

HOLY SEE PRESS OFFICE
OFICINA DE PRENSA DE LA SANTA SEDE



BUREAU DE PRESSE DU SAINT-SIEGE
PRESSEAMT DES HEILIGEN STUHLS

BOLLETTINO

SALA STAMPA DELLA SANTA SEDE

N. 180911d

Monday 10.09.2018

Intervention of the Secretary for Relations with States at the Council of Europe for the celebration of the 70th anniversary of the Universal Declaration of the Rights of Man

The following is the intervention of H.E. Msgr. Paul Richard Gallagher, secretary for Relations with States, pronounced yesterday at the Council of Europe in Strasbourg on the occasion of the celebration of the 70th anniversary of the proclamation of the Universal Declaration of the Rights of Man, on the theme "Human and integral development and the universality of rights in a multilateral context".

Intervention of the Secretary for Relations with States

Your Excellencies,

Distinguished Representatives of the Secretariat of the Council of Europe,

Ladies and Gentlemen,

At the outset, I would like to thank you all for your presence at this Conference organized by the Permanent Mission of the Holy See to the Council of Europe. A special word of thanks you is due to His Excellency, Guido Raimondi, President of the European Court of Human Rights, and to Professor Emmanuel Decaux, Professor Emeritus of the Panthéon Assas University, who have also agreed to offer presentations during this dialogue on the question of the universality of human rights. I am likewise pleased to see the involvement in this meeting of representatives of faith-based NGOs that work together in multilateral settings. Today's Conference is part of a series of events that the Holy See is promoting to mark the 70th anniversary of the Universal Declaration of Human Rights, which will culminate in an International Conference organized by the Dicastery for Promoting Integral Human Development that will be held in the Vatican next December.

Certainly, the Council of Europe has as its immediate legal reference the European Convention on Human Rights. This, in turn, is intimately related to the Universal Declaration not only because of the genesis of the text but also insofar as it arose in those years immediately following the Second World War, which was an important period for the drafting of founding documents on human rights. It is precisely the universal nature of human rights that requires that there be a constant dialogue between the regional systems of protection and the entire

international community.

The 70th anniversary of the Universal Declaration provides the Holy See an opportunity to reaffirm its commitment to the cause of human dignity, in a context where the precious patrimony of human rights, which the international community had solemnly proclaimed as the foundation of a new order in the aftermath of the horrors of war, appears seriously questioned, both in theory and in practice.

The principle of the inherent dignity of every human being, with the inalienable rights that flow from it, which is reflected in the Preamble of the Universal Declaration[1], has a natural and profound convergence with the biblical understanding of man created in the image and likeness of God and with the precept of fraternal charity, which are the basis of the Christian vision of man and the world.[2] They are also clear expressions of the common nature that is shared by mankind.[3] Such concepts were reiterated by Pope Francis in his speech at the beginning of the year to the Diplomatic Corps accredited to the Holy See, recalling the 70th anniversary of the Universal Declaration of Human Rights.

The theme chosen for this meeting “The Challenge of Universality” underscores the fact that the universality of human rights represents a crucial question for our age, a real topic *stantis aut cadentis*, the answer to which will determine whether human rights continue to mark the common horizon for the construction of our societies, the necessary point of reference for the exercise of political power and a guide for the path to be followed by the international community.

The two previous speakers have already expertly highlighted the elements at stake, especially from a legal point of view. During this presentation, I would like to focus on three major challenges that, in the present historical context, threaten the recognition of the universality of human rights, and then look for possible paths of response. The three challenges are: 1) a model of social development that is not sufficiently inclusive; 2) the deviations related to growing cultural pluralism; 3) and the persistent and serious violations of human rights that occur in different parts of the world.

The first challenge to the universality of human rights comes from the model of social development that we are pursuing, both at the level of advanced economies and at the global level. In recent years, we are witnessing in Western societies a greater breakdown of the social fabric, due to multiple factors among which those of a socio-economic character: the growth of inequalities, the impoverishment of some sectors of the population, job insecurity, as well as the drastic downsizing of social protection systems. In general, we are witnessing a crisis in the implementation of social rights which particularly affects people in situations of vulnerability and which in many cases risks obscuring the dignity of the human person. Even on a global level, despite the overall growth of the world economy, entire populations remain in poverty and their situation is aggravated by the fact that the advances in communication technologies allow them to watch closely how other wealthy people are living in comfort and opulence.

The social situation we are experiencing, both in developed and in developing countries, is not irrelevant to the human rights discourse, which is gaining strength in many sectors. Without justifying these positions, we must try to understand them and remedy them to respond to an increasingly serious problem of social cohesion, before which we cannot remain mere spectators.

