

The Catholic Parliamentary Office



An agency of the Bishops' Conference of Scotland

Submission to the Equalities and Human Rights Committee – Human Rights Inquiry.

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Introduction – The Bishops' Conference of Scotland

The Bishops' Conference of Scotland is a registered charity (No 16650). The Conference enables the Roman Catholic Bishops in Scotland to work together, undertaking nationwide initiatives through their Commissions and Agencies.

The members of the Bishops' Conference are the Bishops of the eight Scottish Dioceses. The Bishops' Conference of Scotland is a permanently constituted assembly, which has a number of commissions and agencies that assist it in carrying out its work.

The Catholic Parliamentary Office is an agency of the Bishops' Conference of Scotland and part of its remit is to engage with the work of Parliament and Government, including responding to consultations and calls for evidence on behalf of the Bishops' Conference.

The Bishops' Conference of Scotland welcomes the Equalities and Human Rights Committee's inquiry into how the Scottish Parliament ensures human rights are respected in Scotland and is grateful of the opportunity to submit a contribution.

Human Dignity and Human Rights

The Church has always been an advocate for the inherent dignity of every human person and it is this dignity which is the source of human rights. This is an important point; human rights do not originate in statute books or in the state. They originate in humanity, in each and every human being. And these rights are universal, inviolable and inalienable. Universal because they are present in all human beings; inviolable insofar as they are inherent in the human person and in human dignity; and inalienable as no one can ever deprive another person of these rights as it would do violence to their nature.

Human dignity is first and foremost a social principle which means that we owe each and every human being respect and recognition of his or her own personhood. Understanding human dignity

also means that such respect and recognition is not a consequence of civil law but is prior to the formation of society. Societies exist in order to foster and protect human dignity. Every society must accept and defend human dignity through its laws and every other just means available, starting with the protection of innocent life. The social principle of human dignity also means therefore that the recognition of each and every human being as a person is independent of his or her efforts or merits. Unlike social esteem or prestige, dignity in its core expression is not earned.

Society must be ordered to the human person as its ultimate end and a just society can become a reality only when it is based on the respect of the dignity of the human person.

The social order and its development must work to the benefit of the human person, since the order of things is to be subordinate to the order of persons, and not the other way round. Every political, economic, social, scientific and cultural programme must be inspired by the awareness and primacy of each human being over society.

It is the task of everyone and in a special way of those who hold various forms of political, judicial or professional responsibility with regard to others, to be the watchful conscience of society and the first to bear witness to civil social conditions that are worthy of human beings.

The Church teaches that all people have equal dignity. Sadly today there are still many examples of inequality but if we work as a community (that is, the whole of humanity), we can overcome these inequalities. Only through the mutual action of individuals and peoples sincerely concerned for the good of all men and women can this be achieved.

It is important to note that all people are equal in regard to their dignity and their fundamental rights but not in regard to their merits, their needs and their functions. As a social principle and particularly as a legal principle equality does not mean uniformity. In order to be equal and just, laws must treat different realities according to their differences, and identical realities according to their sameness. A law that treats different matters in an identical way or identical matters differently is a discriminatory and unjust law. Therefore, equal things must be treated equally, and different things differently. For example, because of human dignity, every human person's life must be protected. It would be unjust discrimination to establish differences in this protection because of, for example, a person's age. However, there are some areas where it makes sense to make distinctions regarding such qualities as age. For example, in regard to voting, military service, and other civic duties, distinctions according to age make sense and are not unjust.

As previously stated, human rights must be defended and they must apply to every stage of life and to every political, social, economic and cultural situation.

The following are examples of human rights which should be respected and protected:

- The right to life, from conception until natural death;
- The right to live in a united family and in a moral environment conducive to the growth of the child's personality;
- The right to develop one's intelligence and freedom in seeking and knowing the truth;
- The right to share in the work which makes wise use of the earth's material resources, and to derive from that work the means to support oneself and one's dependents;
- The right to freely establish a family;
- The right to religious freedom: the right to live in the truth of one's faith.

