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INTERVENTO DELLA SANTA SEDE ALLA XVI SESSIONE ORDINARIA DEL CONSIGLIO DEI DIRITTI DELL'UOMO SULLA LIBERTÀ RELIGIOSA

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Pubblichiamo di seguito l'intervento che l'Osservatore Permanente della Santa Sede presso l'Ufficio delle Nazioni Unite, S.E. Mons. Silvano M. Tomasi, ha pronunciato il 2 marzo scorso a Ginevra, nel corso della XVI Sessione Ordinaria del Consiglio dei Diritti dell'Uomo sulla libertà religiosa:

• INTERVENTO DI S.E. MONS. SILVANO M. TOMASI

Mr. President,

1. At the heart of fundamental human rights is freedom of religion, conscience and belief: it affects personal identity and basic choices and it makes possible the enjoyment of other human rights. As the UN Declaration on the Elimination of Religious Discrimination recognises, the spiritual dimension of life is a vital part of human existence.¹ But an increased proliferation of episodes of discrimination and acts of violence against persons and communities of faith and places of worship in several different geographical regions of the world denies in practice the principle proclaimed in law. Religious strife is a danger to social, political, and economic development. Religious conflict polarizes society, breaking the bonds necessary for social life and commerce to flourish. It produces violence, which robs people of the most fundamental right of all, the right to life. And it sows seeds of distrust and bitterness that can be passed down through the generations. Often impunity and media neglect follow such tragedies. A recent survey shows that out of 100 people killed because of religious hatred, 75 are Christian². That concentration of religious discrimination should cause concern to all of us. But the Holy See's purpose in this intervention is to reaffirm the importance of the right to freedom of religion for *all* individuals, for *all* communities of faith, and for *every* society, in all parts of the world.

2. The State has the duty to defend the right to freedom of religion and it has therefore the responsibility to create an environment where this right can be enjoyed. As stated in the Declaration on Religious Discrimination and elsewhere, the State has to fulfil several duties in the everyday functioning of society. For example, the State must not practice religious discrimination -- in its laws, in its policies, or by allowing de facto discrimination by public employees. It must promote religious tolerance and understanding throughout society, a goal that can

be achieved if educational systems teach respect for all and judicial systems are impartial in the implementation of laws and reject political pressure aimed at ensuring impunity for perpetrators of human rights crimes against followers of particular religion. The State should support all initiatives aimed at promoting dialogue and mutual respect between religious communities. It must enforce its laws that fight against religious discrimination -- vigorously, and without selectivity. The State must provide physical security to religious communities under attack. It must encourage majority populations to enable religious minorities to practice their faith individually and in community without threat or hindrance. The State must have laws that require employers to make "reasonable accommodations" for an employee's religion.

3. Freedom of religion is a value for society as a whole. The State that protects this right enables society to benefit from the social consequences that come with it: peaceful coexistence, national integration in today's pluralistic situations, increased creativity as the talents of everyone are placed at the service of the common good. On the other hand, the negation of religious freedom undermines any democratic aspiration, favours oppression, and stifles the whole society that eventually explodes with tragic results. From this angle as well it is clear that freedom of religion and conviction is complementary and intrinsically linked to freedom of opinion, expression and assembly. Besides, an environment of real freedom of religion becomes the best medicine to prevent the manipulation of religion for political purposes of power grabbing and power maintenance and for the oppression of dissenters and of different faith communities or religious minorities. In fact, religious discrimination and strife are rarely, if ever, solely the product of differences in religious opinions and practices. Below the surface are social and political problems.

4. To reap the social benefits of religious freedom specific measures need to be devised that allow the practical exercise of this right to flourish. Mr. President, I would like to highlight some measures at the U.N. level. The Special Rapporteur on freedom of religion could be invited regularly to include information on persecution of religious groups. It would be helpful if the Office of the U.N. High Commissioner of Human Rights were to monitor the situation of governmental and societal restrictions on religious freedom and report annually to the Human Rights Council. Article 20 of the Covenant on Civil and Political Rights³, which pertains to advocacy of religious hatred that incites religious discrimination, raises important questions, such as the relation between various rights, and about the best ways to achieve legitimate aims. Blasphemy laws are a case in point. The workshops mandated to study Article 20, and to propose good practices, are a step in the right direction.

5. I will conclude, Mr. President, by calling attention to three false perceptions surrounding freedom of religion and belief. In the first place, the right to express or practice one's religion is not limited to acts of worship. It also includes the right to express one's faith through acts of charitable and social service. For example, providing health and education through religious institutions are important ways for people to live their faith.⁴ Second, faith communities have their own rules for qualifications for religious office, and for serving in religious institutions, including charitable facilities. These religious institutions are part of civil society, and not branches of the state. Consequently, the limits that international human rights law places on States regarding qualifications on state office holding and public service do not apply automatically to non-state actors. As acknowledged by the Declaration on Religious Discrimination, freedom of religion entails the right of a religious community to set its own qualifications.⁵ Religious tolerance includes respecting differences of opinions in these matters, and respecting the difference between a state and a religious institution. And finally, there is a fear that respecting the freedom to choose and practice another religion, different from one's own, is based on a premise that all truth is relative and that one's religion is no longer absolutely valid. That is a misunderstanding. The right to adopt, and to change, a religion is based on respect for human dignity: the State must allow each person to freely search for the truth.

6. Mr President, the State has an ethical and legal obligation to uphold and make applicable the right to freedom of religion or conviction both because it is a fundamental human right, and because it is its duty to defend the rights of its citizens and to seek the welfare of society. As His Holiness Pope Benedict XVI stated in addressing the diplomatic corps, religious freedom is "the fundamental path to peace. Peace is built and preserved only when human beings can freely seek

and serve God in their hearts, in their lives and in their relationships with others."⁶

1 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, General Assembly Res. 36/55 (1981); e.g., fourth preambular paragraph.2 Cfr., Aid to the Church in Need, *Religious Freedom in the World – Report 2010*; Conference *Persecution of Christians* organized by the Commission of the Bishops' Conferences of the European Community, the European Parliamentary Groups of the European People's Party and the European Conservatives and Reformist's Group on October 10, 20113 Article 20 : "1.Any propaganda for war shall be prohibited by law. 2, Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law."4 See, for example, Article 6(b), Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.5 Article 6(g), Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.6 His Holiness Pope Benedict XVI. *Address to the Members of the Diplomatic Corps*. 10 January 2011.[00332-02.01] [Original text: English]
