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INTERVENTO DELL'OSSERVATORE PERMANENTE DELLA SANTA SEDE PRESSO L'ONU ALLA 58a SESSIONE DELLA COMMISSIONE DEI DIRITTI UMANI DELLE NAZIONI UNITE

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In occasione del dibattito sulla libertà religiosa alla 58a sessione della Commissione dei diritti umani della Nazioni Unite, che si svolge a Ginevra dal 18 marzo al 26 aprile, S.E. Mons. Diarmuid Martin, Osservatore Permanente della Santa Sede, ha pronunciato il 12 aprile 2002 l'intervento che pubblichiamo qui di seguito:

• INTERVENTO DI S.E. MONS. DIARMUID MARTIN

Mr Chairman,

The right to freedom of religion - enshrined in art.18 of the Universal Declaration of Human Rights - has always been regarded as one of the cornerstones of the human rights edifice, since it touches one of the deepest dimensions of a person's life and search for truth. To violate the right to freedom of religion is to violate one of the deepest sanctuaries of the dignity of a human person.

The Delegation of the Holy See wishes to address two questions concerning the realization of religious freedom within pluralist democratic societies.

1. Respect for religious freedom means, today, welcoming the contribution of religious believers as vital for the construction of a lasting peace. Working together, in a spirit of mutual respect, religions can bring a vital and original contribution to the coexistence of peoples and to peace. Religious leaders, invited by Pope John Paul II on January 24th to Assisi, committed themselves to a "Decalogue for Peace", rejecting terrorism and condemning "every recourse to violence and war in the name of God or of religion"¹.

The International Consultative Conference on School Education in relation to Freedom of Religion and Belief, organized by the Special Rapporteur in Madrid in November last, provided a useful model of how to proceed in examining ways in which freedom of religion can be guaranteed and how religious belief can flourish within the framework of pluralist democratic regimes.

The very term "pluralist" implies that religious believers be recognised, alongside others, as active protagonists within their societies. It means that religious belief or adherence to a particular religious confession should not be an obstacle for access to professions in public life. It means that anti-religious teachings be eliminated from the school curriculum and from official documentation.

2. The question religious minorities, especially where a particular religious tradition is dominant, is addressed in different ways in national legislation. 48 countries, in fact, recognize a particular religion as having a special Status, either as a State religion, an official or traditional religion or as the religion of the majority of the inhabitants. The position of the Holy See regarding such situations was set out by the Second Vatican Council which affirms - fully in accordance with human rights instruments - that "if because of the circumstances of a particular people, special civil recognition is given to one religious community in the constitutional organization of a State, the right of all citizens and religious communities to religious freedom must be recognized and respected as well²". This right must apply, evidently, also to non-citizens who reside temporarily within a country, bringing the contribution of their work to the good of society.

The Holy See welcomes dialogue with governments in order to ensure the widest possible respect for the religious freedom of all. An open and frank dialogue will contribute to overcoming misunderstandings. All can work together in a common search for ways to ensure that people in any country, respectful of local culture and traditions, can freely profess their faith, while being able to "establish and maintain communications with individuals and communities in matters of religion and belief at the national and international level"³.

Allow me, in conclusion, to draw attention to a question of particular interest today: respect of places of worship and holy sites in times of conflict. The First Additional Protocol to the Geneva Conventions (Art. 53), as well as the 1954 Hague Convention for the Protection of Cultural Property in the event of Armed Conflict, lays down specific norms in regard to the protection of "historic monuments, works of art or places of worship which constitute the cultural and spiritual heritage of peoples". The Holy See stresses that respect for these norms applies to all conflicts and to all parties in a conflict. The Holy Sites in Jerusalem and the Holy Land have a special significance for the three monotheistic traditions – indeed for the whole of humanity. Disrespect for or misuse of these sites constitutes a violation of international norms – as well as bilateral agreements.

Any long-term solution to the crisis in the Middle East must indeed address the question of respect for and unrestricted access to the religious sites, sacred to each religious tradition. This is also a dimension of religious freedom. It is a precondition for fostering a climate of dialogue between religions in the Middle East, in the service of peace.

1 Cf. *L'Osservatore Romano*, 6 March 2002, p.12

2 Declaration on Religious Liberty, n.6

3 Declaration on the Elimination of Intolerance and Discrimination Based on Religion, Art.6