

Osservatorio per la Tolleranza e la Libertà Religiosa <i>“Giuseppe Dossetti”</i> Observatory for Religious Tolerance and Freedom
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One of the main challenges facing defenders of freedom of religion or belief today is convincing people that in a secular age religious freedom is an important right worth to be protected. After all the exercise of religious freedom by all constitutes both an element of personal fulfilment and a contribution to the good of society. Therefore only the full respect of this freedom could guarantee the free and full development of our democratic societies, since the States, through active promotion religious freedom, foster the growth of people in freedom and in moral integrity.

I would take the opportunity of this Session to briefly deal with the protection of the autonomy of religious and belief communities vis-à-vis the principle of equality between women and men.

It is well known that in many religions, positions of religious authority are reserved to male and this may apparently seem in contrast with the principle of equality between women and men. But in this respect, we should always bear in mind that the nature and structures of religious communities are very different from those of our societies: the pastoral charge in a religious community is not a simple government, comparable to the modes of authority found in States, but it is often linked to a religious investiture, stemming from the theological economy of the relevant religion. In this perspective, the religious office does not form part of the rights of the individual, nor cannot become the goal of social advancement. To consider the access to a religious office as a human right would be to misjudge its nature completely, since it is part of another order.

The relationship between religious communities and governmental bodies relies on the premise that State and religions have specific tasks, which are not interchangeable, and that each time the “two powers” have tried to encroach upon the competence of the other, it is human consciences that have suffered. To demand that States should enforce women’s right of equality within religious communities would represent a serious violation of the freedom of religion or belief. In fact, it is well known that participating States must respect the autonomy of religious or belief communities, by ensuring that national law leaves it to the religious or belief community itself to decide on its leadership, its internal rules, the substantive content of its beliefs, the structure of the community and methods of appointment of the clergy.

An unfair and incorrect application of the principle of non-discrimination may result in a violation of the autonomy of religious communities, while it is worth noting that in accordance to the indivisibility, interdependence and interrelation of the human dimension commitments, those on preventing and combating intolerance and non-discrimination cannot be used or interpreted in a way that could restrict freedom of religion or belief: freedom in fact cannot be sacrificed on the altar of tolerance and non-discrimination.

Another worrying trend is represented by the fact that both East and West of Vienna individuals are more and more prevented to live and act in accordance with the dictates of their conscience. Especially West of Vienna it is widespread the false idea that religions are a negative fact, instead a positive factor for our democracies, and according to such trend religiously inspired behaviours should have no room in our societies, like in case of circumcision, ritual slaughter or conscientious objection.

The OSCE and its Participating States should reject the claim that a democratic and a pluralistic society have to remove the religion and its symbols from public life of citizens. A similar approach would be at odds with the very concept of religious freedom provided by the OSCE commitments. In this respect the UN Rapporteur on freedom of religion or belief already noted some years ago that “it’s regrettable that societies with high level of income and education have openly expressed their aversion to see religious symbols in public”.

With regard to the conscientious objection, it should be noted that participating States are required to recognize it, not only with regard to military service but also to other morally sensitive issues, provided that the access to lawful services is guaranteed. In our pluralistic societies conscientious objection is crucial to permit a coexistence of values: in this manner people who do not subscribe to certain majority views are fully entitled to coexist with those who do.

The right of parents to ensure the religious and moral education of their children in conformity with their own convictions is also called into question. Many participating States provide – or intend to provide – in public school compulsory teachings on ethical or religious subjects, promoting values that may conflict with moral or religious convictions. Such teachings are praiseworthy, but States cannot pursue an aim of indoctrination and children cannot be forced to a teaching that is not consistent with the convictions of their parents.

Finally it should be noted that if freedom of religion or belief rightly protects also the non-believers, an anti-religious atheism, which preaches the need to remove the religion from public life, should not be welcomed. In this respect I find appropriate to remember that during the CSCE Follow-up Meeting of Vienna it was not reached the consensus on the proposal WT.78 that would put the right of practicing religion on the same footing of the preaching of atheism that asks to

eradicate and prevent the propagation of religion. A similar approach would be at odds with the very concept of religious freedom provided by the OSCE commitments, which protect the religious phenomenon as such.

Let me conclude, underlining how freedom of religion or belief is the hallmark of all other human rights, since it concerns the most intimate realm of the spirit. This right is so closely bound to the other fundamental freedoms that the rigour with which it is protected indicates the general level of respect of human rights in our societies. Likewise, it will be possible to measure an authentic democracy's willingness to put it into practice by the way a society contributes to giving each religious community the space it is due and to allowing it to live together with the others.