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PERMANENT MISSION OF THE HOLY SEE
TO THE ORGANIZATION FOR SECURITY
AND COOPERATION IN EUROPE

ENGLISH only

**STATEMENT BY MONSIGNOR MICHAEL W. BANACH,
PERMANENT REPRESENTATIVE OF THE HOLY SEE,
AT THE 685th MEETING OF THE OSCE PERMANENT COUNCIL**

1 NOVEMBER 2007

**RE: REPORT BY THE DIRECTOR OF THE OFFICE FOR
DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS**

Mr. Chairman,

1. The Delegation of the Holy See willingly joins the previous speakers in warmly welcoming the Director of the Office for Democratic Institutions and Human Rights (ODIHR), Ambassador Christian Strohal, and thanks him for his comprehensive and detailed report.

The Holy See has always followed with particular interest and attention the activities of the ODIHR and desires that they effectively contribute not only to the creation of a culture of the rule of law but also to the promotion of human rights and democracy. In fact, in a world made by people for people, it is imperative that the whole organization of society be based upon the human dimension. We are all aware that where human rights are violated peace is in danger – peace which, as is well known, is more than the mere absence of war. It is important, therefore, that the ongoing debate take place about these fundamental questions touching the human person - whoever or wherever he may be - so that the facts correspond always more to the proclaimed principles and to the decisions which have been adopted.

This is an important hermeneutical key: human rights, properly understood, belong to all. As a consequence, any organization that works in favor of human rights must concentrate on and promote that which unites, not that which divides; or as Ambassador Strohal has written in his Report: “act free from polarization”. My Delegation is confident that the ODIHR will effectively focus upon that which unites.

2. The Universal Declaration of Human Rights, adopted unanimously by the United Nations General Assembly in 1948, recognizes the integral role that transparent and open elections play in ensuring the fundamental right to participatory government.

The final document of Copenhagen states that free elections held at reasonable intervals by secret ballot are essential to the full expression of the inherent dignity and of the equal and inalienable rights of all human beings. In this regard, the work of ODIHR's election monitoring program is to be acknowledged, praised and encouraged as a qualified instance that can assist Participating States in safeguarding and ensuring the exercise of this fundamental right of citizens.

3. One of the core values of our Organization, dating back to its foundation as seen in the Helsinki documents, is the right to religious freedom. In this regard, the Holy See stresses that fora of the OSCE and the ODIHR should not be exploited by any NGO as opportunities to belittle religious beliefs, and/or central and ethical tenets of any religious tradition. The OSCE's commitments are aimed at a fuller realization of the fundamental right to religious liberty, not at attacking religious leaders and/or vilifying religions and their principles. Such actions are a sign of intolerant attitudes; they contradict the positive contribution of religion to the human person and to society, that the OSCE has always championed.

Furthermore, the Holy See has noted the upcoming presentation of the *Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools* and is surprised. While recognizing that they were prepared by the Panel of Experts on Freedom of Religion, it is difficult to understand why participating States, especially the Holy See that speaks openly on matters of religion, were not consulted. The Document contains a reductive view of religion and a conception of the secular nature of States and their neutrality that obfuscates the positive role of religion, its specific nature and contribution to society. In doing so, the document contradicts what has always marked the OSCE's understanding of religion.

Regarding the fight against intolerance and discrimination against Christians, the Holy See would like to recommend that the ODIHR advance its concern in clear and concrete ways, including by monitoring and reporting data on incidents of discrimination and intolerance, and by sponsoring appropriate fora to address this issue among the participating States.

4. The Holy See acknowledges the importance of the efforts which the ODIHR has undertaken to combat hate crimes in the participating States and is deeply concerned about how hate crimes adversely affect our societies. At the same time, the Holy See also encourages ODIHR to remain within the boundaries of the vast and important arena of the commitments agreed upon by the 56 Participating States. In its program on intolerance, oftentimes there are "working definitions" that go beyond these boundaries. Ministerial Decision No. 13 of Brussels, par. 14, clearly states that the work of the Office in Warsaw must be "*based on existing commitments*". Obviously, this extends also to the "*collection...of information and statistics on hate crimes and relevant legislation provided by participating States*" in order to "*make this information publicly available*

through its Tolerance and Non-Discrimination Information System and its report on Challenges and responses to Hate-Motivated Incidents in the OSCE Region". The Holy See is confident that the future efforts of ODIHR in legislation and hate-motivated crimes and incidents will remain within the realm of existing commitments agreed upon by the Participating States.

Along similar lines, my Delegation has already made its views known to the Director of the ODIHR concerning some of the content of the recent Draft Report: *Human Rights Defenders in the OSCE Region: Threats and Challenges*. Some sections of the Report seem to be unbalanced, especially those concerning threats to HRDs in the area of "discrimination on the basis of sexual orientation", a mandate that the ODIHR has not received. The Holy See is also confident that here, as well, the commitments of the ODIHR to safeguard the HRDs will remain within the area of its specific competence, and that its other observations on the Draft Report will be taken into consideration.

In general, what is needed is the commitment of more focused energy and efforts to fulfilling the agreed upon OSCE commitments, and to resist the unilateral expansion of the same. Undue attention to other concerns, even if legitimate, serves only to distract the efforts of the OSCE and the ODIHR, as well as to forestall effective and timely measures to address the original commitments, many of which have yet to be implemented.

5. In conclusion, Mr. President, I would like to assure the Director of the ODIHR of the co-operation of the Delegation of the Holy See and renew the wish for every success in carrying out the mandate entrusted to him by the Permanent Council.

Thank you, Mr. Chairman!