

Brett G. Scharffs and Ewelina U. Ochab: Dignity and International Human Rights Law
An Introduction to the Punta del Este Declaration on Human Dignity for Everyone Everywhere

Foreword by Ján Figel'

Human dignity and fraternity: roots and fruits of human rights universality

Religion has been with humankind from the beginning of history helping to build personal relationships and communities (*religare*). Faith served to inspire, to strengthen spiritual life, and to guide the human person. But religion has been frequently abused in the quest for power and supremacy, and to subdue others. We have seen repetitive waves of persecution and mass atrocities, the latest ones in Sri Lanka, New Zealand, Burkina Faso, and Nigeria. Peace and peaceful cohabitation of different people, communities, and cultures are based on justice. Justice for all. The core of modern justice is defined by fundamental human rights. And human dignity is a foundational principle of all human rights.

Why do we need to emphasize dignity? Because we need to defend principles of justice against religious and other types of fundamentalism, ideological and totalitarian oppression, and ethical relativism. We witness opposition to the universality of fundamental human rights, divisions among countries and nations on human rights, and the refusal or questioning of these rights in times of migration crises. If there is a point of convergence and consent between religious humanists and secular humanists, it is human dignity as a base of each person's undeniable and inalienable rights. Dignity is a privileged way to correctly address issues of freedom and equality in society.

Human dignity is the common denominator for the three monotheistic religions. All Abrahamic traditions consider that religious freedom is rooted in the dignity of the human person. It is their common denominator, from the past and for the future.

In Judaism, the notion of Human Dignity (*medabèr 'al kavod*) is also a key concern. In the first place, human dignity stems from a person's resemblance to God in the story of Genesis. An important question then is to interpret whether dignity is in the likeness of the divine. Or, if there is a dignity that is intrinsic to human nature and that is sourced without reference to transcendence? A vast question, indeed. Other references underline the importance of dignity in Judaism. This dignity granted to humans gives freedom but also demands responsibility and creativity.

In Christianity, human dignity is equally central. Let me share this quote:

A sense of the dignity of the human person has been impressing itself more and more deeply on the consciousness of contemporary [men and women], and the demand is increasingly made that men [and women] should act on their judgment, enjoying and making use of responsible freedom, not driven by coercion but motivated by a sense of duty.

This is the first paragraph of *Dignitatis Humanae* of 1965, the Declaration on Religious Freedom made by the Second Vatican Council. It speaks to all of us today. "The Council further declares that the right to religious freedom has its foundation in the very dignity of the human person."

In Islam, human dignity (*karamah*) is an important and well-established principle. The very foundation of the dignity of man is that he has been endowed with reason, freedom of belief, opinion, and expression. As a result, no one has the right to judge people for their faith or persecute and discriminate against them on religious or ethnic grounds or wage war against someone because of their beliefs. The right to dignity is a key part of the Beirut Declaration on Religious Freedom (Makassed Philanthropic Islamic Association, June 20, 2015). This is a powerful, and clear text reminding us of the Quranic roots of this freedom. The importance of human beings and dignity in the Quran is established since “the angels are asked to bow down to Adam.”

Therefore, major faith traditions affirm a commitment to upholding the dignity and the equal worth of all human beings, women, and men. It is often forgotten that the Universal Declaration of Human Rights is based on and derived from values common to major religions.

Three dimensions of human dignity

Human dignity can be articulated in three dimensions, which are critical for a positive change in the human rights climate: Me - Thee - We. They need to be brought together:

Human dignity concerns me. My specificity is my uniqueness. In common with every person, past, present, and future billions, I am unique. And from this uniqueness, I draw my dignity and project my specificity. This is something original that nobody can ever replicate or replace. It is a specific and unique contribution to my fellow human beings. If this originality, authenticity, and uniqueness is not “revealed,” is not “fulfilled,” it will be lost. My own dignity causes me to interpret the world, make choices, and interact with others, according to my conscience, my reason, and my convictions. To do so I need to exercise all my freedoms: freedom of thought, of expression, of action.

Human dignity is not limited to my freedom. It includes the freedom of the other. It invites me to exercise tolerance and to define my limits, to respect the other. There is of course also an imperative of equity and equality and therefore of justice. It is certainly not a coincidence that Plato, in his *Republic*, gives such a central place to justice, presenting it as mortal perfection. It is not abstract. Plato delineates it in concrete terms: “to render to each one his due, this is the fact of justice.” It contributes directly and centrally to living together in the city.

Human dignity is a responsibility that must be shouldered. If dignity gives rise to rights, it also implies duties and responsibilities. These responsibilities are not fixed or static, but must be developed and exercised, and maintained through time. Also, human dignity is not only an individual responsibility. Since I am part of the community, dignity has also a collective, a social, or societal dimension. The “religious social responsibility” in particular is that of seeking the “common good.” For their part, religious actors need to contribute to the strengthening of social cohesion and justice in society.

Consequently, we need to rediscover the old notion of the “common good” coined in the 13th century by Thomas Aquinas. *Bonum commune* was a decisive objective for Schuman, Adenauer, and de Gasperi, when they launched the unparalleled project of European integration. This notion has the advantage of summarizing the principles and objectives set out in the European Treaties

(solidarity, subsidiarity, proportionality). However, it seems again the most relevant ethical and political vision to face the most burning issues we need to address today in the world.

