

Statement by Archbishop Paul Richard Gallagher

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Inalienable human rights must be defended

The following is the English text of a video message by Archbishop Paul Richard Gallagher, Secretary for Relations with States of the Holy See, to the High-Level Segment of the 46th Session of the Human Rights Council.

Madam President, I am pleased to convey the cordial greetings of His Holiness, Pope Francis, to you, to the High Commissioner for Human Rights, and to all Delegations of Member and Observer States, as well as to have this occasion to address this 46th Session of the Human Rights Council.

For over a year now, the Covid-19 pandemic has been impacting every aspect of life and human interaction, causing the loss of so many brothers and sisters and casting doubt on our economic, social, and health systems. In a word, we have been confronted with the fragility of our human nature.

In this context, the commitment to the protection and promotion of universal human rights faces new challenges while at the same time asserting its relevance. As a global community, we need to rediscover the foundation of human rights in order to evaluate how to implement them in an authentic fashion to the current context. To this end, I would like to take this opportunity to reflect briefly on three topics: human dignity as the foundation of human rights; the risk of their deterioration; and the authentic

namely, that every human person is innately and universally endowed with equal dignity, which is the basis for authentic human interaction. The vast system of UN mechanisms for promoting and protecting human rights stems from this fundamental conviction. They represent a concrete method by which the global community strives to uphold these essential ideals.

Unfortunately, this solemn commitment is easier to pronounce than to achieve in practice. 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."³ Therefore, when we witness a world that is fractured by divisions, suffering from injustice and the scourge of war, we must admit that the above-mentioned auspicious objectives are still far from being "recognized, respected, protected and promoted in every situation,"⁴ despite the good will and efforts of the UN system.

The development of human rights

Certainly, the true promotion of fundamental human rights depends on the sincere commitment not just of States but of each individual on the basis of their freedom of conscience and with the awareness of their own moral responsibility.⁵ Nonetheless, even on an institutional and multilateral level, there are risks that threaten the authentic promotion and protection of human rights. Indeed, human rights may be considered as a moral imperative only insofar as they truly promote the underlying foundation from which they derive. Any practice or system that would treat rights in an abstract fashion,

separated from preexisting and universal values, risks undermining their *raison d'être*. In such a context of "rights" devoid of values, the same human rights institutions that were created to promote human dignity become susceptible to prevailing visions or ideologies, and may impose obligations or penalties that were never envisioned by the States Parties thereto, which may actually, in some cases, contradict the values they were supposed to promote. They may even presume to "create" so-called "new rights" that lack an objective foundation, thus, drifting away from their fundamental purpose of serving humanity and human dignity.

To illustrate with an example, "life," before being a right, is first and foremost a value, a good to be cherished and protected. Over the decades, the content of the right to life has been progressively extended, notably by increasing protection against acts of torture and enforced disappearances, by restricting the acceptance and application of the death penalty, and by protecting the elderly, the migrant, children and motherhood, to name just a few examples. These devel-



opments are reasonable extensions of the right to life, insofar as they maintain their fundamental basis in the value of "life", which itself is the primary expression of the inherent dignity of every human person. However, when the right to life is divorced from its fundamental basis, there is a real risk that the protection of "rights" ends up undermining the values that they were intended to uphold.

An unfortunate precedent of such a development of human rights can be seen, for example, in the Human Rights Committee's General Comments n. 36 on the right to life, which – far from protecting the value of human life and dignity – twists its meaning so as to imply the "right" to assisted suicide and to end the lives of unborn children.⁶

Human Rights and the Covid-19 Pandemic

Madam President, Amid the current Covid-19 pandemic, many issues of human rights have taken on even greater relevance. While acknowledging the value and the necessity of certain measures imposed by local, national and regional authorities to ensure public health, my Delegation would like to note how some such measures also impinge on the free exercise of numerous human rights. A number of persons find themselves in situations of vulnerability – such as the elderly, migrants, refugees, indigenous people, internally displaced persons and children – have been disproportionately affected by the current crisis. Any limitations on the exercise of human rights for the protection of public health must stem from a situation of *strict necessity*. Such limitations must be *proportional* to the situation, applied in a *non-discriminatory* fashion and used only when *no other means* are available.⁷

In this regard, the Holy See

worship can be guaranteed while taking all the necessary precautions to protect reasonably public safety.

In conclusion, Madam President,

While the Covid-19 pandemic has indeed revealed the fragility of our shared human nature, it has also demonstrated our profound interdependence. While this is clear from the global effects of Covid-19, it also applies to our approach to human rights and to multilateralism as a whole. In order to combat effectively the consequences of the various crises, we must be willing to move beyond that which divides us. For this reason, the invitation of Pope Francis, expressed in his most recent Encyclical Letter "*Fratelli Tutti*", is of the utmost relevance, that "in this our time, by acknowledging the dignity of each human person, we can contribute to the rebirth of a universal aspiration to fraternity."⁸ Only through sincere and constructive dialogue will we be able to overcome the challenges that we face, while strengthening our efforts to promote the authentic protection of human rights.

The current crisis presents us with a unique opportunity to approach "multilateralism as the expression of a renewed sense of global co-responsibility, a solidarity grounded in justice and the attainment of peace and unity within the human family, which is God's plan for our world."⁹ The Holy See, renewing its constructive engagement in this Council's work, which represents a fundamental pillar of the multilateral system, will continue to engage collaboratively to this end.

Thank you, Madam President.

The Covid-19 pandemic has been impacting every aspect of life and human interaction, causing the loss of so many brothers and sisters and casting doubt on our economic, social, and health systems.

promotion of fundamental human rights in light of the Covid-19 pandemic.

Human dignity as the foundation of human rights

The Preamble to the Universal Declaration of Human Rights (UDHR) unequivocally declares that "the recognition of the inherent dignity of all the members of the human family, and of their equal and inalienable rights, constitutes the foundation of freedom, justice, and peace."¹ It was this same conviction that brought the family of nations to proclaim boldly in the UN Charter "[its] 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."²

These two documents, which serve as the cornerstone for the UN system and for the human rights mechanisms therein, recognize an objective truth, one that is independent of the need for consensus and is not conditioned by time, place, culture or context,

¹ Universal Declaration of Human Rights, General Assembly Resolution 217 A, 10 December 1948, Preamble, available at https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf [Accessed 4 February 2021].

² Charter of the United Nations, 26 June 1945, Preamble, available at: <http://www.un.org/en/sections/un-charter/preamble/index.html> [Accessed 4 February 2021].

³ Universal Declaration of Human Rights, Preamble.

⁴ Cfr. Pope Francis Message to Participants in the International Conference "Human Rights in the Contemporary World: Achievements, Omissions, Negations" (10 December 2018).

⁵ Cfr. Pope Francis, Encyclical Letter "*Fratelli Tutti*", n. 166.

⁶ Cfr. General Comment No. 36 on Article 6 of the International Covenant on Civil and Political Rights – Right to life, 30 October 2018, §§ 8-9.

⁷ Cfr., for example, International Covenant on Civil and Political Rights, 16 December 1966, Article 4.1; cfr. Articles 12.3, 18.3, 19, 21, 22, available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx> [Accessed 4 February 2021].

⁸ Francis, *op. cit.*, n. 8.

⁹ Pope Francis, Address to the 75th session of the United Nations General Assembly, 25 September 2020.