



Statement by His Excellency Archbishop Paul Richard Gallagher
Secretary for Relations with States
at the High-Level Segment of the 40th Session of the Human Rights Council
25 February 2019

Mr. President,

Allow me, at the outset, to extend the cordial greetings of His Holiness, Pope Francis, to you, Mr. President, and to all Member and Observer States Delegations, participating in this 40th Session of the Human Rights Council.

The concept of the centrality of the human person has emerged through the history and the conscience of the peoples of the world constituting the foundation of the corpus of human rights instruments that the international community has elaborated in this last century. The Universal Declaration of Human Rights, “a true milestone on the path of humanity’s moral progress”,¹ recognizes and affirms that fundamental human rights stem from the inherent dignity and worth of the human person and, therefore, they apply to every stage of life and in every situation. Human rights stand before us, therefore, as the ethical substratum of international relations.² The Holy See seeks, as an important objective of its activity within the international arena, the advancement of their universality and indivisibility, which is an essential element in the construction of peaceful societies and the integral development of individuals, peoples and nations.

In his most recent address to the Diplomatic Corps accredited to the Holy See, Pope Francis reiterated the capital importance of a “serene and constructive discussion among states”, characterized by “good will and good faith”, by “readiness to deal with one another fairly and honestly” and by “openness to accepting the inevitable compromises arising from disputes”. In this year of the centenary of the establishment of the League of Nations, he reaffirmed the decisive role of multilateral diplomacy in the globalized world of today. We are living in an increasingly complex and interconnected world, where security and development, methods of warfare, the migration and refugee movements, climate change and trade, and the promotion or violation of human rights should not be seen, much less addressed, in isolation.

The need for countries to come together and to seek solutions to common problems is more than ever evident. Geneva is certainly the place where, in the last century this principle of finding answers to global challenges has found a stable and organized

¹ Pope John Paul II. Message for the World Day of Peace, 1 January 1999, http://w2.vatican.va/content/john-paul-ii/en/messages/peace/documents/hf_jp-ii_mes_14121998_xxxii-world-day-for-peace.html.

² Ibid.

perspective. We are celebrating, the 100 years of the first steps of a new vision of stable multilateral relationships.

It is, therefore, fitting that here in Geneva, the city *par excellence* of multilateral diplomacy, which hosts numerous international organizations, representatives of States come together in this important body to address one of the three pillars of the United Nations: the protection and promotion of human rights.

Mr. President,

In accordance with the principles proclaimed in the Charter of the United Nations, the 1966 Covenants recognized “that these rights derive from the inherent dignity of the human person” (...), and are therefore universal, inviolable and inalienable.”³ Likewise, the Final Act of the Helsinki Conference on Security and Co-operation in Europe stated that “civil, political, economic, social, cultural and other rights and freedoms all [...] derive from the inherent dignity of the human person and are essential for his free and full development”.⁴ Thirty years ago, the Convention on the Rights of the Child, which is now ratified by 196 States, went even further, saying that the “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” and is the reason for addressing the needs of the child for “special safeguards and care, including appropriate legal protection, before as well as after birth”.⁵ These formulations indicate the deep link between dignity, fulfilment and the rights and freedoms of the human person.

To reaffirm that “all human beings are born equal in dignity,”⁶ necessarily implies that human rights find their foundation in what every human being shares equally and permanently. The dignity of human nature represents therefore what is common to all humanity, in which every individual partakes. For this reason, an international human rights framework, consistent with and deeply rooted in human nature, stands as the indispensable condition for fostering lasting peace and also as the most effective tool for the promotion of integral human development.

³ The International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, both signed on 16 December 1966.

⁴ Final Act of the Helsinki Conference on Security and Co-operation in Europe, 1 August 1975, Principle VII; Available at: <https://www.osce.org/helsinki-final-act?download=true> [Accessed 5 February 2019]. The Helsinki Conference will be at the origin of the Organization for Security and Cooperation in Europe (OSCE).

⁵ International Convention on the Rights of the Child (1989), Preamble, Available at <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx> [Accessed 5 February 2019].

⁶ Universal Declaration of human rights, General Assembly Resolution 217 A, 10 December 1948, Article 1, Available at https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf [Accessed 5 February 2019].

Unfortunately, within certain international fora, there appears to be a systematic and progressive fragmentation of the nature of the human person, thus paving the way for proclaiming so-called “new rights” yet without concomitant obligations: “The interpretation of some rights has progressively changed, with the inclusion of a number of ‘new rights’ that not infrequently conflict with one another”.⁷ The failure to recognize and acknowledge our common nature, the bedrock upon which all rights are founded, translates ultimately into the violation of basic human rights and the unsettling decline of humanity. The fundamental rights of the human person cannot find their indivisibility and universality on obliquely worded phrases, artificial concepts or ambiguous ideologies, which so many times take hostage the debate in international fora and spark “new forms of ideological colonization, often in disregard for the identity, dignity and sensitiveness of peoples”⁸. Removing human rights from the connection with human nature and its dignity will lead to a relativistic exercise, where the meaning, application and interpretation of each and every right would diverge into inevitable contradictions.