Let me add some references to the European Union, as the first-ever EU Special Envoy on Freedom of Religion or Belief:

- (1) Any contribution that the EU seeks to make to the cause of freedom of religion or belief must be constructive and promoted through a rights-based approach and cooperation. Not teaching, not preaching, but sharing.

We are here to listen, to engage, but also to learn. To play host to each other. It is only through “shared hospitality” that we can live together without divisions and conflicts, united in diversity. The alternative is to give in to the temptations of populism, nationalism, and violent extremism.

- (2) Attention to youth and education is a prerequisite for fruitful hospitality. Schools, universities, and textbooks play a major role in the presentation of the other. There is dignity of difference, says Jeffrey Sachs¹. We are all different in identity, but we are all equal in dignity! Europe and the world have had to learn the importance of education to peace and reconciliation. Robert Schuman² believed that the “detoxification” of history textbooks, on both sides, was one of the first necessities of peace. This is *conditio sine qua non* for Israeli-Palestinian peaceful coexistence. Pope Francis in his Al-Azhar address (April 2017) made education a top priority; education could become, he said, “wisdom for life if it draws out of men and women the best of themselves, is centered on human dignity, fosters a sense of identity, and overcomes temptations to rigidity and closed-mindedness.”

Finally, the European Union attaches to human dignity the primary position in the Charter of Fundamental Rights of the Union (Title 1, Article 1).

The Abu Dhabi Declaration: Document on Human Fraternity for world peace and living together (February 2019) starts with “Human beings equal in rights, duties, and dignity...” Equal dignity gives each of us a place within one human family, one humanity. Therefore, in line with the UDHR, a spirit of brotherhood and sisterhood is our duty and right. To be treated as brothers and sisters and to treat others as brothers and sisters. The concept of dignity is basic to the reason and logic behind the universality of human rights. Dignity is the root/source of inalienable and undeniable rights of each person. The universality of human rights is implicit in the logical character of fundamental human rights. And fraternity is the fruit of this conviction. Dignity is the root and fraternity is the fruit of these roots. One, equal dignity calls for one, equal fraternity. This represents one humanity and universality of humankind.

Human dignity, the universality of rights, and the duty or privilege of the fraternity are interrelated, indivisible – like roots, trees, and fruits. Without equal dignity, how could we speak about universality, the oneness of humankind, and the demands of fraternity? Individual human dignity

¹ Professor of economics and Director of the Center for Sustainable Development at Columbia University

² A Luxembourg-born French statesman regarded as one of the founding fathers of European unity.

entered global constitutional history in a small country – Ireland, in 1937. But after the drama of World War II, we can find it in many modern Constitutions – those of Federal Germany and India for example, but also in the UN Charter and Universal Declaration of Human Rights. To bear more and better fruits of this universal, humane approach in our conflicting world, we must cultivate this notion: understanding and promotion of human dignity for all. We all need to nurture cultures of human dignity.

Let me conclude by reflecting on the Declaration on Human Dignity for Everyone Everywhere, adopted in December 2018, in Punta del Este, Uruguay. By issuing the Punta del Este Declaration, its signatories wish to respect and protect the human dignity of every human person as to its innate worth. And to make an even stronger and active commitment, they subscribe to “human dignity for everyone everywhere.” Dignity is described here as the foundational principle, criterion, and key objective of human rights.

Despite the achievements of the landmark document that the Universal Declaration still represents, we need a positive change to the human rights climate. The Punta del Este Declaration appears as an active step to trigger this transformation throughout the ongoing UDHR jubilee year and beyond. In other words, it is an invitation to the global community for an enriching conversation about “dignity for everyone everywhere.” The Declaration is a commitment to tapping the inspirational potential of the notion of human dignity and to promote cultures of human dignity. Economy and security are necessities like daily bread. But culture gives sense to our lives and to our living together, gives meaning to our relations. While economy and security are the roots, culture is the flowering.

There are many commendable initiatives on peaceful coexistence from Morocco, Jordan, Bahrain, UAE, the Vatican, and Al Azhar.

Therefore, it is time to move onwards and upwards together, to do more, and to do it better. Every community and country must move forward. Change comes from words to deeds to habits forming character, impacting culture, and destiny. A culture of human dignity for all is the opposite of ignorance and stands against intolerance, indifference, and fear. The 21st century can be an era of hope, replacing the past century of divisions, manipulating propaganda, violence, and genocides. We must stand up to our promise: NEVER AGAIN will there be a genocide. We must learn how to live (not only to exist) in diversity. Special attention must be given to young people: working with youth, for youth, through youth, and finding a peaceful future for the MENA region, for the Israeli-Palestinian conflict, for a democratic Pakistan, for peace and real development in the ACP countries.

Respect for human dignity starts with respect of FoRB, i.e., freedom of thought, conscience, and religion. My hope is for a renewed, strong commitment to human dignity culture. Thank you very much for your attention, cooperation, and support.

Ján Figel', Special Envoy for Promotion of Freedom of Religion outside the EU,
National Press Club, Washington D.C., July 15, 2019,
at the side event conference to the 2nd Ministerial Summit on Advancing Religious Freedom