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Human Rights and Multilateral Diplomacy. A perspective of the Dicastery for Promoting Integral Human Development on the Right to Life

Abstract: The article describes the contribution and activities of the Pontifical Department for the Promotion of integral human development. The Holy See as a subject of international law participates in multilateral negotiations, especially in international organizations such as the United Nations, making a concrete effort to promote the right to life, which today is often denied or even combated as a limitation of other (false) rights recognized as new human rights.

Keywords: human dignity, human rights, integral development, right to life

Abstrakt: W artykule autorka opisuje wkład i działania Papieskiej Dykasterii ds. Integralnego Rozwoju Człowieka. Stolica Apostolska jako podmiot prawa międzynarodowego bierze udział w wielostronnych negocjacjach, zwłaszcza w organizacjach międzynarodowych takich jak Organizacja Narodów Zjednoczonych podejmując konkretny wysiłek na rzecz promowania prawa do życia, które dzisiaj jest często negowane lub wręcz zwalczane jako ograniczenie innych (fałszywych) praw uznanych za nowe prawa człowieka.

Słowa kluczowe: godność człowieka, integralny rozwój, prawa człowieka, prawo do życia

Introduction

It is an honour for me to participate in the *International Conference on Human Rights: Evaluation and Future Direction* (Warsaw, 2018). I wish to thank heartily all the organisers – and particularly Msgr Piotr Mazurkiewicz – for the kind invitation and generous hospitality. I must admit that it is a special emotion to be here in

the homeland of Saint John Paul II and to address you in this important university, dedicated to H. Em. Cardinal Stefan Wyszyński, whose memory – the memory of both of them! – is highly inspiring for me, as a Christian and as a worker in the field of human rights.

I am glad to bring you the prayerful greetings of H. Em. Cardinal Peter Turkson, Prefect of the Dicastery for Promoting Integral Human Development, which has been recently established by Pope Francis, as a way to express the Holy See's concern for the issues of justice and peace, including the promotion and defence of human dignity and rights, and to express the Holy Father's care for those whose dignity is endangered¹.

Today, as we celebrate the 70th anniversary of the Universal Declaration of Human Rights (UDHR), many hopes remain unmet and old and new wounds challenge human dignity in our contemporary societies worldwide. I think of the many attacks on the very right to life and on the family; I think also of widespread poverty and lack of education and employment, of contemporary forms of slavery, including child labour and human trafficking, of the persecution of religious minorities and of extensive violations of basic human rights in the tragic context of armed conflicts.

Furthermore, while this Conference celebrates the 25th anniversary of the ratification of the European Convention on Human Rights by the Republic of Poland, we have to recognise that despite the great advancements achieved through the institution of the European Court of Human Rights, some shadows persist not only at the implementational level but also concerning the very understanding of human rights and fundamental freedoms within the territory of the Council of Europe and beyond.

It is also true that during these 70 years, human rights have become an important pillar of multilateral diplomacy and several treaties aiming at ensuring their recognition, respect, protection and promotion have been negotiated, adopted

¹ Official, Dicastery for Promoting Integral Human Development. The present article was meant as the contribution of the Dicastery for Promoting Integral Human Development to the *International Conference on Human Rights: Evaluation and Future Direction*, which was held in Warsaw, from 2 to 4 July 2018, in the occasion of the 70th anniversary of the *Universal Declaration of Human Rights* [Statute of the Dicastery for Promoting Integral Human Development, article 1, para. 1 and 3].

and are now in force. Even if, as I said, a lot of work is still needed in order to translate these norms into reality for many, and despite some contradictions that characterise the understanding of human rights today, we can consider this commitment of the family of nations, with its lights and shadows, as a sign of hope for the suffering humanity. Let us then take a look at the role of the Holy See in this context.

The Holy See and multilateral diplomacy

It is worth recalling that in these years, the Holy See, as a subject of public international law, has relentlessly contributed to this common effort. In its capacity of Member or Observer state of many international organisations, it has participated in negotiations and even signed and ratified several conventions, particularly on the elimination of racial discrimination², the abolition of torture³ and the protection of the rights of the child⁴.

