

## OSCE Review Conference 2010

1 October 2010

### Attacks on the Holy See

The EHF was at the OSCE's 2010 Review Conference (which this year replaced the usual Human Dimension Implementation Meeting) for the session on "freedom of thought, conscience, religion or belief" on Friday October 1.

In the plenary session, EHF President David Pollock attacked the "undiplomatic behaviour" of the Holy See. His remarks are reproduced below, with a link to the [full version of his paper](#). Vera Pegna spoke (for the Italian Union of Rationalist Atheists and Agnostics) about the way an Italian festival traditionally associated with the unification of Italy and the overthrown of the Papal States became this year a celebration of the state's links with the Catholic church.

EHF held a side meeting in the evening on "The Position of Non-Religious People in Europe: The Lautsi Case and Wider Considerations". David Pollock [spoke on the Lautsi case](#) and Vera Pegna on the wider picture.

At a lunch-time side-meeting with the OSCE's Advisory Panel on Freedom of Religion or Belief, EHF asked three questions.

#### **David Pollock's remarks in plenary on The Holy See's undiplomatic behaviour**

One of the most basic principles that the OSCE should be concerned to defend is the rule of law, as in the legal maxim "Be you never so high, the law is above you."

Another is the principle of non-interference in the internal affairs of other sovereign states, as defined in 1970 by the UN General Assembly:

No State . . . has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State.

More directly, the 1961 Vienna Convention on Diplomatic Relations declares that it is the duty of all diplomats:

to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the internal affairs of that State.

Sadly one of the members of the OSCE – one that constantly adopts the moral high ground, claiming that its role in the community of nations is “to be the voice that the human conscience is waiting for” – is in constant breach of all these principles.

- It actively frustrates the application of the law in other states.
- It deliberately and as a matter of policy ensures that serious criminal offences alleged against its employees are not reported to the police.
- It shelters criminals from prosecution, sometimes helping remove them from the jurisdiction of the states where they offended.
- It fails to take any effective action to protect the human rights of those abused by these criminals.

That OSCE member state is the Holy See, and its failures relate principally to the problem of persistent sexual violence by priests against children but also to threats to politicians aimed at influencing decision-making by governments.

I have not time to produce the ample evidence available of this undiplomatic behaviour, but it is set out in detail in [the full version of my paper](#). It is described at even greater length in [a book, published last month in Britain](#), by that most eminent authority on international human rights, the lawyer Geoffrey Robertson. The European Humanist Federation has free copies of this book for any member state delegation that wishes to have one and further copies will be available at our side-meeting at 6 o'clock tonight.

In the short time I have left, let me focus on just one or two points.

Under Canon Law the Holy See's explicit priority is to preserve the reputation of the Church and therefore to keep cases out of the hands of the police. It uses the threat of excommunication to keep even victims silent. It relies on its internal system of Canon Law – which addresses only sins, not crimes – and ignores the laws and the courts of any state where its priests are accused of offences. Unlike any other state in the world it claims the right to apply its domestic law to its employees across the world regardless of their foreign nationality and foreign residence. There is much more in my full paper.

A state that interferes so consistently in the internal affairs of other states – in their politics and in the rule of law – is in breach of the most basic standards of diplomatic behaviour. Now that this has been so fully documented, we must hope that the Holy See's membership of international organisations such as this will make it vulnerable to pressure rather than offering it a platform to parade its self-proclaimed moral superiority in preaching to others.

Offending priests found guilty under Canon Law are often sentenced to a period of retreat and contemplation on their sins. It would befit the Holy See to enter a period

of silence and withdrawal from the world stage while it contemplates its moral defects, manifest to all but itself – and that includes very many Roman Catholics – and while it rethinks the position it occupies in the comity of nations under which it is subject to the commitments set out in the international instruments that I have quoted.

### **Vera Pegna's remarks in plenary on celebration of the Italian Day Of Unity**

A grievous event occurred some days ago in Rome which concerns both the rule of law and freedom of religion or belief and whose scope goes beyond the borders of our country. On September 20th 140 years ago, the Italian army seized the city of Rome and thus put an end to the Papal States and to the temporal power of the Pope. For us Italians this date marks the unity of Italy and for the whole of Europe it marks the opening of a new era of freedom of thought, conscience and religion and of secularism. This event has been celebrated every year by the authorities as well as by secularist associations.

