

I

The Human Person at the
Center of Fundamental Rights and
Protagonist of Development

Introduction to Chapter I

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Explanatory Notes

Introduction

After the crimes and horrors of the Second World War, the Universal Declaration of Human Rights (UDHR), adopted by the UN in 1948, set the protection, promotion and respect of the human person as the central concern of the international community. This concern had inspired the drafters of the UN Charter when they proclaimed:

We the peoples of the United Nations determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small ... and to promote social progress and better standards of life in larger freedom, and for these ends to practice tolerance and live together in peace with one another as good neighbors ... for the promotion of the economic and social advancement of all peoples ... have resolved to combine our efforts to accomplish these aims.¹

The UDHR affirms that the ‘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.’²

The centrality of the human person recognized by the international community found its roots in the long journey of humankind from Greek philosophy, Roman jurisprudence and Christian inspiration. Pope John Paul II hailed the Declaration as ‘a true milestone on the path of humanity’s moral progress’,³ adding that ‘all the subsequent international documents on human rights declare this truth anew.’⁴ It recognizes and affirms that human rights stem from the inherent dignity and worth of the human person and that these rights apply to every stage of life and to every political, social, economic and cultural situation. In his address to the General Assembly, Pope Benedict XVI also praised the UDHR as ‘the outcome of a convergence of different religious and cultural traditions, all of them motivated by the common desire to place the human person at the heart of institutions, laws and the workings of society, and

¹ Charter of the United Nations, Preamble, www.un.org/en/documents/charter/preamble.shtml.

² Universal Declaration of Human Rights, Preamble, www.un.org/en/documents/udhr/.

³ Pope John Paul II’s Message for the 1999 World Day of Peace, http://w2.vatican.va/content/john-paul-ii/en/messages/peace/documents/hf_jp-ii_mes_14121998_xxxii-world-day-for-peace.html.

⁴ Ibid.

to consider the human person essential for the world of culture, religion and science'.⁵ Thus, the universality of human rights finds its justification in the fact of the universality of man's common nature.

Human rights constitute the ethical substratum of international relations.⁶ Therefore, the advancement of their universality and indivisibility, essential for the construction of a peaceful society and for the overall development of individuals, peoples and nations, remains at the heart of the position of the Holy See in the international arena.

The language of the original UN human rights discourse and that of the Holy See converge to a very significant degree. However, one may observe a recent trend wherein increasing efforts have been made to change the content and meaning of the human rights language in various UN Conventions and Declarations. There is a tendency to reinterpret them according to a 'post-modern' conception of the human person. From this perspective, the individual is considered an end in him/herself. Such a myopic understanding of the person and of human rights that focuses solely on the fulfilment of individual desires, suffocates the aspiration towards the other, thus encouraging a selfishness that often leads to emptiness and death. However, the promotion of the dignity of the human person and of a just international order based on the respect for natural law and non-negotiable ethical principles explains the constant support given by the Holy See to the original ideas of the UN Charter and the UDHR. The position of the Holy See consistently points out the four pillars on which social order should rest, which were formulated by Pope John XXIII: 'nations are the subjects of reciprocal rights and duties. Their relationships, therefore, must likewise be harmonized in accordance with the dictates of truth, justice, willing cooperation, and freedom. The same natural law that governs the life and conduct of individuals must also regulate the relations of political communities with one another.'⁷

Generally, the diplomatic activity and representation of the Holy See in the field of human rights includes informal consultations relating to Resolutions of the UN Human Rights Council (HRC), official interventions, as well as the hosting of round tables, conferences and side

⁵ http://w2.vatican.va/content/benedict-xvi/en/speeches/2008/april/documents/hf_ben-xvi_spe_20080418_un-visit.html.

⁶ Ibid.

