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## OPTION REPORTS

### HUMAN DIGNITY

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The following report is one of a series produced by the Constitutional Design Group, a group of scholars dedicated to distributing data and analysis useful to those engaged in constitutional design. The primary intent of the reports is to provide current and historical information about design options in written constitutions as well as representative and illustrative text for important constitutional provisions. Most of the information in these reports comes from data from the Comparative Constitutions Project (CCP), a project sponsored by the National Science Foundation. Interested readers are encouraged to visit [constitutionmaking.org](http://constitutionmaking.org) for further resources for scholars and practitioners of constitutional design.

Note that the dates provided herein for constitutional texts reflect either the year of initial promulgation *or* of a subsequent amendment, depending on the version used for analysis. For example, Brazil 2005 refers to the Brazilian Constitution of 1988, as amended through 2005.

## 1. INTRODUCTION

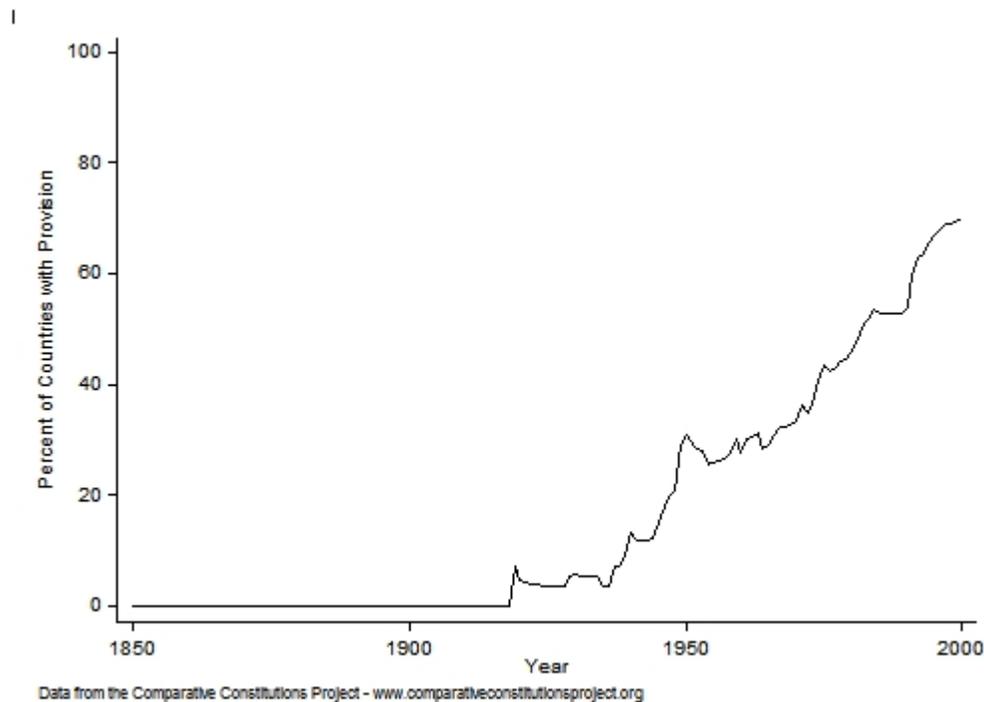
Human dignity is an overarching principle, originating in Christian legal thought, that has become a staple of international human rights law. It is found in Article 1 of the Universal Declaration of Human Rights, and many other international instruments. We describe below the constitutional provisions regarding human dignity.

## 2. DATA SOURCE(S)

The analysis reported below is based on data the Comparative Constitutions Project (please see the appendix to view the question text). As of this writing, the project's sample includes 701 of the roughly 800 constitutions put in force since 1789, including more than 90% of constitutions written since World War II.