However, this year history has been turned upside down. The city of Rome commemorated the event with pomp and ostentation. The opening ceremony was devoted to Pius IX, the pope of the Syllabus, the only official speaker was the Vatican secretary of state, Cardinal Tarcisio Bertone, who thanked divine providence for the “new concord of intents” which now prevails in place of the “past disagreements”. The only association allowed to speak from the podium was the fundamentalist Catholic political movement Militia Christi, which is notorious for its attacks on the rights of homosexuals and against abortion and divorce. (Last year it was sentenced by a Roman law court to pay 60.000 euros damages to democratic associations such as the Associazione per la Libertà della Ricerca Scientifica Luca Coscioni and was ordered to delete false and offensive statements from its website).

The victims of this operation are the principles of separation of church and state, secularism, freedom of speech, freedom of belief, and pluralism.

During his visit to the UK Pope Benedict repeatedly defamed atheists and “aggressive secularism which is a threat to democracy itself, not just to religious freedom”. The Pope's idea of ‘aggression’ is daring to argue for a different opinion from his.

We are deeply concerned to note that the Catholic church, in its different avatars as the Holy See and the Vatican, is gaining ground in the institutional sphere in other countries too, as well as in the United Nations and in the European Union. In this light, the episode of Porta Pia is not an isolated episode but one emblematic of a policy that is pursued more easily at present in Italy whose predicament is having a ruling class all too ready to bow to the Vatican hierarchy instead of defending the principles of our constitution and upholding legality.

Democracy and Legality are key concepts in relation to freedom of religion or belief. We cannot have freedom of religion if we cannot be free from it and if manifestations of religious belief are not made subordinate to human rights and to the rule of law.

Yet the Day of Italian Unity now marks a closer relation with the Catholic church, whose prestige has been seriously shaken for covering up crimes committed under its authority and whose bank (the IOR) is under investigation for money-laundering. "But IOR is not a bank like other banks" Vatican sources say. So the IOR is an exception but so is the Holy See. It is an exception among states since it does not represent a state – the Vatican City State – but is the pope himself. "The Holy See is the Holy Father himself inasmuch as he is an independent, universal, spiritual authority, together with the organizations of the Roman Curia that collaborate with his mission."

So the sacred and the profane are seated side by side here in this eminent assembly too. But the so-called sacred is self-appointed and claims jurisdiction over us all and all our governments although its record is mainly one that undermines human rights and the very essence of democracy and the rule of law, two pillars of the OSCE mission.

## **Questions to the expert panel**

### **Question 1 (from EHF)**

Does the Panel agree that the right to manifest belief through the exercise of conscientious objection – for example, to providing or assisting to provide certain lawful services, medical and otherwise, to members of the public in accordance with duties attaching to an office or employment – cannot be absolute, and that some regulation of conscientious objection is becoming necessary in view of the pressure being placed by some religious bodies on individual believers to exercise such objections, apparently as a political demonstration of their demands for withdrawal or criminalisation of services to which they have a religious objection? Does the Panel therefore welcome the report and recommendations from the Social, Health and Family Affairs Committee of the Parliamentary Assembly of the Council of Europe entitled "Women's access to lawful medical care: the problem of unregulated use of conscientious objection"?

### **Question 2 (from UAAR)**

Following the ECtHR judgement in the case of *Lautsi v Italy*, which ruled against the compulsory display of crucifixes in the classrooms of public schools, does the panel agree that freedom of religion needs to be understood as one of many freedoms, including freedom of non-religious belief or rejection of all belief? Does the panel further agree a) that respect for the freedom not to believe is fundamental to freedom

of conscience, b) that there cannot be freedom of religion if we are not free to be free from it and c) that the freedom to manifest religious belief must be exercised within a broader framework of the human rights and subject to the rule of law?

**Question 3 (from UAAR)**

Among the special representatives appointed by the Chairman of ODIHR on FoRB none represents beliefs other than religious beliefs. Moreover, the Guidelines note that “It is very common for legislation not to protect adequately (or to not to refer at all to) the rights of non-believers” Would the panel tell us how and by whom OSCE/ODIHR intends to safeguard the rights of the non-religious?