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# The Concept of Human Dignity as a Cornerstone of Human Rights: Contemporary Dimensions and Challenges

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## ABSTRACT

*Human dignity stands as a foundational yet complex concept within international human rights law. Though widely referenced in legal instruments and jurisprudence, its precise meaning and normative function remain subject to ongoing debate. This article explores the multifaceted nature of human dignity, tracing its philosophical roots, historical evolution, and its codification in major international and regional legal frameworks. It critically examines how dignity functions both as a legal right and as a foundational value underpinning broader human rights protection. The article also addresses contemporary challenges—such as digital technologies, climate change, and securitized migration regimes—that test the resilience and relevance of dignity-based legal reasoning. Drawing upon comparative jurisprudence and international case law, the study proposes a principled and context-sensitive approach to interpreting and applying the notion of human dignity in diverse legal and cultural settings. In doing so, it offers a deeper understanding of dignity not merely as an aspirational ideal, but as a dynamic and enforceable norm essential to upholding human rights in the 21st century.*

## KEYWORDS

*Dignity, Human Rights, Migration, Holocaust.*

## 1. INTRODUCTION

Human dignity occupies a central place in international human rights discourse, frequently cited as both the foundation and the goal of fundamental rights protection. It appears in the preambles

and operative articles of key legal instruments, such as the Universal Declaration of Human Rights (UDHR), the International Covenants on Civil and Political Rights (ICCPR), and Economic, Social and Cultural Rights (ICESCR), as well as regional instruments like the European Convention on Human Rights (ECHR) and the African Charter on Human and Peoples' Rights.

Despite its ubiquity, the concept of human dignity resists a single, definitive meaning. Scholars and practitioners alike grapple with whether it should be understood as an autonomous right, a moral principle, a legal standard, or a philosophical ideal. This ambiguity has led to both its strength—as a flexible, encompassing term—and its vulnerability, as a potentially vague or politically manipulable notion.

The purpose of this article is to unpack the legal significance of human dignity through a multi-dimensional lens. It seeks to explore not only what dignity means in theory, but also how it is operationalized in practice. This includes examining how courts have interpreted the concept, how it influences the development of legal norms, and how it serves as a site of contestation in contemporary debates such as bioethics, migration control, artificial intelligence, and environmental justice.

To achieve this, the article proceeds in several parts. First, it traces the philosophical and historical foundations of dignity, highlighting key transitions from antiquity through the Enlightenment to modern rights discourse. Second, it surveys the treatment of dignity in international and regional legal instruments and jurisprudence. Third, it evaluates current challenges that demand a renewed legal understanding of dignity. Finally, it offers recommendations for reinforcing the normative and practical value of human dignity within international legal systems.

## **2. PHILOSOPHICAL AND HISTORICAL FOUNDATIONS OF HUMAN DIGNITY**

The concept of human dignity has its roots in both philosophical traditions and religious thought. In classical antiquity, notions of dignity were often linked to social status or moral excellence. However, the idea evolved significantly during the Enlightenment, particularly in the works of Immanuel Kant, who argued that human beings possess intrinsic worth by virtue of their rationality and moral autonomy. According to Kantian ethics, every person must be treated as an end in themselves, never merely as a means to an end. This formulation laid the groundwork for a universal understanding of dignity as inherent and inalienable.

Religious traditions also contributed significantly to the evolution of human dignity. Judeo-Christian teachings emphasize the sanctity of the human person as being created in the image of God (*imago Dei*). Similarly, Islamic jurisprudence upholds the dignity of human beings (*karamat al-insan*) as a divine endowment. These theological perspectives converge with secular philosophical thought in affirming the moral worth of every individual, regardless of social or political status.

In modern political history, the atrocities of the Second World War—and in particular the Holocaust—brought renewed urgency to the notion of human dignity. The foundational human rights instruments adopted in the post-war period explicitly recognize human dignity as the basis for rights protection. The Preamble of the Universal Declaration of Human Rights (UDHR) declares that “recognition of the inherent dignity... of all members of the human family is the foundation of freedom, justice and peace in the world.” Similarly, regional human rights instruments such as the European Convention on Human Rights (ECHR), the American Convention on Human Rights, and the African Charter on Human and Peoples’ Rights incorporate dignity either explicitly or implicitly within their normative frameworks.

The historical trajectory of human dignity reveals a transition from hierarchical, status-based interpretations to a universal, egalitarian principle central to human rights discourse. Yet, despite its prominence in legal texts and moral philosophy, the precise meaning and legal enforceability of dignity remain contested—a challenge explored in the next section.

### **3. HUMAN DIGNITY IN INTERNATIONAL HUMAN RIGHTS LAW**

Human dignity occupies a unique position within international human rights law, functioning both as a foundational principle and, in some cases, as a substantive legal right. Its dual character gives rise to both theoretical richness and interpretive ambiguity.

