



**THE HOLY SEE**  
**2016 Human Dimension Implementation Meeting**  
*Working Session 5: Freedom of assembly and association*  
**Wednesday, 21 September 2016**

Mr. Moderator,

The Holy See would like to dwell on one of the main challenges regarding freedom of association: the potential clash between this freedom and the right to equality and non-discrimination.

This conflict between two rights occurs when laws are enacted or executive regulations are put in place that, while claiming to promote equality and non-discrimination, in fact infringe on the right of associations to govern themselves. Classic examples are legislative or executive provisions that require associations to adopt by-laws that indiscriminately permit all people to join or take on leadership roles of an association, without consideration of their sharing the association's goal, ideas and core beliefs.

The very concept of association is discriminatory *per se*. In an association, people join with others in order to pursue certain goals and according to certain ideals. Such goals and ideals are different from one association to another and represent the distinctive character of each association. This happens not only in associations based on religious faith or philosophical ideas (such as political parties), but in every kind of association. It is clearly unjust to oblige a synagogue, mosque or parish to accept into key positions those who actively labor against the faith of that religious community.

Under this perspective, there is a right of every association to preserve its own identity and it would run counter to the very effectiveness of the freedom at stake if associations had no control over their membership.

Moreover, commitments to non-discrimination and freedom of association cannot be considered apart from the longstanding commitments on freedom of religion or belief, due to the indivisibility, interdependence and interrelation of all human dimension commitments.

This is because freedom of religion or belief encompasses, *inter alia*, the principle of autonomy of religious organizations. In accordance with this principle, public authorities are prohibited from obliging a religious organization to admit new members or to exclude existing ones. Similarly, freedom of religion or belief does not guarantee any right to dissent within a religious body; in the event of a disagreement between a religious organization and one of its

members, the individual's freedom is exercised through his/her freedom to leave the organization. On the other hand, religious organizations have the right to exclude or to not admit members whose way of life or public statements are flagrantly at odds with the religion in question, especially when the religion is supposed to govern the private life and personal belief of its followers.

Without these guarantees, there is a danger of people joining an organization to undermine it from within, changing in a radical way its identity or damaging its credibility, deliberately and intentionally. However, if this were allowed, States would be standing idly by as the true and effective freedom of association was undermined. Instead, real freedom of association implies a positive obligation incumbent upon the participating State to protect people who have formed associations and their rights to work together for those ideas, pursuits or activities that caused them to assemble in the first place.

Moving to freedom of assembly, my Delegation wishes to highlight that there is a positive obligation incumbent upon the participating State to protect people when they assemble. In fact, it is not satisfactory that States merely do not restrict freedom of assembly. They also have a specific duty to protect assemblies from violent acts or acts intended only to disrupt or cause conflict or fear committed by private individuals and groups; States should adopt all the initiatives necessary to prevent such incidents.

Thank you, Mr. Moderator.