If we see with some apprehension, on global scale, the emergence in certain countries of models of economic growth independent of democracy and without respect for human rights, we must likewise be concerned about the development of societies based merely on the affirmation of individual liberties, which put little emphasis on the virtue of solidarity. It is therefore necessary to ask whether the models of development we are pursuing, due to their lack of inclusiveness, are compatible, in the long term, with the affirmation of the universality of human rights.

A second challenge to the universality of human rights derives from the growing cultural pluralism that we experience within our societies. It is certainly not a new phenomenon. Already in 1948, the drafters of the Universal Declaration were confronted with the need to integrate different cultural and religious

perspectives. Over the decades, there has been a recurrent criticism of those who wanted to see in the proclamation of human rights a legacy merely of Western culture.

In our day, however, the idea of pluralism seems to be undergoing a process of mutation. On the one hand, we are witnessing the rising trend of political nationalism and ideological fundamentalism, which seem ever less compatible with a society founded on the principles of democracy and human rights. On the other hand, part of the dominant liberal culture has shifted toward a radically individualistic interpretation of certain rights, or towards the affirmation of “new rights”. These interpretations of rights, objectively distant from the founding texts,[4] contribute to making universal consensus much more difficult. In this way, we risk creating a “conflict of anthropologies”, which is intensified by the process of globalization and human mobility.

The third challenge arises from the instability of the international order and the growing threats to peace. Here, it is not a question of a theoretical objection to the universality of human rights, but rather the troublesome spread of systematic and very serious violations of them, which continue to challenge the international community. Such a reality calls into question the ability of the international community to build an order based on the principles it has voluntarily accepted through the ratification of the nine main human rights treaties elaborated following the Declaration, including the Convention on Civil and Political Rights and the Convention on Economic, Social and Cultural Rights adopted in 1966.

Pope Francis has spoken several times about a “third world war in stages”[5] and the nature of war leads us to affirm that peace can neither be created nor sustained through the respect for human rights, unless there are clear elements of justice. The obvious difficulties in respecting international human rights laws are no excuse for ignoring them. On the contrary, they must lead to an even greater effort to factor these considerations into an operational reality. To narrow the gap between theory and practice - this is what we must constantly aim for.

The three abovementioned challenges to the universality of human rights are among many that could potentially be discussed. At this point, I would like to offer some possible solutions from the perspective of the Holy See, which are inspired by the Social Teaching of the Church, as well as the prospects that the Universal Declaration may offer us 70 years later, recalling that Pope John Paul II defined the Declaration as “a milestone on the long and difficult path of the human race”.[6]

With regard to the first of the challenges indicated, concerning the insufficiently inclusive model of social development currently in evidence, it is fundamental to return to an essential aspect of the Universal Declaration: namely, the simultaneous affirmation of “political and civil” rights together with “economic, social and cultural” rights. It seems to me a crucial point, one that is often forgotten, that the protection and promotion of the former have different dynamics than the latter, but neither category can flourish without the other. When, for example, socio-economic rights erode, the whole structure of human rights weakens, and civil and political freedoms are more vulnerable to falling victim to the oppression caused by individualistic selfishness or populism. The Universal Declaration summarizes it thus, in Article 22: “Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality”. As far as the Council of Europe is concerned, I believe we could deepen, through the search for greater synergies, the interdependence between the rights protected by the European Convention on Human Rights and those protected by the Social Charter.

This vision fully reflects what, from the perspective of the Church’s Social Teaching, is called “integral human development”, which Pope Paul VI summarized more than fifty years ago in the formula: “development of every man and of the whole man”.[7] First of all development “of every man”. To use the words of the 2030 Agenda for sustainable development, “no one should be left behind”. From the point of view of the Holy See, this means giving priority and attention to all human beings, but especially those in a situation of weakness, those at risk of being simply discarded, from the poor to the unemployed, from migrants to young people without education, from women victims of violence, to the elderly living in loneliness, to the unborn child, to the disabled. Such attention is expressed in the wide range of charitable and social commitments that the Catholic Church and the numerous Catholic-inspired institutions continue to undertake in the world. Moreover, integral development

means “development of the whole man”, that is of each person in all their dimensions: starting from the basic needs of survival, the right to education, the possibility of participating in community life and including the need to live freely one’s religious faith and beliefs. Perhaps we easily forget how the promotion of an integral humanism is an essential element for the growth of democratic societies. The goal of promoting the fundamental freedoms of every person is inseparable from that of building a just society: this is a reflection of the universality of human rights.

Turning to the second challenge, that of a growing cultural pluralism, I believe that an answer must be sought in the robust affirmation of the right to freedom of religion, which is a condition for mutual respect and for real equality in the context of a pluralist society.

Religious freedom takes on a particular importance in the building of human rights, since it protects that relationship with the ultimate goal of existence, which constitutes the core of the transcendent dignity of the person, in which the different visions of man are also reflected.[8] We know that freedom of religion is not limited merely to freedom of worship or professing one’s faith; it includes, as stated in Article 18 of the Declaration, the 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.”