## 3. CLASSIFICATION AND HISTORICAL TRENDS

**Figure 1. Percent of Constitutions that Reference Human Dignity by Year (N=701)**

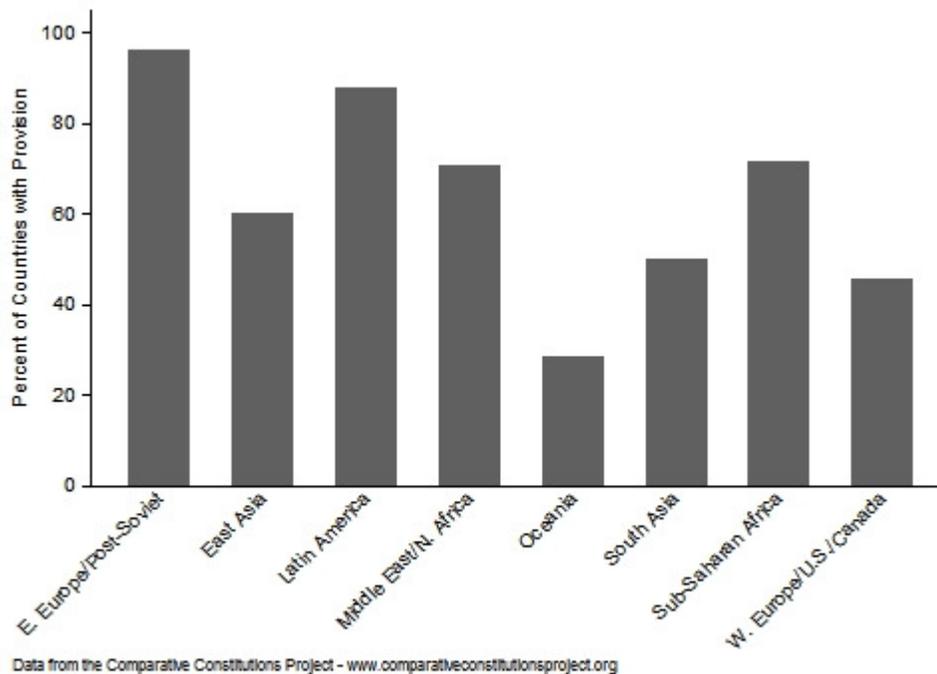


Overall, 38% of the constitutions make references to human dignity. Figure 1 shows the percentage of constitutions that reference human

dignity overtime. As Figure 1 suggests, references to human dignity in national constitutions increased gradually overtime since early 1900s. In 2000 about 70% of constitutions in force made references to “dignity of man” or human “dignity.”

Figure 2 shows regional variation among constitutions in force as of 2000. References to human dignity in national constitutions are most common in Eastern Europe, post-Soviet states, Latin America, Sub-Saharan Africa, and Middle East, and least common in Oceania, Western Europe, South and East Asia.

**Figure 2. Percent of Constitutions that Reference Human Dignity in 2000 by Region (N=184)**



#### 4. NOTES ON ATYPICAL CASES

There are four main ways that constitutional texts incorporate references to human dignity: 1) general references in the preamble; 2) human dignity as a right in and of itself; 3) guarantee of dignity in relation to arrest, detention, and the criminal process; and 4) guarantee of dignity in relation to labor, working conditions, or economic policy.

Some constitutions do not reference human dignity in general. However, they contain references to the dignity of women. The Republic of China

Constitution, as amended to 2005, for example, provides that the state should protect the dignity of women. Such cases were also coded as “other”.

## 5. SAMPLE CONSTITUTIONAL PROVISIONS

(Note: dates provided reflect the version of the constitution used to obtain sample provisions, and represent either initial year of promulgation or year through which subsequent amendments are included.)

The organization of economic life must be based on the principle of justice, the aim being the development of creative forces, the promotion of general prosperity and the attainment through this latter of a standard of living compatible with human dignity.

- *Estonia 1937, Article 24*

...We, the people of Eire,

...seeking to promote the common good, with due observance of Prudence, Justice and Charity, so that the dignity and freedom of the individual may be assured, true social order attained, the unity of our country restored, and concord established with other nations,

Do hereby adopt, enact, and give to ourselves this Constitution.

- *Ireland 1937, Preamble*

The law shall recognize the right of any worker, whether workman or employee to: —

...

(4) A minimum wage, in relation to the cost of living and to local conditions and needs, sufficient to assure the worker the minimum of wellbeing compatible with human dignity.

- *Nicaragua 1939, Article 100.4*

The economy has to be organized based on the principles of justice, with the goal of achieving life in dignity for everyone. Within these limits the economic liberty of the individual is to be secured...

