“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…”1

Today, we largely take for granted these opening words of the Universal Declaration of Human Rights. But the concept that every human being has inherent dignity and inalienable rights was not so apparent when the task of drafting a bill of human rights was first given to the then newly-formed UN Commission on Human Rights (Commission) in 1947.

The horrors experienced during the two recent world wars, and particularly the photographs of evils perpetrated in the concentration camps, had awakened the world’s consciousness of the need to recognize that certain human rights are applicable everywhere, to everyone. But the foundation of the international human rights structure was established only after numerous contentious debates encompassing not only procedural questions but even more important political and philosophical issues.

The most contentious issue at the first session of the Human Rights Commission was the critical philosophical question of whether primacy should be given to the individual or to the state. The representative of the Soviet Union argued that individual rights must be considered in relation to the individual’s obligations to the community, while Eleanor Roosevelt defended the need to safeguard the fundamental freedoms of the individual. The rapporteur of the Commission, Charles Malik from Lebanon, summarized this fundamental issue as whether the state existed for the sake of the human person or the person for the sake of the state. The world would be a very different place today if the Soviet Union’s position had prevailed in the Declaration.

In addition to the conflict that arose early in the drafting of the Declaration between the representatives from Soviet-bloc countries and those from non-Soviet countries, there were other contentious divisions as well: small, less powerful countries were suspicious of the major powers; those who wanted an enforceable human rights instrument were in disagreement with others who endorsed a declaration of principles; and various national rivalries and colonial resentments further complicated the negotiations.

The inclusion of social and economic rights gave rise to an additional layer of antagonism that lingers to this day: how they would be defined, what relationship they should bear to political and civil rights, and how and by whom they would be implemented.

The state of world affairs also threatened the completion of the Declaration. Communist expansionism was raising tensions between the United States and the Soviet Union, the world was divided as to how to resolve the debate over the fate of Palestine, and Greece, Korea, and China all entered into conflicts.

One can perceive a repeat in the historical challenges facing the Commission’s successor, the newly established Human Rights Council (Council). Even though it is largely acknowledged today that human rights supersede the prerogatives of the state, there continues to be considerable resistance — even refusal — to put the principle into practice. Not only did notorious human rights abusers such as China, Cuba, Sudan, and Zimbabwe evade censorship under the Commission, but they actually managed in recent years to be elected to its membership so as to pass judgment on human rights defenders. The membership of such regimes on the Human Rights Commission made a mockery of that body and resulted in its demise.

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human rights recognized under international law must be applied to all persons, including the unborn, the disabled, the elderly, and the sick. The absence of such protection, or worse, the promotion of policies that undermine human dignity based on stage of development, age, or ability is in fact a human rights violation.

The Human Rights Council must not only resist the pressure it is likely to encounter to undermine or deny these principles but must also take a firm and principled stand to protect and defend them. One new mandate given to the Council is to promote the “follow-up to the goals and commitments related to the promotion and protection of human rights emanating from United Nations conferences and summits.”

Under this mandate the Council must stand firm and ensure that abortion promotion is not asserted as a matter of international human rights. Organizations — in the guise of promoting “human rights” — have fought for a right to abortion, thus advocating the extermination of the most vulnerable and voiceless among us. At the International Conference on Population and Development held in Cairo, Egypt, in 1994, various countries and powerful lobbies sought international recognition of a so-called “right to abortion.” UN Member States rejected this proposal and have never agreed to include such a provision in any subsequent international treaty. These same proponents, however, have continued to pursue this goal using the treaty bodies of the United Nations. Although attempts to include a so-called “right to abortion” in human rights treaties have been rejected — they are all abortion neutral — three treaty bodies have deliberately stretched and misconstrued the meaning of treaty provisions to justify their pressure on pro-life countries to overturn their own human rights laws and promote the legalization of killing unborn children.

The defense of “the inherent dignity and of the equal and inalienable right of all members of the human family” will be challenged through the United Nations human rights system in other areas as well. For example, consideration is being given to an international convention on the rights of the disabled, and aging populations in developed countries are raising questions about care and support for the elderly. Thus, the Council will be called upon to play a key role in promoting human rights by ensuring that the inherent dignity of all human persons is upheld by the international community in the future.

Unfortunately, as of the writing of this article, the United States has announced that it will not seek to participate in the initial session of the Council. So unlike the momentous beginnings of the Commission, the United States may not be at the table during initial review of these critical issues. The outcome of this early phase of the Council and the debate about the inherent dignity of the human person in particular could have a profound impact on the world in which we live.

ENDNOTES: Inherent Dignity of the Human Person