated in psychiatric institutions, and sent into exile.⁴⁷ Many memoirs and Helsinki Group documents also describe how homes of activists were searched. In more than a few cases, the authorities also planted incriminating materials in residences.⁴⁸ By the early 1980s, the regime had largely succeeded in shattering the human rights movement. According to KGB reports issued in 1981, nearly 500 dissidents had been arrested in the three previous years, “rendering harmless the ‘antisocial elements’ who agitate under the guise of human rights.”⁴⁹ Thus the movement that had flourished only a few years earlier foundered as its members were imprisoned, incarcerated in psychiatric institutions, and condemned to forced labor, internal exile, and emigration abroad. In January 1980, Sakharov was banished to the city of Gorky (renamed Nizhny Novgorod in 1990). Many other activists were arrested and exiled, with others emigrating to the United States and Israel. On September 6, 1982, Yelena Bonner, Sofya Kallistratova und Naum Meyman announced that the Moscow Helsinki Group was discontinuing its work.⁵⁰

The persecution of dissidents by the state authorities brought the violation of both the Soviet constitution and international treaties on the part of the regime into direct focus. The repressive measures inflicted upon the Helsinki Group were visible and blatant violations of the human rights provisions that the Soviet regime had pledged to uphold in signing the Accords. As Helmut Altrichter has noted, the response of the authorities was a striking demonstration that the “great, harmonious, and conflict-free Soviet society so often cited by state and party leadership existed only in weekly propaganda speeches and in fantasy. Only this could account for the extent of state repression, which had no qualms about violating human and constitutional rights.”⁵¹

45 See the Declaration of Jan. 14, 1977, “Po povodu vzryvov v moskovskom metro – Concerning the Explosion in the Moscow Subway” of the Moscow Helsinki Group, reprinted in Kuzovkin, 167f.

46 For Sakharov’s analysis, see Andrei Sakharov, *Mein Leben* (Munich, 1991): 545-548, and also Andrei Sakharov, *Furcht und Hoffnung: Neue Schriften bis Gorki 1980* (Munich, 1980): 88-118.

47 Heinz Brahm, *Die sowjetischen Dissidenten: Strömungen und Ziele* (Cologne, 1978): 35.

48 See Document 16 “Zayavlenie chlenov Obshchestvennoy gruppy sodeystviya voplneniyu Khel’sinskikh soglasheniy v SSSR po povodu obyskov, provedennykh 4-5 yanvarya 1977 g. u chlenov Gruppy, doprosov i drugikh repressiy – Statements of the members of the Public Group to Promote Observance of the Helsinki Agreements in the USSR concerning searches, conducted on January 4-5, 1977, at the residences of members of the Group, interrogations and other repressive acts” of the Moscow Helsinki Group, reprinted in Kuzovkin, 134-155, and also described in memoirs by Grigorenko, Sakharov (1990), and Orlov.

49 Quoted in Plaggenborg, 442.

50 See Document 195 “O prekreashchenii raboty Moskovskoy gruppy Khel’sinki’ – The End of the Activities of the Moscow Helsinki Group” of the Moscow Helsinki Group, reprinted in Kuzovkin, 555.

51 Helmut Altrichter, *Kleine Geschichte der Sowjetunion* (Munich, 2001): 164f.

The “Coalition” of Civil and Human Rights Movements

But there was another result no one had anticipated: the unification of the human rights movement with religious and national movements working toward the goal of the Moscow Helsinki Group – civic liberties enumerated in the humanitarian articles of the Final Act. The national and religious movements that seemed to be based on a common ground, while not united among themselves, were united, in many respects, in the human rights movement. A kind of coalition was formed under the flag of Helsinki.⁵²

The coalition, as described here by Ludmilla Alexeyeva, included a range of organizations active in the civil and human rights movement in the Soviet Union. Some of these organizations were also signatories of declarations and appeals issued by the Moscow Helsinki Group. For example, the statement issued after the Moscow subway explosion was also signed by the Working Commission to Investigate the Use of Psychiatry for Political Purposes, the Christian Committee for the Defense of the Rights of Religious Believers, Amnesty International of Moscow, the Ukrainian Helsinki Group, the Initiative Group for the Defense of Human Rights in the USSR, and the Initiative Group for the Defense of Human Rights in Georgia.⁵³

Within the loosely affiliated coalition of activist associations, the organizations continued to collaborate with joint documentations and statements, statements of mutual support, and joint appeals to authorities to release incarcerated activists. Many of these appeals were issued following defamatory attacks on activists in the Soviet press and arrests and convictions of dissidents by the authorities. Thus, for example, both the Moscow Helsinki Group and Lev Kopelev issued statements of support on behalf of Sakharov.⁵⁴ The organizations also undertook collaborative action following the wave of arrests of Helsinki Group activists, which Sakharov also protested in statements, appeals and open letters directed to the public at large.⁵⁵