Mr. President,

On the occasion of the 30th anniversary of the Convention of the Right of the Child, the Holy See would like to give renewed expression to its constant concern for the well-being of children. The Convention as a proper and laudable instrument aims at protecting the rights and interests of children, who are that precious treasure given to each generation as a challenge to its wisdom and humanity. The Holy See is committed not only to ensuring the safety and protection of the integrity of children and of vulnerable adults but also to forming a trusted environment for them in its own institutions, in order to continue its activity in addressing the atrocious scourge of violence against children.

Mr. President,

Over the last decades, we have witnessed a significant increase in violations of the right to freedom of religion and belief.⁹ Notwithstanding the existence of a solid international legal framework, recent reports on the abuse of this fundamental human right are very worrisome. *Protection* and *limitations* are the two key elements surrounding any debate on religious freedom as a fundamental right because of its direct connection to the human person. In fact, it also serves as a strategic role in evaluating and ensuring the proper attention and guarantee granted by the public authorities. “Reason recognizes that religious freedom is a fundamental right of man, reflecting his highest dignity”,¹⁰ his ability to seek the truth and conform to it, including the possibility to change one’s

⁷ Pope Francis, Address to the Diplomatic Corps accredited to the Holy See for the New Year, 8 January 2018.

⁸ Pope Francis, Address to the Diplomatic Corps accredited to the Holy See for the New Year, 7 January 2019.

⁹ Church in Need, Religious Freedom Report 2018, November 2018. Available at: <https://religious-freedom-report.org/> [Accessed 7 February 2019].

¹⁰ Pope Francis. “Address to the participants at the International Conference on “religious freedom and the global clash of values”, 20 June 2014.

religion, is indispensable for the fulfillment of one's own potentiality. Therefore, respect for religious freedom, as proclaimed in article 18 of the Universal Declaration, and enshrined in diverse constitutions and laws, will promote the development of peaceful relationships among citizens of different confessions and foster a healthy collaboration with the State and political society.

This fundamental right must not be limited merely to the private sphere but also recognized "when [believers] act in community", while limits can be set only to the extent that "the just demands of public order are observed"¹¹. This entails the positive obligation to respect the right of religious communities, *inter alia*, to worship together, to self-organizing by choosing their own religious leaders, to being able to disseminate their messages through all kinds of modern and traditional media; this means also the possibility for believers to contribute – according to their religious views – to the social, political and cultural dialogue and to the international order. Religious freedom and activities should not be undermined by the requirement of special authorizations. At the same time religious leaders should make sure that such activities and gatherings do fall within the limitations customarily prescribed by international law of human rights, summarized in the terms of public safety, order, health, morals or fundamental rights and freedoms of others.¹²

Recent examples of increasing calls to restrict the right of conscientious objection show how some politicians and even some quarters of international agencies, forgetting their nature and acting without mandate, are still uncomfortable with the right of freedom of religion and belief.

Since we are in the implementation stage of the Sustainable Development Goals, the Holy See maintains that issues related to religious freedom *per se* and freedom of conscience as well as inter-religious and intra-religious dialogue must be given priority for the ultimate success of the 2030 Agenda. If we want to succeed and implement the solemn commitments taken four years ago and move from decision to action, we should go "beyond the language of economics and statistics"¹³ and give consideration to moral, spiritual and religious dimensions that "cannot be ignored without serious detriment to the human person and his or her full development".¹⁴ As stressed by the historic joint document signed, a few weeks ago, in Abu Dhabi, between Pope Francis and the Grand Imam of Al-Azhar, Ahmad Al-Tayyib: "Dialogue, understanding and the widespread promotion of a culture of tolerance, acceptance of others and of living together peacefully

¹¹ SECOND VATICAN COUNCIL, Declaration *Dignitatis Humanae*, 4.

¹² See the provisions of the art. 18.3 of the *International Covenant on Civil and Political Rights*.

¹³ *Note from the Holy See, Transforming our world: the 2030 Agenda for Sustainable Development*", outcome document of the United Nations summit for the adoption of the post-2015 development agenda, held from 25 to 27 September 2015, in New York.

¹⁴ *Id.*

would contribute significantly to reducing many economic, social, political and environmental problems that weigh so heavily on a large part of humanity".¹⁵

In conclusion, Mr. President,

The Holy See regards this Council as a critical place for an indispensable and urgent dialogue, where representatives of States are called to converge and cooperate, in a spirit of respect for the culture of every people and nation, not only in enumerating, but in shaping and reinforcing the protection of those positive rights that are based on the dignity of the human person, on the structure of his or her existence, on the natural and traditional elements of his or her socializing dynamics, from one's own family, passing through the different intermediate bodies of society, to the wider spectrum of the international community.

Thank you, Mr. President.

¹⁵ His Holiness Pope Francis and the Grand Imam of Al-Azhar Ahmad Al-Tayyib: Human Fraternity for World Peace and Living Together, Abu Dhabi, 4 February 2019.