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RELIGIOUS FREEDOM IN THE PAPACY  
OF POPE BENEDICT XVI  
SEVEN YEARS OF INTERVENTIONS BEFORE THE UN

In this text I would like to present the most important aspects of the interventions made by the representatives of the Holy See before the United Nations dealing with religious freedom, in the seven years since Benedict XVI was called to the Papal throne.

Joseph Ratzinger was named Pope on the 19<sup>th</sup> of April 2005; since then, in many parts of the World, difficulties with regard to religious freedom have increased or acquired new forms, as can be seen in the issues and the approach taken by the Mission of the Holy See; the specific aim of this paper is to highlight those aspects considered of most importance. As a date of reference for this study I have chosen the month of April 2012, exactly seven years into the papacy of Benedict XVI: indeed, the last document examined for this paper is an intervention made precisely on the 19<sup>th</sup> of April, the seventh anniversary of the election, made by the Apostolic Nuncio and Permanent Observer at the UN, Msgr. Chulikatt, which, significantly, addressed the notion of religious freedom as part of the work of the Pontifical Mission.

The present paper aims to approach the issues dealt with by the delegation of the Holy See and offer an overall view. To this end, I have studied the texts, grouped them into categories and added a systematic order which, for obvious reasons, the statements of the Papal Mission do not have, given their nature and aim. This involves leaving

aside the chronological order of the interventions and to separate them from the specific details or even from the cause that gave rise to them<sup>1</sup>.

The status of Permanent Observer at the United Nations as a Non-Member State was granted to the Holy See on the 21<sup>st</sup> of March 1964<sup>2</sup>, given that it met the two requirements in order to acquire this status: the Holy See is a member of some of the special bodies of the UN, and it is recognized by the majority of the member states. The current status is satisfactory to the Holy See and provides it with sufficient room to carry out its mission within the boundaries of the UN<sup>3</sup>. This status is made up of two accredited Observers, both with the category of Papal Nuncio, one in the headquarters of the Holy See in New York (since 1964) and the other in the Swiss city of Geneva (since 1967).

Considered as a whole, the interventions made by the papal delegation can be characterized by certain features.

Firstly, a study of the interventions confirms a real interest for the individual and his dignity<sup>4</sup>. They do not represent a defense of a parti-

<sup>1</sup> The texts studied for this article are to be found at the Internet site: at [www.holyseemission.org](http://www.holyseemission.org) for those made by the papal delegation in New York and at [www.holyseemissiongeneva.org](http://www.holyseemissiongeneva.org) for those made by the delegation of the Holy see at the UN in Geneva.

<sup>2</sup> A UN resolution (58/314) dating from 2004 formally defined the participation of the Holy See in the UN with practically the same rights as all member States except that of the the right to vote. In correspondence exchanged on the 16<sup>th</sup> and 28<sup>th</sup> of October, 1957, it was made clear that participation at the UN referred to the Holy See and not to the Vatican State.

<sup>3</sup> The status of Observer “offers sufficient advantages so as to allow the Holy See to carry out its work with greater faithfulness to its spiritual mission, that is to say, it is able to maintain all possible diplomatic contacts. Through its admittance to the meetings organized by the UN, and the guarantee of access to all the conferences that take place, the observers representing the Holy See have a useful tool in order to maintain diplomatic relations not only with the Secretariat of the UN but also with all the delegations of the member States”: M a r c u s V i n i c i u s B r i t o d e M a c e d o, *La diplomacia pontificia como servicio petrino y su participación en la Organización de las Naciones Unidas*, Libreria Editrice Vaticana 2010, p. 250.

<sup>4</sup> As Marcus Vinicius Brito de Macedo points out, *La diplomacia pontificia*, p. 245, “The main point of convergence between the UN and the Holysee concerns the integrity of man, as reflected by the multiform wealth of his spiritual and material existence [...]. Papal Diplomacy takes care to point out that all political activity is a human activity, an activity carried out by man and for the sake of man”.

cular point of view, or the interests of a group or an attempt to strengthen a specific social position of the Catholic Church. On the contrary, the Holy See goes to great lengths to promote values related to human dignity, as is the case of Human Rights, of which religious freedom is one of the principle rights, as proclaimed in article 18 of the Universal Declaration of Human Rights, approved by the General Assembly of the UN in 1948. In their references, the papal representatives link the question of religious freedom and its consequences with other values with which they are closely related and by no means are they an abstract claim. They are based on the conviction that this specific right to religious freedom benefits society in general and not just Catholics (a large group but at the same time limited in number)<sup>5</sup>.

It is this perspective that explains the presence of the Holy See at the UN and in a certain sense provides the key to the interpretation of the interventions made by its representatives. The aim of the Holy See, although first and foremost spiritual, includes a responsibility towards the relations between peoples and in international forums, “a duty to be present in the life of Nations and a commitment to promote justice and solidarity among peoples”, as the then Cardinal Secretary of State expressed it in 2005<sup>6</sup>. In this way, the Mission brings a “spi-

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<sup>5</sup> The statement made by the permanent Observer of the Holy See at Geneva during the course of a concrete debate has a general validity: “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”: Statement by H.E. Archbishop Silvano M. Tomasi at the General Segment, 16<sup>th</sup> Session of the Human Rights Council, Geneva, 2 March 2011.

<sup>6</sup> The Secretary of State is the second highest authority of the Holy See: Address of Cardinal Angelo Sodano, Secretary of State of the Holy See, at the High-level Plenary Meeting of the 60<sup>th</sup> Session of the General Assembly of the United Nations, New York, 16 September 2005. Apart from the interventions made by the Holy Father (to date there have been four Papal speeches before the General Assembly, one made by Pope Paul VI, two by John Paul II and one by Benedict XVI), interventions are normally carried out by the Apostolic Nuncio and Permanent Observer of the Holy See, although on occasion other figures may intervene according to the subject under discussion or for other reasons. The statement quoted is the first made by an authority of the Holy See at a superior level to that of the Permanent Observer since the election of Pope Benedict XVI. During the period covered in this study the position of Permanent Observer has been held by the following persons: in New York, Archbishop Mons. Celestino Migliore until the 30<sup>th</sup> June 2010 and Archbishop Mons. Francis Chulikatt from July 2010 until the

ritual and ethical dimension to the discussions concerning the serious problems confronting the human race”<sup>7</sup> and serves “the individual, the whole individual, the individual in his entirety”<sup>8</sup>.

Together with a serious and profound study of the disparate and complex questions submitted to debate at the UN, this perspective allows the Holy See to promote work in common and to contribute to the international community setting objectives which are suitable for the overall well being of each person given the specific conditions of its status as Permanent Observer. “In this sense, the Holy See, making use of its moral authority, has indicated guidelines, supported and promoted initiatives, ratified conventions and denounced situations”<sup>9</sup>. Its presence is active<sup>10</sup> and well valued given that it doesn’t present a partial point of view, but “each intervention represents the voice of a moral authority with an upward and wide influence which continues to guide many delegates; and precisely because of this, its

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present date; at the papal Mission at the UN in Geneva, Archbishop Mons. Silvano Tomasi has carried out this responsibility since 2003.

<sup>7</sup> From the explication of the work carried out by the papal mission at [www.holyseemissiongeneva.org](http://www.holyseemissiongeneva.org); or, as the papal representative explained at the first meeting of the Council for Human Rights (Address of H.E. Mons. Giovanni Lajolo, first meeting of the Human Rights Council, Geneva, 20 June 2006): “The Holy See desires to contribute to the current debate in accordance with its specific nature and perspectives, always with the purpose of offering an essentially ethical reflection as a help in making the political decisions that must be taken here”.

<sup>8</sup> Carlos Soler and Carlos García, *El papel de la Santa Sede en la ONU*, Instituto Martín de Azpilcueta, Navarra Gráfica Ediciones, Pamplona 2001, pp. 61-62: “The desire to serve covers therefore each and every aspect of human life: human peace and security, work and rest (at the IOW, the International Organization for Work); health and illness (the World Health Organization, WHO); education and training (UNESCO, the organization of the United Nations for Education, Science and Culture); food and agriculture (FAO, Organization for Food and Agriculture); man’s rights and basic freedoms (Comission for Human Rights); as well as the concern for children (UN Childhood Fund UNICEF), for refugees (ACUNR, High Commission for Refugees), for developing countries (UNCTAD; UNODI, Organization for Industrial development), for the world economy (IMF, International Monetary Fund; the World Bank) and for trade (Agreement on Trade and Taxes GATT; The World Trade Organization WTO)”: all these are bodies of the UN in which the Holy See takes part.

<sup>9</sup> Ibidem.

<sup>10</sup> “Papal Diplomacy does not seek simply to be represented at International conferences but aims to participate in them as its role is not merely passive but active”: Marcus Vinicius Brito de Macedo, *La diplomacia pontificia*, p. 252.

positions are considered with greater interest than those of full members”<sup>11</sup>.

Finally, the activity of the papal Mission before the UN assumes the nature of this organization, operates within the context of International law<sup>12</sup> and is imbued with a spirit of collaboration, firmly convinced of the benefits that the UN can bring to mankind. As the Secretary of the Holy See for Relations with States pointed out two years ago, the Catholic Church recognized the work of the UN since its beginnings and acknowledges that the organization has become an irreplaceable element in the lives of people and in the search for a better future for all inhabitants of the earth. „That is why the Holy See and the Catholic Church pay great attention to the UN, as was demonstrated by the visits of Popes Paul VI, Pope John Paul II and Benedict XVI”<sup>13</sup>.

However, if the UN is to continue “to carry out its historic mission to maintain unity and to coordinate all States with a view to achieving common goals of peace, security, and integral human development for all”, the guarantee “will be provided through a constant reference to the dignity of all men and women and through effective respect beginning with respect for the right to life of even those who are the weakest as the sick approaching the end of their life or the unborn children – and for religious freedom”<sup>14</sup>.

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<sup>11</sup> Ibidem.

<sup>12</sup> Archbishop Mons. Francis A. Chulikatt, Eighth Annual National Catholic Breakfast, Washington, 19<sup>th</sup> April 2012.

<sup>13</sup> Address by H.E. Archbishop Dominique Mamberti, Secretary for the Holy See’s Relations with States, General Debate of the 65<sup>th</sup> session of the United Nations General Assembly, New York, 29 September 2010. The Holy See welcomed as a sign of hope the establishment in 2006 of the Council for Human Rights which aims to “fill the gap between the pronouncements of the system of the conventions on human rights as a whole and the reality of their application in the different parts of the world”: address of H.E. Mons. Giovanni Lajolo, first meeting of the Human Rights Council, Geneva, 20 June 2006. The following Popes visited the UN: Pope Paul VI, 4<sup>th</sup> of October 1965; John Paul II 2<sup>nd</sup> of October 1979 and 5<sup>th</sup> October 1995; and Benedict XVI, 18<sup>th</sup> of April 2008.

<sup>14</sup> Address by H.E. Archbishop Dominique Mamberti, Secretary for the Holy See’s Relations with States, General Debate of the 65<sup>th</sup> session of the United Nations General Assembly, New York, 29 September 2010.

## 1. THE HOLY SEE'S APPROACH TO RELIGIOUS FREEDOM

### 1.1 Dimensions of religious freedom

#### 1.1.1. Religious freedom, tolerance and freedom of worship

Let us first take a brief look at how the interventions made by the Holy See at the UN conceive the right to religious freedom. The first point is to mark a limit with regard to tolerance and the right to worship, and to affirm the social aspects of religious freedom.

By religious freedom, the delegation of the Holy See refers to “the right to believe, worship, propose and witness to one’s faith”, which also includes “the right to change one’s religion and to associate freely with others in order to express one’s religious convictions”<sup>15</sup>.

Religious freedom cannot be reduced to a mere “tolerance” of religion. Tolerance is usually understood as a more limited expression, as simply “accepting or permitting those religious beliefs and practices which disagree with one’s owns”. This would only be a starting point for religious freedom; conversely, religious freedom is the guarantee of the fulfillment of tolerance, which would not be possible “without an effective recognition of religious freedom”. Social evolution leads to the conclusion that to reduce religious freedom to a question of mere tolerance is a limited vision of the issue. “The time has come to move beyond this type of religious tolerance and to apply instead the principles of authentic religious freedom” said the Apostolic Nuncio in 2006.

#### 1.1.2. The Social Dimension of religious freedom

The Nuncio also pointed out that religious freedom has an intrinsic social dimension: is not just an interior freedom of man. This social dimension is expressed in three ways, as can be seen in that statement and on many other occasions: as a distinction between religious

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<sup>15</sup> Statement by H.E. Archbishop Celestino Migliore, 61<sup>st</sup> session of the UN General Assembly, Before the Third Committee, on item 67 (b): Promotion and protection of human rights: Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms, New York, 27 October 2006. The General Assembly has six main Committees, the third of which deals with Social, Humanitarian and Cultural Matters; it is there where questions relating to religious freedom are usually raised.

freedom and the freedom of worship; as the enrichment of society in general; and as the integration of the two dimensions of a person who is both citizen and believer.

*a) Religious freedom covers both internal and external acts; and between the external acts, does not comprise only acts referring to the practice of religious worship.* Needless to say, religious worship forms a part of religious freedom and a very important part at that. However, religious freedom goes far beyond the possibility to celebrate religious ceremonies. It also covers “the right to preach, educate and convert and fully participate in public life”<sup>16</sup>.

Religious freedom 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”<sup>17</sup>. As a consequence, “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. Religious tolerance includes respecting differences of opinions in these matters, and respecting the difference between a state and a religious institution”<sup>18</sup>.