Alongside the Helsinki groups, other activist organizations and unaffiliated dissidents increasingly invoked the Final Act and its human rights agenda, both within the Soviet Union and in other Warsaw Pact states. In Poland, the Workers’ Defense Committee (KOR), which later became the Committee for Social Self-Defense (KSS KOR), was established in 1976, and the Biuro Interwencyjne was founded in 1977. In contrast to the Soviet Union, the founding of Solidarity in 1980 spurred the Polish human rights movement to become a mass movement. In Czechoslovakia, the opposition movement, which had been violently suppressed in 1968, also began to reemerge. The Czech Charter 77 initiative, founded in 1977, drew direct inspiration from the human rights provisions of the Helsinki Final Act. The Czech organizations maintained close ties to the human rights movement in Poland and the Soviet Union. The organizations issued joint declarations of support and collaborated in signing reports and documentations of violations. Thus, for example, Charter 77 and KSS KOR sent letters of support to protest Sakharov’s internal exile.⁵⁶

Non-governmental Helsinki groups were also founded in Western states such as the Netherlands and the United States. The US Helsinki Group was originally designed to support the Helsinki Groups in the Eastern Bloc, but soon began to monitor violations of the Helsinki provisions in the United States.⁵⁷ In 1982, the Helsinki

52 Alexeyeva, 345.

53 Kuzovkin, 167.

54 See, for example, Document 90 “Novaya ugroza A. D. Sakharovu – New Threat against A. D. Sakharov” and Document 121 “V Zashchitu akademika A. D. Sakharova – In Defense of Academician A. D. Sakharov” of the Moscow Helsinki Group, reprinted in Kuzovkin, 373 and 442-444; see also the “Homage an Sacharov” by Lev Kopelev in Kopelev, 93f.

55 See the statements by Sakharov reprinted in Sakharov (1980): 208-233.

56 See, for example, the two statements of protest by the KSS KOR and Charter 77, reprinted in Andrei Sakharov, *Den Frieden retten! Ausgewählte Aufsätze, Briefe, Aufrufe 1978-1983*, ed. Cornelia Gerstenmaier (Bonn, 1983): 206f.

57 The US Helsinki Group was founded in February 1979 as a non-governmental organization.

groups joined to become the International Helsinki Federation for Human Rights.

Summary and Future Perspectives

The civil and human rights provisions in the 1975 Helsinki Final Act were not entirely new, nor were the norms which they enforced stricter than those put forth in the Universal Declaration of Human Rights. However, the Helsinki provisions spurred the formation of monitoring organizations that quickly took on a new, international dimension. This international dimension and the publicity generated by the organizations created a new set of possibilities for engaging in debate with the state. The Final Act issued by the Conference on Security and Cooperation in Europe fell on fertile ground, kindling new hopes among activists that pressure from international public opinion and the governments of Western signatory states would aid in wresting political freedoms from the state. This new scope for action was an unanticipated result of the wider dissemination of information about the human rights provisions contained in the Helsinki Accords to the general public, both in the Soviet Union and abroad.⁵⁸ This publicity opened up new possibilities for effective action, and helped monitoring groups recruit members among other organizations and individuals who had long been active in the struggle for human rights.

However, the Final Act was not the only foundation for activism among the organizations that emerged in the wake of the Accords. For example, on December 8, 1978, the Moscow Helsinki Group issued an appeal on the occasion of the 30th anniversary of the Universal Declaration of Human Rights. Over the following weeks, over 300 individuals signed the appeal.⁵⁹

The Helsinki monitoring organizations thus operated in a novel manner, issuing their appeals directly to a new and expanded audience. While Andrei Sakharov, Valentin Turchin and Roy Medvedev had earlier issued their statements and appeals directly to Brezhnev and the Supreme Soviet, the new activist movement shifted its focus away from the state authorities. Even before 1975, activist movements had directed appeals to international organizations like the General Secretary of the United Nations and the World Congress of Psychiatry. However, with the formation of the Helsinki monitoring organizations in the mid 1970s, the intended audience for human rights activism shifted even further away from domestic political authorities and towards the international political arena and the court of public opinion.

By the late 1970s, the repression of the human rights movement in the Soviet Union was well underway, peaking with Brezhnev's death in the early 1980s. Sakharov's 1980 exile to Gorky and the disbanding of the Moscow Helsinki Group in 1982 marked the decline of the visible human rights movement. However, as Hildermeier has noted, "there were neither winners nor losers in the conflict between the regime and the opposition."⁶⁰ Although the dissident movement had been largely dispersed, their demands were not forgotten. With the emergence of glasnost and perestroika, the human rights movement was once again able to resurface on the political scene. The Soviet regime would soon issue an amnesty, permitting Sakharov and other dissidents to return from internal exile. Sakharov went on to engage in political action until his premature death on December 14, 1989.

58 Looking back on the circumstances of 1975, Alexander Daniel noted, "The majority of samizdat articles display no awareness of contemporary European legal thought. Even as late as 1969, there was next to no mention of key international documents of law such as the pact on civil and political rights (UN Document of 1966) and the European Convention on Human Rights; it was apparent that almost no one was aware of their existence." See Alexander Daniel, "Wie freie Menschen: Ursprung und Wurzeln des Dissenses in der Sowjetunion," in *Samizdat: Alternative Kultur in Zentral- und Osteuropa: Die 60er bis 80er Jahre*, ed. Wolfgang Eichwede (Bremen, 2000): 38-50, see esp. 39.

