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. 0623

Venerdì 09.10.2009

INTERVENTO DELLA SANTA SEDE ALLA 12a SESSIONE ORDINARIA DEL CONSIGLIO DEI DIRITTI DELL'UOMO SULLA LIBERTÀ RELIGIOSA

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Il 30 settembre 2009, in occasione della XII Sessione Ordinaria del Consiglio dei Diritti dell'Uomo, in corso a Ginevra, l'Osservatore Permanente della Santa Sede presso l'Ufficio delle Nazioni Unite, S.E. Mons. Silvano M. Tomasi, ha pronunciato l'intervento che riportiamo di seguito:

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

Mr. President

1. For some time now, the international community has been searching for a balanced normative approach to the fundamental human rights of freedom of religion and belief, freedom of expression, and respect for all persons holding religious or different convictions. Resolutions and declarations are moving toward effective provisions for international protectionand reaffirmation of the importance of dialogue. Such efforts are being undertaken with the aims of preventing social conflicts and the disparagement of individuals and groups of believers and avoiding marginalization of, or violence against, these groups. However, such a negative perspective risks losing sight of the critical importance of the positive aspects of religious freedom. Such freedom implies the protection of every person's right to choose, to profess and to disseminate individually, and in community, a belief according to his/her conscience, as stated in the Universal Declaration of Human Rights and in the other Human Rights instruments, with the corresponding obligation of States to protect this fundamental human right by means of an appropriate legal framework. The Delegation of the Holy See is of the opinion that the last report of the Special Rapporteur on Contemporary forms of racism, racial discrimination, xenophobia and related intolerance has taken a more positive approach to the issue. The questions of religious discrimination and incitement to religious hatred, and the sociological concept of "Defamation of Religions", issues addressed in the latest Report, are better contextualized. The Rapporteur recommends anchoring the debate in the existing international legal framework, adding that in matters of belief rights, the human person should not be separated from her social relationship. "The rights associated with religion are all the more in need of protection if they are considered to clash with a prevailing secular ideology or with majority religious positions of an exclusive nature. 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."1

2. The Delegation of the Holy See agrees, therefore, with the Special Rapporteur that only an integrated approach based on the full respect of the right to freedom of religion can be the answer in combating the old and new phenomenon of discrimination on the basis of religious conviction and practice. Aware that the increasing manifestations of religious intolerance are undermining the rights of all persons of any religion and belief and that practically all religious minorities are discriminated around the world, my Delegation is convinced that a concerted solution is necessary. The consensus reached in the Durban Review Conference, for example, represents a fine balance between reaffirming the importance of freedom of expression and the need to curb hate speech. Particularly in this area that touches on deep emotions and on a personal and collective sense of identity, laws are not enough. A new outlook is required, one that takes into account the increased pluralism in most societies and the interconnectedness of a globalized world. Modern technology (especially through the means of social communication) can be an effective resource and can contribute to a clearer awareness of one's dignity and human rights. Thus the convergence of freedom of expression and the means of social communication is fundamentally positive. It is only a question of choice. Media can be used either to build and sustain the human community in all its economic, political, cultural, educational and religious aspects to the enrichment of people's wellbeing and spirituality or to injure the integral good of the person, to incite hatred, to marginalize and alienate people and to stereotype them based on race and ethnicity, sex, age and also religion.

Indeed in the relationship between the means of social communication and religion there are temptations on both sides. Media often ignore and marginalize religious doctrine,ideas, practices, experiences, and sentiments of religious persons are belittled and religion is judged by secular standards. Such a perspective can result in hostile treatment of legitimate religious groups. On the other hand, religion may negatively judge communication media and encourage religious exclusivism that foments disregard and hostility toward others

3. Freedom of expression is not only a right but also a duty that needs to be strengthened. The presumption should always be in favour of the possibility to exchange ideas and articulate opinions. Protecting thefreedom of expression, however, is not an absolute obligation; normally it should be upheld for the good of society and also for the enjoyment of the freedom of religion and belief. But any form of incitement to hatred that affects the human person and his/her rights is unacceptable. When people are performing the social duty and right to inform, they are called to take into account principles of social ethics such as truth, solidarity, tolerance, fairness, principles that form the cornerstone ofjustice, equity, respect for privacy, subsidiarity. Media too should remain at the service of the person. It may be useful to underline in this context that the integral development of persons and their good cannot be realized apart from the common good of communities to which they belong. The common good, of which human rights are the grammar, should be understood as inclusive of the full range of physical, intellectual, emotional, and spiritual goods. Thus, the person's innate social nature and religious feelings deserve the opportunity to grow and to be protected from abuse. Then, if the new technologies are to serve the good of individuals and of society, all users will avoid the sharing of words and images that are degrading of human beings, that promote hatred and intolerance, that exploit the vulnerable.

4. At this juncture, therefore, it is better to avoid a negative and limiting approach and insist rather on the positive aspects of the fundamental right to freedom of religion. The wise use of media and of educational systems and textbooks can teach mutual respect and appreciation. Moreover, initiatives of dialogue and efforts like that of the High Commissioner of Human Rights to attain a better understanding of article 19 and 20 of the ICCPR in the international law framework, can go a long way toward promoting mutual understanding, sustain freedom of religion, belief and conscience, and to prevent their disrespect. Civil authorities should contribute their part by guaranteeing the right to criticize the work of the media and by facilitating the participation of all, especially of ethnic groups and religious minorities, in the decision making of communication policies.

5. In conclusion, Mr. President, the road ahead points in the direction of comprehensive implementation of existing norms to protect freedom of religion and belief, of wise use of the freedom of expression, of greater sensitivity to the right to express religious convictions and, consequently, to demonstrate religious identity, both as an individual and in a group, in private and in public, in the common search for truth and peaceful coexistence. In this way, people come first since human rights belong to them and their communities rather than to abstract ideas, institutions or physical territories. In the same way, equality of treatment is preserved by

protecting religious minorities from discriminatory legislation and practices. In the new digital arena, much can be achieved by encountering and knowing the traditions and values of each other, by creating a new mentality of understanding and respect, and by searching together for truth, goodness and beauty.

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1 *Address of His Holiness Benedict XVI at the meeting with the Members of the General Assembly of the United Nations Organization*, New York, 18 April 2008.

[01462-02.01] [Original text: English]