



DECLARING

HUMAN DIGNITY

PHOTOGRAPHS BY STEVE McCURRY

IN COMMEMORATION OF the 70th anniversary of the Universal Declaration of Human Rights, the J. Reuben Clark Law School's International Center for Law and Religion Studies (ICLRS), joined by an international organizing committee and under the auspices of the European Academy of Religion, convened a conference in Punta del Este, Uruguay, during the first week of December 2018. The Punta del Este Conference was the culmination of a series of conferences co-organized by the ICLRS over the course of 2018 that explored the notion of human dignity, its relation to freedom of religion or belief, and the important role it has played in forming, guiding, and sustaining consensus on core human rights values despite tensions in a highly pluralized world.

WWW.DIGNITYFOREVERYONE.ORG



PESHAWAR, PAKISTAN

THE

Universal Declaration of Human Rights—adopted by the United Nations General Assembly on December 10, 1948—begins by recognizing “the inherent dignity and . . . the equal and inalienable rights of all members of the human family [as] the foundation of freedom, justice and peace in the world.” In keeping with this assertion, a group of prominent experts and government leaders specializing in human rights and constitutional law met in Punta del Este to build upon preparatory drafting to create and issue the Punta del Este Declaration on Human Dignity for Everyone Everywhere. Opened for signature at the conclusion of the conference, the declaration was signed by 69 original signatories from 35 countries.

The purpose of the Punta del Este Declaration is to broaden support of human rights, to emphasize their universal and reciprocal character, and to remember, reaffirm, and recommit the world to human dignity as the foundational principle of human rights. The declaration is intended to spur further discussion and debate in the hope that many others worldwide will sign and that the declaration can be supplemented and elaborated upon by individual comments, responses from conferences or group efforts, and other initiatives.

A driving force behind the Punta del Este initiative was Ján Figel', special envoy for freedom of religion or belief outside the European Union, who views the declaration as an invitation to the global community for an enriched conversation about the dignity of each person.

Brett G. Scharffs, Rex E. Lee Chair and Professor of Law at BYU Law School and director of the International Center for Law and Religion Studies, observed: “We live in a world where human rights are too politicized and not widely enough viewed as being truly universal. . . . The declaration identifies numerous ways that the concept of dignity is powerful, such as in defining and specifying human rights, emphasizing both rights and duties, advancing human rights education, and seeking common ground in resolving competing human rights claims and as a guiding principle in legislation and adjudication.”

Over the next year, Punta del Este Conference delegates will introduce the declaration to a wide range of government, parliament, civil society, religious, and academic groups with the aim of achieving a broad consensus about the centrality of human dignity.

Following is the Punta del Este Declaration. Its affirmations encourage members of the J. Reuben Clark Law Society to remember, reaffirm, and recommit to the foundational principle of human dignity as they “strive through public service and professional excellence to promote fairness and virtue founded upon the rule of law.”¹

NOTE

¹ Mission statement of the J. Reuben Clark Law Society.

TAHOUA, NIGER





BALUCHISTAN, PAKISTAN

Punta del Este Declaration on Human Dignity for Everyone Everywhere: Seventy Years After the Universal Declaration on Human Rights

DECEMBER 2018

PREAMBLE

Whereas seventy years ago in the aftermath of World War II, the nations and peoples of the world came together in solidarity and solemnity and without dissent adopted the Universal Declaration of Human Rights (UDHR) as a common standard of achievement for all peoples and all nations;

Whereas the Preamble of the UDHR declares that “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world”;

Whereas Article 1 of the UDHR proclaims that “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood”;

Whereas the equal human dignity of everyone everywhere is the foundational principle of human rights and reminds us that every person is of value and is worthy of respect;

Whereas it is important to remember, reaffirm, and recommit ourselves to these basic principles;

Recalling that it was grave violations of human dignity during the wars of the twentieth century that preceded and precipitated the UDHR;

Recalling the international consensus that domestic law alone had not been sufficient to safeguard against and avoid the human rights violations of the World Wars;

Recalling that in spite of all of their differences, nations of the world concurred that the dignity of all people is the basic foundation of human rights and of freedom, justice, and peace in the world;

Recalling that human dignity is the wellspring of and underpins all the rights and freedoms recognized in the UDHR as fundamental;

Recalling that the UDHR has served as the inspiration for an array of international and regional covenants and other instruments, as well as numerous national constitutions, bills and charters of rights, and legislation protecting human rights;

Recognizing that human dignity is not a static concept but accommodates respect for diversity and calls for a dynamic approach to its application in the diverse and ever-changing contexts of our pluralistic world;

Recognizing that although the notion of dignity has been criticized by some as being too abstract, it actually has been and remains a powerful organizing force that points humanity towards its highest ideals and has proven itself as an influential heuristic in constitutional and human rights discourse;

Recognizing that the concept of human dignity emphasizes the uniqueness and irreplaceability of every human being; that it implies a right of each individual to find and define the meanings of his or her own life; that it presupposes respect for pluralism and difference; and that it carries with it the responsibility to honor the dignity of everyone;

Recognizing that severe violations and abuses of human dignity continue to this day, including through wars, armed conflicts, genocides, crimes against humanity, war crimes, and the global crises concerning refugees, migrants, asylum seekers, and human trafficking, and that such depredations continue to threaten peace, justice, and the rights of all;

Recognizing that human rights can easily be fragmented, eroded, or neglected and that constant vigilance is necessary for human rights to be implemented, realized, and carried forward in the world;

Recognizing that human dignity for everyone everywhere and at every level is threatened

when the needs, interests, and rights of one group or individual are placed ahead of those of other groups and individuals;

Emphasizing that equal human dignity is a status with which all human beings are endowed, but also a value that must be learned, nurtured, and lived;

Emphasizing that violations of human dignity require appropriate redress;

Emphasizing that human dignity is now a time-tested principle that can help find common ground, reconcile competing conceptions of what justice demands, facilitate implementation of human rights, and guide adjudication in case of conflicts, and that can also help us respond to distortions, abuse, and hostility towards human rights;

Believing that human rights discourse might be less divisive than it often is and greater efforts might be made to find common ground;

Believing that human rights must be read and realized together;

Believing that the concept of human dignity can help us understand, protect, and implement human rights globally; and

Hoping that the present century will be more humane, just, and peaceful than the twentieth century;

We, the undersigned, do solemnly reaffirm:

The Universal Declaration of Human Rights continues to be “a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping the Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, local, national and international, to secure their universal and effective recognition and observance.”