In reality, as Pope Benedict XVI made clear precisely at the headquarters of the UN during his visit in 2008, “the full guarantee of religious liberty cannot be limited to the free exercise of worship, but has to give due consideration to the public dimension of religion, and hence to the possibility of believers playing their part in building the social order”<sup>19</sup>. The Pope repeated this idea in his Message at the

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<sup>16</sup> Statement of H.E. Archbishop Erwin Josef Ender Apostolic Nuncio, Special Envoy of the Holy See International Conference on the Discrimination and Persecution against Christians Moscow, 30 November 2011.

<sup>17</sup> General Segment, 16<sup>th</sup> session of the Human Rights Council, día 2 de marzo de 2011.

<sup>18</sup> Ibidem.

<sup>19</sup> Address of His Holiness Benedict XVI, Meeting with the members of the General Assembly of the United Nations Organization, New York, 18<sup>th</sup> April 2008.

World Day for Peace in 2011: “Religious freedom cannot be limited to the individual dimension but has to reach the community to which the individual belongs in society in a coherent way between the social being of the individual and the public nature of religion”<sup>20</sup>.

Experience proves that “restrictions on religious freedom, although predominantly in a certain number of countries, stem from a reductionist approach which limits religious freedom of the individual and denies it to the community”<sup>21</sup>.

*b) Religious freedom enriches society in general.* Religion as such brings with it benefits which are clearly perceptible: “We cannot overlook the role that religion plays in feeding the hungry, clothing the naked, healing the sick and visiting the imprisoned. Nor should we underestimate its power, especially in the midst of conflict and division, to turn our minds to thoughts of peace, to enable enemies to speak to one another, to foster those who were estranged to join hands in friendship, and have nations seek the way to peace together. Religion is a vital force for good, for harmony and for peace among all peoples, especially in troubled times”; “it has the potential to bind us together as equal and valuable members of the human family”<sup>22</sup>.

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<sup>20</sup> Mons. Francis A. Chulikatt narrates his impressions at the Eighth Annual National Catholic Breakfast, Washington, 19<sup>th</sup> April 2012: “While a healthy secularism calls for a distinction to be made between religion and politics, between Church and State, it must do so without turning God into a private hypothesis or excluding religion and the ecclesial community from public life. A healthy secularism, therefore, does not systematically proceed at a public level as if God did not exist. To do so would be to impose an ideology or nihilistic arguments upon society [...]. In negotiating resolutions at the UN, my Mission has observed a growing tendency by delegations to favor diluted expressions such as ‘belief’ or ‘opinion’ or ‘faith’, over the use of the term ‘religion’. This development must be viewed with concern because it demonstrates the creeping emergence of a subjective determinant in this important area of human rights. It will have the effect of relegating religious content to the private sphere. In this way, the separation of politics and religion would signify that the latter lacks all input or relevance in the public arena. Less frequently, we have also had to resist more direct efforts to prohibit religious freedom in the issues of conversions to Christianity and adoption of children by Christian couples”.

<sup>21</sup> Statement of H.E. Archbishop Erwin Josef Ender Apostolic Nuncio, Special Envoy of the Holy See International Conference on the Discrimination and Persecution against Christians Moscow, 30 November 2011.

<sup>22</sup> Before the Third Committee of the 61<sup>st</sup> session of the UN General Assembly, on item 67 (b): Promotion and protection of human rights: Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms, New York, 27 October 2006.

More specifically, when the State protects the right to religious freedom, it “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”<sup>23</sup>.

In short, the modern or post-modern idea which argues that religion lacks importance or is a marginal part of public life or is “even destabilizing”<sup>24</sup> has to be rejected. This would help to spread religious freedom throughout the world and thereby help overcome the lack of trust which some cultures display towards the notion of religious freedom, because of a fear that “this may be an attempt to import into their countries a certain Western notion of relativism, which marginalizes religion and is truly foreign to their identities and traditions”<sup>25</sup>.

*c) Religion moves believers from within without impeding or prejudicing their condition as citizens, and they are called upon to take part in social life in the same way as their fellow countrymen.* The Permanent Observer referred to this particular aspect on the 10<sup>th</sup> of December 2008, on occasion of the 60<sup>th</sup> anniversary of the passing of the Declaration of Human Rights: “In the specific area of religious liberty, the Universal Declaration [...] does not set the dimension of the citizen against that of the believer, recognizing instead the full freedom of the relationship between the person and his Creator. No principle, no national or international law can cancel or limit this relationship if it wants to recognize with coherence the rights proclaimed sixty years ago. The free relationship between the person and his Creator, today as then, should not be limited to the exercise of religious belief, but open to the public expression of religious worship through the chan-

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<sup>23</sup> General Segment, 16<sup>th</sup> session of the Human Rights Council, 2<sup>th</sup> March 2011.

<sup>24</sup> Statement of H.E. Archbishop Erwin Josef Ender Apostolic Nuncio, Special Envoy of the Holy See International Conference on the Discrimination and Persecution against Christians Moscow, 30 November 2011.

<sup>25</sup> *Ibidem*.

nels of formation, instruction and full participation in all decision making within a given country”<sup>26</sup>.

With the same clarity but with greater solemnity Benedict XVI addressing the members of the General Assembly of the UN said that “it is inconceivable that believers should have to suppress a part of themselves – their faith – in order to be active citizens. It should never be necessary to deny God in order to enjoy one’s rights”<sup>27</sup>.

### **1.1.3. Freedom of religion, freedom of conscience and freedom of speech**

The definition of religious freedom as something which is both individual and social at the same time explains its relation with the questions of freedom of conscience and free speech.

There is a close relation between religious freedom and freedom of conscience, although there is not of course a complete identification between the two. The Permanent Observer explains that freedom of conscience “entails full respect for the inner and transcendent dimension of the human person, which is an integral part of what it means to be a human being. Through the free exercise of conscience and moral decision making, human beings are able to transform themselves into living members of social life whose good will, charity and hope promote the dignity and wellbeing of every member of the human family”<sup>28</sup>.

Conversely, through religious freedom and in a movement which starts from a person’s interior dimension and opens out to an external sphere, “human beings are able to pursue the most important relationship of their life, that is, their relationship with God. Freedom of religion necessarily entails the freedom to ascribe to a set of beliefs,

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<sup>26</sup> Statement by H.E. Archbishop Celestino Migliore Apostolic Nuncio, Permanent Observer of the Holy See 63<sup>rd</sup> session of the United Nations General Assembly Commemoration of the sixtieth anniversary of the Universal Declaration of Human Rights New York, 10 December 2008.

<sup>27</sup> Address of His Holiness Benedict XVI, Meeting with the members of the General Assembly of the United Nations Organization, New York, 18<sup>th</sup> April 2008.

<sup>28</sup> Statement by H.E. Archbishop Francis Chullikatt, 65<sup>th</sup> session of the United Nations General Assembly, Before the Plenary, on item 63: Report of the Human Rights Council, New York, 3 November 2010.

to adopt or change one's religion, to profess one's faith and to practice fully that faith openly and publicly"<sup>29</sup>.

On the other hand, the right to religious freedom "is intrinsically related to the right to freedom of expression. Where followers of religions have no right to express their opinion freely, the freedom of religion is not guaranteed". Inversely, "where persons are not allowed to engage in a honest discussion on the merits and/or flaws of a religion, the right to the truth is denied and the right to choose or change his/her religion or belief is seriously hampered"<sup>30</sup>.

## **1.2. Religious freedom and Human Rights**

### **1.2.1. The objective base for Human Rights**

The grave violations of religious freedom that will be referred to further on in this paper "are in many cases the result of the predominance of a mistaken conception according to which it is political power which determines, in the final analysis, the contents of the rights of man"<sup>31</sup>.

However, religious freedom, as with all human rights, is not based on a concession made by the ruling powers or authority. "Human rights are based on the inherent dignity of the human person, and these inalienable rights are founded in the natural moral order"<sup>32</sup>. Therefore, "there is such a thing as universal and transcendent truth about man and his innate dignity, which is not only prior to all political activity, but determines it – so that no ideology or power can eliminate it". Consequently, the power of the state is not by any means absolute, but is limited by the dignity of every person"<sup>33</sup>.

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<sup>29</sup> Ibidem.

<sup>30</sup> 10<sup>th</sup> ordinary session of the Human Rights Council, 16<sup>th</sup> March 2009.

<sup>31</sup> Before the Third Committee of the 62<sup>th</sup> session of the United Nations General Assembly, Statement by H.E. Archbishop Celestino Migliore, on item 65: Report of the Human Rights Council, New York, 5 November 2007.

<sup>32</sup> Statement by H.E. Archbishop Francis Chullikatt, 65<sup>th</sup> session of the United Nations General Assembly, Before the Plenary, on item 63: Report of the Human Rights Council, New York, 3 November 2010.

<sup>33</sup> Address by H.E. Archbishop Dominique Mamberti, Secretary for the Holy See's Relations with States, General Debate of the 62<sup>nd</sup> session of the General Assembly of the United Nations, New York, 1 October 2007. In addition, Address of His Holiness Benedict XVI, Meeting with the members of the General Assembly

In the speech given during the meeting of members of the General Assembly of the UN in New York on 18<sup>th</sup> of April, 2008, Benedict XVI affirmed that “when presented purely in terms of legality, rights risk becoming weak propositions divorced from the ethical and rational dimension which is their foundation and their goal”.

Secondly, human rights are not an expression of a personal option based on subjective or emotional criteria. They are rooted in an objective truth, which makes them “discernible through right reason which is universal. My Delegation”, argues the apostolic Nuncio, “must be candid: human rights do not change any more than human nature can change”<sup>34</sup>. Given that religious freedom is one of these rights, its full practice “is based on respect for human reason and its capacity to know the truth”<sup>35</sup>. On this subject it is clear that “when faced with new and insistent challenges, it is a mistake to fall back on a pragmatic approach, limited to determining ‘common ground’, minimal in content and weak in its effect”<sup>36</sup>, as Benedict XVI explained to the UN in 2008.

In this sense, to argue that there is room for freedom in this regard, does not mean the acceptance of relativism. “Religious liberty is not based on a relativistic understanding of humanity but on the truth about human nature. The same can be said about freedom of conscience, which does not justify any private opinion whatsoever but rather

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of the United Nations Organization, New York, 18<sup>th</sup> April 2008: “They are based on the natural law inscribed on human hearts and present in different cultures and civilizations. Removing human rights from this context would mean restricting their range and yielding to a relativistic conception, according to which the meaning and interpretation of rights could vary and their universality would be denied in the name of different cultural, political, social and even religious outlooks. This great variety of viewpoints must not be allowed to obscure the fact that not only rights are universal, but so too is the human person, the subject of those rights”.

<sup>34</sup> Statement by H.E. Archbishop Francis Chullikatt, 65<sup>th</sup> session of the United Nations General Assembly, Before the Plenary, on item 63: Report of the Human Rights Council, New York, 3 November 2010.

<sup>35</sup> Address by H.E. Archbishop Dominique Mamberti, Secretary for the Holy See’s Relations with States, 62<sup>nd</sup> session of the UN General Assembly, High-level Dialogue on Interreligious and Intercultural Understanding and Cooperation for Peace, New York, 5 October 2007.

<sup>36</sup> Address by H.E. Archbishop Dominique Mamberti, Secretary for the Holy See’s Relations with States, General Debate of the 65<sup>th</sup> session of the United Nations General Assembly, New York, 29 September 2010.

requires the exercise of conscience which is rooted in the objective moral truth of God's Law. [...] As Blessed John Henry Cardinal Newman once said, 'conscience has rights because it has duties'<sup>37</sup>.

The fundamental connection between religious freedom and the truth was the subject of a large part of the intervention made by Archbishop Erwin Josef Ender, apostolic Nuncio and the Holy See's special envoy to the International Conference on Discrimination and Persecution of Christians which took place in Moscow in November 2011. He explains, for example, that this connection is the reason why some forms of relativism, instead of actively promoting religious freedom, merely "tolerate" it and looks upon it with a certain degree of hostility<sup>38</sup>.

### **1.2.2. Religious freedom, at the "heart" of Human Rights**

The Universal Declaration of Human Rights passed on 10<sup>th</sup> of December 1948 recognizes in its article 18, religious freedom as one of the human rights. However, it is not simply another right, but "the first of human rights"<sup>39</sup>, and is "at the heart" of all rights and freedoms<sup>40</sup>, and can be described as "the cornerstone for building" the system of human rights<sup>41</sup>.

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<sup>37</sup> Mons. Francis A. Chulikatt, Eighth Annual National Catholic Breakfast, Washington, 19<sup>th</sup> April 2012.

<sup>38</sup> He mentioned some words from Holy Father: "Religious freedom should be understood, then, not merely as immunity from coercion, but even more fundamentally as an ability to order one's own choices in accordance with truth. [...] A freedom which is hostile or indifferent to God becomes self-negating and does not guarantee full respect for others. A will which believes itself radically incapable of seeking truth and goodness has no objective reasons or motives for acting save those imposed by its fleeting and contingent interests; it does not have an 'identity' to safeguard and build up through truly free and conscious decisions. As a result, it cannot demand respect from other 'wills', which are themselves detached from their own deepest being and thus capable of imposing other 'reasons' or, for that matter, no 'reason' at all. The illusion that moral relativism provides the key for peaceful coexistence is actually the origin of divisions and the denial of the dignity of human beings': Benedict XVI, Message for the celebration of the World Day of Peace, 1 January 2011, 'Religious freedom, the path to peace'.

<sup>39</sup> Benedict XVI, Address to the members of the Diplomatic Corps, 10 January 2011.