Universal Declaration of Human Rights and the UN Convention on the Rights of the Child

The role of international treaties is important, particularly the Universal Declaration of Human Rights which Pope John Paul II once defined as “a true milestone on the path of humanity’s moral progress.” This first formal declaration of human rights, a sign of a deep desire to create a respectful and peaceful society where human rights are paramount, must be respected. The Committee also refers to the UN Convention on the Rights of the Child. This too is an important document declaring such fundamental rights as the right to life and care and legal protection for children “before as well as after birth”.

Further, we must not lose sight of the duties which correspond to human ‘rights’. For every right claimed there is a corresponding duty owed to all other persons with respect to that right. It is a contradiction to claim one’s own rights yet neglect or forget to carry out respective duties.

The Church is also committed to ecumenical cooperation and to dialogue with other religions with respect to human dignity and human rights. It is further committed to all appropriate contact with other organisations, governmental and non-governmental, at the national and international levels on this issue.

Religious Freedom

Protecting the right to religious freedom is of particular importance in our society today. Christianity continues to be the world’s most persecuted religion and this reality is sadly reflected in Scottish society. Catholics in Scotland continue to experience disproportionately high levels of hate crime. According to Scottish Government figures, Roman Catholicism is consistently the religion that is most often the subject of abuse. For example, in 2016-17 there were 384 charges of religiously offensive conduct relating to Roman Catholicism; outnumbering all other religions combined. This was a total of 57% of all charges. And it has been consistently high over many years.

There are increasing public attacks on Catholics and the wider Christian community, particularly through the media. For example, social media is awash with examples of people abusing and ridiculing people of faith because of particular views they hold. Whilst there must always be room for constructive and polite criticism and disagreement there can never be room for the hatred and intolerance experienced by many Christians in Scotland.

The right of all citizens and religious communities to religious freedom must be recognised and respected. Religious liberty is a natural right of the human person to civil liberty and it must be protected.

It is also reasonable to expect that society and the State must not force a person to act against his conscience or prevent him from acting in conformity with it, hence the right to conscientious objection is of fundamental importance.

The right to religious freedom must be recognized in the juridical order and sanctioned as a civil right; nonetheless, it is not of itself an unlimited right. The just limits of the exercise of religious freedom must be determined in each social situation with political prudence, according to the requirements of the common good, and ratified by the civil authority through legal norms consistent with the objective moral order. Such norms are required by the need for the effective safeguarding of the rights of all citizens and for the peaceful settlement of conflicts of rights, also by the need for

an adequate care of genuine public peace, which comes about when men and women live together in good order and in true justice, and finally by the need for a proper guardianship of public morality.

The right to religious freedom also impacts on the school system in Scotland. Catholic schools are home to approximately 20% of Scotland's school children. Performing at a consistently high level you would think that Catholic schools would attract widespread praise but this is not the case in Scotland. There are some people and some groups in Scotland who believe that Catholic schools should be abolished. They choose to ignore the qualitative and quantitative evidence that Catholic schools are welcoming, inclusive, diverse communities that serve Scottish society well and claim that Catholic schools contribute to intolerance, prejudice and sectarianism, while offering not a shred of evidence to back this up.

If Scotland is to be a truly tolerant, progressive, forward thinking society it must make room for educational establishments which (i) reflect the wishes of parents, and (ii) are undeniably successful.

The role of the Scottish Parliament

It is right that the Scottish Parliament should play a significant part in being the watchful conscience of the nation in guaranteeing the human rights of all people. The Equalities and Human Rights Committee has been given an extremely important responsibility in overseeing both equalities and human rights. These are areas of considerable importance to the common good of society. The UK Parliament has distinct committees for both equalities and human rights. There may well be merit in giving consideration to establishing separate committees in the Scottish Parliament but this would be a decision for the parliament, assessing the workload of the existing committee and analysing the benefits of the various options.