In the Universal Declaration of Human Rights (1948), human dignity is invoked in both the Preamble and Article 1, establishing it as the philosophical basis for all rights. While the UDHR itself is not a binding treaty, it has attained the status of customary international law and has deeply influenced binding treaties such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). These instruments emphasize the “inherent dignity of the human person” as the foundation for freedom, justice, and peace.

Within UN treaty bodies and jurisprudence, dignity frequently operates as a guiding value in interpreting other rights. For example, the Human Rights Committee has invoked dignity in cases concerning torture, privacy, and discrimination, framing it as an overarching principle that reinforces the scope and gravity of violations.

In regional human rights systems, human dignity has been more explicitly recognized. The German Basic Law (Grundgesetz) enshrines dignity as inviolable in Article 1(1), establishing it as the supreme value of the legal order. The Inter-American Court of Human Rights has repeatedly cited dignity in its expansive interpretation of the right to life and prohibition of inhumane treatment. The African Charter on Human and Peoples' Rights goes further by integrating dignity with collective rights and duties, offering a unique contextualization grounded in African values and post-colonial aspirations.

Despite these recognitions, the legal operationalization of human dignity varies widely. Some legal systems treat dignity as a justiciable right, while others regard it as a meta-principle or interpretive tool. This variation reflects both cultural pluralism and theoretical disagreements about the nature of dignity—as explored in the next section on legal debates and normative tensions.

#### **4. LEGAL DEBATES AND NORMATIVE TENSIONS SURROUNDING HUMAN DIGNITY**

While the prominence of human dignity in international human rights discourse is uncontested, its precise legal meaning and normative scope remain highly debated. Scholars and jurists have identified several interpretive tensions that complicate its application.

One central debate concerns the subjectivity and vagueness of dignity. Critics argue that dignity is an amorphous concept—"a placeholder for intuitive moral judgments"—which can be co-opted for conflicting legal outcomes. For instance, dignity has been invoked both to uphold and restrict personal autonomy in cases involving abortion, euthanasia, or LGBTQ+ rights. In some jurisdictions, appeals to dignity support individual freedoms, while in others, they justify limitations based on communal or religious values.

Another tension lies in the universal versus culturally relative interpretations of dignity. While the UDHR promotes a universalist vision, critics point out that conceptions of dignity are

deeply shaped by cultural, religious, and philosophical traditions. In non-Western societies, dignity may be understood in communitarian rather than individualistic terms, creating friction when global human rights norms are implemented at the national level. For example, some states contest Western liberal interpretations of dignity in relation to gender equality, family law, or freedom of expression.

There is also a practical legal challenge in adjudicating dignity-based claims. Courts and tribunals struggle to determine when a violation of dignity has occurred, given the lack of a clear doctrinal test. This ambiguity can lead to inconsistent jurisprudence and judicial discretion that undermines the predictability of human rights protections.

Nevertheless, these challenges have prompted legal theorists to propose analytical frameworks for dignity. Some categorize it into dimensions: inherent dignity (ontological worth), subjective dignity (sense of self-worth), and status dignity (social recognition). Others suggest grounding dignity in related legal principles such as equality, autonomy, and non-discrimination to provide greater conceptual clarity.

In sum, while the contested nature of human dignity complicates its legal application, it also attests to its richness and adaptability. Rather than seeking a singular definition, international law may benefit from a pluralistic, context-sensitive approach that allows dignity to function as a dynamic and evolving standard.

## **5. CONTEMPORARY APPLICATIONS AND CASE STUDIES**

The practical relevance of human dignity in international human rights law is vividly demonstrated in recent legal controversies and institutional responses to new global challenges. This section explores how dignity has been invoked and interpreted in three key contemporary domains: digital technology, climate change, and migration control.

### ***5.1 Digital Technology and the Right to Human Dignity***

The digital transformation of society, including the widespread use of artificial intelligence (AI), facial recognition, and data surveillance, has introduced novel threats to human dignity. Algorithms often replicate or amplify existing biases, and decisions made by opaque AI systems can undermine individual autonomy and equality. Courts and human rights bodies have begun to recognize that dignity must inform the regulation of digital technologies. For example, the European Court of Human

Rights (ECtHR) has emphasized the importance of dignity in its jurisprudence on data protection, privacy, and state surveillance, notably in cases such as *S. and Marper v. United Kingdom* and *Big Brother Watch v. United Kingdom*.

## **5.2 Environmental Degradation and Climate Justice**

The climate crisis poses existential risks that deeply affect human dignity, particularly for vulnerable populations in the Global South. Rising sea levels, resource scarcity, and forced displacement compromise basic living conditions and the possibility of leading a dignified life. International advocacy has increasingly framed climate action in dignity terms. The UN Human Rights Council's recognition of the right to a healthy environment as a human right in 2021 reflects this shift. Litigation, such as the *Urgenda* case in the Netherlands, has affirmed that states' failure to prevent climate harm violates not only environmental obligations but also dignity-rooted human rights.