The reasons why the Holy See, given its particular nature, decides to adhere to an international agreement on human rights are diverse. The declarations accompanying the ratification instruments suggest that, in general, this choice is to be understood as a way to give moral support and offer collaboration to the international community, so as to contribute to the protection and the promotion of human dignity and rights [The Holy See 2002].

Of course, this is possible insofar as the positive law reflects and adequately codifies the principles of natural law. In fact, by participating in multilateral negotiations among states, the Holy See does not intend to prescind in any way from its specific mission within the family of nations, which is of a religious and moral character [The Holy See 1990]. The diplomatic activity of the Holy See is meant as a service

² The Holy See is a party to the *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD), which was adopted by the United Nations General Assembly on 21 December 1965 and ratified by the Holy See on 1 May 1969.

³ The Holy See acceded to the UN *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (adopted by the United Nations General Assembly on 10 December 1984) on 26 June 2002.

⁴ The Holy See ratified: the *Convention on the Rights of the Child* (adopted by the United Nations General Assembly on 20 November 1989) on 20 April 1990; the *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict* (adopted by the United Nations General Assembly on 25 May 2000) on 24 October 2001; the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography* (adopted by the United Nations General Assembly on 25 May 2000) on 24 October 2001.

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to the human person and its integral development. Its aim is the promotion of justice, peace and solidarity without frontiers.

In the particular context of the negotiations concerning human rights, which deeply suffer from excessive politicisation, double standards, as well as controversial interpretations, the Holy See tries to introduce ethical considerations in the discussion based on the equal dignity and worth of every human person. Amidst discussions which sometimes translate as a sort of competition between conflicting economic or political interests, the voice of the Holy See wishes to bring the requests of the common good of humanity, in the light of the social teaching of the Church.

As is well-known, according to the Catholic Church, the very roots of human rights are to be found in the inherent, God-given dignity that belongs to each human being, as a creature made in the image and likeness of God, and regardless of race, nation, sex, origin, culture or class [Pontifical Council for Justice and Peace 2004: 144]. Consequently, according to the Catholic Church, the ultimate source of human rights is in man himself and in God his Creator [ibid.: 153].

This means that human rights are not bestowed on human beings by state authorities. Instead, states have to recognise such rights to which each person is naturally and inherently entitled. This also implies that state authorities cannot freely dispose of human rights, but must understand and apply them according to natural law.

I wish here to underline that the reference to human dignity is *not* a "confessional" claim of the Catholic Church or of the Holy See. It is also recognised by the international community, in the Universal Declaration of Human Rights as well as in all international agreements in this field.

As is well-known, the Preamble of 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". However, there is another reference that I usually like to quote in this context. That of the 1966 International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, whose common Preamble explicitly recognises that "the equal and inalienable rights of all members of the human family (...) derive from the inherent dignity of the human person". I think that, unfortunately, these

references are too often forgotten, when the concept of human dignity – which is not defined under international law – is not even misinterpreted or misused.

Participating in multilateral negotiations also means that the Holy See should remind people of this fundamental pillar of international human rights law and share reflections in order to contribute to a coherent understanding, codification and implementation of human rights. As it is not possible, due to time constraints, to analyse in detail the important work carried out by the representatives of the Holy See, let me just briefly share some reflections on a comprehensive understanding of the right to life.

The right to life in the social teaching of the Church: a comprehensive understanding

Unfortunately, in multilateral negotiations, this right that – in the views of the Holy See – should be recognised as the primary human right, in the sense that it is the pre-condition for the exercise of all other human rights [ibid. 2004: 155, 553], is often misinterpreted to the extent that blatant violations of the right to life are claimed to be themselves rights to be recognised and promoted.

According to the Catholic Church, life is first of all a gift of God: "Human life is sacred because from its beginning it involves the creative action of God and it remains forever in a special relationship with the Creator, who is its sole end. God alone is the Lord of life from its beginning until its end: no one can under any circumstance claim for himself the right directly to destroy an innocent human being" [Congregation for the Doctrine of the Faith 1987: 5; 2002: 2367].