<sup>40</sup> General Segment, 16<sup>th</sup> session of the Human Rights Council, 2<sup>nd</sup> March 2011.

<sup>41</sup> Address by H.E. Archbishop Dominique Mamberti, Secretary for the Holy See's Relations with States, General Debate of the 65<sup>th</sup> session of the United Nations General Assembly, New York, 29 September 2010.

The Holy Father Benedict XVI explains why religious freedom is “the first” of all rights: “not only because it was historically the first to be recognized but also because it touches the constitutive dimension of man, his relation with his Creator”<sup>42</sup>.

Religious freedom shares this central position alongside other rights which are also of a basic nature. The interventions made by the Holy See usually indicate that the right to life, the right to free thought, conscience and speech all belong to these core rights of all men.

Hence, in 2008 the Apostolic Nuncio argued that the right to live and religious freedom are at the very heart of human rights in such a way that “only by respecting the right to life, from the moment of conception until natural death, and the consciences of all believers, will we promote a world cognizant and respectful of a deeper sense of meaning and purpose”<sup>43</sup>. In a debate on human and economic development in 2010, the Nuncio said that “chief among these rights is the fundamental right to life”, and that “in addition, human rights must recognize the inherent social and spiritual nature of the human person and respect the rights of individuals to practice freely one’s faith”<sup>44</sup>. Needless to say, this is not a question of establishing ranks or categories but rather to stress what human dignity involves.

The president of the Governatorate of the Vatican State, Msgr. Giovanni Lajolo, spoke of three primary rights: the right to live („the increasing recognition of the sacredness of life, witnessed also by the growing rejection of the death penalty, needs to be matched by a thorough protection of human life precisely when it is at its weakest, that is, at its very beginning and at its natural end”), the right to religious freedom („the respect for religious freedom is the respect for the inti-

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<sup>42</sup> Benedict XVI, Address to the members of the Diplomatic Corps, 10 January 2011.

<sup>43</sup> Statement by H.E. Archbishop Celestino Migliore, 63<sup>rd</sup> session of the United Nations General Assembly, Agenda item 100: Report of the Secretary-General on the work of the Organization, New York, 6 October 2008. Also on the 30<sup>th</sup> October 2007 (62<sup>nd</sup> session of the United Nations General Assembly, item 49: Culture of Peace the representative of the Holy See mentions two basic rights: the right to life in all its phases from conception to natural death and which cannot “be disposed of at will”, and the right to religious freedom which in the same manner “cannot the right to religious freedom cannot be subject to human caprice”.

<sup>44</sup> Statement by H.E. Archbishop Francis Chullikatt, 65<sup>th</sup> session of the United Nations General Assembly, Agenda item 108: Report of the Secretary-General on the work of the Organization.

mate relationship of the believing person with God – both in its individual and social aspects – of which there is nothing more sacred”) and the right to free speech, including the right to express opinions without interference, to exchange ideas and information and therefore, freedom of the press („the observance of this right is necessary for the fulfillment of each person, for the respect of cultures and for the progress of science”)<sup>45</sup>.

### **1.3. Those responsible for the promotion and defense of religious freedom**

To promote and protect religious freedom when it is called into question or violated is a responsibility shared by all: institutions (both public and private) and individuals. “National and global decision making, legal and political systems, and all people of good will must cooperate to ensure that diverse religious expressions are not restricted or silenced”<sup>46</sup>. Nevertheless, there are those who have specific responsibilities.

#### **1.3.1. States and International Organisations**

Governments have an important role to play as they “has a solemn responsibility to safeguard rather than ridicule this inalienable right. Since the State is not the author of any fundamental human right, it must respect that intimate and fundamental sanctuary of human freedom, the conscience, and to allow each conscience its fullest and highest expression in the free exercise of religious faith”<sup>47</sup>.

This is a commitment which has been explicitly accepted by States and is reflected in the most important documents to which most have

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<sup>45</sup> Archbishop Giovanni Lajolo, President of the Governatorate of the Vatican City State, General Debate of the 61<sup>st</sup> session of the General Assembly of the United Nations, New York, 27 September 2006.

<sup>46</sup> Statement by H.E. Archbishop Celestino Migliore, 61<sup>st</sup> session of the UN General Assembly, Before the Third Committee, on item 67 (b): Promotion and protection of human rights: Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms, New York, 27 October 2006.

<sup>47</sup> Statement by H.E. Archbishop Francis Chullikatt, 65<sup>th</sup> session of the United Nations General Assembly, Before the Plenary, on item 63: Report of the Human Rights Council, New York, 3 November 2010.

subscribed. “International instruments and declarations have affirmed the responsibility of States in this regard. One needs only to call to mind, for example, the Universal Declaration of Human Rights which affirms the right to freedom of thought, conscience and religion, which includes freedom to change one’s religion or belief, and freedom, either alone or in community with others and in public or private, to manifest one’s religion or belief in teaching, practice, worship and observance”<sup>48</sup>, and “allied international instruments, such as the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief”, which the States are called “to adhere to and enforce”<sup>49</sup>. Frequently these obligations are not met, and “constitutional and legislative systems are unjust when they fail to provide adequate and effective guarantees of freedom of thought, conscience and religion to all. Each and every Government needs to work all the more to guarantee fully the right to life, freedom of thought, conscience, religion or belief for each and every person”<sup>50</sup>.

Naturally, they will establish a legal framework for the practice of religious freedom. “Like every other freedom, the freedom of religion must fit harmoniously into the context of all legitimate and authentic human freedoms. This vital freedom must also develop harmoniously with attentive respect for the freedom of religion of others in the context of just laws that apply to all. Governments have a responsibility to promote and guarantee this general atmosphere of responsible freedom”<sup>51</sup>.

An attitude limited to the preservation of religious freedom will not be enough, but “a substantive promotion and affirmation of fundamen-

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<sup>48</sup> Statement by H.E. Archbishop Francis Chullikatt, 65<sup>th</sup> session of the United Nations General Assembly, Before the Plenary, on item 63: Report of the Human Rights Council, New York, 3 November 2010.

<sup>49</sup> Address by H.E. Archbishop Dominique Mamberti, Secretary for the Holy See’s Relations with States, 62<sup>nd</sup> session of the UN General Assembly, High-level Dialogue on Interreligious and Intercultural Understanding and Cooperation for Peace, New York, 5 October 2007.

<sup>50</sup> Statement by H.E. Archbishop Francis Chullikatt, 65<sup>th</sup> session of the United Nations General Assembly, Before the Plenary, on item 63: Report of the Human Rights Council, New York, 3 November 2010.

<sup>51</sup> Statement by H.E. Archbishop Francis Chullikatt, 65<sup>th</sup> session of the United Nations General Assembly, Before the Plenary, on item 63: Report of the Human Rights Council, New York, 3 November 2010.

tal rights and freedoms”<sup>52</sup> will be required. Apart from complying with the strict legal formality, they will have “to create an environment where this right can be enjoyed”<sup>53</sup>.

As an organization which brings together sovereign States, the UN shares with them the same responsibility; they have even a special role to play given their original aims and inspirations that resulted in the proclamation of this right in the Universal Declaration. Msgr. Mamberti, Secretary for State Relations, reminded them in 2007 that “part of the founding ethos of the UN is the right to freedom of thought, conscience and religion. Therefore, it is this Assembly’s duty to continue to provide the leadership that ensures and protects these fundamental rights and fosters full religious freedom in every land”<sup>54</sup>.

### **1.3.2. Individuals and Communities**

„Individuals and communities likewise need to promote tolerance, mutual understanding and respect among the followers of the various

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<sup>52</sup> Statement by H.E. Archbishop Silvano M. Tomasi at the 15<sup>th</sup> Session of the Human Rights Council – Item 9, Geneva, 28 September 2010.

<sup>53</sup> Statement by H.E. Archbishop Silvano M. Tomasi at the General Segment, 16<sup>th</sup> Session of the Human Rights Council, Geneva, 2 March 2011; and: “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”.

<sup>54</sup> Statement by H.E. Archbishop Celestino Migliore, 61<sup>st</sup> session of the UN General Assembly, Before the Third Committee, on item 67 (b): Promotion and protection of human rights: Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms, New York, 27 October 2006.

faith traditions”<sup>55</sup>. This can be done in various ways, but there are two areas of special importance: education and the media.

„The educational system and the media have a major role to play by excluding prejudice and hatred from textbooks, from newscasts and from newspapers, and by disseminating accurate and fair information on all component groups of society”<sup>56</sup>.

The papal Mission looks thoroughly at the question of the educational system which has to teach “peaceful coexistence built on mutual respect, solidarity and cooperation as means that promote a healthy social pluralism and a prosperous life for all members of our one human family”<sup>57</sup>. Besides this, “the transmission to new generations of a religion is a social enrichment worthy of preservation”<sup>58</sup>.

The key role in education of children belongs to the parents, who have “the primary responsibility for the upbringing and development of their child”<sup>59</sup>, particularly with regard to their religious and moral education.

The rights of parents to decide what type of religious education their children have to receive takes precedence over any imposition directly or indirectly made by the State and “is connected with the transmission of human life and the unique loving relationship between parents and children”<sup>60</sup>. This is recognized and guaranteed by the in-

<sup>55</sup> Statement by H.E. Archbishop Francis Chullikatt, 65<sup>th</sup> session of the United Nations General Assembly, Before the Plenary, on item 63: Report of the Human Rights Council, New York, 3 November 2010.

<sup>56</sup> Statement by His Excellency Archbishop Silvano M. Tomasi, Permanent Observer of the Holy See to the United Nations and Other International Organizations in Geneva at the 19<sup>th</sup> Session of the Human Rights Council – High Level Segment, March 1, 2012. In the same sense, “communication media and textbooks should contribute in this effort and not stir up emotions with ambiguous or false messages that foster intolerance and close the minds to a future of conviviality”: Statement of H.E. Mons. Silvano M. Tomasi at the 2<sup>nd</sup> session of the Human Rights Council, Geneva, 21 September 2006.

<sup>57</sup> Statement by H.E. Archbishop Silvano M. Tomasi at the General Debate Item 3 of the 13<sup>th</sup> Session of the Human Rights Council, Geneva, 12<sup>th</sup> March 2010.

<sup>58</sup> Statement by H.E. Archbishop Silvano M. Tomasi at the 16<sup>th</sup> Session of the Human Rights Council, item 3: Interactive Dialogue, Geneva, 10 March 2011.

<sup>59</sup> Statement by H.E. Archbishop Francis Chullikatt, 65<sup>th</sup> session of the United Nations General Assembly, Before the Plenary, on item 63: Report of the Human Rights Council, New York, 3 November 2010.

<sup>60</sup> Statement by His Excellency Archbishop Silvano M. Tomasi at the 20<sup>th</sup> Session of the Human Rights Council, “Special Rapporteur on the Right to Education”, Geneva, June 2012.

ternational documents, but often threatened by the will of Governments. Nevertheless, the right to exercise this choice must be respected; otherwise other fundamental human rights are put in jeopardy<sup>61</sup>.

Nor can the specific responsibility that falls upon communities of believers be overlooked, given that “the safeguarding and promotion of religious liberty for all requires both state action and religious responsibility”<sup>62</sup>. We will touch upon this question further on in this paper.

## 2. THE PRACTICAL REALITIES

The objective consideration of the real situation with regard to religious freedom in the World does not give any grounds for satisfaction. As the papal delegation observed in 2008: “To this day the right to freedom of thought, conscience and religion contained in Article 18 of the UDHR continues to face serious challenges and breaches in a number of regions around the world”<sup>63</sup>. This argument, which was based on the report under discussion at the time, remains valid today<sup>64</sup>.

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<sup>61</sup> Statement by H.E. Archbishop Francis Chullikatt, 65<sup>th</sup> session of the United Nations General Assembly, Before the Plenary, on item 63: Report of the Human Rights Council, New York, 3 November 2010. The context for these statements is as follows: “We know that a man and a woman united in marriage, together with their children, form a family which is the natural and fundamental unit of society (UDHR, Art. 16, 3). The institution of marriage is prior to any recognition by public authority, which has an obligation to recognize and protect it. In the family the child is able to learn moral values, begin to honor God and make good use of freedom. Family life is thus an initiation into life in society”.

<sup>62</sup> Address by H.E. Archbishop Dominique Mamberti, Secretary for the Holy See’s Relations with States, 62<sup>nd</sup> session of the UN General Assembly, High-level Dialogue on Interreligious and Intercultural Understanding and Cooperation for Peace, New York, 5 October 2007.

<sup>63</sup> Statement by H.E. Archbishop Celestino Migliore, 63<sup>rd</sup> session of the United Nations General Assembly, Before the Third Committee, on item 64 (b): Promotion and protection of human rights: religious freedom, New York, 29 October 2008.

<sup>64</sup> See Mons. Francis A. Chulikatt, Eighth Annual National Catholic Breakfast, Washington, 19<sup>th</sup> April 2012.

## 2.1. Situations that put religious freedom at risk

### 2.1.1. Acts of violence

Attacks upon religious freedom cause victims belonging to all faiths and are denounced by the Holy See regardless of whether they affect Christians or non Christians. The Holy See constantly encourages a firm reaction to such attacks and asks for religious freedom to be guaranteed in a decisive and effective manner<sup>65</sup>, and to be assumed by legislation, in the daily behavior of citizens and in the educational system<sup>66</sup>.

