



THE CONTRADICTION NATURE OF THE RIGHT TO RELIGIOUS FREEDOM IN THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND ITS EFFECTS ON THE PROTECTION OF RELIGIOUS MINORITIES IN INTERNATIONAL LAW

Article 27 of the International Covenant on Civil and Political Rights introduces a system of protection of ethnic, religious and linguistic minorities within States, aimed at guaranteeing protection beyond that granted to each individual in cases where groups of persons may be subject to discrimination by the host state due to their minority status. However, in spite of the fact that the very concept of minority in international law originates from the identification of minority groups on the basis of the religions they practice, the jurisprudence of the Human Rights Committee on the matter reveals that religion is considered, in practice, as a purely individual phenomenon, the protection of which would therefore be sufficiently guaranteed by Article 18 of the Covenant. This approach, however, not only impoverishes the international jurisprudence on the protection of minorities, but also nullifies both the consideration of religion as a cultural phenomenon worthy of protection in international law, and the achievement of substantial equality between all individuals which is - or should be – a cardinal principle of the system of international protection of human rights.