Following this reasoning, the right to life applies to every stage of life, thus belonging to all human beings from conception to natural death, regardless of physical and mental conditions that the human person, since its conception, might have.

I mentioned from conception to natural death. Not at the moment of conception, of birth and of death. This means that, according to the social doctrine of the Church, life must be protected by state authorities from conception until natural death, and in between these two moments. In fact, as Saint John XXIII [1963: 11] affirmed in the Encyclical Letter *Pacem in terries*, the right to life is intrinsically linked to the right to the *means* necessary for living a "dignified life".

This brings us to the so-called economic, social and cultural rights, among which I wish to recall the special importance of the right to food, to clean and potable

water, to proper shelter, to quality education, to dignified work, to the necessary social services, and, of course, to medical care.

These are all items that are dealt with in multilateral meetings within the activities of several international organisations, especially at the United Nations level. And the Holy See actively participates in these negotiations to give its own contribution so that life is respected and protected from the very beginning to its natural end and, at the same time, so that the dignity of every human being is fully valued during the whole course of their life.

The right to be born

Through this lens we can better understand the Holy See's effort to express the absolute rejection of any language that might legitimise procured abortion and euthanasia, or that could reduce human dignity only to some aspects of its personality, for instance the language pertaining to the so-called sexual or gender identity, which implicitly denies the multiple dimensions that form the identity of one person and constitute its immense value. Happily, the Holy See is not alone in this endeavour as many states, despite manifold international pressures, continue to defend the life of the unborn and to reject the gender ideology in their national legislation, sometimes even at a constitutional level.

It is worth noting, in this context, that the Holy See considers it contradictory to promote human rights, be they civil, political, economic or social, while denying what it believes to be the primary human right, which is the right to be born.

And this is one of the critical aspects, for example, of the Convention on the Rights of Persons with Disabilities, that seeks to protect disabled persons from discrimination, but in some of its provisions might be interpreted as leaving room for legislations in which foetal defect is a precondition for offering or employing abortion, in contrast with the right the life, which, however, is (re)affirmed in the same agreement. In fact, in article 10 of the Convention on the Rights of Persons with Disabilities "State Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others". However, article 25 of the same agreement, concerning the right to health, contains a reference to the controversial concept of "sexual and reproductive health" which, in some countries, include abortion, which is offered or employed in case of foetal defect. The Holy See, accordingly, considered itself unable to sign the Convention,

despite the many helpful articles that it contains. As it was stated by the head of the delegation of the Holy See : "It is surely tragic that, wherever foetal defect is a precondition for offering or employing abortion, the same Convention created to protect persons with disabilities from all discrimination in the exercise of their rights, may be used to deny the very basic right to life of disabled unborn persons" [Migliore 2006].

The absolute rejection of abortion by the Holy See does not mean that the latter is not conscious of the many challenges that women sometimes have to face while carrying life in their wombs, be they of a psychological, physical or socio-economic nature. Let us not forget, in this context, Pope Francis' call for increased engagement "to adequately accompany women in very difficult situations, where abortion appears as a quick solution to their profound anguish, especially when the life developing within them is the result of rape or a situation of extreme poverty" [Francis 2013: 213].

Special attention is, then, due to the mother in whose womb the child is growing, by ensuring her all the possible support, at an economic, social and cultural level. This includes, in my view, granting the mother adequate working conditions, allowing a correct balance between her social and professional responsibilities and her irreplaceable role in the family, especially for the education of children, including moral and religious values.

We should also add that, for the Holy See, protecting life implies the defence of the natural family, based on the marriage between a man and a woman, which is a unique place for life to be welcomed, cared for with love, and also the best context for children to flourish and learn the values of compassion, patience and brotherhood.

The issue of the death penalty

Coming to the topic of the end of life, besides rejecting every form of euthanasia [Vatican Council II 1965: 27; John Paul II 1993: 80; 1995: 7-28], the Holy See calls to suport dignified life until its very end, including through the development of palliative care and adequate assistance for families accompanying their sick relatives.

At the same time, protecting life until natural death also means encouraging the international community in the effort towards the abolition of the death penalty, as well as by raising awareness about the inhumanity of capital punishment.