Freedom of religion demonstrates the open character of a democratic society: it means recognizing the limits of the State’s competence when it comes to questions at once both intimate and ultimate in their individual and communitarian dimensions. The growing distance between religious and non-religious cultures, as well as the great differences existing between different religious visions and sometimes within the same traditions, require that the State avoid taking positions for one or another of the world’s visions. When the State is compelled indirectly to do so, it should respect citizens, allowing people and communities to live in accordance with their deep convictions, in so far as possible. To use the words of Pope Francis: “The condition for building inclusive societies is the integral comprehension of the human person, who can feel himself or herself truly accepted when recognized and accepted in all the dimensions that constitute his or her identity, including the religious dimension”.[9] Only starting from this perspective of benevolent neutrality will it be possible to foster a sense of belonging and the necessary dialogue between people and groups coming from different cultural traditions. It seems to me that the jurisprudence of the European Court of Human Rights offers important ideas in this regard.

Although the task is certainly difficult, it is indispensable to promoting the affirmation of the universality of human rights. Indeed, it was by means of such cultural and religious traditions that through the course of history were forged our understanding of the human person and of his inalienable dignity. We must recognize that a correct affirmation of the universality of human rights is not possible without considering these historically and culturally determined approaches and, indeed, that it depends on them. Together with the rich tradition it offers, each vision also carries certain limitations, which can be understood through an open dialogue with other worldviews.[10] Anyone wishing to succeed in the challenge of mediation by way of an abstract and a-historical universal affirmation of human dignity and its values, would commit a tragic error, because such an approach would end up extinguishing the very lifeblood that nourishes in the hearts of the men and women of our time a sense of respect for the dignity of the human person.[11]

Certainly, an increase in pluralism can make it challenging to find a common understanding of the way in which these fundamental values are to find their expression in the context of a complex society. It is precisely on this point, in fact, that respect for freedom of religion can be of great help, through the search for reasonable compromises and the recognition of necessary spaces for conscientious objection. These are elements that, far from breaking social cohesion, can promote it, expressing the acceptance of the difficulties of living together, respect for the other and the plurality of points of view, as well as a recognition of the need to walk together in the common search for that which protects the universal dignity of the human person.

Finally, the third challenge concerns the instability of the international order, with widespread and serious violations that continue to be registered in many countries. This is a grave challenge that often leads to doubts about the effectiveness of the human rights-based approach to the well-being of humanity and the building of peace in the world. There are, of course, no easy answers to this challenge, but it seems to me that a path might

be opened by considering what is referred to in Article 1 of the Declaration: after having affirmed that “all human beings are born free and equal in dignity and rights” it adds: “they are endowed with reason and conscience and should act towards one another in a spirit of brotherhood”. This is an essential, and perhaps too often forgotten, point: the whole framework of human rights presupposes as a condition *sine qua non* the recognition, in a spirit of fraternity, that my rights and the rights of the other are interconnected and interdependent. Hence, if the dignity and rights of others are disregarded or trampled underfoot, then even my dignity and rights are in jeopardy.

This is what we are witnessing more and more frequently: grave economic and social injustices that affect most of humanity have also a direct impact in Europe. The migrant and refugee crisis has taught us, among other things, this very point. An important lesson can be drawn for a regional system of protection of rights such as that of the Council of Europe. Such a system is sometimes faced with increasing difficulties in terms of human rights and runs the risk of closing in on itself, content with its successes while forgetting that the contribution it can offer to neighbouring countries is an essential part of the protection of human rights even in its own region.

More than fifty years ago, Pope Paul VI said that “development is the new name for peace”.^[12] An integral approach to the question of peace, which includes support for the development of the poorest nations, also implies responsibility for environmental protection, which is an essential part of the promotion and protection of human rights. This teaching is also clearly expressed by Pope Francis in his Encyclical Letter *Laudato Si'*, where he constantly stresses that “everything is interconnected”: respect for our own lives and for the lives of others; a fair economy and the enjoyment of rights; the health of democratic institutions and that of the protection of creation; caring for the environment, promoting justice and safeguarding peace. “Everything is interconnected”: this could be another way of expressing the universality of human rights.

To respond to the many aspects of the global crisis we are experiencing, Pope Francis has promoted, in this regard, the concept of “integral ecology”. “We are faced”, he writes, “not with two separate crises, one environmental and the other social, but rather with one complex crisis which is both social and environmental. Strategies for a solution demand an integrated approach to combating poverty, restoring dignity to the excluded, and at the same time protecting nature.”^[13]

I am aware that, in adopting this approach, we deviate slightly from the field of human rights as understood in the strict sense; nevertheless, the meaning of an integral ecology lies precisely in remembering that the future of human rights, their defence and their protection, their universal character, must be supported as part of a whole.

