



Statement by His Excellency Archbishop Dominique Mamberti,  
Secretary for the Holy See's Relations with States  
at the High Level Segment of the 22<sup>nd</sup> Session of the Human Rights Council

Geneva, 26 February 2013

Mr President,

### *Introduction*

The need to prevent in the future the immense tragedies of the Second World War, when the dignity of the human person was profoundly violated and entire populations destroyed, created among the international community a convergence of understanding on the basic values that led to the establishment, in 1946, of the United Nations Commission on Human Rights, - which was replaced, in 2006, by this Human Rights Council, - and culminated, two years later, in the Universal Declaration on Human Rights and related Conventions.

Mr President,

### *Challenges for the protection of the dignity of the human person*

Twenty years ago, the 1993 Vienna World Conference on Human Rights proclaimed the indivisibility and universality of all human rights. The effort, however, to give substance to the stated equal importance and interdependence of civil and political rights and of economic, social and cultural rights, still meets with serious obstacles in the path towards its achievement. The resulting gap shows the high costs that large segments of the world population have to pay as shown by their poor health and lack of access to necessary medicines, the lack of adequate education, especially for young girls, the lack of drinking water, of sufficient food, the ongoing political exclusion of millions of people, the lack of security in armed conflicts, the lack of assistance for migrants and refugees, and the lack of freedom of expression and religious liberty. Much remains to be done to make the indivisibility of human rights a reality.

Moreover, recent attempts to re-interpret the meaning of some critical terms in basic documents, like the Universal Declaration on Human Rights and related

Conventions, by the introduction of ambiguous expressions and ideological positions appear to ignore the solid foundations of human rights, to weaken the successes already achieved, and to undermine the universality of human rights.

While for too many people fundamental human rights are still a practically unreachable aspiration, the mechanisms that the concert of nations has for the protection and promotion of these rights suffer from some serious contradictions, duplication of structures and limited capacity to implement effectively their mandate, because sufficient resources are not provided, clashes of convictions are increasing among groups, and private interests are pursued instead of the common good.

Mr President,

### *Role of the Human Rights Council*

These challenges surely urge the international community to recall the important role the Human Rights Council is due to play in three main areas:

- The Human Rights Council has the mandate and the ability permanently to monitor respect for human rights and to ensure they become a universal standard of achievement for all peoples and nations, and an important milestone of the universal common good;
- The Human Rights Council, through its activities ought to promote international respect of human rights in fostering both duties and rights at the same time, and further the concrete freedoms and responsibilities of human beings all around the globe;
- The Human Rights Council has grown by supporting the concrete universality and indivisibility of human rights, and it should protect, promote and adhere to these principles in order to resist the slide of human rights into a rhetorical void, an ideology or an instrument of power for imposing political agendas.

Mr President,

Through its mechanisms and procedures, especially the Universal Periodic Review, the Human Rights Council is a key driving force for human development, and a positive service to member States that can progressively improve the implementation of all human rights for the benefit of their fellow citizens and other persons found in their territory.

However, the way so-called “new rights” are discussed and recognized by the Human Rights Council puts at risk the universality and indivisibility of human rights and, consequently, the credibility of the Council as a promoter and defender of the principles enshrined in the Universal Declaration on Human Rights. A fundamental question ought always to be present in our minds: are human rights universal because

a majority of countries recognizes them, or are they universal because of an ethical claim which is prior to their recognition by states and which comes from the dignity of every person? The Holy See firmly believes that human rights should be judged by their reference to the founding principles and objectives enshrined in the basic documents where the nature and innate dignity of the human person are key elements. In his 2009 Encyclical Letter *Caritas in Veritate*, Pope Benedict XVI rightly observed: “A link has often been noted between claims to a ‘right to excess’, and even to transgression and vice, within affluent societies, and the lack of food, drinkable water, basic instruction and elementary health care in areas of the underdeveloped world and on the outskirts of large metropolitan centres. The link consists in this: individual rights, when detached from a framework of duties which grants them their full meaning, can run wild, leading to an escalation of demands which is effectively unlimited and indiscriminate.”<sup>1</sup>

Thus the protection of the dignity of every human person, on one hand, and the full implementation and respect of the Resolutions of this Council, on the other hand, urge all States to work together, in a spirit of dialogue and openness, to adopt Resolutions in a consensual way. In fact, the number of resolutions is less important than their effectiveness, the imposition of new rights and principles should be replaced by respect for and strengthening of those already agreed upon. In this way, the common good will be sought, cooperation among nations will be reinforced, and the principle of subsidiarity will be fully respected.

In this context, the Holy See will continue to contribute to this Council’s discussions, so as to offer an essentially ethical reflection upon its decision-making, and so as to help safeguard the dignity of the human person.

Mr President,

Allow me to address some specific concerns that appear particularly urgent today, and that would give greater credibility and status to the Council.

### *Freedom of religion*

One of the challenges the international community has had to face in recent years is the right to freedom of religion. International law is quite substantial in this regard. So why does it remain one of the most frequently and widely denied and restricted rights in the world? Authoritative studies have recently shown that violations of freedom of religion are not abating, but have in fact increased over the last decade. More than 70% of the world’s population lives in places where religious freedom is not fully guaranteed, with high restrictions on religious beliefs and practices, and religious minorities pay the highest price. It seems then that, despite all

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<sup>1</sup> Pope Benedict XVI, Encyclical Letter *Caritas in Veritate* (29 June 2009), 43: *AAS* 101 (2009).

the legal instruments available, a minimal protection of freedom of religion has not yet been achieved in many countries.<sup>2</sup>

Reasons for this include poor state legislation, lack of political will, cultural prejudice, hatred and intolerance. These factors often accompany the violation of freedom of religion. However, key to upholding freedom of religion is its recognition as grounded in the *transcendent* dimension of *human dignity*. The freedom safeguarded in the freedom of religion cannot be reduced simply to its political or even civil dimension. It is a freedom that signals a limit upon the state, and a protection of the conscience of the individual from the power of the state. That is why when a state safeguards it properly, freedom of religion becomes one of the sources of the state's legitimacy, and a primary indicator of democracy.