In this context, it is important to recall the decision of Pope Francis to partially modify the Catechism of the Catholic Church by introducing a new revision of number 2267, concerning capital punishment [Ladaria 2018]. The new version of this paragraph reads as follows:

"Recourse to the death penalty on the part of legitimate authority, following a fair trial, was long considered an appropriate response to the gravity of certain crimes and an acceptable, albeit extreme, means of safeguarding the common good. Today, however, there is an increasing awareness that the dignity of the person is not lost even after the commission of very serious crimes. In addition, a new understanding has emerged of the significance of penal sanctions imposed by the state. Lastly, more effective systems of detention have been developed, which ensure the due protection of citizens but, at the same time, do not definitively deprive the guilty of the possibility of redemption. Consequently, the Church teaches, in the light of the Gospel, that 'the death penalty is inadmissible because it is an attack on the inviolability and dignity of the person', and she works with determination for its abolition worldwide".

It is important to remark that this decision of the Supreme Pontiff situates itself in continuity with the preceding Magisterium while bringing forth a coherent development of Catholic doctrine. The new text, following the footsteps of the teaching of John Paul II in the Encyclical Letter *Evangelium vitæ*, affirms that ending the life of a criminal as punishment for a crime is inadmissible because it attacks the dignity of the person, a dignity that is not lost even after having committed the most serious crimes. Furthermore, in the Postsynodal Apostolic Exhortation *Africæ munus*, Pope Benedict XVI recalled, "the attention of society's leaders to the need to make every effort to eliminate the death penalty" [Benedict XVI 2011: 83].

Other implications of the right to a dignified life: the right to health and to freedom of religion

The recognition and promotion of the right to a dignified life during the whole course of human existence also has other implications for the Holy See. For example, it explains its numerous interventions aimed at encouraging the family of nations to take concrete steps to eliminate poverty, granting quality education to all without discrimination and to create opportunities for a dignified job for all.

It also inspires its efforts to eradicate modern slavery, including child labor and human trafficking, which has led, for example, to the inclusion of this question in the *United Nations Sustainable Development Goals* (goal 8.7) – which is one of the specific contributions of the Holy See to the negotiation process⁵. It motivates the ceaseless appeals to belligerents to silence guns and overcome conflicts through dialogue, political negotiations and mutual forgiveness; or to governments and health workers to ensure that healthcare services are provided with a full respect for human dignity. I wish to specify this last point.

If the right to health is, as we saw earlier, a corollary of the right to life, then healthcare services can never be conceived and should never operate against this right, nor against human dignity. This principle appears particularly relevant when it comes to the so-called "sexual and reproductive health and rights", that, in the views of the Holy See, reflect "an individualistic understanding of sexuality which does not give due attention to the mutual love and decision-making that characterizes the conjugal relationship" [The Holy See 1994]. In respect of the unfortunate expressions "sexual health", "sexual rights", "reproductive health" and "reproductive rights", which are often used in international soft-law instruments, the Holy See regularly asserts in its official declarations that they are to be referred to "a holistic concept of health, which embrace, each in their own way, the person in the entirety of his or her personality, mind and body, and which foster the achievement of personal maturity in sexuality and in the mutual love and decision-making that characterize the conjugal relationship in accordance with moral norms" [ibid.].

It may be useful to specify that the use of terms such as *reproduction* and *reproductive* appears problematic, as it hides the transcendent dimension of human *procreation*. The word procreation is to be preferred as it reflects the participation of the couple in God's work of creation [Pontifical Council for justice and Peace 2004: 232].

Furthermore, the Holy See has on many occasions asked states and international organisations to avoid exerting pressures on other states and organisations by way of imposing, through international development programs or economic and humanitarian assistance, policies that undermine the ethical and cultural

⁵ On the contribution of the Holy See to the negotiation process that led to the adoption of the 2030 Agenda for Development Development: see Department for Integral Human Development 2017.

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foundations of the society⁶. National governments should then ensure that public and private healthcare providers respect ethical and medical protocols in accordance with the values of the concerned peoples and cultures.