- *Germany (Prussia) 1924, Article 151*

Every one has the right to an existence compatible with human dignity. To this end the law accords to all citizens the right to receive a certain amount of land which they may develop or where they may establish their habitations. It assures them the possibility of working, the protection of

motherhood and of labor, and the assistance of the State to children, to the aged, to persons incapacitated for work and to defectives.

- *Estonia 1919, Article 7*

The constitution guarantees to the inhabitants of Ecuador, principally, the following rights:-

...

(18) Protection and liberty of labour.

Services not imposed by law may not be demanded from anyone. Artisans and laborers shall in no case be obliged to work except by virtue of a contract.

The State shall particularly protect the workman and peasant, and shall legislate in such a way as to attain the realization of the principles of justice in respect of economic life, ensuring for all a minimum of welfare compatible with human dignity.

- *Ecuador 1929, Article 151.18*

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN DEMOCRATIC REPUBLIC and to secure to all its citizens: JUSTICE, social, economic and political; LIBERTY of thought, expression, belief, faith and worship; EQUALITY of status and of opportunity; and to promote among them all FRATERNITY assuring the dignity of the individual and the unity of the Nation;

- *India 1950, Preamble*

The dignity of man and, subject to law, the privacy of home, shall be inviolable.

- *Pakistan 2002, Article 14*

The dignity of the person is protected by the State. Nothing may be used as a basis for its diminution.

- *Russia 1993, Article 21.1*

The freedom and dignity of a person are protected.

- *Iraq 2005, Article 35*

No one shall be subjected to torture or ill-treatment; no one shall be subjected to penalty or treatment incompatible with human dignity.

- *Turkey 1982, Article 17*

Art. 6. The state is obliged to create a prosperous and progressive society based on social justice, protection of human dignity, protection of human rights, realization of democracy, and to ensure national unity and equality among all ethnic groups and tribes and to provide for balanced development in all areas of the country.

Art. 24. (1) Liberty is the natural right of human beings. This right has no limits unless affecting the rights of others or public interests, which are regulated by law. (2) Liberty and dignity of human beings are inviolable. (3) The state has the duty to respect and protect the liberty and dignity of human beings.

- *Afghanistan 2004, Article 6, 24*

Human dignity is inviolable. To respect and protect it is the duty of all state authority.

- *German Federal Republic 2002, Article 1*

The Republic of South Africa is one sovereign democratic state founded on the following values:

(a) Human dignity, the achievement of equality and the advancement of human rights and freedoms.

- *South Africa 2003, Article 1*

Art. 9. The following are essential purposes and functions of the State, in addition to those established in the Constitution and the law:

...

2. To guarantee the welfare, development, security and protection, and equal dignity of individuals, nations, peoples, and communities, and to promote mutual respect and intra-cultural, inter-cultural and plural language dialogue.

Art. 22. The dignity and freedom of persons is inviolable. It is the primary responsibility of the State to respect and protect them.

- *Bolivia 2009, Article 9, 22*

The enumeration of the foregoing rights must not be interpreted to mean that they are the only rights enjoyed by the Iraqi people. They enjoy all the rights that befit a free people possessed of their human dignity, including the rights stipulated in international treaties and agreements, other instruments of international law that Iraq has signed and to which it has acceded, and others that are deemed binding upon it, and in the law

of nations. Non-Iraqis within Iraq shall enjoy all human rights not inconsistent with their status as non-citizens.

- *Iraq 2004, Article 23*

The Islamic Republic is a system based on belief in:

...

6. the exalted dignity and value of man, and his freedom coupled with responsibility before God;

- *Iran 1989, Article 2.6*

## 6. APPENDIX

This report is based on the following question(s) from the Comparative Constitution Project's "survey instrument":

[DIGNITY] Does the constitution refer to the “dignity of man” or human “dignity”?

1. Yes

2. No

96. other, please specify in the comments section

97. Unable to Determine

Instructions: This phrase must be mentioned explicitly, not simply implied

For additional documentation on the Comparative Constitutions Project, (including the full codebook, the sample, the sources of constitutional texts and translation issues related to those texts, coding procedures, publicly available data, etc.) please visit the project website at [www.comparativeconstitutionsproject.org](http://www.comparativeconstitutionsproject.org).