In conclusion, I believe that the 70th anniversary of the Universal Declaration constitutes an opportune occasion to relaunch that “faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women”, given such eloquent expression in the Preamble. Ultimately, the universality of human rights rests on the universal character of the human person, which is intrinsic to it by reason of its natural openness to a truth that transcends itself.^[14] In this openness to universal truth and good lies the foundation of the unity of the human race. It is precisely upon this common openness that the universality of the human family is founded. This is the reason why the human rights of each person are never separable from the human rights of all within the community, as rightly affirmed in the first lines of the Preamble of the Universal Declaration: “Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”.

Thank you for your attention.

[1] “Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”, Preamble to the Universal Declaration of Human Rights, 1948.

[2] Pope Francis, Address to the Diplomatic Corps, 8 January 2018. “For the Holy See, to speak of human rights

means above all to restate the centrality of the human person, willed and created by God in his image and likeness. The Lord Jesus himself, by healing the leper, restoring sight to the blind man, speaking with the publican, saving the life of the woman caught in adultery and demanding that the injured wayfarer be cared for, makes us understand that every human being, independent of his or her physical, spiritual or social condition, is worthy of respect and consideration. From a Christian perspective, there is a significant relation between the Gospel message and the recognition of human rights in the spirit of those who drafted the *Universal Declaration of Human Rights*.”

[3] Cfr. Ibid.

[4] Pope Francis, Address to the Council of Europe, 25 November 2014. “It also needs to be kept in mind that apart from the pursuit of truth, each individual becomes the criterion for measuring himself and his own actions. The way is thus opened to a subjectivistic assertion of rights, so that the concept of human rights, which has an intrinsically universal import, is replaced by an individualistic conception of rights. This leads to an effective lack of concern for others and favours that *globalization of indifference* born of selfishness, the result of a conception of man incapable of embracing the truth and living an authentic social dimension.”

[5] Cfr., among others, Pope Francis, Press Conference on Return Flight from Apostolic Visit to Korea, 18 August 2014; Homily at the Military Cemetery of Redipuglia, 13 September 2014; and Homily at Mass in Sarajevo, 6 June 2015.

[6] Pope John Paul II, Address to United Nations General Assembly, 2 October 1979.

[7] Pope Paul VI, Encyclical Letter, *Populorum progressio*, 26 March 1967, n. 14.

[8] “In a certain sense, the source and synthesis of these rights is religious freedom, understood as the right to live in the truth of one's faith and in conformity with one's transcendent dignity as a person” (John Paul II, Encyclical Letter *Centesimus Annus*, 1 May 1991, n. 47); “It could be said that *among the fundamental rights and freedoms rooted in the dignity of the person, religious freedom enjoys a special status*. When religious freedom is acknowledged, the dignity of the human person is respected at its root, and the *ethos* and institutions of peoples are strengthened. On the other hand, whenever religious freedom is denied, and attempts are made to hinder people from professing their religion or faith and living accordingly, human dignity is offended, with a resulting threat to justice and peace, which are grounded in that right social order established in the light of Supreme Truth and Supreme Goodness” (Benedict XVI, Message for the Celebration of the World Day of Peace, 1 January 2011, n. 5).

[9] Pope Francis, Address to the Diplomatic Corps Accredited to the Holy See, 8 January 2018.

[10] “Per affrontare la sfida della diversità religiosa in un mondo che non sarà più egemonizzato dalla cultura occidentale è necessario trovare una rotta che, nel definire i contenuti del diritto di libertà religiosa, eviti gli scogli sia di un universalismo sordo alle differenze culturali e religiose sia di un particolarismo che scade in una concezione relativistica dei diritti”: Silvio Ferrari, La libertà di religione nell'epoca della diversità, *Quaderni di diritto e politica ecclesiastica* 26 (2018), 290.

[11] Cfr. the appeal made by Pope Francis, in his speech to the Council of Europe on 25 November 2014, to take up the challenge of “multipolarity” and of the “transversality” of dialogue.

[12] Pope Paul VI, Encyclical Letter, *Populorum progressio*, 26 March 1967, nn. 76-80.

[13] Pope Francis, Encyclical Letter, *Laudato Si'*, 24 May 2015, n. 139.

[14] “Human rights are increasingly being presented as the common language and the ethical substratum of international relations. At the same time, the universality, indivisibility and interdependence of human rights all

serve as guarantees safeguarding human dignity. It is evident, though, that the rights recognized and expounded in the *Declaration* apply to everyone by virtue of the common origin of the person, who remains the high-point of God's creative design for the world and for history. 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" (Benedict XVI, Address to the General Assembly of the United Nations Organization, 18 April 2008).