59 See Document 69 "30let vseobshchey deklaracii prav cheloveka – Thirtieth Anniversary of the Universal Declaration of Human Rights" of the Moscow Helsinki Group, reprinted in Kuzovkin, 316-318.

60 Hildermeier, 979.

In 1988, the Ukrainian Helsinki Group formed once again and the Moscow Helsinki Group resumed its work. By 1989, a number of former protagonists of the civil and human rights movement – including, for example, Orlov and Alexeyeva – had rejoined the growing human rights movement.

In the mid- and late 1980s, the movement retreated somewhat from its unifying focus on civil and human rights. Instead a large number of informal organizations were formed to address the new proliferation of social and political agendas. As a result, the early years of glasnost and perestroika witnessed the rise of thousands of new committees, initiatives and groups – including the Memorial association (founded in 1987), the Soldier’s Mother Committee (1989), and the Russian-American Project Group. In addition, an immense number of periodicals on a broad variety of topics also commenced publication.

Over time, the organizations and their agendas became increasingly diverse. The dissidents of the 1970s had been largely apolitical, as they had themselves repeatedly emphasized. Over the course of the 1980s and beyond, human rights activists shifted away from monitoring violations and pressuring the government to live up to domestic and international human rights legislation and norms. Instead, the human rights movement became engaged in the search for concrete solutions for human rights problems within the now-crumbling Soviet empire. In the process, the human rights movement became increasingly politicized. Although human rights activists played only a modest role in state policy-making during the transition years following the upheavals of 1989, the human rights movement went on to regain a visible standing within post-Soviet Russia.

Flor Alba Romero

HUMAN RIGHTS EDUCATION BETWEEN NORMS AND PRACTICE: REFLECTIONS ON THE COLOMBIAN AND LATIN AMERICAN EXPERIENCE

This article examines the state of human rights education in Colombia. It begins by explaining the context in which human rights education takes place, including the difficult situation the country faces in this regard. It then considers the relationship between human rights education and international standards, and the corresponding legal framework in Colombia. The main part of the paper discusses several current and recent human rights education projects undertaken by Colombia's government and universities under the National Plan for Human Rights Education. It concludes by revisiting the current challenges for human rights education in Colombia.

Human Rights Education in the Colombian Context

Human rights education takes place in Colombia within a difficult context, one widely considered unfavorable to development in the field. The status of human rights and international humanitarian law in Colombia remains highly problematic. The state has not responded adequately to human rights abuses, but instead has maintained a high level of impunity while failing to enforce justice and apply the law. Nearly six decades of internal armed conflict – in recent years influenced by drug trafficking – has resulted in frequent breaches of international humanitarian law, which have done great harm to the country's civilian population. When human rights education was introduced in the early 1970s, the government still believed that human rights and human rights defenders were politically aligned with the insurgency movement. As a result, human rights educators were stigmatized and sometimes persecuted.¹

Influenced by Paulo Friere, early human rights educators in Colombia employed the methodological approach of popular education. In the early years, popular education efforts focused on the sphere of civil and political rights, but these efforts soon expanded to include social, economic and cultural rights. (Today, popular education initiatives in Colombia also embrace the rights of women, children and sexual minorities.) These efforts were grounded in the desire to strengthen the capacity of specific groups to demand recognition of their rights from the state. The human rights educators aimed to hold the government accountable for its actions, and compel the state to comply with international human rights instruments that it misused to repress the

¹ Despite the unfavorable conditions, in the early 1970s human rights NGOs inaugurated human rights education as a strategy to publicize rights and demand that the state comply with institutional and legal obligations and responsibilities. See Flor Alba Romero, "El Movimiento de Derechos Humanos en Colombia," in *Movimientos Sociales, Estado y Democracia en Colombia*, eds. Mauricio Archila and Mauricio Pardo (Bogotá, 2001).

demands of its own citizens, particularly under the presidency of Julio Cesar Turbay Ayala (1978–1982). In the early 1980s, non-governmental organizations began to obtain international funding to expand their activities in human rights defense and education. The first United Nations and Organization of American States missions to Colombia also commenced during these years. The government of President Belisario Betancur (1982–1986) inaugurated a shift in attitude toward human rights, acknowledging the existence of human rights abuses and initiating a peace process with leftist guerrillas. Despite this apparent shift, however, the number of human rights violations continued to rise. Under President Virgilio Barco (1986–1990), the Colombian government further incorporated human rights into the state agenda by establishing the office of the Presidential Counsellor for Human Rights, which began working with teachers. As a result, human rights education acquired an important official role and was disseminated throughout the educational system. Some years later, during the presidency of César Gaviria (1990–1994), the new 1991 Constitution incorporated political, social and collective human rights as central goals of the constitutional order, thus paving the way for Colombian citizens to demand their rights.² The Gaviria administration also broadened the scope of state protection of rights by establishing the National Office of the Public Ombudsman and by extending safeguards such as the *tutela*, which is a constitutional measure that allows individuals to seek protection of fundamental human rights in the courts.

