



# The Holy See

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## DISCORSO DI GIOVANNI PAOLO II ALLA CORTE EUROPEA\*

You have manifested the desire for this meeting: I thank you for this and I deeply appreciate the significance of your request. You are aware indeed of the importance the Holy See attaches to the administration of justice and to the respect for the rights and liberties of each human person. Who could forget that the consciousness of human dignity and of the corresponding rights - even if this terminology was not employed - was born in Europe under the decisive influence of Christianity?

1. You have come to Rome to celebrate a thirtieth anniversary. It was thirty years ago in fact, the third of September 1953, that there came into force the "European Convention for the safeguarding of the rights of man and of his fundamental liberties" signed in Rome on 4 November 1953 and next March will recall the coming into force of the first additional protocol.

Such an initiative marked, for a part of Europe, an important, original stage. Certainly, it is happily fashionable today to invoke the rights of man, and the Universal Declaration, proclaimed by the General Assembly of the United Nations in December 1948, gave an interesting description of this, as an appeal to the conscience of the peoples. This declaration, moreover, inspired the members of the Council of Europe who drafted their Convention two years later. But it remained to organize effectively the safeguarding of these rights, by the institution of a real jurisdiction destined to impose sanctions for an infringement of these rights as defined by the Convention; otherwise it would risk remaining a dead letter. This is the role of the European Commission and Court which you represent, and whose functioning has been precisely determined. Since that time, the Commissioners have had to deal with a great number of requests, even if many of them were not admissible, to examine prejudices felt as such and to attempt a friendly settlement (art. 28), and the judges in their turn have had to take cognisance of a number of these cases.

There is here a serious guarantee and above all the hope that is always represented by the possibility of an appeal. When one thinks of the number of countries, in the various continents, which have been willing to sign the Universal Declaration which freely invoke it when others are involved, but which at home show contempt for the most elementary rights of man inscribed in the Declaration, one has to admit that the European Council has launched in that respect a very interesting procedure which, when duly applied, should entail other effective initiatives in the world

2. As for you, Presidents and members of the European Court and of the European Commission, who must apply the

measures of the Convention and of its five protocols, you have a noble mission, one that is demanding and delicate, that requires great competence and a total independence, as do all exercises of the judiciary, and especially at this level, that is to say, above national jurisdictions. It is important that the principle of subsidiarity come into play in this domain also, and, in fact, your intervention is provided for only "after all internal avenues of appeal have been exhausted" (art. 26). Such cases exist, and your tribunal represents an additional guarantee of justice for persons who feel they have been injured, without any distinction of origin (art. 14), for groups of private individuals or for non governmental associations (art. 25). The profound equity, the wisdom, the prudence and the liberty with which you are called upon thus to administer justice, according to your conscience, are certainly a very noble service that you render, an impressive witness that you bear, which earns for you esteem and respect. For my part, I express to you my support and encouragement and I pray God to assist you.

3. I cannot refrain from saying a word about the Convention itself and the Protocols that you are charged to apply. The texts look to the defence of essential liberties and rights, especially on the civil plane. One could certainly imagine that their list could be extended, notably by the mention of economic and social rights; or that their expression could be further developed, clarified. It would belong to experts and to ad hoc committees of the Council of Europe to perfect the work already begun and to propose these amendments for acceptance by the contracting parties. The texts reflect in fact a certain level of conscience proper to the era in which they were formulated; this conscience can progress, or, alas, regress. It is important that the positive formulation of law correspond in the best possible manner to the fundamental values of humanity, and you are in some sense the custodians of these values, by means of the texts at your disposal.

The Church already recognizes in the Convention as it stands certain fundamental elements of human dignity that must be safeguarded. I am thinking of the right to life, expressed in article 2, which is inherent in every human person, which is inalienable, and thus demands protection by law, from the beginning of human life, from conception, until its end. Likewise, one cannot but applaud the prohibition against subjecting anyone at all to torture, to inhuman treatment (art. 3). I am thinking also of the different demands of liberty, of worthy conditions of arrest or detention (art. 5), of trial (art 6), of respect for private and family life (art. 8), of the right of assembly, of association, of expression (art. 10 and 11). The Church is particularly concerned regarding the recognition of religious liberty, of the possibility of manifesting its faith, in public and in private (art. 9), regarding the right to found a family (art. 12) and the right of parents to ensure an education and instruction in conformity with their religious and philosophical convictions (art. 2 of the first additional protocol). In this regard, you are aware that the Holy See has just published a charter of the rights of the family, which is based on a clear, coherent conception of what the family is, and it offers this contribution to Governments, to international Organizations, to families and to all those who are working to save the family in crisis and to promote it, starting from foundations that are objective and well-anchored in human experience.

In short, the Church ardently desires that the fundamental rights of persons, of families. of intermediary organisms be taken seriously and positively promoted, and she rejoices, not only in seeing the rights reaffirmed by international levels of appeal, but also in seeing them guaranteed and sanctioned in an effective way, to the accomplishment of which your European judiciary tribunal contributes. This is the sign of truly democratic regimes. This is the condition of justice and peace to which we all aspire. May God help us to progress along these paths. in Europe and elsewhere, and may he bless you and your

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families!

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