



SALA STAMPA DELLA SANTA SEDE **BOLLETTINO**

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INTERVENTO DELL'OSSERVATORE PERMANENTE DELLA SANTA SEDE ALLA 9a SESSIONE DEL CONSIGLIO DEI DIRITTI DELL'UOMO SULLE VARIE FORME DI DISCRIMINAZIONE E INTOLLERANZA

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Il 19 settembre scorso, in occasione della 9ª Sessione del Consiglio dei Diritti dell'Uomo, S.E. Mons. Silvano Maria Tomasi, Osservatore Permanente della Santa Sede presso l'Ufficio delle Nazioni Unite a Ginevra, ha pronunciato l'intervento riportato qui di seguito su razzismo, discriminazione razziale, xenofobia e forme correlate di intolleranza:

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

Mr. President,

1. In recent weeks, and in several geographical regions, the international community has witnessed, an intensified expression of religious intolerance that violates the basic human rights of persons of one or another faith conviction. Places of worship have been set on fire and desecrated. Thousands of people have been forcibly uprooted, and their homes have been destroyed. Family members wounded, and even killed, simply because they profess their own religion. Others have been detained on false accusations. Impunity for these crimes, as is often the case, gives the message that violent aggression against, and even the physical elimination of, people from a different faith conviction is acceptable. Sixty years ago, a solemn commitment was undertaken by the global community, through the Universal Declaration of Human Rights, to uphold and defend the belief that "everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance" (art.18). The road to implementation of such a right remains long and arduous.

2. The Delegation of the Holy See is deeply concerned about the targeting of religious minorities, already suffering from social and political prejudices and stereotyping, for discriminatory and violent behaviour. This Delegation thus fully supports the reaffirmation, by the Human Rights Council, of the right to freedom of religion, conscience, belief and religious practice, in private and in public. It concurs also with the advice of the Special

Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, offered to this Council, to refocus its reflection away from the vague sociological concept of 'defamation of religions' to the juridical norm of non-incitement to national, racial or religious hatred, and to the rights well summed up in the International Covenant on Civil, Cultural and Political Rights¹ (ICCPR). In any society, the journey toward achieving mutual understanding, and peaceful and constructive coexistence, cannot be an isolated venture. The structural and institutional form of a society must be addressed, if effective change is to be achieved. Such responsibility cannot be relegated to rhetorical statements but should instead be articulated at all the levels of action that can be undertaken by a State: within national legislation, the judicial system, the government, the educational system, the media, and faith communities themselves. In the inevitable pluralism that globalization introduces in every society, such concerted effort will bring about positive results.

3 As shown in the various Reports on the question of religion and human rights, prepared within the United Nations system, there are some legitimate concerns that underlie the call to address the issue of defamation of religions in tangible terms, but this should be done in a holistic, constructive and cooperative way. Indeed, a possible way forward can be found in building upon the UDHR, the ICCPR, and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief, which the General Assembly adopted in 1981. A juridical and positive approach will avoid harmful, unintended consequences for society, and for members of minority religions, brought about by religious defamation laws where they are in place. For example, in several cases, blasphemy laws have been used as weapons against personal enemies or as an excuse to incite mob violence. Such actions result in polarizing religious communities, rather than in promoting tolerance. The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and the instruments on which it is based, could serve as a framework for a new treaty, or as a framework for developing a declaration on guidelines, standards and good practices. Thus the international community could move along a reassuring path to build a more serene human family while simultaneously addressing some major challenges facing us today. These include the urgent need to promote religious tolerance; to end religious discrimination by both State and civil society actors; to promote the practice of 'reasonable accommodation' of religious practices; to increase the capacity of protection of people from group violence; and to increase the capacity of the judicial systems to give defendants prompt and fair trials.

Thank you, Mr. President.

1 Art.18, "1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. 2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions."

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