As a result of the intercession of the United Nations, Colombian non-governmental organizations began to engage in open dialogue with the government in early 1992. This dialogue aimed also to jointly establish policies to defend, protect and promote human rights. However, human rights violations and the persecution of human rights defenders again increased under President Ernesto Samper Pizano (1994–1998). Even as the situation in the country deteriorated, however, the importance of human rights education, promoted by the national Ombudsman's Office and NGOs, continued to gain recognition from educational as well as governmental institutions. During the presidency of President Andres Pastrana (1998–2002), the human rights situation of the country remained worrisome. The armed conflict displaced the civilian population on a massive scale, and the persecution of social leaders, political activists and human rights defenders were everyday occurrences. During these years, the government also failed in its attempt to achieve peace with FARC guerillas. Today, the “democratic security” policy of Alvaro Uribe Vélez, now in his second presidential term, has also influenced the status of human rights and the rule of law in Colombia. While governments have a legitimate interest in maintaining the security of their citizens, most of the measures adopted under the “democratic security” policy have represented abuses of power and violations of the rights of the Colombian people. Widespread arbitrary arrests and the creation of informants' networks and “peasant soldiers” programs have torn at the social fabric and generated popular distrust. The situation has become an issue of concern for international institutions like the United Nations and the Organization of American States. Thus, although Colombia has achieved a number of important legislative and governmental advances in recent decades, the overall human rights situation remains of serious concern today, as the Colombia office of the UN High Commissioner for Human Rights has noted.³ It is within this complex context that human rights educators in Colombia operate.

2 Title III of the Colombian Constitution contains five chapters and 85 articles which refer to the protection, promotion and defence of human rights. These include Chapter I: Fundamental Rights (Articles 11 to 41); Chapter II: Economic, Social and Cultural Rights (Articles 42 to 77); Chapter III: Collective and Environmental Rights (Articles 78 to 82); Chapter IV: Protection and Enjoyment of Rights (Articles 83 to 94), and Chapter V: Duties and Obligations (Article 95).

3 United Nations High Commissioner for Human Rights, *Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia, A/HRC/7/39, February 28, 2008*, <http://www.hchr.org.co/documentoseinformes/informes/altocomisionado/2007/Report%20High%20Commissioner%20English%20ADVANCE%20EDITION.htm>, accessed Nov. 20, 2009.

Human Rights Education and International Standards

Human rights education is a state obligation under international human rights and humanitarian law. These obligations are specified in a number of key international instruments. For example, the preamble of the Universal Declaration of Human Rights states that education is necessary to promote respect on the part of “every individual and every organ of society” for the rights and freedoms established in the Declaration. Under Article 26 of the Declaration, this 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.”⁴ Numerous other international instruments establish human rights education as essential to the development of individual personality within a free and respectful society, and obligate the state to guarantee such education. Among the treaties and conventions that imply a right to human rights education are the 1989 International Convention on the Rights of the Child (Art. 26), the 1979 International Convention on the Elimination of All Forms of Discrimination against Women (Art. 5), the 1991 ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries (Art. 31), and the 1978 UNESCO Declaration on Race and Racial Prejudice (Art. 5), to name but a few.

A number of international organizations have called upon Colombia to solidify its efforts in the sphere of human rights education. For example, in 1997 the UN Human Rights Committee, which monitors implementation of the International Covenant on Civil and Political Rights, urged the Colombian government to ensure that:

All necessary measures be taken by the authorities to ensure that the gap between laws protecting fundamental rights and the situation of human rights in practice is reduced. To that effect, the Committee recommends that educational and training programmes be devised so that all segments of the population, in particular members of the army, the security forces, the police, judges, lawyers and teachers can develop a culture of respect for human rights and human dignity.⁵

The UN Commission on Human Rights has also called upon the Colombian government to give “the highest priority to developing concrete measures to integrate human rights education into the curricula of schools and universities throughout the country.”⁶ In addition, the UN Committee on Economic, Social and Cultural Rights recommended that the Colombian government provide human rights education at all levels of the educational system, particularly in primary education.⁷ The office in Colombia of the UN High Commissioner for Human Rights (UNHCHR) has also recommended that the Ministry of National Education adopt a working plan on holistic views of human rights in primary and secondary education. The national Ombudsman’s Office has made the same recommendations and has been working for some time on the construction of a National Plan on Human Rights Education.

4 UN Declaration of Human Rights, <http://www.un.org/en/documents/udhr/>, accessed Nov. 1, 2009.

5 UN Human Rights Committee, 52nd session, Document A/52/40, Par. 298), http://www.bayefsky.com/general/a_52_40_vol_i_1997.php, accessed November 1, 2009.

6 Statement by the Chairperson on behalf of the Commission on Human Rights (55th session), Geneva, 22 March - 30 April 1999. OHCHR/STM/99/3, [http://www.unhchr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/OHCHR.STM.99.3.En?Opendocument](http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/OHCHR.STM.99.3.En?Opendocument), accessed Nov. 20, 2009.

7 “Observaciones finales del Comité de Derechos Económicos, Sociales y Culturales, Sobre el Tercer Informe Periódico Sobre Colombia-6 de diciembre de 1995,” ONU. EC.12/1995/18, Párr. 199. <http://www.hchr.org.co/documentoseinformes/documentos/html/informes/onu/cdesc/E-C-12-1995-18%200%20E-1996-22%200%20E-C-12-1995-12.html>, accessed Nov. 20, 2009.