*We, the undersigned,
do solemnly issue
the following Declaration
on Human Dignity
for Everyone Everywhere:*

1 Foundation, Objective, and Criterion

The inherent human dignity of all people and the importance of respecting, promoting, and protecting human dignity for everyone everywhere is the foundational principle and the key objective or goal of human rights, as well as an invaluable criterion for evaluating laws, policies, and government actions for how well they accord with human rights standards. Protecting, promoting, and guaranteeing respect for the human dignity of everyone is a fundamental obligation of states, governments, and other public bodies, whether local, regional, national, or international. Promoting human dignity is also a responsibility of all sectors of society, and of each of us as human beings. Doing so is the key to protecting the equal and inalienable rights of all members of the human family, and remains the foundation of freedom, justice, and peace in the world.

2 Generating Agreement and Building Common Understanding

The inherent dignity of every human being was the key idea that helped generate agreement and a common understanding at the time of the adoption of the UDHR about human rights of all people, in spite of diversity and deep differences, notwithstanding divergent political and legal systems. Human dignity for everyone everywhere is valuable as a point of departure for exploring and understanding the meaning of human rights, as a basis for finding common ground regarding human rights and consensus about their content and meaning. It provides an approach to building bridges between various normative justifications of human rights, including those with religious and secular theoretical groundings. Respecting human dignity for everyone everywhere facilitates discussions on different conceptions of shared values. Human dignity is a broad concept that nevertheless invites in-depth reflection within differing traditions and perspectives. Human dignity for all reminds us that human rights are universal, inalienable, indivisible, interdependent and interrelated.

3 Defining and Specifying Human Rights

Dignity is an essential part of what it means to be human. Respect for human dignity for everyone everywhere helps us define and understand the meaning and scope of all human rights. Focusing concretely and in actual situations on human dignity and its implications for particular human rights claims can help identify the specific content of these rights as well as how we understand human dignity itself.



4 Duties and Responsibilities

Human dignity for everyone everywhere emphasizes the concept in the UDHR that rights include accompanying obligations and responsibilities, not just of states but also of all human beings with respect to the rights of others. Dignity is a status shared by every human being, and the emphasis on everyone and everywhere makes it clear that rights are characterized by reciprocity and involve corresponding duties. Everyone should be concerned not only with his or her own dignity and rights but with the dignity and rights of every human being. Nonetheless, human dignity is not diminished on the ground that persons are not fulfilling their responsibilities to the state and others.

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5 Education

Recognition of human dignity is a vital basis for teaching and education. Human rights education is of importance to promoting respect for the equal dignity of everyone. Such education is essential for sustaining dignity and human rights into the future. Equal access to education is a crucial aspect of respecting human dignity.

6 Seeking Common Ground

Focusing on human dignity for everyone everywhere encourages people to search for ways to find common ground regarding competing claims and to move beyond exclusively legal mechanisms for harmonizing, implementing, and mutually vindicating human rights and finding solutions to conflicts.

7 Implementing and Realizing Human Rights in Legislation

Recognition of human dignity for everyone everywhere is a foundational principle of law and is central to developing and protecting human rights in law and policy. The richness of the concept of dignity resists exhaustive definition, but it encourages the pursuit of optimum mutual vindication where conflicting rights and values are involved. It is critical for moving beyond thinking exclusively in terms of balancing and tradeoffs of rights and interests.

8 Reconciliation and Adjudication

Recognition of human dignity for everyone everywhere is an important constitutional and legal principle for reconciling and adjudicating competing human rights claims, as well as claims between human rights and other important national and societal interests. Mutual vindication of rights may be possible in adjudication and may be further facilitated if all involved focus on respecting the human dignity of everyone. When mutual vindication of rights is not possible, dignity for all can help us to delineate the scope of rights, to set the boundaries of permissible restrictions on the exercise of rights and freedoms, and to seek to bring into fair balance competing rights claims. Respect for dignity plays an important role not only in formal adjudication but also in mediation or other forms of alternative dispute resolution.

9 Potential Difficulties Involving Competing Human Rights Claims

Respecting the human dignity of everyone everywhere supports effective human rights advocacy. Recognizing the universal and reciprocal character of human dignity is a corrective to positions claiming rights for some but not for others. It helps to defuse the hostility that is often associated with human rights controversies and to foster constructive dialogue. It also helps mitigate the distortion, avoidance, and selective recognition of human dignity.

10 Most Egregious and Most Feasible

Human dignity for everyone everywhere reminds us to work toward the elimination of the most egregious abuses of the human rights of individuals and groups, including genocide, crimes against humanity, war crimes, and other atrocities. It also reminds us to protect those human beings most at-risk of human rights violations. At the same time, it encourages efforts to respond to problems that may be amenable to practical and feasible solutions.



Original Signatories to the Declaration

David Alton, Lord Alton of Liverpool (United Kingdom)

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