



Statement by His Excellency Archbishop Silvano Tomasi, Permanent Observer of the Holy See to the United Nations and Other International Organizations in Geneva at the 22nd Session of the Human Rights Council 3: Report of the Special Rapporteur on freedom of religion or belief
Geneva, 6 March 2013

Mr. President,

In today's world, because of their faith or belief, persons belonging to religious minorities experience various degrees of abuse that run from physical attacks to kidnapping for ransom, from arbitrary detention and obstacles in requesting registration, to stigmatization. Effective protection of the human rights of persons belonging to religious minorities is lacking or inadequately addressed even in the U.N. and international systems. Lately this worrying situation has caught the attention of some Governments and segments of civil society. Thus, awareness about this serious problem has become more evident. On the other hand, widespread discrimination affecting religious minorities persists and even increases.

The Special Rapporteur on Freedom of Religion or Belief has rightly focused his Report on the many human rights violations perpetrated against persons belonging to religious minorities. States may be directly involved through indifference toward some of their citizens or through the political will to marginalize, suppress or even eliminate communities with a different identity no matter how long they historically have been rooted in their own country. In some circumstances, non-State actors also take an active and even violent role by attacking religious minorities. The extensive indication of the variety of violations reported offers a realistic picture of today's oppression of religious minorities and should serve as a call to action.

However, the Report underplays the basic issue that minorities are defined either from the perspective of a "majority" or from the perspective of other "minorities". Moreover, according to the Report the State should act in a neutral way in the recognition of religious groups. Indeed, the Report defines *individual persons* as holders of the right to freedom of religion and sees the goal of protection of religious freedom directed at "*ensuring the survival and continued development of the cultural, religious and social identity of the minorities concerned*"¹. It indicates individual protection of religious freedom as the way to achieve the protection of religious communities, a process that will not translate automatically in their protection. In fact, the Report itself shows very well that most

¹ HUMAN RIGHTS COMMITTEE, *General Comment No 23 (1994) on the right of minorities (article 27)*, §9.

violations of religious freedom occur at the religious group level.

While the State should enforce the universality of human rights by balancing freedom and equality, it often identifies itself with the “dominant community” in a way that unfortunately relegates minorities to a second-class status, thus also creating problems for the religious freedom of individuals.

Individual freedoms and rights can be reconciled and harmonized with those of the community that wants to preserve its identity and integrity. There is no opposing dialectical process, but a necessary complementarity. The person should not become a prisoner of the community nor should the community become vulnerable simply because of the assertion of individual freedom. The Special Rapporteur rightly states that by stressing too narrow an understanding of equality, we may lose the diversity and specificity of freedom.

The legal recognition of a minority is the starting point for the necessary harmony between individual and group freedom. By adopting such a realistic approach to this issue, the coexistence of communities is facilitated in a climate of relative tolerance. However, before such a realistic approach can be pursued, legal status must be granted to religious communities as is required by the innate human right of any person, which precedes and is binding on the State. We fully agree then with the Special Rapporteur’s recommendation: *“What the State can and should do is create favourable conditions for persons belonging to religious minorities to ensure that they can take their faith related affairs in their own hands in order to preserve and further develop their religious community life and identity”*². Only through respect for this balance can both peaceful coexistence and the advancement of all human rights be attained.

The State’s role as guardian and enforcer of the freedom of religion not only for individuals but also for religious communities reveals that this balance is highly political. The secular State often is not neutral toward existing religious communities; not even in Western democracies where liberalism leads not so much to a neutral society but to one without a public presence of religion. But the State can preserve a religious identity provided it acts with neutrality and justice toward all religious groups in its territory. It can be added that the State should monitor violations of freedom of conscience and the Rapporteur should address in this connection conscientious objection when it becomes impossible for a person to conform to the dominant social norms that are in contrast with moral dictates.

Mr President,

Religions are communities based on faith or belief, and their freedom guarantees a contribution of moral values without which the freedom of everyone is not possible. The recognition of the freedom of other religious communities does not reduce one’s own freedoms. On the contrary, the acceptance of the religious freedom of other persons and

² A/HRC/22/51. Summary.

groups is the corner stone of dialogue and collaboration. Genuine freedom of religion bans violence and coercion, and it opens the road to peace and authentic human development through mutual recognition. The experience, and by now a tradition, of interreligious dialogue in Western societies proves the value of a reciprocal recognition of religious freedom.

Religious freedom is also a duty, a responsibility to be fulfilled both by individuals and religious groups. The recognition of the religious freedom of individuals and social groups implies that they should act by the same standards of the freedom they enjoy and such a condition justifies their presence as important and authentic actors in the public square. To eclipse the public role of religion creates a society which is unjust since it would fail to take into account the true nature of the human person and would stifle the growth of authentic and lasting peace for the whole human family.