The Legal Framework for Human Rights Education in Colombia

International provisions and recommendations for human rights education are extensive, and the national legal framework in Colombia is no less so. Article 67 of the Colombian Constitution of 1991 states: “Education is an individual right and a public service that has a social function. ...The Colombian citizen will be educated in the respect for human rights, peace, and democracy.”⁸ In addition, Article 282 of the Constitution states that it is the responsibility of the national Ombudsman’s Office to publicize human rights and recommend educational policies for human rights instruction.

The Colombian General Education Law incorporates these constitutional standards, establishing education as a permanent personal, cultural and social training process that is rooted in an integrated concept of human individuals and their dignity, rights and duties.⁹ The General Education Law defines the goal of education as respect for human rights, including the rights to life, peace, democracy, pluralism and the exercise of tolerance and freedom. Education in values such as justice, peace, democracy and solidarity is compulsory under Articles 5 and 14. Other instruments including Decree 1860 (1994), and the Ministry of National Education documents “Ethical and Values Education” and “Competency Standards,” reinforce the importance of human rights education.¹⁰ While the Ministry of National Education has aimed its human rights education efforts at student populations, other governmental entities have developed human rights training for professional groups. For example, the Public Ministry has created the National Program on Human Rights Training, aimed at local municipal ombudsmen. An initiative of the national Ombudsman’s Office facilitated the National Network for Human Rights Promoters project.

In response to the 1995 UN Declaration on the Decade for Human Rights Education, Colombia also formulated and implemented a National Education Plan on Human Rights (PLANEDH), which is based on the principles elucidated by the UN declaration.¹¹ The PLANEDH working group includes the Ministry of National Education and the National Ombudsman’s Office, with the permanent attendance of the Colombian office of the UN High Commissioner for Human Rights and the support of some non-governmental organizations. The working group drafted the PLANEDH initiative to include the four key spheres of human rights education, namely public policy, pedagogical development, educators and educational institutions, and pedagogical research.

Human Rights Education and Colombia’s Universities

Public universities have been at the forefront of efforts to promote human rights education in Colombia. But in a society characterized by grave injustice and persistent armed conflict, these efforts have entailed significant difficulty and risk. The following sections describe three experiences that illustrate some of these challenges and the potential of human rights education.

8 Constitution of Colombia, http://confinder.richmond.edu/admin/docs/colombia_const2.pdf, accessed Nov. 20, 2009.

9 Law 115 of February 8, 1994, or *Ley General de Educación*, in compliance with Article 67 of the Political Constitution.

10 Ministry of National Education, *Formación en Ética y Valores* (Bogotá, 1993); Ministry of National Education, *Estándares de competencias*, (Bogotá, 1993).

11 The UN Declaration on Human Rights Education states that “Human rights education shall be defined as training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the molding of attitudes, and directed to: (a) The strengthening of respect for human rights and fundamental freedoms; (b) The full development of the human personality and the sense of its dignity; (c) The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups; (d) The enabling of all persons to participate effectively in a free society; (e) The furtherance of the activities of the United Nations for the maintenance of peace.” See UN Declaration on Human Rights Education, Section I, Art. 2, accessed on Nov. 1, 2009 from <http://www.humanrightseducation.info/hr-materials/other-ressources/184-provisions-on-human-rights-education-in-international-instruments.html>.

Human Rights and the Homeless Population of Bogotá

In 1992, 50 students at the National University of Colombia at Bogotá representing several disciplines enrolled in a course on human rights and international humanitarian law.¹² The course focused primarily on the origins and historical evolution of human rights; the regional Organization of American States and the universal United Nations system; the Constitution of 1991 and human rights; governmental institutions that protect human rights; legal tools to defend human rights; and non-governmental organizations working in the field. Ten of the students were from the law school and wanted to complete their required legal clinic time by assisting in cases of abuse against the homeless. They encountered resistance to their proposal in the law school, where the director of the legal clinic questioned the quality of the human rights course because its professor was not a legal professional. They eventually overcame this resistance, and the Institute of Political Studies and International Relations (IEPRI, under whose auspices the course was offered) reached an agreement with the legal clinic of the law school.

The Joint United Nations Programme on HIV/AIDS (UNAIDS) defines “street people” and the homeless as follows:

They are men and women, minors and adults, whose socioeconomic conditions and in some cases, their mental health condition, has forced them to develop their everyday life in the streets, understood as a urban architectonic space that does not meet the minimum necessary standards to be considered a place to live in acceptable conditions for a human being’s welfare and quality of life.¹³

Street people have become an urban phenomenon and an expression of unequal social and economic living conditions. To live on the street implies a particular way of appropriating public space and negotiating the urban environment and human relations in order to survive. Strategies of the homeless include begging, picking pockets, and on occasion, participating in programs aimed at assisting the homeless.

According to the National Department of Statistics, the city of Bogotá has approximately 8,000 street people.¹⁴ While there are programs to assist them, street people are often treated with contempt and are the victims of widespread, sometimes violent, discrimination. Most have broken their family ties, and the *parche* (gang) becomes their surrogate family. The majority have a life story marked by childhood abuse, domestic violence, poverty, and lack of familial structure.