A full recognition of religious freedom, therefore, requires a state, which recognizes the *transcendent* dimension of human dignity. The issue at stake, then, is the recognition of the positive dimension of religions in the public square as a force for peace and freedom. This is accompanied by a correlative duty on the part of religions to participate in public debate, an exercise that is part and parcel of democratic life.

Among the many concerns linked to freedom of religion, the fate of religious minorities stand in particular relief, including Christian communities suffering violence and cruelty. As the last Report of the Special Rapporteur on freedom of religion shows, more can and should be done to protect the freedom of religion of religious minorities.

Mr President,

Confronted by conflicts in various regions of the globe and by the constant risk of fresh outbreaks of violence, the international community is struggling to find new ways to ensure peaceful coexistence, as the Charter of the United Nations requires and as the current debate on the right to peace argues in a convincing way.

### *Peace as a condition for human rights*

No lasting peace can be achieved without a true recognition of the dignity of every human person. Peace is not only reached when armed conflict ends, however important a step this might be; peace is earned by a society in the long term when the rule of law translates into action the standards of human rights as recognized by the Universal Declaration on Human Rights and by the international Conventions on human rights, a task that the Holy See constantly advocates in the most diverse circumstances.

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<sup>2</sup> The Pew Forum on Religion, *Analysis*, 21 November 2012.

Key to this search for international peace in a globalized world is, once again, the preservation and promotion of the universality and indivisibility of human rights. In today's context of an ever-growing inter-connection between societies, adhering to the standard of human rights becomes both increasingly more important and a condition for social harmony and peace. This requires defending the life of the human person, from conception until natural death; protecting the rights of the child, especially the right to have a family, founded on marriage between one man and one woman, and upon whom falls the primary responsibility of education of children; defending the rights of disabled people, of migrants and of refugees; protecting freedom of religion, freedom of expression, freedom of association and so on; combating discrimination based on sex, religion, race and colour; and combating violence against women.

In the context of the discussion on human rights and how they should be given concrete and practical application, special attention must be paid to the right to life, to its promotion and to the deepening of our understanding of it. No peace can come without the true recognition of the value of human life. Respect for the value of life is by no means a limitation or contradiction of expressions of freedom. On the contrary, freedom of choice flourishes where the deeper and prior value of human life is acknowledged and safeguarded. Indeed, *“openness to life is at the centre of true development ... By cultivating openness to life, wealthy peoples ... can promote virtuous action within the perspective of production that is morally sound and marked by solidarity, respecting the fundamental right to life of every people and every individual.”*<sup>3</sup>

Mr President,

### *The Catholic Church's contribution to human rights*

The Catholic Church's acknowledgement of the legitimacy of human rights is not only a moral or political duty. It has deep roots in its convictions and beliefs. This is due to the way the Church views the human person and his or her dignity. Fifty years ago Blessed Pope John XXIII wrote: “Any well-regulated and productive association of men in society demands the acceptance of one fundamental principle: that each individual human being is truly a person. His is a nature that is endowed with intelligence and free will. As such he has rights and duties, which together flow as a direct consequence from his nature. These rights and duties are universal and inviolable, and therefore altogether inalienable. When, furthermore, we consider a human being's personal dignity from the standpoint of divine revelation, inevitably our estimate of it is incomparably increased. Men and women have been ransomed by the blood of Jesus Christ. Grace has made them sons and friends of God, and heirs to eternal glory.”<sup>4</sup>

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<sup>3</sup> Pope Benedict XVI, Encyclical Letter *Caritas in Veritate* (29 June 2009), 28: AAS 101 (2009).

<sup>4</sup> Pope John XXIII, Encyclical Letter *Pacem in Terris* (11 April 1963), 9-10: AAS 55 (1963).

Therefore, millions of individuals and thousands of Catholic communities and NGOs around the world have taken up the task of promoting respect for the dignity of the human person and his or her inherent human rights as one of their responsibilities and *de facto* are engaged in practical actions to support and promote awareness of the critical importance of human rights.

### *Conclusion*

In conclusion, Mr President, the Holy See cooperates with all people of good will who work to ensure that the Charter and the principles of the United Nations are not only proclaimed, but also recognized in their genuine formulation, meaning and application. Several decades ago, the late Pope Paul VI appealed for the world's commitment to close the gap between the ideal and the reality. He wrote: "The vastness and the urgency of the action to be carried out call for the united contribution of all. How can we see to it that international resolutions be applied among all peoples? How can we ensure the fundamental rights of man, when they are mocked? How can we intervene, in a word, to save the human person wherever it is threatened? How can we make those in charge realize that it is a question of an essential heritage of man that no one can harm with impunity, on any pretext, without making an attempt on what is most sacred for a human being and thus ruining the very foundations of social life? All these are grave problems and we cannot make any mystery of the fact: it would be useless to proclaim rights if at the same time we did not do everything in our power to ensure the duty of respecting them, on the part of everyone, everywhere and for everyone."<sup>5</sup>

Thank you, Mr President.

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<sup>5</sup> Pope Paul VI, Message addressed to the President of the Conference on the Rights of Man, on the occasion of the 20<sup>th</sup> anniversary of the UDHR, convened by the United Nations at Teheran from 22nd April to 13th May 1968.