Firstly, many violent acts are carried out on those who exercise their right to worship. “Many around the world today lack even the liberty to pray in community, to make personal expressions of faith and to exercise their well-formed consciences in accord with their religious faith. These are men, women and children whose searching for God is a prohibited activity, with many facing serious physical and legal repercussions for the pursuit of such a fundamental human need”<sup>67</sup>. Creating the conditions necessary to overcome this grave injustice is not simply a question of maintaining public order at a given moment: the Holy See opposes to passive attitudes towards this problem, and “calls on the entire international community to work to ensure that all religions and all believers” can exercise their rights. When referring expressly to a recent attack Catholics from the Syrian community in Bagdad (Iraq), the Permanent Observer of the Holy See exclaimed: “The hope for the progress of humanity, which is at the

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<sup>65</sup> Such acts demonstrate “the need for a timely and concerted effort at a legislative, executive and judicial level in order to guarantee that the fundamental human right of religious freedom be defended and respected in whichever country”: Statement by H.E. Archbishop Celestino Migliore, 63<sup>rd</sup> session of the United Nations General Assembly, Before the Third Committee, on item 64 (b): Promotion and protection of human rights: religious freedom, New York, 29 October 2008.

<sup>66</sup> Statement by H.E. Archbishop Celestino Migliore, 63<sup>rd</sup> session of the United Nations General Assembly, Before the Third Committee, on item 64 (b): Promotion and protection of human rights: religious freedom, New York, 29 October 2008.

<sup>67</sup> Statement by H.E. Archbishop Francis Chullikatt, 65<sup>th</sup> session of the United Nations General Assembly, Before the Third Committee, on item 66 (a) and (b): Elimination of racism, racial discrimination, xenophobia and related intolerance, New York, 1 November 2010. Evidence that this grave reality does not receive the necessary attention even within the framework of the UN, is reflected by the fact that the report discussed on this occasion did not even mention the persecution of Christians.

core of this preeminent international organization, cannot be realized until these abuses end. They must end and they must end now! And, with God's help, the cooperation of all people of good will and of this organization, they will"<sup>68</sup>.

Acts of violence are made all the worse when carried out on supposedly religious grounds. In such cases, all faiths and religious leaders can act decisively to eradicate these acts of violence because their words and actions set an example for many others to follow and they can help in the search for a better understanding between different religions, cultures and civilizations<sup>69</sup>.

Despite this, "if violence still arises between religious groups, anti-incitement programmes in civil society should be supported, especially when they are initiated by local groups in cross-religious alliances. Anti-incitement activities include education, mobilization of religious leaders, mass movements opposing hate speech and other public acts calculated to spur sectarian violence"<sup>70</sup>.

In other cases, the target of the attacks are not places of worship but rather "the educational, humanitarian and social structures run by communities of different religions"<sup>71</sup>; or other forms of discrimination appear although not necessarily accompanied by acts of physical violence. "Nowadays, a large number of religions have become victims of ridicule and offence against their faithful or their spiritual or moral symbols. This constitutes a worrying phenomenon, which threatens peace and social stability and represents a direct attack to human dignity, especially to its right to religious freedom"<sup>72</sup>.

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<sup>68</sup> Statement by H.E. Archbishop Francis Chullikatt, 65<sup>th</sup> session of the United Nations General Assembly, Before the Third Committee, on item 66 (a) and (b): Elimination of racism, racial discrimination, xenophobia and related intolerance, New York, 1 November 2010.

<sup>69</sup> Statement by H.E. Archbishop Celestino Migliore at the General Debate of the 60<sup>th</sup> Session of the United Nations General Assembly, New York, 23 September 2005.

<sup>70</sup> Address by H.E. Archbishop Dominique Mamberti, Secretary for the Holy See's Relations with States, 62<sup>nd</sup> session of the UN General Assembly, High-level Dialogue on Interreligious and Intercultural Understanding and Cooperation for Peace, New York, 5 October 2007.

<sup>71</sup> Statement by H.E. Archbishop Celestino Migliore, 63<sup>rd</sup> session of the United Nations General Assembly, Before the Third Committee, on item 64 (b): Promotion and protection of human rights: religious freedom, New York, 29 October 2008.

<sup>72</sup> For this reason, "it is to be desired that the Council for Human Rights brings up to date and adopts a new resolution with regard to the respect for religious freedom for believers of all faiths without exception. This resolution should

### 2.1.2. Attempts to exclude religion from public life

The papal Mission has increasingly denounced certain circumstances in which the lack of respect towards religious freedom is seemingly made compatible with ideological pluralism.

The Holy Father in his address to the Diplomatic Corps on the 11<sup>th</sup> of January 2010 said: “Sadly, in certain countries, mainly in the West, one increasingly encounters in political and cultural circles, as well in the media, scarce respect and at times hostility, if not scorn, directed towards religion and towards Christianity in particular. It is clear that if relativism is considered an essential element of democracy, one risks viewing secularity solely in the sense of excluding or, more precisely, denying the social importance of religion. But such an approach creates confrontation and division, disturbs peace, harms human ecology and, by rejecting in principle approaches other than its own, finishes in a dead end. There is thus an urgent need to delineate a positive and open secularity which, grounded in the just autonomy of the temporal order and the spiritual order, can foster healthy cooperation and a spirit of shared responsibility”<sup>73</sup>.

For his part, Msgr. Mamberti explained before the UN in September 2011 that this was a question of nations “in which, although great importance is given to pluralism and tolerance, paradoxically, religion tends to be considered as a factor foreign to modern society or considered as destabilizing, seeking through different means to marginalize it and impeding it from influencing social life”.

The Archbishop raised the following question: “But how can the contribution be denied of the great religions of the world to the development of civilization? As Pope Benedict XVI stressed, the sincere search for God has led to greater respect of man’s dignity”<sup>74</sup>. At the

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also recommend dialogue and discussion between believers of all faiths, without overlooking those who confess to having no religion, as a specific means to find and consolidate agreement on peace and cooperation. This would reinforce the credibility needed by the Council in this field”: Before the Third Committee of the 62<sup>th</sup> session of the United Nations General Assembly, Statement by H.E. Archbishop Celestino Migliore, on item 65: Report of the Human Rights Council, New York, 5 November 2007.

<sup>73</sup> Benedict XVI, Address to the members of the Diplomatic Corps, 10 January 2010.

<sup>74</sup> Address by H.E. Archbishop Dominique Mamberti, Secretary for Relations with States, General Debate of the 66<sup>th</sup> session of the General Assembly of the United Nations, New York, 27<sup>th</sup> September 2011.

same time, “the Christian communities, with their patrimonies of values and principles, have contributed strongly to individuals’ and peoples’ awareness of their identity and dignity, as well as to the triumph of the institutions of the State of law and to the affirmation of the rights of man and of his corresponding duties”.

The attempt to eliminate religion from public life damages democracy itself in so far as it entails the risk of a veiled totalitarianism: “Since the conclusion of the Second World War and the formation of the United Nations, democracies around the world have periodically exhibited traits of this new totalitarianism that emerges from a democracy-without-values. Authentic religious freedom that is robust is the precise antidote to this poisonous transformation”<sup>75</sup>.

Without giving into these pressures, “it is important that believers, today as yesterday, feel free to offer their contribution to the promotion of the just regulation of human realities, not only through a responsible commitment at the civil, economic and political level, but also through the witness of their charity and faith”<sup>76</sup>.

## **2.2. Some of the causes for the abuse towards religious freedom**

Among the causes for the abuse towards religious freedom there are those which are the result of ways of thinking and attitudes (such as intolerance, fundamentalism, racism, xenophobia) while others are due to legislative provisions.

### **2.2.1. Intolerance, fundamentalism, racism, xenophobia**

The first problem is that of *religious intolerance* which appears in diverse forms of behavior, some of which include violence<sup>77</sup>, and to

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<sup>75</sup> Mons. Francis A. Chulikatt, Eighth Annual National Catholic Breakfast, Washington, 19<sup>th</sup> April 2012.

<sup>76</sup> Address by H. E. Archbishop Dominique Mamberti, Secretary for Relations with States, General Debate of the 66<sup>th</sup> session of the General Assembly of the United Nations, New York, 27<sup>th</sup> September 2011. A month later, on the 17<sup>th</sup> October 2011, these same ideas were stated once again by the apostolic Nuncio Mons. Francis Chulikatt.

<sup>77</sup> “We are also concerned that the high level of religious intolerance in some countries is leading to an alarming degree of polarization and discrimination. We share a grave duty to work together to reverse this trend”: Statement by H.E. Archbishop Celestino Migliore, 61<sup>st</sup> session of the UN General Assembly, Before the

which reference has already been made. The papal representatives amongst other references to this question, in 2007 referred to two specific forms of intolerance; that which occurs “when group interests or power struggles seek to prevent religious communities from enlightening consciences and thus enabling them to act freely and responsibly, according to the true demands of justice”; and the attitude that leads “to denigrate religious communities and exclude them from public debate and cooperation just because they do not agree with options nor conform to practices that are contrary to human dignity”<sup>78</sup>. In addition, mention is made of a term which is distorted in order to use it as an argument against true religious freedom: “proselytism”, because countering it, “even when not clearly pursued, is often invoked as a motive and reason for those criminal acts”<sup>79</sup>.

*Fundamentalism* is the conception of religion transformed into an ideology “concerned with and hostile to any other social force working at empowering the poor by promoting and defending their dignity and freedom”<sup>80</sup>.

As far as *racism*, it appears as an irrational link between race and religion which “reinforces the flawed and tragic notion that religious belief is inherently tied to one’s ethnic, national or racial background and thus prevents religious minorities within ethnic and racial groups from expressing and practicing their faith”<sup>81</sup>. The Holy See has

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Third Committee, on item 67 (b): Promotion and protection of human rights: Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms, New York, 27 October 2006. However, he continued by warning that, as had been pointed out before, “while religious tolerance is sometimes characterized as accepting or permitting those religious beliefs and practices which disagree with one’s own, the time has come to move beyond this type of religious tolerance, and to apply instead the principles of authentic religious freedom”.

<sup>78</sup> Statement by H.E. Archbishop Celestino Migliore, 61<sup>st</sup> session of the UN General Assembly, Before the Third Committee, on item 67 (b): Promotion and protection of human rights: Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms, New York, 27 October 2006.

<sup>79</sup> Statement by H.E. Archbishop Celestino Migliore, 63<sup>rd</sup> session of the United Nations General Assembly, Before the Third Committee, on item 64 (b): Promotion and protection of human rights: religious freedom, New York, 29 October 2008.

<sup>80</sup> Statement by H.E. Archbishop Celestino Migliore, 63<sup>rd</sup> session of the United Nations General Assembly, Before the Third Committee, on item 64 (b): Promotion and protection of human rights: religious freedom, New York, 29 October 2008.

<sup>81</sup> Statement by H.E. Archbishop Francis Chullikatt, 65<sup>th</sup> session of the United

expressed grave concern with regard to this “over-identification of racial or ethnic identity and religious belief”, given that “regional and religious identities do not necessarily coincide, and this calls for a correction of perceptions”<sup>82</sup>, especially as far as the objectives of the State: “The State cannot rely only on the idea of national identity. The law concerning international Human Rights recognizes clearly that the main function of the State is to serve the individual, his life in society and the promotion of the common good”<sup>83</sup>.

In regard to *xenophobia*, the papal delegation points out that xenophobic attitudes based on race, nationality, or religion, have grown more widespread with “the increasing movement of people across national boundaries”, especially against migrants. “While national legislatures have the responsibility for creating laws which control entrance into their country, so too do they have the responsibility to ensure that such laws are truly just and respect human rights and international law”<sup>84</sup>.

In order to avoid discrimination Governments have to “uphold the migrants’ human dignity, their rights and fundamental freedoms as for any other person as members of society, look at them not just for their functional role for the economy but also as bearers of cultures and religious traditions, a resource for mutual enrichment, an occasion of ‘encounter of civilizations’ and an opportunity of dialogue, not a reason of fear of differences”<sup>85</sup>.

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Nations General Assembly, Before the Third Committee, on item 66 (a) and (b): Elimination of racism, racial discrimination, xenophobia and related intolerance, New York, 1 November 2010.

<sup>82</sup> Statement of H.E. Mons. Silvano M. Tomasi at the 2nd session of the Human Rights Council, Geneva, 21 September 2006. Besides, “focusing on ideologies rather than on people and communities of believers carries the risk of transforming religious claims into political self-interest”.

<sup>83</sup> Address of H.E. Msgr. Silvano Maria Tomasi at the 7<sup>th</sup> ordinary session of the Human Rights Council, Geneva, 11 March 2008.

<sup>84</sup> Statement by H.E. Archbishop Francis Chullikatt, 65<sup>th</sup> session of the United Nations General Assembly, Before the Third Committee, on item 66 (a) and (b): Elimination of racism, racial discrimination, xenophobia and related intolerance, New York, 1 November 2010.

<sup>85</sup> Second part of the first session of the Human Rights Council, Address of H.E. Mons. Silvano Maria Tomasi, Geneva, 29 June 2006.

### 2.2.2. Blasphemy laws, defamation laws and laws against hate speech

Other causes of abuse against religious freedom can be found in certain unjust legislations with blasphemy laws, and with laws against defamation of religions or against hate speech.

a) *Blasphemy laws*. Some attacks against religious freedom in Asia or the Middle East are carried out under the protection provided by so called “*blasphemy laws*”, which punish certain conducts which are considered to be irreverent towards religious figures, objects, practices and beliefs<sup>86</sup>.

Obviously, “it is necessary that religions and their symbols be respected and that believers not be the object of provocations that vilify their religious convictions”<sup>87</sup>; but “intolerance and violence as a response to offences can never be justified [...], for this type of response is incompatible with the authentic spirit of religion and the effective respect for human dignity”<sup>88</sup>.