Initial Difficulties

Establishing contact between students and street people was not difficult. I had previously worked with this population with “street organizers” who had received training at the Training Center for Youth Advocacy. I was also a member of the organization’s academic board. The law students first proposed inviting street people to their offices, which were located on the university campus. But there was an obstacle: campus security would not allow the homeless onto university grounds. The guards regarded the homeless as “disposable” people with no reason to enter the campus.

To overcome this problem, we organized a briefing session with the guards. We explained that the homeless were not disposable, but human beings in unfortunate circumstances who had the right to enter the campus. However, street people did not attend the session for two reasons. The first had to do with the meeting time. The majority of street people were asleep while the legal clinic was open, as their main activities took place at

¹² The course was taught by the author of this article.

¹³ UNAIDS, <http://www.onusida.org/co/v10.htm>, accessed Nov. 20, 2009.

¹⁴ DANE, *Censo de habitantes de calle* (Bogotá, 2000).

night. They also stayed away because they had experienced rejection when they first tried to enter the campus. Because of these circumstances, the students decided to go to the street people, meeting them under bridges, at garbage dumps, and wherever they spent the day or night.

Discovering a Harsh Reality

The living conditions for people on the streets of Bogotá are subhuman. They lack adequate food; they lack shelter and are exposed to the elements; their environment is hostile; and their sources of support, if they have any, are scarce and unreliable. The students were shocked by the harsh reality of existence for the homeless. They also found the mental and physical health of street people severely compromised by chronic drug use. Drugs offer temporary escape from reality and blunt the effects of cold, fear and loneliness. Of the 35 street inhabitants that we worked with every week for a year, only one was able to quit using psychotropic drugs and restructure his life.

It was a particular challenge to discuss rights with the street people – to tell people who truly believed they were despised and rejected by society, “You have the right to health care, to housing with dignity, to have a family, to have a decent job.” It became clear that the homeless population could not change their lives without sustained, comprehensive institutional support. We established workshops to address this issue, which also enabled the homeless participants to express their desire to change their lives. The students also educated the homeless about programs and services available to them, including facilities where they could bathe, obtain clean clothing, eat and participate in recreational and educational activities.

During the project, the students were confronted with a tragic event: a neo-Nazi gang doused the site where four street children were sleeping with gasoline and set it on fire. Three of the children died in the attack. Only one survived. The students were able to assist the affected homeless people by gathering evidence and submitting the case before local tribunals. Moreover, the incident was documented and presented to the UN Special Rapporteur on Extrajudicial Executions, who was visiting Colombia at the time. Unfortunately, the case never reached trial because the witnesses feared reprisal and refused to testify. Nevertheless, the local press covered the case, bringing much needed public attention to the plight of this vulnerable population.

Violence and Aggression among the Homeless

One feature of homeless life that the students discovered was the degree of violence which street people use to survive. A street person might kill for a few pennies, and street people often use violence to relate to others. This state of affairs reflects both the brutal surroundings and constant survival mode in which the street people exist. They give little thought to the future, but live only in the present.

A workshop on family issues revealed that the overwhelming majority of the participants had suffered parental violence, and in some cases, sexual abuse. Some had been turned out of their homes when their mothers found new male partners; some were abandoned at an early age. Macho attitudes and abuse of women are common among the homeless. Because women represent only 25 percent of street inhabitants in Bogotá, sexual disputes occur frequently.

Lessons Learned

Homelessness is a human rights issue, and the complexity of the phenomenon merits a coordinated institutional response. This response should include voluntary treatment for drug abuse and the provision of services to meet basic and immediate needs, as well as longer-term therapies and support. It should entail early and

sustained intervention with at-risk families to keep children safely at home. In addition, it should endeavor to increase awareness and understanding among the general public. Any effective response and human rights education effort must engage with the different contexts that street people inhabit. Finally, the aim must be to make the homeless aware of their status as individuals with human rights and not just as victims. This includes respecting the rights of others who live under the same conditions.

Program for University Initiatives for Peace and Peaceful Living (PIUCP)

The Program for University Initiatives for Peace and Coexistence (PIUCP) of the National University of Colombia is an academic initiative. Since its inception in 1999, it has sought to create interdisciplinary spaces in which research, teaching and community outreach can unite with the shared goal of strengthening the university's commitment to the social reality of the country on a national level.

Courses offered through the program explore a range of human rights issues, such as sociopolitical violence and its impact on the social fabric, especially on specific ethnic, age, and gender groups; public policy as it relates to internally displaced peoples; and the causes, dynamics, processes, and ramifications of forced displacement. The program seeks to develop academic spaces for reflection on the problem of political violence in Colombia and to support educators concerned with human rights. Its interventions are based on an integrated perspective of teaching, research and community outreach that provides strategies and tools geared towards building peace.

Two courses, the Virtual Course and the Manuel Ancizar Course on Forced Displacement in Colombia offer similar content, but differ in methodology. As the name implies, the former uses state-of-the-art technologies to instruct its students in a virtual classroom. The second takes place in a traditional university classroom, and has now grown in size to approximately 900 university students and 450 external participants. PIUCP offers a range of additional courses, including an in-depth seminar on sociopolitical violence, a course on human rights and forced displacement, a workshop on emergency settlements, and many thematic seminars. PIUCP also envisions several key areas of research. First, it supports research into the issue of forced displacement and supports efforts to formulate policies that assist the victims of displacement. Second, it promotes work related to local and regional issues that benefit affected populations. Finally, it endeavors to forge and strengthen academic relationships and strategic cooperation with universities throughout the country that generate new human rights initiatives.

