



THE PUNTA DEL ESTE

Declaration on Human Dignity

FOR EVERYONE EVERYWHERE

INTERNATIONAL CENTER FOR LAW AND RELIGION STUDIES



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Reaffirming the 1948 Universal
Declaration of Human Rights

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.

THE UNIVERSAL DECLARATION of Human Rights (UDHR)—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 acknowledgment, a group of prominent experts and government leaders specializing in human rights and constitutional law built upon preparatory drafts to revise, refine, 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 initially signed by 68 original signatories from 35 countries.

“Despite the achievements of the landmark document that the UDHR is, it is clear that we need a positive change to the human rights climate. The Declaration is an active step to trigger this transformation.” —JÁN FIGEL

Discussing the Declaration, Brett G. Scharffs, Professor of Law and Director of the ICLRS, observed, “We live in a world where human rights are too politicized and not widely enough viewed as being truly universal. The Declaration aims to address this issue by emphasizing the many ways that human dignity is a useful concept.” Professor Scharffs added, “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.”

Ján Figel, Special Envoy for the promotion of freedom of religion or belief outside the European Union and a driving force behind the initiative, stated, “Despite the achievements of the landmark document that the

UDHR is, it is clear that we need a positive change to the human rights climate. The Declaration is an active step to trigger this transformation.” He views the Declaration as an invitation to the global community for an enriched conversation about the dignity of each person.

W. Cole Durham, Jr., Professor of Law and Founding Director of the ICLRS, said, “The Punta del Este conference has brought together a remarkable and diverse group of legal and policy thinkers committed to tapping the aspirational potential of the concept of human dignity.”

Conference participants agreed that human dignity provides a common starting point for discussions on human rights and a bridge when those rights appear to be in conflict. Silvio Ferrari, Professor of Canon Law at the University of Milan and Founder and Honorary Lifetime President of the International Consortium

for Law and Religion Studies, explained, “We cannot speak of human rights without referring to human dignity. A dynamic, open, and comprehensive notion of human dignity is the condition for overcoming differences and building a consensus on a context-sensitive implementation of the universal human rights.”

Conference delegates plan to 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. Over the next year, conference participants will engage in several initiatives at global, regional, and national levels to present and discuss the Declaration and re-energize the commitment to human rights by way of reinforcing inherent and inalienable human dignity for everyone everywhere.





THE DECLARATION IS the culmination of several preliminary events on human dignity held over the course of 2018, including at Central European University in Budapest, at Oxford University, and at the 25th Annual International Law and Religion Symposium at Brigham Young University in Provo, Utah.

▲ **Europe Regional Conference**
*“Human Dignity for Everyone Everywhere:
From Tensions and Conflict to Reconciliation”*

Central European University
Budapest, Hungary
June 1-2, 2018



▲ **Europe Regional Conference**

*"Human Dignity for Everyone
Everywhere: Founding Figures,
Foundations, and the Uses of
Human Dignity"*

Christ Church College, Oxford

United Kingdom
August 3-4, 2018

▼ **25th Annual International Law
and Religion Symposium**

*"Protecting Religious Freedom and
Dignity: The Universal Declaration of
Human Rights at 70"*

**BYU Law School and the
International Center for Law
and Religion Studies**

Provo, Utah, United States
October 6-10, 2018

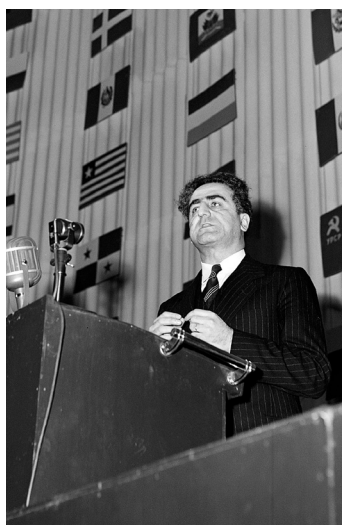


The Universal Declaration of Human Rights 1948



Mrs. Eleanor Roosevelt of the United States (top) holding a Universal Declaration of Human Rights poster in Spanish; November 1, 1949, United Nations (Lake Success), New York.