These laws “have caused much suffering [...] either for the punishments inflicted which include death, or for the indirect consequences of destruction of places of worship or summary justice”. And “have too easily become opportunities for extremists to persecute those who freely choose to follow the belief system of a different faith tradition. Such laws have been used to foster injustice, sectarian violence and violence between religions. Governments must address the root causes of religious intolerance and repeal such laws that serve as instruments of abuse”<sup>89</sup>.

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<sup>86</sup> Statement by H.E. Archbishop Celestino Migliore, 64<sup>th</sup> session of the UN General Assembly, Before the Third Committee, on item 69 (b): Promotion and protection of human rights: Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms, New York, 26 October 2009.

<sup>87</sup> Statement by H.E. Archbishop Celestino Migliore, 62<sup>nd</sup> session of the UN General Assembly, Before the Third Committee, on item 70 (b): Promotion and protection of human rights: Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms, New York, 30 October 2007.

<sup>88</sup> Statement by H.E. Archbishop Celestino Migliore, 62<sup>nd</sup> session of the UN General Assembly, Before the Third Committee, on item 70 (b): Promotion and protection of human rights: Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms, New York, 30 October 2007.

<sup>89</sup> Statement by H.E. Archbishop Celestino Migliore, 64<sup>th</sup> session of the UN

This poses the question of the balance to be found between freedom of speech and the due respect towards religion and religious symbols. A superficial commitment will not suffice, but rather it is necessary to “deepen the search for a common and solid ground”<sup>90</sup>. The Observer for the Holy See in Geneva suggests that this is to be found in human dignity: “I can only increase my own dignity, that is to enjoy human rights to the full, when I respect the dignity of others. Freedom of religion for all, and education to implement such freedom, becomes the main road for respect of all beliefs and convictions”<sup>91</sup>.

By the same token in this area it is necessary to make clear the “apparent dilemma between respect due to religions and the right to religious freedom”. Blasphemy laws present them “as if they were incompatible and mutually exclusive aspects. On the contrary, they are complementary values that cannot stand one without the other”. Given that in both cases the subject is the individual human being whose dignity is the base for the fundamental rights, it is necessary to emphasize that “the respect of any religion is based in the end on the respect that is due to all those who, in the exercise of their freedom, follow and practice it. Of course, such respect cannot imply contempt or attacks on the rights of people who do not follow the same religion or follow other convictions. In this way, the issue of respect due to religions should find its explicit foundation in the rights of religious freedom and freedom of expression. Consequently, the promotion of respect for the rights of freedom of religion and freedom of expression should not leave aside the respect of concrete religions, beliefs and opinions in which such rights are realized. One cannot consider the ridicule of the sacred as a right of freedom”<sup>92</sup>.

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General Assembly, Before the Third Committee, on item 69 (b): Promotion and protection of human rights: Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms, New York, 26 October 2009.

<sup>90</sup> Statement by H.E. Archbishop Celestino Migliore, 62<sup>nd</sup> session of the UN General Assembly, Before the Third Committee, on item 70 (b): Promotion and protection of human rights: Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms, New York, 30 October 2007.

<sup>91</sup> Address by H.E. Msgr. Silvano M. Tomasi at the sixth ordinary session of the Human Rights Council, Geneva, 10 december 2007.

<sup>92</sup> Address of H.E. Msgr. Silvano M. Tomasi at the ordinary session of the United Nations Human Rights Council on Religious Freedom, Geneva, 22 march 2007.

b) *Defamation laws.* The notion of defamation of religions “arises from the belief that certain religious ideas and figures deserve protection by the State in order to ensure that the sensibilities of religious adherents are not offended”<sup>93</sup>.

The papal Mission opposes such legislation and supports its position with several arguments.

First of all, the Holy See considers that this is a vague concept, the specifics of which is left in the hands of the State and therefore lends itself to arbitrary interpretation. “Combating offensive attitudes towards religion by moving away from the universality provided by our common humanity and relying on the discretion of the State by introducing a vague concept of ‘defamation’ into the human rights system, do not support an effective and satisfactory solution. There is the additional real risk that the interpretation of what defamation entails may change according to the censor’s attitude towards religion or belief, often at the tragic expense of minorities. This unfortunately is the case in those States that do not distinguish between civil and religious matters and identify with a particular religion, or with a certain sect within that religion, and interpret defamation according to the convictions of the religion or beliefs they adhere to, thus inevitably discriminating against those citizens who do not share the same convictions”<sup>94</sup>. There is an underlying difficulty: “Nor can the State become an arbiter of religious correctness by deciding on theological or doctrinal issues: it would be the denial of the right to freedom of religion”<sup>95</sup>.

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<sup>93</sup> Statement by H.E. Archbishop Celestino Migliore, 63<sup>rd</sup> session of the United Nations General Assembly, Before the Third Committee, on item 64 (b): Promotion and protection of human rights: religious freedom, New York, 29 October 2008. This has obtained legislative expression in some countries with a majority belonging to one religion, “to address instances of incitement to religious violence, religious or ethnic profiling, negative stereotyping of religion and attacks on sacred books, religious sites and figures”: Statement by H.E. Archbishop Francis Chullikatt, 65<sup>th</sup> session of the United Nations General Assembly, Before the Third Committee, on item 66 (a) and (b): Elimination of racism, racial discrimination, xenophobia and related intolerance, New York, 1 November 2010.

<sup>94</sup> Statement by H.E. Archbishop Silvano M. Tomasi, Human Rights Council 13<sup>th</sup> Session, Item 9: Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action, Geneva, 23 March 2010.

<sup>95</sup> *Ibidem*.

Secondly, there is evidence to suggest that in practice the attempts have proven to be counter-productive and instead of protecting believers, this has become a mechanism of oppression used with the support of the State, against believers<sup>96</sup>. Moreover, “in the current international context the notion of defamation of religions risks removing the focus from a basic right of individuals and groups to the protection of institutions, symbols and ideas. Furthermore, it can lend itself locally to support laws which penalize religious minorities and stifle legitimate dialogue among persons of different faiths and cultures”<sup>97</sup>.

On the contrary, for those cases in which it is admitted that such laws may be based on a legitimate goal, a “holistic, constructive and cooperative way”<sup>98</sup> to approach the problem is proposed, based on the “universal character of human nature, common to all”.

The vague sociological concept of “defamation of religions” has to be overcome, and a solution found that is also “legal”, that is to say, founded on the application of measures contained in the international documents regarding the question of respect for religions: “Such protection can best be achieved by effectively implementing the right of individuals and communities to religious freedom as set forth in the Universal Declaration of Human Rights, the International Covenant on Civil, Cultural and Political Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief”<sup>99</sup>.

c) *Hate speech*. In order to prevent messages which contain or encourage hatred and violence against groups defined by their race, nationality, religion or sex etc, sometimes the method used is that which seems to be the simplest: to limit freedom of speech.

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<sup>96</sup> See Statement by H.E. Archbishop Francis Chullikatt, 65<sup>th</sup> session of the United Nations General Assembly, Before the Third Committee, on item 66 (a) and (b): Elimination of racism, racial discrimination, xenophobia and related intolerance, New York, 1 November 2010.

<sup>97</sup> Statement by H.E. Archbishop Celestino Migliore, 63<sup>rd</sup> session of the United Nations General Assembly, Before the Third Committee, on item 64 (b): Promotion and protection of human rights: religious freedom, New York, 29 October 2008.

<sup>98</sup> 9<sup>th</sup> session of the Human Rights Council on all forms of intolerance and of discrimination, address of H.E. Msgr. Silvano Maria Tomasi, Geneva, 19 September 2008.

<sup>99</sup> Statement by H.E. Archbishop Celestino Migliore, 63<sup>rd</sup> session of the United Nations General Assembly, Before the Third Committee, on item 64 (b): Promotion and protection of human rights: religious freedom, New York, 29 October 2008.

The papal Mission at the UN suggests other paths which it considers to be more effective<sup>100</sup>.

The first is cooperation between religions. The stimulus to hatred and violence towards certain religions “suggests a state of mind characterized by intolerance. For this reason it is imperative that the people of the various faith traditions work together in order to grow in mutual understanding”, and that care is taken to educate “beginning with children and young people, on the importance of tolerance and respect for cultural and religious diversity”.

The second path is the unconditional respect for human rights. “A key to this lies in adhering to the foundational instruments of the United Nations and in faithfully applying the principles enshrined therein, so that all people regardless of their beliefs will be accorded full respect in keeping with their dignity as members of the human community”. Among these rights and contrary to what appears to be the simplest answer, freedom of speech should not be limited. “Authentic freedom of expression can contribute to a greater respect for all people as it can provide the opportunity to speak out against violations such as religious intolerance and racism and promote the equal dignity of all persons”.

Such laws do not lead to the desired objective: “Legislation which restricts freedom of expression cannot change attitudes. Instead, what is needed is the will to change. This can most effectively be achieved by raising the consciousness of individuals, bringing them to a greater understanding of the need to respect all persons regardless of their faith or cultural background”<sup>101</sup>.

### **2.2.3. The lack of protection towards religious minorities**

The socially dominant position of a majority religion can lead to the lack of understanding and oppression of the religion practiced by a

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<sup>100</sup> Statement by H.E. Archbishop Celestino Migliore, 64<sup>th</sup> session of the UN General Assembly, Before the Third Committee, on item 69 (b): Promotion and protection of human rights: Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms, New York, 26 October 2009.

<sup>101</sup> Por lo demás, la libertad de expresión, que “which is neither absolute nor includes the right to offend or defame the sensibility, the identity and deep convictions of other communities and their members”: Second part of the first session of the Human Rights Council, Address of H.E. Mons. Silvano Maria Tomasi, Geneva, 29 June 2006.

minority. In fact, there are places where “the right to freedom of religion is legally recognized”, but “religious minorities are harassed and persecuted by members of the majority religion”<sup>102</sup>.

The Holy See calls upon civil and religious authorities to come up with efficient measures in order to protect religious minorities. The objective being that “above all, believers of all confessions can live in security and continue making their contribution to the society of which they are members. Thinking of the situation in certain countries, I would like to repeat, in particular, that Christians are citizens with the same right as others, connected to their homeland and faithful to all their national duties”. The cultural or social fact of the existence of a majority belonging to a religion “should never imply that citizens belonging to other confessions are discriminated against in social life or, worse still, that violence against them is tolerated”<sup>103</sup>.

Minority religions do not pretend “special protection or status, as long as their right to religious freedom is fully guaranteed and they are not discriminated against on religious grounds. In fact, they should enjoy the same civil rights as the general population and members of the majority religion, e.g., for the construction and repair of places of worship”<sup>104</sup>.

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<sup>102</sup> Statement by H.E. Archbishop Silvano M. Tomasi at the General Debate Item 3 of the 13<sup>th</sup> Session of the Human Rights Council, Geneva, 12<sup>th</sup> March 2010.

<sup>103</sup> Address by H. E. Archbishop Dominique Mamberti, Secretary for Relations with States, General Debate of the 66<sup>th</sup> session of the General Assembly of the United Nations, New York, 27 September 2011; repeated shortly after: Statement by H.E. Archbishop Francis Chullikatt, 66<sup>th</sup> session of the United Nations General Assembly, Before the Plenary, on Item 19: “Culture of peace”, New York, 17 October 2011.

<sup>104</sup> Address by H.E. Archbishop Dominique Mamberti, Secretary for the Holy See’s Relations with States, 62<sup>nd</sup> session of the UN General Assembly, High-level Dialogue on Interreligious and Intercultural Understanding and Cooperation for Peace, New York, 5 October 2007. At the same time, “religious minorities are fully entitled to enjoy the right to religious freedom, equal treatment before the law and the same civil rights as the general population and members of the majority religion”: Statement by H.E. Archbishop Celestino Migliore, 62<sup>nd</sup> session of the UN General Assembly, Before the Third Committee, on item 70 (b): Promotion and protection of human rights: Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms, New York, 30 October 2007. In any case, in view of their vulnerability, legal equality and protection should be subject to special care with regard to minorities: Statement by His Excellency Archbishop Silvano M. Tomasi, 20<sup>th</sup> Session of the Human Rights Council, Item 8 – „Freedom of Religion”, Geneva, 3 July 2012.

What is really required is “a common commitment to recognize and promote the religious liberty of every person and every community”; and “governments and international agencies are called to support such work among individuals and communities”<sup>105</sup>. In reality, “in practical life, when managed in the context of mutual acceptance, the relations between majority and minority allow for cooperation and compromise and open the way for peaceful and constructive coexistence”<sup>106</sup>.

### **2.3. A specific situation: discrimination against Christians**

Discrimination on religious grounds affects the faithful of all religions; “there is unfortunately no religion on the planet which is free from discrimination”<sup>107</sup>. Moreover, this phenomenon is on the increase<sup>108</sup>.

However, “it is well documented that Christians are the religious group most discriminated against as there may well be more than 200 million of them, of different confessions, who are in situations of difficulty because of legal and cultural structures”<sup>109</sup>. The Permanent Observer at the UN in Geneva provided the following statistic in March 2012: terrorist attacks against Christians in Africa, the Middle

<sup>105</sup> Statement by H.E. Archbishop Francis Chullikatt, 66<sup>th</sup> session of the United Nations General Assembly, Before the Plenary, on Item 19: “Culture of peace”, New York, 17 October 2011.

<sup>106</sup> Statement by His Excellency Archbishop Silvano M. Tomasi at the 19<sup>th</sup> Session of the Human Rights Council – High Level Segment, March 1, 2012.

