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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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Il 10 marzo 2011, l'Osservatore Permanente della Santa Sede presso l'Ufficio delle Nazioni Unite, S.E. Mons. Silvano M. Tomasi, ha pronunciato un intervento sulla libertà religiosa alla XVI Sessione Ordinaria del Consiglio dei Diritti dell'Uomo, in corso a Ginevra dal 28 febbraio al 25 marzo 2011, il cui testo riportiamo di seguito:

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

Mr. President,

The Special Rapporteur on freedom of religion or belief has addressed a very crucial and timely theme, the human right of freedom of religion in the context of, and in relation to education. Modern States are built up, stand and develop, inter alia, on the pillars of education, health and social assistance. Besides, education seems to be an area that reacts with greater sensibility to cultural and demographic transformations that occur in society. At the same time, the transmission to new generations of a religion is a social enrichment worthy of preservation. Therefore the well recognized right of parents to decide the type of religious education their children should received takes precedence over any open or indirect imposition by the State. As art. 5.2 of the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief unequivocally states: "Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents, or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians, the best interest of the child being the guiding principle." Similar language is in art. 18.4 of the International Covenant on Civil and Political Rights, as the Special Rapporteur has rightly underlined.

Education and freedom of religion or belief constitute a vast area of concern. The inter-relationship between the two is an evolving experiment in many ways, but fundamental rights cannot be transgressed: those relating to parents and those relating to believers themselves acting in community. On the other hand, while people should have the right to profess their religious ideas freely, this should be done within the limits imposed by the common good and a just public order, and, in every case, in a manner characterized by responsibility. (Compendium of

the social doctrine of the Church, 200) The challenge of balancing rights of equal value is particularly obvious in preventing discrimination. The duty to guarantee an equal protection of rights should not be tainted by ideological positions that would consider a particular belief as intolerant while accepting that the State could force a religion to adopt a doctrine or behaviour that are against its own convictions. In this sense, public instruction should not treat the subject of religion in a way that leads to the rejection of the parents' preference and the advancement of an alternative set of beliefs. Finally the assumption that a faith must change over time needs a cautious approach. While certain historical conditionings can be adapted to new circumstances, one has to avoid any form of relativism, on the one hand, and, on the other, undue interference in the internal life of faith communities that would violate the fundamental human right of freedom of religion.

In conclusion, Mr. President, education and freedom of religion can reinforce each other. A fair presentation of different beliefs can prevent the stereotyping of other people's convictions, can open to dialogue and to respect of the inalienable dignity of every student, of every believer and of every person.

Thank you, Mr. President.

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