## **5.3 Securitized Migration and Border Enforcement**

Migration governance has seen a growing trend of securitization, externalization of borders, and the use of detention, surveillance, and pushbacks—often at the expense of dignity. The treatment of asylum seekers in camps or offshore processing centers, such as on Manus Island and Nauru, has drawn condemnation for degrading human dignity. In its *M.S.S. v. Belgium and Greece* judgment, the ECtHR held that inhumane reception conditions and inadequate asylum procedures constituted a violation of dignity under Article 3 of the ECHR.

These case studies show that human dignity functions as both a lens for identifying rights violations and a normative anchor for shaping legal remedies. In doing so, it reinforces the centrality of human worth and autonomy in the face of evolving global threats.

# **6. STRENGTHENING THE LEGAL FORCE OF HUMAN DIGNITY**

While the concept of human dignity is firmly embedded in international human rights discourse, its legal enforceability often remains uncertain or inconsistent across jurisdictions. This section examines possible pathways for reinforcing the normative and practical force of dignity in international law, focusing on doctrinal, institutional, and procedural developments.

### ***6.1 Codification and Clarification in International Instruments***

One major step toward strengthening dignity's legal status is its clearer and more explicit codification in international treaties and declarations. Although many documents refer to dignity, few define its scope or legal implications in concrete terms. Future treaties—particularly those addressing emerging issues like artificial intelligence, climate displacement, or digital privacy—should include operational clauses that specify how dignity should be protected and measured. For instance, protocols to existing treaties could elaborate on the minimal conditions necessary for dignified treatment under specific rights, such as housing, asylum, or healthcare.

### ***6.2 Judicial Interpretation and the Principle of Systemic Integration***

International and regional courts play a pivotal role in translating abstract principles like dignity into enforceable norms. By interpreting existing rights in light of dignity, courts can offer progressive and context-sensitive protections. The interpretive tool of "systemic integration" under Article 31(3)(c) of the Vienna Convention on the Law of Treaties allows adjudicators to consider dignity as a cross-cutting principle that informs the application of all treaty obligations. This holistic approach enhances coherence across human rights law, humanitarian law, and environmental law.

### ***6.3 Institutional Accountability and Enforcement***

Institutional mechanisms—such as UN treaty bodies, national human rights institutions, and ombudsperson offices—can also bolster dignity protections by monitoring compliance, issuing recommendations, and receiving individual complaints. The UN Committee on Economic, Social and Cultural Rights (CESCR), for example, frequently refers to dignity in its General Comments, shaping how states are held accountable for socioeconomic rights. These bodies must be empowered with sufficient authority and resources to investigate dignity-related violations meaningfully and to press for remedial action.

### ***6.4 Empowering Civil Society and Participatory Mechanisms***

The enforcement of dignity also depends on grassroots advocacy, public engagement, and participatory governance. Civil society organizations (CSOs), human rights defenders, and affected communities play a crucial role in translating dignity into lived



experience. Legal empowerment programs, public interest litigation, and human rights education initiatives help ensure that dignity is not merely a rhetorical ideal but a mobilizing force for justice and inclusion.

Through these interlinked avenues—legal codification, judicial interpretation, institutional oversight, and civic participation—human dignity can evolve from a foundational value into a robust and enforceable legal norm within the international order.

## **7. CONCLUSION**

The concept of human dignity stands as both the foundation and the aspiration of the international human rights regime. Rooted in philosophical traditions and crystallized through historical experiences, it underpins the legal recognition of individual worth and moral agency. Despite its prominence in foundational documents and judicial reasoning, dignity often remains underdefined and unevenly applied in international law, particularly in confronting contemporary challenges such as technological disruption, forced displacement, and environmental degradation.

This article has examined the normative force, interpretive functions, and practical applications of dignity across multiple legal contexts. It has highlighted both the conceptual richness and the operational ambiguities of the term. While dignity is central to the legitimacy of human rights, its realization requires more than symbolic affirmation—it demands legal precision, judicial consistency, and institutional commitment.

To bridge the gap between moral ideal and legal protection, this study recommends a multilayered approach: clearer codification of dignity-based obligations; interpretive coherence through systemic integration in treaty law; stronger monitoring and accountability mechanisms; and more inclusive, participatory frameworks for advancing human dignity on the ground. In doing so, the international legal system can reinforce dignity not only as a declarative value but also as a dynamic legal tool for justice, equality, and human flourishing.

Ultimately, the strength of international human rights law depends on its ability to embody and protect human dignity in an ever-evolving world. By anchoring dignity more firmly in legal doctrine and institutional practice, the human rights community can better meet the challenges of our time—and those yet to come.

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