<sup>107</sup> Statement by H.E. Archbishop Celestino Migliore, 64<sup>th</sup> session of the UN General Assembly, Before the Third Committee, on item 69 (b): Promotion and protection of human rights: Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms, New York, 26 October 2009.

<sup>108</sup> Address by H. E. Archbishop Dominique Mamberti, Secretary for Relations with States, General Debate of the 66<sup>th</sup> session of the General Assembly of the United Nations, New York, 27 September 2011, who observes growing intolerance towards religious minorities; and, “unfortunately, Christians are at present the religious group that suffers the greatest number of persecutions because of their faith”.

<sup>109</sup> Statement by H.E. Archbishop Celestino Migliore, 64<sup>th</sup> session of the UN General Assembly, Before the Third Committee, on item 69 (b): Promotion and protection of human rights: Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms, New York, 26 October 2009.

East and Asia increased by 309 % between 2003 and 2010<sup>110</sup>; and, according to one study, 70 % of the world's population live in countries where there are serious restrictions on religion and religious practice<sup>111</sup>.

The Holy Father Benedict XVI in the message on the 1<sup>st</sup> of January 2011 for the World Peace Day pointed out: "At present, Christians are the religious group which suffers most from persecution on account of its faith. Many Christians experience daily affronts and often live in fear because of their pursuit of truth, their faith in Jesus Christ and their heartfelt plea for respect for religious freedom. This situation is unacceptable, since it represents an insult to God and to human dignity; furthermore, it is a threat to security and peace, and an obstacle to the achievement of authentic and integral human development"<sup>112</sup>. When necessary, the delegation of the Holy See has called for a response to certain dramatic events and decisive action on the part of Governments<sup>113</sup>.

The papal Nuncio, Archbishop Erwin Josef Ender, warned of the importance of a global awareness of this problem in November 2011, addressing an International conference on Discrimination and Persecution of Christians in Moscow. "When we discuss denial of religious freedom and intolerance, normally certain countries in Asia or Africa immediately come to mind". However, there are other places "not experiencing violent persecution", but another form of persecution which is a cause for concern for the Holy See. It has been denounced with increasing frequency in recent times: "Even in Europe more and more bias-motivated incidents against Christians are taking place".

Needless to say, the differences should not be overlooked since, "of course, nobody would confuse this marginalization of religion with the actual persecution and killing of Christians in other areas of the

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<sup>110</sup> Statement by His Excellency Archbishop Silvano M. Tomasi at the 19<sup>th</sup> Session of the Human Rights Council – High Level Segment, March 1, 2012.

<sup>111</sup> Mons. Francis A. Chulikatt, Eighth Annual National Catholic Breakfast, Washington, 19<sup>th</sup> April 2012.

<sup>112</sup> Benedict XVI, Message for the celebration of the World Day of Peace, 1 January 2011, "Religious freedom, the path to peace", n. 1.

<sup>113</sup> For example, Statement by H.E. Archbishop Francis Chullikatt, 65<sup>th</sup> session of the United Nations General Assembly, Before the Plenary, on item 63: Report of the Human Rights Council, New York, 3 November 2010, in which reference was made to a recent attack on the Church of Our Lady of Salvation in Bagdad (Iraq). The response must be "a complete respect for the human rights and fundamental freedoms of each and every individual".

World”<sup>114</sup>. Nevertheless, it is not right to remain silent in the face of these facts: there are frequent reports of “discrimination, exclusion from public life and acts of vandalism against churches and cemeteries. These acts of intolerance in an area where religious freedom is generally guaranteed is worrying and should make us reflect more profoundly on the relationship between this fundamental freedom and discrimination against Christians and members of other religions”. Curiously, in many of these countries, Christians form a majority in these societies; they are States “that previously were committed to a balanced and healthy relationship between Church and State”, but “are now increasingly siding with a new secularist policy that aims at reducing the role of religion in public life”<sup>115</sup>.

On occasion, there are those who in order to justify such restrictions and apparently to protect religious peace, resort to the following argument: “In countries and regions where tensions and disagreements between members of different religions exist, the limitation or denial of religious liberty, unpleasant though it may be, is useful or even necessary in order to limit religious violence”<sup>116</sup>.

However, peace maintained in this fashion would be a simple semblance of real peace. “The respect of everyone’s right to religious freedom does not require the complete secularization of the public sphere or the abandonment of all cultural traditions nor does the respect of freedom of expression authorize lack of respect for the values commonly shared by a particular society”<sup>117</sup>. Once again, the best way to avoid discrimination and violence is to maximize religious freedom

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<sup>114</sup> Statement of H.E. Archbishop Erwin Josef Ender Apostolic Nuncio, Special Envoy of the Holy See International Conference on the Discrimination and Persecution against Christians Moscow, 30 November 2011; however, “unfortunately, it is from the poisoned ground of the denial of religious freedom and discrimination of religion that, in the end, violence is almost always born”.

<sup>115</sup> Address of H.E. Msgr. Silvano M. Tomasi at the 10<sup>th</sup> ordinary session of the Human Rights Council, Geneva, 16 March 2009.

<sup>116</sup> “Contrary to what older theories maintained, a low degree of religious liberty creates a climate where tensions are exacerbated and, rather than decreasing, persecution and violence actually increase”: Statement of H.E. Archbishop Erwin Josef Ender Apostolic Nuncio, Special Envoy of the Holy See International Conference on the Discrimination and Persecution against Christians Moscow, 30 November 2011.

<sup>117</sup> Statement by H.E. Archbishop Silvano M. Tomasi, Human Rights Council 13<sup>th</sup> Session, Item 9: Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action, Geneva, 23 March 2010.

which “is not the exclusive patrimony of believers, but of the whole family of the earth’s peoples”<sup>118</sup>.

On the international panorama there are many other specific problems in which the religious dimension plays an important role and such cases make it necessary for the papal Mission to the UN to make known its position. It is to be recalled that the first contacts between the UN and the Holy See, which took place in the nineteen forties, were concerned with the status of the City of Jerusalem and the protection of the refugees. Since I cannot stop to consider all the problems, I will mention just two and add a reference to the phenomenon of terrorism.

In reference to “*refugees*, asylum seekers and internally displaced persons”, the Holy See makes clear that religious freedom applies to all human beings wherever they may be and this includes those lands where they have sought refuge<sup>119</sup>.

Regarding the question of *relations between Palestine and Israel*, it is to be remembered that the Holy See, in essence, calls for a lasting solution which should be based on a “final objective, namely, the realizations of the right of Palestinians to have their own independent and sovereign State, and the right of the Israelis to security, both States being provided with borders that are recognized internationally”, and which includes the question of the Holy City of Jerusalem. The Holy See will support “internationally guaranteed provisions to ensure the freedom of religion and conscience of its inhabitants, as well as permanent, free and unhindered access to the Holy Places by the faithful of all religions and nationalities”<sup>120</sup>. In order to achieve this, the Holy See makes constant calls upon both sides and the international community to negotiate and maintain an open dialogue<sup>121</sup>. Concerning

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<sup>118</sup> Benedict XVI, Message for the celebration of the World Day of Peace, 1 January 2011, “Religious freedom, the path to peace”, n. 5.

<sup>119</sup> Statement by H.E. Archbishop Celestino Migliore, 62<sup>nd</sup> session of the UN General Assembly, Before the Third Committee, on item 70 (b): Promotion and protection of human rights: Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms, New York, 30 October 2007.

<sup>120</sup> Before the Special Political and Decolonization Committee (Fourth Committee) of the 66<sup>th</sup> session of the United Nations General Assembly on item 52: United Nations Relief and Works Agency for Palestine Refugees in the Near East, New York, 31 October 2011. Palestine is now recognized as a permanent member of the UN with the status of invited “institution”.

<sup>121</sup> Statement by H.E. Archbishop Celestino Migliore, 61<sup>st</sup> session of the UN

the question of the Palestinian refugees, wherever they may be found, they should be treated with justice and therefore not be subject to any form of discrimination due to their faith; the Holy See expresses its concern for the Palestinians who belong to the Christian faith and are frequently marginalized despite the fact that they constitute a significant part of the population, 2% and were born there and belong to that county<sup>122</sup>.

On the question of *terrorism*, the Holy See has highlighted the importance of facing the problem seriously and addressing the deep roots of the problem, including the religious ones<sup>123</sup>. In order to do so, it is necessary to overcome the simplistic view which leads some to associate religion with fanaticism in a completely unjust way. Religion is not the problem, quite the reverse, because it promotes “human engagement and regard for the dignity of others, to the common good of us all”<sup>124</sup>.

### 3. BUILDING A “CULTURE OF PEACE”

Addressing the Assembly General of the UN on the 27<sup>th</sup> of September 2006, Archbishop Giovanni Lajolo, president of the Governorate of the Vatican State described human rights as “pillars of peace”<sup>125</sup>.

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General Assembly, Before the Special Political and Decolonization Committee (Fourth Committee) on item 31: United Nations Relief and Works Agency for Palestine Refugees in the Near East, New York, 2 November 2006.

<sup>122</sup> Statement by H.E. Archbishop Celestino Migliore, Before the Special Political and Decolonization Committee (Fourth Committee) on item 30: United Nations Relief and Works Agency for Palestine Refugees in the Near East, New York, 1 November 2005; see also Statement by H.E. Archbishop Celestino Migliore, 61<sup>st</sup> session of the UN General Assembly, Before the Special Political and Decolonization Committee (Fourth Committee) on item 31: United Nations Relief and Works Agency for Palestine Refugees in the Near East, New York, 2 November 2006.

<sup>123</sup> See Statement by H.E. Archbishop Celestino Migliore, 60<sup>th</sup> session of the General Assembly: Informal consultations of the plenary on a counter-terrorism strategy, New York, 11 May 2006.

<sup>124</sup> Statement by H.E. Archbishop Celestino Migliore, 60<sup>th</sup> session of the General Assembly: Informal consultations of the plenary on a counter-terrorism strategy, New York, 11 May 2006; see also: Statement by H.E. Archbishop Celestino Migliore, 61<sup>st</sup> session of the UN General Assembly, Before the Sixth Committee, on item 100: Measures to eliminate international terrorism, New York, 16 October 2006.

<sup>125</sup> Archbishop Giovanni Lajolo, President of the Governorate of the Vatican

The expression refers to religious freedom as well as other human rights because it is upon this base that peace can be built.

The “culture of peace”, based on the respect for human rights, requires the collaboration of States; but also the UN, which was created precisely to serve the cause of peace can find here one of its “primary forms of service to the world”<sup>126</sup>.

### **3.1. The contribution of the UN**

Pope Benedict XVI, for whom peace is “a necessity”, expressed openly his “esteem for the UN” during his visit to the organization in 2008 and expressed “the hope that the Organization will increasingly serve as a sign of unity between States and an instrument of service to the entire human family”<sup>127</sup>. Indeed, some of the most relevant initiatives in favor of the promotion of dialogue between cultures, civilizations and religions stem from the UN<sup>128</sup>. For this reason, the Holy See considers the member states to the “artisans of peace”<sup>129</sup>.

At the same time, the Holy See asks those responsible for the bodies and agencies of the UN to act always with full respect for the role played by religion. This is not always the case however. “One crucial way of doing so [that is, of respecting this role] is by not attempting to foster global and regional networks that advance principles at odds with the natural moral order, in particular, a reproductive rights agenda which runs counter to respect for the right to life of the unborn child. Such an approach would be an attempt to misuse religion for a particular agenda and would be disrespectful to the followers of the various faith traditions”<sup>130</sup>.

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City State, General Debate of the 61<sup>st</sup> session of the General Assembly of the United Nations, New York, 27 September 2006.

<sup>126</sup> Archbishop Giovanni Lajolo, President of the Governatorate of the Vatican City State, General Debate of the 61<sup>st</sup> session of the General Assembly of the United Nations, New York, 27 September 2006.

<sup>127</sup> Address of His Holiness Benedict XVI, Meeting with the members of the General Assembly of the United Nations Organization, New York, 18<sup>th</sup> April 2008.

<sup>128</sup> Statement by H.E. Archbishop Francis Chullikatt, 65<sup>th</sup> session of the United Nations General Assembly, Before the Plenary, on item 15: Culture of Peace, New York, 18 October 2010.

<sup>129</sup> Intervention by His Eminence Jean-Louis Cardinal Tauran, President of the Pontifical Council for Interreligious Dialogue, 63<sup>rd</sup> session of the General Assembly, Item 45: Culture of Peace, New York, 12 November 2008.

<sup>130</sup> Statement by H.E. Archbishop Francis Chullikatt, 65<sup>th</sup> session of the United

In fact, some of the organs of the UN have accepted or promoted the so called “reproductive rights”, which are not in keeping with what the majority of religions consider to be for the better good of man. In the last seven years, the Holy See has expressed grave doubts with regard to the concept of “reproductive health” or “sexual and reproductive health” and has made clear what it understands by such terms<sup>131</sup>. Specifically, the Holy See has insisted that abortion cannot be considered a legitimate form of reproductive health, nor a service or right in this field (thus reaffirming the reservations already made clear at the conferences in Cairo and Peking<sup>132</sup>), and has repeated that it will not endorse the use of contraception or the use of condom, either as a family planning measure or as part of AIDS

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Nations General Assembly, Before the Plenary, on item 15: Culture of Peace, New York, 18 October 2010.

