



Department of Justice, Peace and Human Development Office of International Justice and Peace

Background on International Human Rights: Current Realities and Considerations

“For the Holy See, to speak of human rights means above all to restate the centrality of the human person, willed and created by God in his image and likeness... (O)ver the years... the interpretation of some rights has progressively changed, with the inclusion of a number of ‘new rights’ that not infrequently conflict with one another.”

--Pope Francis, Address to the Diplomatic Corps, January 8, 2018

BACKGROUND: In July 2019, Secretary of State Mike Pompeo launched the Commission on Unalienable Rights (CUR), chaired by Mary Ann Glendon, former U.S. Ambassador to the Holy See and Harvard law professor. The CUR’s purpose was to provide “advice and recommendations concerning international human rights matters ... to examine where discourse on human rights has departed from our nation’s founding principles of natural law and natural rights.” The CUR’s advice was to be “grounded in our nation’s founding principles and the 1948 Universal Declaration of Human Rights.” After an extensive review of texts and consultations with a broad range of experts, the CUR produced a final report in August 2020.¹

Following World War II, the Universal Declaration of Human Rights (UDHR) was drafted by a committee chaired by Eleanor Roosevelt. Adopted by the United Nations General Assembly in December 1948, it is a milestone document as it committed nations to recognize that all humans are “born free and equal in dignity and rights” regardless of “nationality, place of residence, gender, national or ethnic origin, colour, religion, language, or any other status.”

The report rightly admits that the protection of human rights is a work in progress for all, a never-ending struggle. The United States should lead by example. Yet today, despite the UDHR having been incorporated into so many national, regional and international documents, there are increasing threats and violations to innate human dignity and the most basic of human rights. The CUR’s report noted the erosion of human rights evidenced by the many abuses perpetrated on people around the world, particularly amidst the rise in authoritarianism. As the state is responsible to promote the common good and guarantee the coherency, unity and organization of the civil society of which it is an expression, a proper and ordered understanding of human rights is critical.

At the same time, there are growing and competing claims to human rights and questions as to what is, in fact, a human right and how we determine whether a claim to this or that human right is true. The prodigious expansion of human rights claims has paradoxically weakened rather than

strengthened the claims of human rights and is leaving the most disadvantaged more vulnerable in many cases. More rights do not always yield more justice.

The Commission reaffirmed the unalienable nature of the freedom of religion. While Article 18 of the UDHR acknowledges the freedom of religion, this status is threatened today by arguments from Western scholars and practitioners that posit religious freedom is not a distinct and universal human right, and that it ought to be curtailed by emergent claims on behalf of sexual orientation, gender identity, and reproductive rights. The distinct and universal nature of freedom of religion should be reasserted, therefore, by renewed arguments, rooted in natural law and in the concept of religion itself, and that religious freedom is a universal, moral, pre-political human right.²

USCCB POSITION AND POLICY RECOMMENDATIONS: The Church teaches that human rights are rooted in the dignity of each person and thus are universal, inviolable, inalienable, and indivisible. Protection of human rights is necessary for global social order and world peace as these rights are tied to duties and responsibilities. While notions of human rights have developed, they are not unlimited or unbounded. Claims to human rights must be oriented towards the common good and ordered by virtue, morality, responsibility, and duty. In *Fratelli Tutti*, Pope Francis said:

“The human person, with his or her inalienable rights, is by nature open to relationship. Implanted deep within us is the call to transcend ourselves through an encounter with others. For this reason, ‘care must be taken not to fall into certain errors which can arise from a misunderstanding of the concept of human rights and from its misuse. Today there is a tendency to claim ever broader individual - I am tempted to say individualistic - rights. ... Unless the rights of each individual are harmoniously ordered to the greater good, those rights will end up being considered limitless and consequently will become a source of conflicts and violence.’” [No. 111]

USCCB supports the Commission’s statement that “The credibility of U.S. advocacy for human rights abroad depends on the nation’s vigilance in assuring that all its own citizens enjoy fundamental human rights. With the eyes of the world upon her, America must show the same honest self-examination and efforts at improvement that she expects of others. America’s dedication to unalienable rights — the rights all human beings share — demands no less.” In an open letter in October to Secretary of State Pompeo, USCCB’s Committee on International Justice commended the CUR’s findings and how U.S. founding principles and the UDHR can apply to the conduct of U.S. foreign policy.

¹ <https://www.state.gov/wp-content/uploads/2020/08/Report-of-the-Commission-on-Unalienable-Rights.pdf>.

² Philpott, Daniel. *Religious Freedom in International Human Rights Law*. Richard and Helen Devos Center for Religion and Civil Society. No. 236. September 1, 2020.