⁷ Pope John XXIII, *Pacem in Terris*, Encyclical Letter on Establishing Universal Peace in Truth, Justice, Charity, and Liberty, Vatican City, 11 April 1963, para. 80, http://w2.vatican.va/content/john-xxiii/en/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem.html.

events.⁸ These activities aim at developing a global culture that meets the needs of all people, rich and poor, through an advocacy based on a justice-oriented Christian anthropology. As stated by Pope Francis: ‘our duty is to continue to insist, in the present international context, that the human person and human dignity are not simply catchwords, but pillars for creating shared rules and structures capable of passing beyond purely pragmatic or technical approaches in order to eliminate divisions and to bridge existing differences.’⁹ This diplomacy of universal values is prompted by the conviction that the human person is open to transcendence. Pope John Paul II eloquently recalled this importance: ‘Every person, created in the *imago Dei*, i.e. the image and likeness of God, and therefore radically oriented towards the Creator, is constantly in relationship with those possessed of the same dignity. Promoting and defending the good of the individual is thus to serve the common good, which is where rights and duties converge and reinforce one another.’¹⁰ The same Pontiff cautions that: ‘The history of our time has shown in a tragic way the danger which results from forgetting the truth about the human person ... it must be said again that no affront to human dignity can be ignored, whatever its source, whatever actual form it takes and wherever it occurs.’¹¹

The attention given to the rights of every human person is clearly manifest in the interventions delivered by the Holy See to the former Commission on Human Rights and then to the Human Rights Council. These discourses consistently reflect the universality and indivisibility of human rights¹² and cover a wide variety of issues affecting the life of the family of nations. The United Nations Commission on Human Rights was established in 1946 ‘to weave the international legal fabric that protects the fundamental rights and freedoms and to set standards to govern the conduct of States.’¹³ Over the course of its existence, however, the

⁸ For instance, the Holy See has organized official side-events at the United Nations on the following topics: migration, freedom of religion, protection of Christians in the Middle East, etc.

⁹ http://w2.vatican.va/content/francesco/en/speeches/2013/june/documents/papa-francesco_20130620_38-sessione-fao.html.

¹⁰ http://w2.vatican.va/content/john-paul-ii/en/messages/peace/documents/hf_jp-ii_mes_14121998_xxxii-world-day-for-peace.html.

¹¹ *Ibid.*

¹² Cf. ‘The Respect of All Human Rights is the Source of Peace’ (2007); ‘Human Dignity is the Pillar of Human Rights’ (2008); ‘A Reaffirmation of the Supreme Value of Human Dignity’ (2008).

¹³ www2.ohchr.org/english/bodies/chr/.

Commission came under intense criticism for its politicized membership that included countries with horrendous human rights records. It was also considered ineffective and unable to address urgent human rights crises, and reproached for its selective and politicized decision-making.¹⁴ These criticisms culminated in a UN reform process on 15 March 2006 when the General Assembly adopted Resolution A/RES/60/251¹⁵ establishing the Human Rights Council (HRC): a new, stronger institution to replace the Commission on Human Rights, where human rights would be treated as the UN's 'third pillar' along with security and development. The HRC is an intergovernmental body within the United Nations consisting of forty-seven Member States elected by the General Assembly. Regular sessions of the Council are convoked three times a year (March, June and September). Upon the request of one-third of the Member States, the Council may also hold a Special Session to address urgent human rights violations and emergencies at any time. A significant innovation of the HRC is the Universal Periodic Review (UPR) that systemically examines every four years how States implement human rights. The HRC is the organ of the UN responsible for the promotion and protection of human rights around the globe and for addressing situations of human rights violations and making recommendations on them.¹⁶

The interventions of the Holy See in the promotion and defence of the primacy of the human person, including the right to life, represent the most substantial section of this chapter. The right to life is the condition for the exercise of all other rights and requires a commitment to uphold life from conception to natural death. Recent evolutions and trends in public culture, particularly in some Western countries, accompanied by breakthroughs in the field of genetic engineering, pose a significant challenge. In response, the Holy See coherently upheld that 'the right to life must be promoted and safeguarded with appropriate legal and political guarantees, for no offence against the right to life, against the dignity of any single person, is ever unimportant.'¹⁷ This also includes the need to

¹⁴ Julie A. Mertus, *The United Nations and Human Rights: A Guide for a New Era*, 2nd edn, London: Routledge, 2009.