Coming back to a broad understanding of the right to life, there is a final point that I want to touch on quickly in these short reflections. Earlier I referred to the human person in the entirety of his or her personality, that means as a unity of body and soul. This reminds us that, in order to live a dignified life, men and women do not only need material goods or services. They also need the freedom to be open to transcendence, the right to turn their eyes to eternity and search for the truth without restraints. And this leads us to the issue of freedom of religion, whose defence is, to quote the words of Saint John Paul II [2003], "the litmus test for the respect of all the other human rights".

Of course, the Holy See attaches a special importance to the protection and promotion of this fundamental freedom, as we can learn from the many interventions aimed at ensuring that religion is not confined to the private sphere of the individual, but that it is also granted an adequate role in the public space. At the same time, the Holy See multiplies its efforts so that the right to conscientious objection is protected in the largest possible terms, and adequately promoted. Furthermore, it also relentlessly advocates for the protection of religious minorities, including of course Christians, against persecution and diverse forms of intolerance, in Europe, in the Middle East and elsewhere.

Conclusion

Through these short reflections, I have tried to highlight some implications that the protection of the right to life has in the perspective of the Dicastery for Promoting Integral Human Development. It is a vision that builds on a holistic understanding of the human person, body and soul, created in the image and likeness of God. It aims at promoting a development that is not only sustainable, but also integral. We usually speak of "the development of each man and of the

⁶ According to the Compendium of the Social Doctrine of the Church, "All programmes of economic assistance aimed at financing campaigns of sterilization and contraception, as well as the subordination of economic assistance to such campaigns, are to be morally condemned as affronts to the dignity of the person and the family. The answer to questions connected with population growth must instead by sought in simultaneous respect both of sexual morals and of social ethics, promoting greater justice and authentic solidarity so that dignity is given to life in all circumstances, starting with economic, social and cultural conditions" [Pontifical Council for justice and Peace 2004: 234].

whole man" [Paul VI 1967: 14], in the sense that it concerns all the dimensions of the human person, material, cultural and spiritual.

This vision is also in line with the pillars of international human rights laws. And in this perspective, to translate these few reflections in more secular terms, let me recall another important anniversary which occurs this year: the 25th anniversary of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993.

This Declaration has a special importance in my view for three main reasons.

Firstly, because it reaffirms the universality of human rights on a broader basis. In fact, this Declaration has been adopted by a world conference made up of 171 delegations – compared to the 58 that composed the United Nations General Assembly in Paris on 10 December in 1948 – and with the participation of many representatives of the civil society. Through the Vienna Declaration, states having acceded to independence after the adoption of the UDHR confirm their recognition of the universality of human rights.

Secondly, because the Vienna Conference explicitly recognises and affirms that "all human rights derive from the dignity and worth inherent in the human person, and that the human person is the central subject of human rights and fundamental freedoms". We can find in this sentence one of the specific contributions of the Holy See to the discussions during the World Conference.

And, finally, because in Vienna the universality of human rights was strongly linked to the indivisibility and the interdependence of all human rights, thus overcoming the artificial dichotomy between civil and political rights, on the one hand, and the economic, social and cultural rights, on the other hand.

And this is precisely the message that I have tried to share while reflecting on the right to life in the diplomacy of the Holy See: if you want to protect life, you need not only to reject abortion and euthanasia, but you also have to support the family, by granting the parents economic and social – and particularly working – conditions allowing them to take care of their children. You also need to grant the sick adequate healthcare, to give the children quality education and to protect them from modern forms of enslavement, and so on. But of course, you cannot advocate for the rights of the vulnerable while denying their basic right to exist. Unfortunately, we can often observe a sort of radical separation between the engagement for life and that for social justice, and this happens even within the Catholic world. In this year that marks three important anniversaries, let us, as Catholics, engage to overcome this artificial separation. Let's join hands with Christians of all confessions, with the faithful of other religions and with all persons of good will, who are honestly committed to the protection of human dignity in all circumstances. Let us become instruments of our Lord, who came that they may not simply have life, but "have it abundantly" [*John* 10:10].

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