In the area of community outreach, PIUCP supports a similarly broad palette of projects. For example, it supports a project to provide psychological assistance to people who were internally displaced between 2000 and 2005. PIUCP also supports the land and property ownership rights of persons displaced due to violence. This project stems from the 2004 cooperation between the International Organization of Migration (IOM) and the National University of Colombia. The 2003 cooperation between the university and the Social Solidarity Network of the Presidency of the Republic paved the way to assisting several Colombian municipalities affected by political violence. And finally, PIUCP has provided support in the resettlement of displaced persons since it began cooperation with the Social Solidarity Network in 2002.

Post-Graduate Work on Human Rights at the Simon Bolivar Andean University in Ecuador

The Andean Program for Human Rights and Democracy (PADH) was created in 2001. Since that time, the Andean region has experienced a human rights crisis that has exposed the limits of human rights activism in

spite of important legal advances in the field. Activists have tended to prioritize civil and political rights in their work. Perhaps the most pressing challenge has been providing an integrated approach to human rights that can address the complexity of the diverse problems in the Andean region. Another challenge has been the generally informal nature of human rights education in the region. As a result, human rights professionals urgently require training in order to broaden their impact in their communities.

Overarching Strategies and Goals

Within this context, PADH was conceived as a “scholarly response to a social demand,” linking reflection, education, research and outreach to create a platform for the integration of academic approaches and social needs.¹⁵ PADH expected its impact to resonate on multiple levels. It sought a renewed emphasis on human rights and their emancipatory potential, and sought to help the professionals who had completed PADH’s post-graduate courses integrate what they learned into social practice. In terms of outreach, PADH promoted increased access to information for broad sectors of the population. All these activities contribute to democratization processes in Andean societies.

PADH has established five general strategies. First, it promotes an ongoing relationship between academic activities and society as a whole. Second, it develops an educational project based on an integrated conception of human rights. Third, it fosters relationships between the program and key stakeholders in order to shape opinion and decision-making. Fourth, it promotes the democratization of debates on human rights issues. Finally, PADH shares its approach with other institutions in an effort to create institutional synergies.

Creating a network of associated universities has been an integral part of work in the Andean region. This network has both strengthened efforts in the individual countries of the region and connected them across national borders. Currently, the network consists of multiple institutions, namely the Human Rights Center of the National University of Lanús in Argentina; the Human Rights Center of the Federal University of Bahia in Brazil; the Simón Bolívar Andean University in La Paz, Bolivia; the Institute for Political Studies and International Relations (IEPRI), National University in Colombia; the Gender Studies Program of the San Marcos University in Peru; and the Human Rights Centre of the Andrés Bello Catholic University, Venezuela.

The program’s website is one of its key channels for outreach, providing access to the online magazine *Aportes Andinos* (“Andean Contributions”), which is published three times a year.¹⁶ *Aportes Andinos* reflects on and publicizes human rights issues of the Andean region and Latin America in general. It occasionally also publishes articles that analyze other parts of the world. The PADH website attracts approximately 800 visitors each month.

Achievements of PADH

During the past seven years, PADH has developed a range of teaching, research and outreach activities, as well as fostering cooperation between different institutions. This cooperation includes the Andean Human Rights Network, consisting of universities and civil society organizations that provide training and information on human rights for the region. In the area of teaching, PADH offers a Masters Degree course on Human Rights and Democracy in Latin America; three post-graduate courses specializing in human rights, formulated by the entire university network and held at the Ecuador campus of the Simon Bolivar Andean University, with participants from the entire Andean region; a post-graduate course on human rights at the national level; four

¹⁵ Programa Andino, 2005.

¹⁶ The website can be accessed at www.uasb.edu.ec/padh.

courses on human rights education (40 hours) held in Colombia, Ecuador, Peru and Venezuela, with coordinated curricula; and more than 30 open courses and seminars on specific topics about human rights held in Peru, Bolivia and Ecuador. The professionals who have attended the post-graduate courses come from both state and private institutions. They make up a diverse group with backgrounds in law, education, psychology, anthropology, and social work and other fields.

In the area of research, PADH has established a research fund that has supported the publication of 13 monographs and six Master's theses on topics relating to human rights, involving such issues as migration, women's rights, and access to justice. PADH also boasts an impressive array of publications, including 19 electronic magazines on diverse human rights issues; an internet information center, created and maintained by the Andean Human Rights Network; ten human rights publications; and a dictionary of human rights. There is also a documentation center with approximately 4,000 codified collections and a database containing approximately 1,500 records pertaining to organizations and institutions that work on human rights.

Significantly, the educational process includes a phase of practical work undertaken through training workshops. PADH has thus become a center for human rights training, reflection and action for the Andean region and continues to expand across Latin America.