Mrs. Shrimati Lakshmi Menon of India (left) and Dr. Charles Malik of Lebanon (right) address the General Assembly prior to the adoption of the Universal Declaration of Human Rights; December 9–10, 1948, Paris, France.



Children of United Nations staff members look at the Universal Declaration of Human Rights. All nations in the world have been invited to set aside December 10 of every year as Human Rights Day and, through programs in schools and community centers, to pay homage to the principles of freedom and of the dignity of men; December 1, 1950, United Nations (Lake Success), New York.

The Punta del Este Declaration on Human Dignity for Everyone Everywhere

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.

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

Rodrigo Vitorino Souza Alves (Brazil), Director, Brazilian Center of Studies in Law and Religion

Kristina Arriaga (United States), Vice Chair, United States Commission on International Religious Freedom (USCIRF)

Carmen Asiaín Pereira (Uruguay), Alternate Senator, Parliament of Uruguay; Professor of Law and Religion, University of Montevideo

Paul Babie (Australia), Director, Law and Religion Project, Research Unit for the Study of Society, Ethics, and Law, Adelaide

Andrew Bennett (Canada), Program Director, Cardus Law; Former Ambassador for Religious Freedom and Head of the Office of Religious Freedom, Canada

Thomas C. Berg (United States), James L. Oberstar Professor of Law and Public Policy, University of St. Thomas School of Law

Heiner Bielefeldt (Germany), Professor of Human Rights and Human Rights Policy, University of Erlangen; Former UN Special Rapporteur for Freedom of Religion or Belief

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Amineh Ahmed Hoti (Pakistan / United Kingdom), Executive Director, Dialogue and Action

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Tahir Mahmood (India), Distinguished Jurist Chair and Professor of Eminence, Faculty of Law, Amity University

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Juan Martin Vives (Argentina), Director, Center for Studies on Law and Religion, Universidad Adventista del Plata

Dmytro Vovk (Ukraine), Director, Center for Rule of Law and Religion Studies, Yaroslav the Wise National Law University

Robin Fretwell Wilson (United States), Director, Program in Family Law and Policy, University of Illinois



THE UNIVERSAL DECLARATION OF Human Rights

WHEREAS 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 disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

WHEREAS it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

WHEREAS it is essential to promote the development of friendly relations among nations,

WHEREAS the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have

determined to promote social progress and better standards of life in larger freedom,

WHEREAS Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

WHEREAS a common understanding of these rights and freedoms is of the greatest importance for the full realisation of this pledge,

NOW THEREFORE THE GENERAL ASSEMBLY

PROCLAIMS this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

ARTICLE 1 — 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.

ARTICLE 2 — 1. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
2. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether this territory be an independent, Trust or Non-Self-Governing territory, or under any other limitation of sovereignty.

ARTICLE 3 — Everyone has the right to life, liberty and the security of person.

ARTICLE 4 — No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

ARTICLE 5 — No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

ARTICLE 6 — Everyone has the right to recognition everywhere as a person before the law.

ARTICLE 7 — All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

ARTICLE 8 — Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

ARTICLE 9 — No one shall be subjected to arbitrary arrest, detention or exile.

ARTICLE 10 — Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

ARTICLE 11 — 1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

ARTICLE 12 — No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

ARTICLE 13 — 1. Everyone has the right to freedom of movement and residence within the borders of each state.

2. Everyone has the right to leave any country, including his own, and to return to his country.

ARTICLE 14 — 1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

ARTICLE 15 — 1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

ARTICLE 16 — 1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

ARTICLE 17 — 1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

ARTICLE 18 — Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

ARTICLE 19 — 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.

ARTICLE 20 — 1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

ARTICLE 21 — 1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

2. Everyone has the right of equal access to public service in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

ARTICLE 22 — Everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and international co-operation and in accordance with the organisation and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

ARTICLE 23 — 1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration

insuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and to join trade unions for the protection of his interests.

ARTICLE 24 — Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

ARTICLE 25 — 1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

ARTICLE 26 — 1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. 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.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

ARTICLE 27 — 1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

ARTICLE 28 — Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised.

ARTICLE 29 — 1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

ARTICLE 30 — Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.





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