



The Holy See

APOSTOLIC PILGRIMAGE TO FRANCE

ADDRESS OF THE HOLY FATHER JOHN PAUL II TO THE EUROPEAN COMMISSION AND THE EUROPEAN COURT OF HUMAN RIGHTS*

Strasbourg (France)

Saturday, 8 October 1988

*Esteemed Presidents,
Excellencies,
Ladies and Gentlemen,*

1. By leaving the Hall of the Parliamentary Assembly and meeting again in this Palace of Human Rights, we are giving visible expression, as it were, to the organic relationship which unites the Council of Europe and the two distinguished Institutions which you embody. Indeed, the European Commission and the European Court of Human Rights are emblematic of the lofty ideals and noble spirit which inspired the European Convention of Human Rights signed in Rome in 1950.

In you, distinguished judges and men and women of the legal profession, I salute the devotion of your peoples to the spiritual and moral values which are their common heritage. I greet each one of you and I pay honour to the Court's and the Commission's record of service to the strengthening of a civilization of freedom and justice in our times.

Indeed, the Court and the Commission form a unique judicial reality in international law and have become a model which other regional organizations around the world are seeking to imitate. These two Institutions bear witness that the member Nations of the Council of Europe recognize, not only that human rights and fundamental freedoms antecede the States which have the responsibility of seeing to it that they are respected, but that these rights transcend national boundaries themselves.

2. Such judicial progress is the result of a maturing of the concept of human rights and of the manner in which they are observed. In fact the idea of "human rights" implies not just a catalogue

of positive rights, but a body of underlying values, which the Convention rightly calls the “common heritage” of ideals and principles of the Nations of Europe.

There is no doubt that the notion of “human rights”, especially as it was enshrined in the 1948 “Universal Declaration” of the United Nations, has become a kind of common good of the whole of humanity. But this notion, which is based on a precise understanding of the individual person and of his or her relationship to the State, has need of institutional and juridical safeguards in order that its effective implementation be guaranteed.

3. In particular, there can be no certain implementation of human rights where the rule of law does not prevail. Your Court is, as it were, the epitome of a juridical system that guarantees the preeminence of the rule of law. The fact that an individual can appeal against a government must surely be seen as a positive development of the rule of law.

Government which respect the rule of law acknowledge, in effect, a limit to their powers and sphere of interests. Because such governments recognize that they are themselves subject to the law and not above it, they can effectively acknowledge the legitimate inviolability of the private sphere in the life of their citizens and defend it against outside constraint.

Public authorities and those responsible for civil life can have no more sublime goal than to safeguard effectively those essential rights and freedoms which are the expression of the inalienable dignity of the human person.

4. The rule of law, moreover, is inseparable from the exercise of civil and political rights, which were the first to have been defined historically. The tragic experience of two World Wars on European soil has taught that human rights are secure only when those who wield power are accountable to their fellow-citizens and when their tenure of office is subject to some form of public control. Progress in promoting human rights also entails free public debate regarding political and social priorities as well as objectives to be pursued. Time and again it has been shown that the participation of a people in forging their own political destiny ensures a public life that promotes human values and inalienable human rights, including the rights of minorities and of the poor and “powerless”.

Economic, social and cultural rights, which the member Nations of the Council of Europe have been greatly successful in codifying, notably with the “European Social Charter”, ensure the external structural framework of human rights and fundamental personal freedoms. But these rights themselves can only be effectively applied where they can be freely debated and defined.

The Europe that you represent has wisely discarded the illusion that the State can claim to embody the social concerns of its people while at the same time depriving those people of their civil and political rights.

5. The spiritual and moral values which the Council of Europe recognizes as the common heritage of its peoples constitute an almost inexhaustible source of new developments in the juridical sphere. So, one speaks today of “a third generation of human rights”: among which for example, is the right to a safe and healthy natural environment.

It is one of the noble tasks of your Court to promote such developments, in particular by creating a jurisprudence which contributes to the elimination of all arbitrariness in relations between individuals and States. In effect, only when it is possible for an individual juridically to invoke respect for a particular freedom can one speak of human rights being effectively guaranteed.

6. Gentlemen, in this solemn setting I cannot but reaffirm the Church’s deep concern for matters relating to human rights and freedom. The Church’s commitment in this field corresponds fully to her religious and moral mission. The Church vigorously defends human rights because she considers them a necessary part of the recognition that must be given to the dignity of the human person created in the image of God and redeemed by Christ.

Her specific concern for human rights proceeds from a statement of fact and rests on a conviction.

The statement of fact is that the human rights of which we are speaking draw their vigour and their effectiveness from a framework of values, the roots of which lie deep within the Christian heritage which has contributed so much to European culture. These founding values precede the positive law which gives them expression and of which they are the basis. They also precede the philosophical rationale that the various schools of thought are able to give to them.

The conviction is that, within the sphere of the freedom of conscience and of religion which the rule of law should guarantee, the Church cannot renounce her mission to teach the message that has been entrusted to her. Her teaching, moreover, upholds the very values which form the substance of what constitutes human dignity. Her mission contributes to ensuring that those values will continue to be affirmed and lived. In a word, the Church is the ally of all those who defend authentic human freedoms. For freedom is inseparable from the Truth which every human being seeks and which makes human beings truly free. In the words of the Gospel of Saint John, “you will know the truth, and the truth will make you free” (*Io. 8, 22*).

Thank you for your attention.

*AAS 81 (1989), p. 683-686.

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