



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

**STATEMENT OF MONSIGNOR MICHAEL W. BANACH,
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AT THE SUPPLEMENTARY HUMAN DIMENSION MEETING ON
FREEDOM OF RELIGION OR BELIEF
Vienna, July 9 and 10, 2009**

Session III: Places of Worship

1. On 29 March 2007 a new Catholic Church in Azerbaijan was bombed and suffered major damage. This is a recent example of desecration and destruction. In several OSCE countries hundreds of Catholic places of worship were confiscated during the 20th Century and have not yet been returned, nor has adequate compensation been received. Many other Catholic places of worship, often of great historic and artistic value, have been occupied, pillaged and plundered under totalitarian regimes. Similarly, satisfactory compensation has not been made

2. The right of every Church and religious community to the full exercise of freedom of worship in every country must be safeguarded. Such exercise requires, among other things, the availability of places of cult in light of urban planning considerations, which in turn, should provide for an appropriate and balanced use of the territory, keeping in mind its artistic, cultural, religious and environmental characteristics. Obviously, when a place of worship is also used for non-cult purposes, State regulations, for example, in specific regard to public order and national security concerns might apply to non-cult activities carried out on the premises. However, in assessing the distinction between cult and non-cult activities States should be in constant dialogue with the relevant religious denominations.

The Holy See is aware that society has the right to defend itself against possible abuses committed on the pretext of freedom of religion. It is the special duty of government to provide this protection. However, government is not to act in an arbitrary fashion or in an unfair spirit of partisanship. Its action is to be controlled by juridical norms which are in conformity with the objective moral order, taking into account the legal standards established in international human

rights law and in OSCE commitments. These norms arise out of the need for the effective safeguard of the rights of all citizens and for the peaceful settlement of conflicts of rights, also out of the need for an adequate care of genuine public peace, which comes about when men live together in good order and in true justice, and finally out of the need for a proper guardianship of public morality. (cf. *Vatican II Declaration on Religious Freedom*, 7 Dec. 1965, n. 7).

Moreover, when the construction of a place of worship is being considered, religious denominations traditionally present in that area should be consulted. In addition, for effective and fruitful dialogue those who are invested with legitimate authority over the relevant religious denominations should be identified and encouraged to act as representatives for their respective religious communities.