¹⁵ www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf.

¹⁶ www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx. The Council is made up of 47 United Nations Member States which are elected by the United Nations General Assembly.

¹⁷ http://w2.vatican.va/content/john-paul-ii/en/messages/peace/documents/hf_jp-ii_mes_14121998_xxxii-world-day-for-peace.html.

ensure adequate care for the sick and the elderly¹⁸ and to support the role of the family as the fundamental cell of society. The right to life includes ‘the right of the child to develop in the mother’s womb from the moment of conception; the right to *live in* a united family and in a moral environment conducive to the growth of the child’s personality’.¹⁹ This principle is also recalled in the preamble of the UN Convention on the Rights of the Child, ‘The child by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth.’²⁰

The protection of children has become an even greater concern for the Holy See. The scourge of child abuse and any form of sexual violence against children and young people²¹ have been repeatedly and unambiguously condemned. For example, Pope Benedict XVI declared that ‘sexual abuse of minors is always a heinous crime’, and it is also a ‘grave sin that offends God and human dignity’.²²

The interventions contained in this chapter illustrate how the Holy See’s engagement and commitment develop in a two-pronged direction: first, in the proclamation of the Christian foundations of human rights with their universality and indivisibility, and, second, in the denunciation of any violations of basic human rights. This approach is what brought the Holy See to ratify the following UN Conventions: International Convention on the Elimination of All Forms of Racial Discrimination (1969); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987); Convention on the Rights of the Child (1990) and to submit periodic reports.

Experience shows that between the noble ideals proclaimed and legislated and their practical implementation, there remains a wide gap. It becomes a duty for the Holy See to be the voice of conscience, sustaining and promoting those rights that are all too often violated. In addition to the right to life, it defends the right to access to safe drinking water and basic sanitation, the right to adequate housing,²³ the right to education

¹⁸ Cf. ‘The Right to Health of Older Persons’ (2011).

¹⁹ Pope John Paul II, Encyclical Letter, *Centesimus Annus*, § 47, https://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_01051991_centesimus-annus.html.

²⁰ www.ohchr.org/en/professionalinterest/pages/crc.aspx. In this regard, see ‘Maternal Mortality and the Human Rights of Women’ (2008) and ‘Preserving Life for Both Mother and Child’ (2010).

²¹ Cf. ‘The Social Wound of Forced Conscriptio of Children’ (2013).

²² Cf. ‘We Must Combat Sexual Violence against Children’ (2010), ‘The Scourge of Sexual Abuse against Minors’ (2012).

²³ Cf. ‘A House is Much More than Just a Roof’ (2012).

and the right to food. On the last, especially in the wake of the surge in global food prices following the economic and financial crisis that threatened the stability of many developing countries, several statements have been delivered at the Human Rights Council.²⁴ Likewise, it has repeatedly asserted the need to eradicate hunger worldwide, which can be seen as a ‘slow death’ depriving children of their natural developmental opportunities. A clear direction is given by Pope Francis as he calls ‘to bring down the barriers of individualism, of being shut-in on ourselves, of the slavery of profit at all cost²⁵ and to overcome the throw-away culture.²⁶

Finally, a major objective for the Holy See remains the need significantly to advance the right to development and the right to international solidarity. In her interventions in the UN fora, the Holy See stresses: the unity of origin and a shared destiny of the human family; the equal dignity of every person; integral human development, namely, the intimate and indissoluble link between the development of societies at large and the development of the human person in both the physical and spiritual aspects; and the need for solidarity and subsidiarity in the search of a healthy and sustainable development.²⁷ Solidarity is not simply an option but a duty.²⁸ UN data revealed that, in 2014, over 2.2 billion people (over 15 per cent of the world’s population) are still estimated to be either near, or living in, poverty with overlapping deprivations in health, education and living standards.²⁹ Because of such tragic and unjust situations, the Holy See has insisted on the need to recognize legally the principle of solidarity³⁰ in addressing these widespread inequalities, which Pope Francis defines as ‘the root of social evil’.³¹

In a globalized culture, the human person seems increasingly subjugated and exploited by ideological and economic systems. Hence, it becomes even more compelling for the Holy See to reaffirm that human dignity must remain the source of all human rights. At a time when the media highlight the most tragic conflicts around the world, the economic

²⁴ Cf. ‘How Can We Feed the 854 Million? The Cost of Hunger Worldwide’ (2008); ‘Ensure that Food Flows to Those in Need’ (2011).

