
“Zan” Bill and the Vatican Note. Mirabelli: “Freedom rights, not privileges, is what must be guaranteed”

Freedom rights, not privileges, is what deserves protection. **Cesare Mirabelli**, President Emeritus of the Constitutional Court, commented on the Vatican's note regarding the “Zan” bill against homotransphobia. The purpose of this diplomatic step is to highlight significant inconsistencies with the guarantees laid down in the 1984 revision of the Lateran Concordat. **Which breach of the Concordat does the Note refer to?** The Note draws attention to the fact that if the bill is not amended accordingly, it might conflict with Article 2 of the Concordat Revision Agreement.

This Article refers to freedom rights:

The Catholic Church's full liberty to develop its pastoral, educational and charitable mission, and to evangelize and to sanctify, including the freedom to organise its affairs, to exercise public worship, to carry out its teaching and spiritual ministries, as well as the full liberty of assembly and to express their thoughts, assured to Catholics and to their associations and organisations. **But these rights are not limited to Catholics...** Absolutely, they are rooted in the Constitution and strengthened by the Concordat. Therefore, they are not privileges, but guarantees of freedom that are in a way common to all. **The Vatican initiative has been depicted by some as an attempt to prevent the State from passing legislation.** The Note in no way challenges the freedom of the State to legislate, nor the fact that particular protection may be required for certain categories of persons. Rather, it highlights the need for freedom of expression to be properly ensured and for ensuring that loopholes allowing for undue interpretation be avoided, not least in cases involving the application of criminal law. *Failure to do so risks criminalising not only incitement to hatred but also the free expression of ethical and religious beliefs, and could jeopardise the educational freedom of families and schools.* These points have been raised not only by the Church and by Catholic citizens, in fact they have also been taken up in the public debate across the political and cultural spectrum. **The timing of the Vatican Note, acting on a bill currently before Parliament, has also been the subject of controversy.** When two parties sign an accord and one of them highlights a potential conflict before it actually takes place, in my judgement this is a form of cooperation, not hostility.

Intervening later to contest a violation would have been a far stronger move.

For this reason, in my opinion, the Note can be interpreted as a constructive - and not hostile - step, if a formula is to be applied.

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