<sup>131</sup> Address of Cardinal Angelo Sodano, Secretary of State of the Holy See, at the High-level Plenary Meeting of the 60<sup>th</sup> Session of the General Assembly of the United Nations, New York, 16 September 2005; see also: Statement by H.E. Archbishop Celestino Migliore, 61<sup>st</sup> Session of the United Nations General Assembly, Agenda item 102: Report of the Secretary-General on the work of the Organization, New York, 2 October 2006; and Statement by H.E. Archbishop Celestino Migliore, 61<sup>st</sup> session of the UN General Assembly, Before the 76<sup>th</sup> plenary meeting, on item 67 (b): Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms: note by the Secretary-General transmitting the final report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities (A/61/611): draft resolution (para. 7), New York, 13 December 2006. Many such clarifications are made on other occasions and in different contexts.

<sup>132</sup> For example, 1<sup>st</sup> April 2009 (Statement by H.E. Archbishop Celestino Migliore, Economic and Social Council, 42<sup>nd</sup> session of the Commission on Population and Development, On Item 4: Contribution of the Programme of Action of the International Conference on Population and Development to the internationally agreed development goals, including the Millennium Development Goals, New York, 1 April 2009: consequently, the delegation “hopes that international organizations and policymakers maintain or, where necessary, redirect public efforts towards the human centered approach to achieving the MDGs”. At the same time, the Holy See expressed its “strong disagreement” regarding a report which mentioned the “increasing access to contraception and family planning” as being among the “features of good practice to reduce maternal morbidity and mortality” and in order to reach the objective of “addressing so-called ‘unsafe abortion for women’”: Statement by His Excellency Silvano M. Tomasi, at the 18<sup>th</sup> Session of the Human Rights Council – Item 3 – “Practices in adopting a human rights-based approach to eliminate preventable maternal mortality and human rights”, September 15, 2011.

prevention programmes or in classes/programmes for education in sexuality<sup>133</sup>.

The panorama is similar with regard to the idea of “gender” which rests upon an ideology opposed to the anthropological conception of human sexuality and matrimony defended by the Catholic Church<sup>134</sup>. On numerous occasions during recent years, the delegation of the Holy See has been very precise about this issue and has made clear that it “understands the word ‘gender’ according to the ordinary usage in the United Nations context, that is, with the common meaning of that word, in languages where it exists, namely, that gender is grounded in biological sexual identity, male or female. This is also consistent with the way in which the Rome Statute of the International Criminal Court as well as the outcome document of the Beijing Platform for Action refers to the term”<sup>135</sup>.

For the same reasons, the Papal Mission to the UN considers the use of such expressions as “sexual orientation” or “gender identity” to be inappropriate<sup>136</sup>, as they do not appear in the binding documents of the UN and “find no recognition or clear and agreed definition in international law”<sup>137</sup>. Moreover, to assume such concepts would

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<sup>133</sup> For example, Statement of the Holy See in Explanation of Position on the Agreed Conclusions (E.CN.6/2011/L.6), 55<sup>th</sup> session of the Commission on the Status of Women of the United Nations Economic and Social Council, New York, 14 March 2011.

<sup>134</sup> Statement of the Holy See, 64<sup>th</sup> session of the UN General Assembly, Before the Third Committee, Delivered in response to the report of the Special Rapporteur on counter-terrorism, Martin Scheinin, New York, 26 October 2009: “My delegation expresses concern with the presumption in the Note that gender is a social construct which does not refer to men and women but ‘encompasses the social constructions that underlie how their roles, functions, and responsibilities’ are defined and understood”.

<sup>135</sup> Statement of the Holy See, 64<sup>th</sup> session of the UN General Assembly, Before the Third Committee, Delivered in response to the report of the Special Rapporteur on counter-terrorism, Martin Scheinin, New York, 26 October 2009.

<sup>136</sup> Statement by the Holy See Delegation, 63<sup>rd</sup> session of the United Nations General Assembly, Item 64 (b): Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms: report of the Third Committee, New York, 19 December 2008.

<sup>137</sup> Statement by the Holy See Delegation, 63<sup>rd</sup> session of the United Nations General Assembly, Item 64 (b): Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms: report of the Third Committee, New York, 19 December 2008. See also: Statement of the Holy See, 64<sup>th</sup> session of the UN General Assembly, Before the Third Committee, Delivered in response to the report of the Special Rapporteur on

involve “running the risk of demeaning the sacred and time-honoured legal institution of marriage between man and woman”<sup>138</sup>.

An intervention made on the 14<sup>th</sup> of March 2011 includes an interesting description of the process by which the term “gender” has been distorted in recent years<sup>139</sup>.

The examination of the evolution in the use of the term has led some experts to identify a plan for ideological transformation, consciously driven from the UN and other international organizations<sup>140</sup>.

counter-terrorism, Martin Scheinin, New York, 26 October 2009, in which the underlying arguments are rejected: “My delegation does not share a biological determinist view that male and female roles are biologically determined and static, we also cannot accept the notion that sexual identity can be adapted indefinitely to suit new and different purposes. Instead, my delegation recognizes the natural distinctiveness and complementarity of women and men as mutually beneficial characteristics, as long as such diversity is not a result of an arbitrary imposition, to support and promote the inherent rights and dignity of both sexes. The insistence in the Note that gender is a ‘social and shifting construct’, ‘changeable over time and across cultures’ does not serve at all the cause of anti-terrorism; on the contrary, it weakens it by dividing women and men into more and ever changing categories. Instead what is needed is the affirmation of all persons regardless and not because of their differences, for each and every person has value and dignity”.

<sup>138</sup> Statement by His Excellency Silvano M. Tomasi, Permanent Observer of the Holy See to the United Nations and Other International Organizations in Geneva at the 19<sup>th</sup> Session of the Human Rights Council – Item 3 – General Debate and Panel Discussion on “Discriminatory Laws and Practices and Acts of Violence against Individuals based on their Sexual Orientation and Gender Identity”. The Holy See Observer in Geneva Mons. Silvano Tomasi (Statement by H.E. Archbishop Silvano M. Tomasi, at the 16<sup>th</sup> Session of the Human Rights Council – Item 8 – General Debate, Geneva, 22 March 2011) said that the term “sexual orientation” introduce unnecessary confusion, because it is used in relation with determined patterns of behaviour whereas “the ordinary meaning of ‘sexual orientation’ refers to feelings and thoughts (which, unlike the former, cannot be regulated by States) and points out that to deny the moral dimension of human sexuality in this way leads to the denial of the dignity of the individual and devalue man’s ontological dignity”.

<sup>139</sup> Statement of the Holy See in Explanation of Position on the Agreed Conclusions (E.CN.6/2011/L.6), 55<sup>th</sup> session of the Commission on the Status of Women of the United Nations Economic and Social Council, New York, 14 March 2011. Detailed mention of other statements frequently made on this question is now omitted.

<sup>140</sup> With regard to this matter, the following can be consulted in Spanish: Eugenia Rocella and Lucetta Scaraffia, *Contra el cristianismo. La ONU y la Unión Europea como nueva ideología*, Cristiandad, Madrid 2008, and Marguerite A. Peters, *Marion-ética. Los expertos de la ONU imponen su ley*, Rialp, Madrid 2011.

Although this question requires an analysis different from the present one, we should refer to another of its consequences as raised on the 22nd of March 2011 by the papal representative at the UN in Geneva. It is a question of “a disturbing trend in some of these social debates: People are being attacked for taking positions that do not support sexual behaviour between people of the same sex. When they express their moral beliefs or beliefs about human nature, which may also be expressions of religious convictions, or state opinions about scientific claims, they are stigmatised, and worse – they are vilified, and prosecuted. These attacks contradict the fundamental principles announced in three of the Council’s resolutions of this session. The truth is, these attacks are violations of fundamental human rights, and cannot be justified under any circumstances”<sup>141</sup>.

### **3.2. The contribution of religions**

#### **3.2.1. Religion as a factor for peace**

Religion, according to the Permanent Observer “is essentially a herald of peace”<sup>142</sup>. The contribution of religion to the culture of peace is simply essential.

It begins with the practice of religion and continues through the transmission of its values and attitudes. “In their families, in the schools and in their places of worship, believers who pray, practice solidarity and support all those initiatives which contribute to the protection of the individual and the earth, also teach others in the language and message of peace. They make an effort to listen, understand and respect others, and they trust them rather than judge them. All these are attitudes that educate and open space for peace”<sup>143</sup>. In addition to the values and attitudes of each religion, they will bring together their efforts “in blazing new paths to peace, in union with

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<sup>141</sup> Statement by H.E. Archbishop Silvano M. Tomasi, at the 16<sup>th</sup> Session of the Human Rights Council – Item 8 – General Debate, Geneva, 22 March 2011.

<sup>142</sup> Address by H.E. Archbishop Dominique Mamberti, Secretary for the Holy See’s Relations with States, 62<sup>nd</sup> session of the UN General Assembly, High-level Dialogue on Interreligious and Intercultural Understanding and Cooperation for Peace, New York, 5 October 2007.

<sup>143</sup> Intervention by His Eminence Jean-Louis Cardinal Tauran, President of the Pontifical Council for Interreligious Dialogue, 63<sup>rd</sup> session of the General Assembly, Item 45: Culture of Peace, New York, 12 November 2008.

one another and in cooperation with states and international organizations”<sup>144</sup>.

Equally, religions play an active and “vital” role in specific fields such as “in the mediation of conflict and the promotion of dialogue and reconciliation, in the response to disasters, in promoting development and respect for the environment and in revitalizing the work of the United Nations”<sup>145</sup>. With regard to some of these, the papal Mission has requested a wider recognition of the institutions of the civil society since “civil society partners are critical players in delivering humanitarian relief, promoting the rule of law and bringing to light gross violations of human rights. In this regard, faith-based organizations play a vital role in providing insight into the local needs of the community, delivering care and fostering solidarity both locally and internationally for the needs of people around the world”<sup>146</sup>.

This contribution requires certain conditions to be met. To begin with, it is necessary that “believers be coherent and believable”; in order to be so, for example, “they cannot use religion to limit freedom of conscience, not to justify violence nor propagate hatred or fanaticism, or to undermine the autonomy of politics and religion”<sup>147</sup>. Fur-

<sup>144</sup> Address by H.E. Archbishop Dominique Mamberti, Secretary for the Holy See’s Relations with States, 62<sup>nd</sup> session of the UN General Assembly, High-level Dialogue on Interreligious and Intercultural Understanding and Cooperation for Peace, New York, 5 October 2007.

<sup>145</sup> Intervention of the Holy See, 66<sup>th</sup> session of the United Nations General Assembly, Special Event World Interfaith Harmony Week 2012: Common Ground for the Common Good, New York, 7 February 2012.

<sup>146</sup> Statement by H.E. Archbishop Celestino Migliore, 64<sup>th</sup> session of the United Nations General Assembly, Agenda item 107: Report of the Secretary-General on the work of the Organization, New York, 6 October 2009: even the efforts “to renew the work of the United Nations will remain unfulfilled unless the international organizations and individual States are able to incorporate the voices of civil society into all aspects of the work of the Organization”.

<sup>147</sup> Intervention by His Eminence Jean-Louis Cardinal Tauran, President of the Pontifical Council for Interreligious Dialogue, 63<sup>rd</sup> session of the General Assembly, Item 45: Culture of Peace, New York, 12 November 2008; Statement by H.E. Archbishop Celestino Migliore, 64<sup>th</sup> session of the UN General Assembly, Before the Plenary, on item 49: Culture of Peace, New York, 10 November 2009: “The unique contribution of religions and the dialogue and cooperation among them lies in their *raison d’être* which is to serve the spiritual and transcendental dimension of human nature. They tend as well to raise the human spirit, protect life, empower the weak, translate ideals into action, purify institutions, contribute to resolving economic and non-economic inequalities, inspire their leaders to go beyond the

thermore, they must be allowed to practice their religion effectively; it is necessary that “all governments and political and religious leaders work to promote genuine religious liberty so that religious organizations can continue their many contributions to society and work to promote even greater respect for the common good”<sup>148</sup>.

As can be seen, it is a mistake to link violence with religion. It is true, of course, that in certain cases violence tinged with religious views does crop up. However, in reality, “the use of violence cannot be attributed to religion as such, but to the cultural limitations in which religions are lived and develop in time” and to the manipulation on the part of some political leaders<sup>149</sup>. Therefore, “the exploitation of faith in the furtherance of violence is a corruption of faith and of people, and religious leaders are called to challenge such thinking. Faith should be seen as a reason to come together rather than divide for it is through faith that communities and individuals are able to find the power to forgive so that true peace can emerge”<sup>150</sup>.

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normal call of duty, permit people to attain a fuller realization of their natural potential, and traverse situations of conflict through reconciliation, peace-building processes and the healing of memories scarred by injustice”. Therefore religions, “despite the weakness and contradictions of their followers, bring a message of peace and reconciliation”: Intervention by His Eminence Jean-Louis Cardinal Tauran, President of the Pontifical Council for Interreligious Dialogue, 63<sup>rd</sup> session of the General Assembly, Item 45: Culture of Peace, New York, 12 November 2008.

<sup>148</sup> Intervention of the Holy See, 66<sup>th</sup> session of the United Nations General Assembly, Special Event World Interfaith Harmony Week 2012: Common Ground for the Common Good, New York, 7 February 2012. See also: Address by H.E. Archbishop Dominique Mamberti, Secretary for the Holy See’s Relations with States, 62<sup>nd</sup> session of the UN General Assembly, High-level Dialogue on Interreligious and Intercultural Understanding and Cooperation for Peace, New York, 5 October 2007. On the contrary, “lack of respect for religious freedom is a threat to security and peace and impedes the realization of authentic integral human development”: Statement by H.E. Archbishop Francis Chullikatt, 66<sup>th</sup> session of the United Nations General Assembly, Before the Plenary, on Item 19: “Culture of peace”, New York, 17 October 2011.