²⁵ www.vatican.va/holy_father/francesco/messages/food/documents/papa-francesco_20131016_messaggio-giornata-alimentazione_en.html.

²⁶ Cf. ‘The Right to Food Requires Social Solidarity among All Peoples’ (2014).

²⁷ *Compendium of the Social Doctrine of the Church*, § 446.

²⁸ Cf. ‘Implementing the Right to Development for Justice and Peace’ (2014); ‘A Duty of Collaboration across Political and Geographical Lines’ (2005).

²⁹ UN Special Rapporteur on the Eradication of Extreme Poverty, 17 Oct. 2014, www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=15175&LangID=E.

³⁰ Cf. ‘A Globalization of Solidarity’ (2014).

³¹ Tweet by Pope Francis @pontifex, 28 April 2014.

and financial crisis and the clash of civilizations and cultures, the Holy See advocates a ‘civilization of love’, the fruit of the universal values of peace, solidarity, justice and freedom. The diplomatic activity and advocacy of the Holy See in the field of human rights accompanies all peoples, especially the most suffering and vulnerable. It provides a ray of hope that transforms the pains of recent history into a renewed sense of human dignity.

List of Statements

1 Right to Life

- MATERNAL MORTALITY AND THE HUMAN RIGHTS OF WOMEN, 8th Session of the Human Rights Council – Item 3: *Maternal Mortality and the Human Rights of Women* (5 June 2008)
- PRESERVING LIFE FOR BOTH MOTHER AND CHILD, 14th Session of the Human Rights Council: *Maternal Mortality Panel* (14 June 2010)
- PRACTICES IN ADOPTING A HUMAN RIGHTS-BASED APPROACH TO ELIMINATE PREVENTABLE MATERNAL MORTALITY AND HUMAN RIGHTS, 18th Session of the Human Rights Council – Item 3 (15 September 2011)
- EARLY MARRIAGES, ADOLESCENT AND YOUNG PREGNANCIES, 130th Session of the Executive Board, World Health Organization, re: Agenda Item 6.4, 16 (1 December 2011)
- PLACING PRIORITY ON REDUCING INFANT AND MATERNAL MORTALITY RATES, 21st Session of the Human Rights Council – Item 8: *Vienna Declaration and Programme of Action* (24 September 2012)
- RECOMMENDATIONS OF THE COMMISSION ON LIFE-SAVING COMMODITIES FOR WOMEN AND CHILDREN, 132nd World Health Organization Executive Board, re: EB 132/ Conf. Paper/1 – Draft Resolution on Implementation of the recommendations of the Commission on Life-Saving Commodities for Women and Children (23 January 2013)
- THE INADMISSIBILITY OF THE DEATH PENALTY, Statement delivered to the 28th Session of the Human Rights Council – Item 1: *The Question of the Death Penalty* (4 March 2015)

2 Rights of the Child

- TO RESPECT THE CHILDREN IS TO RESPECT ALL HUMANITY, 4th Session of the Human Rights Council (23 March 2007)