Guiding Criteria

PADH established several criteria to guide its teaching, research and outreach activities. Teachers and students gradually enrich these criteria as they engage with and reflect on the topic of human rights. Broadly speaking, PADH courses emphasize themes relevant to Latin America. They highlight the importance of the links between social and historical contexts and the forms of knowledge that try to interpret and explain those contexts.

PADH's concentration on Latin American themes and its rigorous contextualization has several important consequences, including an emphasis on attracting Latin American students into the program. For example, the program endeavors to include male and female authors from the entire region while recognizing the importance of maintaining a dialogue with authors outside Latin America. At the same time, the program organizes students into groups based on nationality in certain cases in order to engage with national particularities and compare approaches across national borders. Conversely, the program organizes working groups with students from several countries and disciplinary backgrounds in order to foster intercultural perspectives.

Towards an Integrated Vision of Human Rights

One of the challenges identified at the outset of this essay involved the development of an integrated view of human rights. An integrated approach to human rights would support a range of rights, including political, social, economic, and cultural rights, and strengthen the links between these rights.

Human rights is a rich field of activity. It remains permanently under construction, and its meanings are constantly discussed and debated. New rights are identified, but on occasion these new rights come into conflict with existing ones, so their emancipatory potential may be difficult to distinguish at first glance. An integrated approach to human rights comprises the legal recognition of rights as well as the effective guarantee of human rights for all.

Thus, an integrated approach is not limited to the legal dimension of human rights. It emerges from an interdisciplinary space and does not focus exclusively on the state. As such, ethics and values are not only the responsibility of the state, but are forged and enacted by individuals as they learn to respect the rights of other

individuals in everyday life. PADH incorporates these considerations in its research, teaching and outreach. The complex realities that we face demand broad approaches and flexibility with respect to concepts, methods and overarching strategies. Interdisciplinary approaches are critical in this respect. They facilitate linkages and debates between different disciplines in a way that develops conceptual, methodological and practical bridges. The interaction between such disciplines as sociology, history and political science helps deconstruct hegemonic discourses and unearth subaltern perspectives in order to cultivate a human rights perspective. Similarly, interpretations of historical and social contexts would not be possible without interdisciplinarity. So-called “critical reading” is another key component of the integrated approach to human rights. Critical reading involves three interrelated processes: the interrogation of theoretical production and knowledge by students and scholars; the recognition of non-scientific modes of thought; and the articulation of critical theories that question not only pseudo-sciences, but also the supposed neutrality of science. These three interrelated processes are oriented towards social transformation, which is embedded in the struggle for freedom and social justice. Critical reading must incorporate tendencies in a range of disciplines, for example the feminist critique of gendered inequality. Simultaneously, human rights discussions cannot exclude the myriad social and political actors struggling for recognition, including social movements, civil society organizations, individual victims and their families, state representatives, and domestic or international bodies that promote and defend human rights.

Traditionally, theory and practice have been regarded as distinct or even antithetical. Yet in spite of their differences and their relative autonomy, theory and practice must inform and redefine each other. The relationship between theory and practice is political to the extent that it is not merely implicated in the interpretation of social reality, but also attempts to transform that reality. Linking theory and practice in human rights through case studies of concrete situations, including some that have been brought before international courts, has helped us make significant progress in this field. These studies facilitate the formulation of strategies for conceptual, methodological or practical solutions.

Finally, the integrated approach to human rights incorporates diversity based on gender, ethnicity, generation, or class as a basic requirement. Situating diversity at the core of the integrated approach thematizes both universal and specific rights, as well as the tension between them. It also helps us interpret the Latin American context, and above all highlights critical problems like inequality, exclusion, exploitation, discrimination, subordination and the ongoing polarization of societies that abuse the rights of large sectors of the population. The emphasis on diversity bolsters the relationship between theory and practice and facilitates intercultural and democratization processes.

The Challenges of Human Rights Education in Colombia

An important legal and conceptual development in human rights education is currently emerging from international institutions, such as the United Nations and the Organization of American States, as well as from universities and other educational institutions. In addition, states have ratified several legal instruments that obligate them to comply with principles of human rights education.

Human rights education addresses not only the formal educational system, but also the organs constitutionally created to guarantee respect for human rights. Universities and schools are implementing important aspects of human rights education, as are informal and non-traditional channels (such as educating homeless people about their rights). A particularly important program has been human rights education for public servants. To give human rights meaning in daily life, we must insist on this educational process within state institutions.

Human rights education therefore takes place on two levels. First, public servants must receive human rights education because they are responsible for guaranteeing the implementation of human rights. Second, human rights education must benefit ordinary citizens, encouraging them to respect diversity in their daily lives.

One of the goals of the National Plan for Education in Human Rights is to make human rights education the object of public policy. It may appear difficult to codify human rights education in a complex social context, especially in a country where human rights violations and breaches of international human rights laws are everyday events. However, we cannot postpone this task. We must insist on human rights education if we want to build a just, egalitarian and inclusive society.

Using the same framework, but within a difficult context of vulnerability and stigmatization, non-governmental organizations implement human rights education in their everyday practices and in the activities they plan. They work for civil and political rights; economic, social and cultural rights; and the rights of women, children, the elderly, people with disabilities, sexual minorities, ethnic minorities, religious groups, and others. The greatest challenge we face in Colombia is to narrow the growing gap between written norms and their application.