One area of interest to the committee may be scrutinising legislation for compliance with human rights. This task, currently the responsibility of the Presiding Officer, could benefit from some involvement by a committee, perhaps working with the Presiding Officer to analyse legislation for compliance. This would harness valuable knowledge and experience in scrutinising human rights provisions.

Human Rights organisations/groups in the Church

The Church continues to respect human rights, not only in her teaching, but also in her work. Below are listed some of the groups and initiatives, both at international and national level. This list is not exhaustive but it gives a flavour of the valuable work of the Church both at home and overseas.

CARITAS Internationalis

Caritas Internationalis is a confederation of over 160 members who are working at the grassroots in almost every country of the world. Inspired by the Catholic faith, Caritas is the helping hand of the Church – reaching out to the poor, vulnerable and excluded, regardless of race or religion, to build a world based on justice and fraternal love.

Caritas Internationalis has its headquarters in Rome – co-ordinating emergency operations, formulating development policy and advocating for a better world for everyone. All national Caritas organisations are members of their own regional Caritas networks and the international confederation.

From the founding of the first Caritas in Germany in 1897, to the setting up of Caritas Internationalis in 1951, until today, Caritas has a rich history of listening respectfully to the suffering of the poor and giving them the tools to transform their own lives. The deep moral and spiritual principles of dignity, justice, solidarity and stewardship still guide Caritas today.

Santa Marta Group

An alliance of international police chiefs and bishops from around the world working together with civil society to eradicate human trafficking and modern slavery, and endorsed by Pope Francis.

Missio Scotland

This is the Pope's official charity for overseas mission. Missio Scotland brings the hope of the Gospel where there is turmoil, poverty or uncertainty, and aid to where the Church is new, young or poor. Missio Scotland empowers local people to form and sustain communities of faith and also helps to train and nurture future leaders so that the vital work of the Church can continue to take place.

Grassroots needs are identified by local Catholics, to give people the opportunity for a full, enriched life—physically and spiritually—regardless of race, stigma, religion or gender.

Missio—through the Pontifical Mission Societies—operates in over 160 countries to support initiatives in 1100 dioceses on five continents.

SCIAF

SCIAF is the official aid agency of the Catholic Church in Scotland. Inspired by the Gospel, and guided by Catholic Social Teaching, SCIAF reaches out with love to global neighbours in need, regardless of gender, class, race or religion. SCIAF believes in giving people in need a hand up, not a hand out. SCIAF helps people provide for themselves and their families, creating hope for the future. Dignity is one of SCIAF's core values. Dignity is the foundation for all of SCIAF's beliefs and what it does. Dignity is inherent in all people regardless of class, colour, creed or religion and SCIAF treats everyone the same, with the utmost respect. SCIAF helps families in poor countries to live in peace, free themselves from hunger, poverty and injustice, learn new skills, and fully recover when disaster strikes.

Justice and Peace

The National Commission for Justice and Peace advises the Scottish Bishops' of the Catholic Church in matters relating to social justice, international peace and human rights, and promotes action in these areas. Human rights is a fundamental element of Justice and Peace's work.

Society of St Vincent de Paul

The Society of St Vincent de Paul is an international organisation of Catholic lay people, men and women, who practice Christianity by helping those in need on a person to person basis. It is a voluntary organisation within the Church.

The aim of the Society is to provide a means whereby members can practice Christianity by showing God's love to their neighbours who are in need.

SSVP members show this love, compassion and understanding by giving of themselves – their concern, their friendship, their time, their talents – to help people regardless of creed, colour, lifestyle or political belief.

For example, the SSVP is committed to helping the poor and those in need in any way it can. This help can take many forms, from helping individuals and families in local communities, feeding and clothing the homeless in cities and assisting those who need help in areas of great need around the world. SSVP members respond to the needs that they see in the best way that they can.