- WE MUST COMBAT SEXUAL VIOLENCE AGAINST CHILDREN, 13th Session of the Human Rights Council: *Annual Full-Day Meeting on the Rights of the Child* (10 March 2010)
- GUIDELINES ON THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD TO PROVIDE A COMMUNICATION PROCEDURE (OPC), 17th Session of the Human Rights Council – Item 5, Geneva (6 June 2011)
- THE SCOURGE OF SEXUAL ABUSE AGAINST MINORS, 19th Session of the Human Rights Council – Item 3: *Violence against Children* (8 March 2012)
- CHILD’S RIGHT TO HEALTH, 22nd Session of the Human Rights Council, *Annual Full-Day Meeting on the Rights of the Child* (7 March 2013)
- THE SOCIAL WOUND OF FORCED CONSCRIPTION OF CHILDREN, 24th Session of the Human Rights Council – Item 3: *Children and Armed Conflict* (10 September 2013)
- PRESENTATION OF THE PERIODIC REPORT OF THE HOLY SEE TO THE COMMITTEE ON THE CONVENTION OF THE RIGHTS OF THE CHILD AND THE OPTIONAL PROTOCOLS, *Committee on the Convention of the Rights of the Child and the Optional Protocols* (16 January 2014)
- IMPLICATIONS OF FAMILY BREAKDOWNS ON THE VIOLENCE AGAINST CHILDREN, 25th Session of the Human Rights Council – Item 3: *Reports of the Special Rapporteurs on Sale of Children, Child Prostitution and Child Pornography; Violence against Children; and Children in Armed Conflict* (13 March 2014)
- SYRIAN CHILDREN IN LIMBO: LIFE WITHOUT A LEGAL IDENTITY AND POOR EDUCATION, 28th Session of the Human Rights Council – Item 4: *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic* (17 March 2015)

3 Human Dignity and the Right to Basic Needs

- THE RESPECT OF ALL HUMAN RIGHTS IS THE SOURCE OF PEACE, 6th Session of the Human Rights Council on the beginning of the Year of Commemoration of the 60th Anniversary of the Universal Declaration of Human Rights (10 December 2007)
- HUMAN DIGNITY IS THE PILLAR OF HUMAN RIGHTS, 7th Session of the Human Rights Council (5 March 2008)
- HOW CAN WE FEED THE 854 MILLION? THE COST OF HUNGER WORLDWIDE, 7th Special Session of the Human Rights Council on

the negative impact of the worsening of the world food crisis (22 May 2008)

- SEEK JUSTICE FROM VIOLATIONS: THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR), 8th Session of the Human Rights Council on the Report of the Chairperson of the Working Group on an Optional Protocol to the ICESCR (4 June 2008)
- A REAFFIRMATION OF THE SUPREME VALUE OF HUMAN DIGNITY: 60TH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, Human Rights Council Commemorative Session on the occasion of the 60th anniversary of the Universal Declaration of Human Rights (12 December 2008)
- THE RIGHT TO SAFE DRINKING WATER AND BASIC SANITATION, 15th Session of the Human Rights Council: *Interactive Dialogue on Human Rights* (16 September 2010)
- RIGHT TO FOOD: ENSURE THAT FOOD FLOWS TO THOSE IN NEED, 16th Session of the Human Rights Council (8 March 2011)
- THE ROLE OF RELIGIOUS ORGANIZATIONS IN UNIVERSAL EDUCATION, 2011 High-Level Segment of the Economic and Social Council (6 July 2011)
- A HOUSE IS MUCH MORE THAN JUST A ROOF: THE RIGHT TO ADEQUATE HOUSING, 19th Session of the Human Rights Council – Item 3: *Adequate Housing* (23 March 2012)
- EDUCATION IS A VITAL CONDITION FOR PROGRESS, 20th Session of the Human Rights Council: *Presentation of the Report of the Special Rapporteur on the Right to Education* (27 June 2012)
- THE RIGHT TO FOOD REQUIRES SOCIAL SOLIDARITY AMONG ALL PEOPLES, 25th Session of the Human Rights Council – Item 3: *Report of the Special Rapporteur on the Right to Food* (10 March 2014)

4 Right to Development

- SUBSIDIARITY AND SOCIAL INCLUSION FOR DEVELOPMENT, 60th Session of the Human Rights Commission – Item 7: *The Right to Development* (24 March 2004)
- A DUTY OF COLLABORATION ACROSS POLITICAL AND GEOGRAPHICAL LINES, 61st Session of the Commission on Human Rights (22 March 2005)
- IMPLEMENTING THE RIGHT TO DEVELOPMENT FOR JUSTICE AND PEACE, Right to Development anniversary: ‘*Sustainable Development*