<sup>149</sup> Address by H.E. Archbishop Dominique Mamberti, Secretary for the Holy See’s Relations with States, 62<sup>nd</sup> session of the UN General Assembly, High-level Dialogue on Interreligious and Intercultural Understanding and Cooperation for Peace, New York, 5 October 2007.

<sup>150</sup> Statement by the Holy See Delegation, Before the 97<sup>th</sup> plenary meeting of the General Assembly, Debate on the Report of the Secretary-General Implementing the Responsibility to Protect, New York, 28 July 2009.

There is no lack of occasions when bodies of the UN have highlighted the role of agents for peace played by faith-based organizations. As an example, a report published in 2006 on the prevention of armed conflict, recognized the important role of “faith-based organizations and of religious leaders in particular, as agents of change and peaceful coexistence”<sup>151</sup>. In other cases the Holy See has had to complain about the fact that the contribution of religions is ignored. On the 9<sup>th</sup> of October 2007, the apostolic Nuncio regretted the lack of any mention of the role of religions as a factor for peace in the Secretary General’s Report on the work carried out by the UN<sup>152</sup>.

### 3.2.2. Dialogue and cooperation between religions

In the context of a general deterioration of religious freedom, one element stands out as a positive development in recent years and that is the dialogue between religions. “This progress in dialogue among religions has been accompanied by increased interest on the part of civil society, multilateral and national institutions”<sup>153</sup>. This is a reason for undeniable satisfaction because dialogue and cooperation “is not an option; it is something indispensable for peace and for the renewal of international life”<sup>154</sup>.

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<sup>151</sup> Statement by H.E. Archbishop Celestino Migliore, Apostolic Nuncio, Permanent Observer of the Holy See to the United Nations, 60<sup>th</sup> session of the General Assembly: UN Secretary General’s Report on the Prevention of Armed Conflict, New York, 7 September 2006.

<sup>152</sup> What usually happens, argued the papal Nuncio, is that “most often, it is only when tensions and conflict emerge that governments and international organizations call on religious and cultural forces to help establish dialogue between parties. Cooperating in programmes against incitement to hatred, witnessing for peace and against violence and peacemaking through religion-sponsored agencies are among the many things religious communities and their leaders can do to end conflict and build conditions for peace”: Statement by H.E. Archbishop Celestino Migliore, 62<sup>nd</sup> Session of the United Nations General Assembly, Agenda item 109: Report of the Secretary-General on the work of the Organization, New York, 9 October 2007.

<sup>153</sup> Statement by H.E. Archbishop Celestino Migliore, 62<sup>nd</sup> session of the UN General Assembly, Before the Third Committee, on item 70 (b): Promotion and protection of human rights: Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms, New York, 30 October 2007.

<sup>154</sup> Address by H.E. Archbishop Dominique Mamberti, Secretary for the Holy See’s Relations with States, General Debate of the 62<sup>nd</sup> session of the General Assembly of the United Nations, New York, 1 October 2007.

An event of the highest importance, as the Permanent Observers have recalled in their interventions, have been the meetings of religious leaders called for by Pope John Paul II and Benedict XVI in order to pray and provide testimony for the need for peace, the meetings held on occasion of specific events, and the visits and appeals of the Pope in the Middle East (for example, recently in Lebanon) and other places. Another is the regular meeting of the Combined Committee for Dialogue between the Papal Council for Interreligious Dialogue and the Permanent Committee of Al-Azhar for dialogue among the monotheistic religions. "Together, religions have offered the world the example and the service of dialogue. A sincere dialogue necessarily entails self-critical analysis of the relationship of our traditions to those social, political and economic structures prone to become agents of violence and injustice"<sup>155</sup>.

These meetings, which have proved to be most productive "should be replicated at national and local levels. Indeed, prayer and good intentions are authentic only if they translate into practical gestures at all levels"<sup>156</sup>.

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<sup>155</sup> Archbishop Giovanni Lajolo, President of the Governatorate of the Vatican City State, General Debate of the 61<sup>st</sup> session of the General Assembly of the United Nations, New York, 27 September 2006. El día 5 October 2007 (Address by H.E. Archbishop Dominique Mamberti, Secretary for the Holy See's Relations with States, 62<sup>nd</sup> session of the UN General Assembly, High-level Dialogue on Interreligious and Intercultural Understanding and Cooperation for Peace, New York), Mons. Dominique Mamberti mentioned the three occasions on which, following the initiative taken by John Paul II, the leaders of the main religions of the world, have met in Assisi, the home town of St. Francis: "In 1986, they reflected on the roots of peace in the common origin and destiny of humankind. In 1993, they stressed, in particular, that violence in the name of religion is an offence against God. In January 2002, following 9/11, they reaffirmed that violence and terrorism are incompatible with authentic religion". The last such meeting was called for by Benedict XVI and held in Assisi on the 27<sup>th</sup> of October 2011, as a day of reflection, dialogue, and prayer for peace and justice in the world. It is "a witness of this truth to the whole world" that "by avoiding syncretism and relativism, we can find in interreligious dialogue a powerful tool against violence and discrimination": Archbishop Mons. Francis A. Chulikatt, Eighth Annual National Catholic Breakfast, Washington, 19<sup>th</sup> April 2012.

<sup>156</sup> Address by H.E. Archbishop Dominique Mamberti, Secretary for the Holy See's Relations with States, 62<sup>nd</sup> session of the UN General Assembly, High-level Dialogue on Interreligious and Intercultural Understanding and Cooperation for Peace, New York, 5 October 2007.

As is to be expected, interreligious dialogue is often centered on questions which deal with internal religious questions. They consist of discussions in which “religious representatives and their constituents engage in discussion on the theological and spiritual tenets of their respective religions and exchange positive experiences with a view to promoting mutual understanding and respect among all”. Naturally, this type of dialogue is a specific matter for the respective religions present and therefore it is “therefore better left to religious experts and appropriate representatives of religions. Nevertheless, the United Nations, as a source of the gestures of peace that come from its members’ accumulated wisdom, can make a valid and important contribution to inter-faith cooperation for peace and development”<sup>157</sup>.

Mary Ann Glendon, president of the Pontifical Academy for Science and professor of Law at Harvard University brought up an issue which she described as a challenge for religious and cultural leaders, as viewed from the perspective of such dialogue<sup>158</sup>. I would like to recall it as I come to a conclusion. That is the “challenge... of motivating their followers to meet others on the plane of reason and mutual respect, while remaining true to themselves and their own beliefs”.

She asks: “Why has it been so difficult to face up to this challenge?”; and she offers the answer: “For one thing, religion has often been exploited for political purposes. But many obstacles cannot be blamed on outside forces. They include not only misunderstandings about the

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<sup>157</sup> Statement by H.E. Archbishop Celestino Migliore at the General Debate of the 60<sup>th</sup> Session of the United Nations General Assembly, New York, 23 September 2005. Rather, “having in mind the spirit and the word of the UN Charter as well as core juridical instruments, it is safe to say that the United Nations’ specific and primary responsibility vis-à-vis religion is to debate, elucidate and help States to fully ensure, at all levels, the implementation of the right to religious freedom as affirmed in the relevant UN documents which include full respect for and promotion not only of the fundamental freedom of conscience but also of the expression and practice of everybody’s religion, without restriction”: Statement by H.E. Archbishop Celestino Migliore, 64<sup>th</sup> session of the UN General Assembly, Before the Plenary, on item 49: Culture of Peace, New York, 10 November 2009.

<sup>158</sup> Civilizations and the challenge for peace: obstacles and opportunities, Informal Thematic Debate of the U.N. General Assembly, Panel on: Religion in Contemporary Society, New York, 10 May 2007; Prospects for Cross-Cultural and Inter-Religious Relations in Contemporary Society, H.E. Mrs. Mary Ann Glendon, President, Pontifical Academy of Social Sciences (Vatican City), Professor of Law, Harvard University.

faith of others, but also a poor grounding in one's own faith. Thus, another crucial task for leaders and educators is to find resources within their own traditions for promoting respect and tolerance, and to draw upon those resources as they transmit their traditions to their followers".

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In this text we have touched upon the interventions made by representatives of the Holy See before the UN during the papacy of Benedict XVI dealing with the question of religious freedom.

Due to their nature (they are positions taken by a State which takes part in the work carried out by the UN in accordance with its status of Permanent Observer), the interventions are related to those questions under debate in each case and in the circumstances of that given moment. Nevertheless, they denote a remarkable coherency and help to understand how the pontifical diplomacy has promoted the right to religious freedom between 2005 and 2012. The order followed in this paper may help facilitate an overall view of the interventions made.

In all the interventions there is an understanding about religious freedom which is based on article 18 of the Declaration of Human Rights made in 1948. It is not a doctrine that has been recently created, nor the fruit of the work carried out by those who have had the responsibility for the papal Mission, but rather a religious and cultural patrimony with deep and wide roots. In recent years the papal delegates have followed this doctrine in all its integrity but with some points that reflect its present validity and the way in which its replies to problems of our days.

Above all, we have seen that the papal Mission has gone to great lengths to emphasize, along with its personal aspect, the importance of the social dimension of religious freedom. It stems from within but opens out to the external sphere, towards life in the community of faith and also civil society. In this last context, the believer is simply a citizen the same as all others, but called upon to make a contribution to society because by so doing he helps enrich society in general. The contribution made by believers therefore should not be obstructed nor ignored.

At the same time, throughout the statements examined in this paper, the importance that the Holy See gives to religious freedom as a basic right within the whole set of human rights stands out clearly<sup>159</sup>. Without this right, it would be impossible to recognize a higher dignity of the individual than that offered by a mere political recognition and human rights would be no more than a political concession or the result of a changing balance of social forces. From the political bodies a positive attitude in favor of the promotion of religious freedom is to be expected, thereby helping to create greater respect towards religion along with the conditions in which religion can be freely practiced.

From a practical point of view, the Mission of the Holy See has been obliged to describe the reality of religious practice as a cause for grave concern. Alongside acts of violence – sometimes carried out with supposedly religious motives, which itself contradicts the real nature of religion – and with the support of certain legislation, there are also mentalities which are opposed to religious freedom as the Holy See has criticized before the UN on occasion of debates, events and specific situations. In the majority of cases, those who suffer most have been Christians who have become the religious group which undergoes greatest persecution.

The increasing discrimination of Christians in Europe in recent years has been the subject of growing attention of the papal Mission. This discrimination is not only new but also represents a paradox given that in most cases it takes place in countries where the population is mainly Christian. It is not a violent persecution, but rather one that through the application of certain policies, seeks to place religion on the outskirts of public life and to exclude believers from social debate.

The efforts made to build a “culture of peace” will help facilitate the full validity of religious freedom. The Holy See is grateful for the work carried out by the UN, but also warns that it would be a mistake to accept proposals put forward by those who insist with ideas such as “sexual and reproductive health” or the “notion of gender”, which are vague, without a clear recognition in international documents and can be used in order to justify practices which are not for the good of man.

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<sup>159</sup> See Mons. Silvano Tomasi, Apostolic Nuncio and Permanent Observer of the Holy See, interview for Radio Vaticana, 11 July 2012.

On the other hand, a new form of discrimination has appeared – that which is suffered by those who make known their views opposed to relations between people of the same sex, and has even led to their being brought before a court of law.

Religions must continue to contribute to the building of “culture of peace” and a more just society; this requires them to be able to do so freely. The initiatives taken by different religions in recent times in order to promote dialogue and cooperation undoubtedly help reach this objective, and as such the papal Mission and the related bodies of the UN have welcomed them with satisfaction. Emphasizing these aspects, and many others, of religious freedom, the activity carried out by the delegation of the Holy See at the UN has shown to be fruitful in the service of their common goals.

In a sense, and with respect to the nature of the UN, this activity has been able to express and convey at the level of international relations, the thoughts and priorities of Benedict XVI as head of the Catholic Church. As the Pope said before the members of the General Assembly, “the activity of the United Nations in recent years has ensured that public debate gives space to viewpoints inspired by a religious vision in all its dimensions, including ritual, worship, education, dissemination of information and the freedom to profess and choose religion”<sup>160</sup>.

### **Wolność religijna za pontyfikatu Benedykta XVI. Siedem lat interwencji przy ONZ**

#### **S t r e s z c z e n i e**

Artykuł przedstawia najważniejsze aspekty interwencji dokonanych przez przedstawicieli Stolicy Apostolskiej przy ONZ, zmagającymi się z zagadnieniem wolności religijnej, w siedem lat po tym, jak Benedykt XVI został wybrany papieżem. W wielu częściach świata trudności związane z wolnością religijną wzrosły lub nabrały nowych form. Interwencje odnoszą się do zagadnień poruszanych podczas każdej debaty w konkretnej sprawie i w konkretnym momen-

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<sup>160</sup> Address of His Holiness Benedict XVI, Meeting with the members of the General Assembly of the United Nations Organization, New York, 18<sup>th</sup> April 2008.

cie. Niemniej jednak, odznaczają się niezwykłą spójnością i pomagają zrozumieć, jak dyplomacja papieska promowała prawo do wolności religijnej w latach 2005-2012 i wyrażała myśli i priorytety Benedykta XVI jako Głowy Kościoła Katolickiego na poziomie międzynarodowych relacji.

*Translated by Agnieszka Romanko*

**Słowa kluczowe:** wolność religijna, Stolica Święta, Narody Zjednoczone, prawa człowieka, wolność religii, Benedykt XVI, chrześcijanie, wolność wyznania, kultura pokoju, dyskryminacja

**Key words:** religious freedom, Holy See, United Nations, human rights, freedom of religion, Benedict XVI, christians, freedom of conscience, culture of peace, discrimination