



Convention on the Rights of the Child

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Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 44 of the Convention

Second reports of States parties due in 1997

Holy See* **

[27 September 2011]

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** Annexes can be consulted in the files of the Secretariat.

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Abbreviations

CCCCB	Canadian Conference of Catholic Bishops
CCE	Congregation for Catholic Education
CCEO	Codex Canonum Ecclesiarum Orientalium
CDF	Congregation for the Doctrine of the Faith
CHCI	Catholic Health Care Institutions
CIC	Codex Iuris Canonici
CL	Christifideles laici
Cor Unum	Pontifical Council “Cor Unum”
CRC	Convention on the Rights of the Child
ECAM	Enseignement Catholique au Maroc
FAS	Fondo di Assistenza Sanitaria
GCBC	German Catholic Bishops’ Conference
Holy Childhood	Pontifical Missionary Society of the Holy Childhood
ICBC	Irish Catholic Bishops’ Conference
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
NGO	Non-Governmental Organizations
OPAC	Optional Protocol on the involvement of children in armed conflict
OPSC	Optional Protocol on the sale of children, child prostitution and child pornography
PCC	Pontifical Council for Culture
PCF	Pontifical Council for the Family
PCJP	Pontifical Council for Justice and Peace
PCHCW	Pontifical Council for the Pastoral Assistance to Health Care Workers
PCL	Pontifical Council for the Laity
PCMIP	Pontifical Council for the Pastoral Care of Migrants and Itinerant People
PCSC	Pontifical Council for Social Communications
SACCB	South African Conference of Catholic Bishops
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
USCCB	United States Conference of Catholic Bishops
VCLT	Vienna Convention on the Law of Treaties
VCS	Vatican City State

I. General considerations

1. The Holy See is a sovereign subject of international law having an original, non-derived legal personality independent of any authority or jurisdiction. The Holy See has diplomatic relations with 179 States and participates as a Member and/or non-Member Permanent Observer to the United Nations (UN) and several specialized Agencies of the UN System, as well as in various universal or regional Intergovernmental Organizations.
2. The internal law of the Catholic Church defines the Holy See as the government of the universal Church composed of the Pope and of the institutions which proceed from him (cf. Code of Canon Law (CIC) 361; cf. Code of Canons of the Eastern Churches (CCEO) 48).
3. The Holy See also exercises its sovereignty over the territory of Vatican City State (VCS), established in 1929 to ensure the Holy See's absolute and evident independence and sovereignty for the accomplishment of its worldwide moral mission, including all actions related to international relations (cf. Lateran Treaty, preamble, arts. 2 and 3).
4. The international personality of the Holy See has never been confused with that of the territories over which it has exercised State sovereignty (e.g. the Papal States from 754 AD to 1870 and VCS since 1929). Indeed, following the end of the traditional Papal States in 1870 until the establishment of VCS in 1929, the Holy See continued to act as a subject of international law by concluding concordats and international treaties of States, participating in international conferences, conducting mediation and arbitration missions, and maintaining both active and passive diplomatic relations.
5. When the Holy See ratifies or accedes to an international agreement following international law and practice, it also manifests its moral authority and thereby encourages States to ratify the treaty and to accomplish their respective obligations. Indeed, within the international community the Holy See disseminates teachings about moral principles founded upon right reason which are addressed to the whole of mankind and not to Catholic believers alone. As the development of human rights demonstrates, international life cannot dispense with common moral values of an objective nature. The Holy See, for its part, is doing all it can towards the advancement of moral principles and of the conditions for ensuring peace, justice and social progress in a context of ever more effective respect and promotion of human rights.
6. The Holy See submits its second, third and fourth periodic reports due in 1997, 2002, 2007 respectively – including information from 1994 to early 2010 – as a consolidated document to be considered under art. 44 of the Convention on the Rights of the Child (CRC).
7. This report has taken into consideration the Holy See's initial report (CRC/C/3/Add.27), the summary records of the meetings with the Committee on the Rights of the Child (CRC/C/SR.255 and 256), the Committee's concluding observations and comments (CRC/C/15/Add.46) as well as the Holy See's initial reports under the Optional Protocol on the involvement of children in armed conflict (OPAC) and the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC).
8. The Holy See duly notes the revised guidelines CRC/C/58/Rev.1 of 29 November 2005 (hereinafter "Guidelines") for periodic reports that apply to all periodic reports submitted after 31 December 2005. The Holy See also notes the Guidelines' Annex, which requests disaggregated data according to specific indicators. The Holy See has taken them into consideration as far as possible, given the proper nature of the Holy See.
9. In regard to Reporting Guideline 7, there are a number of attachments.

II. Responses to the concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.46)

A. Concluding observations: paras. 7, 10 (reservations)

10. *Introduction.* With respect to Guideline 10, and the Committee's Suggestion/Recommendation that the Holy See review and withdraw its reservations (CRC/C/15/Add.46, para. 10), the Holy See has reviewed and will maintain its three Reservations and Interpretative Declaration to the Convention on the Rights of the Child (CRC), which were entered under art. 51 of the same. They are reproduced in their entirety in Initial Report CRC/C/3/Add.27, paras. 15, and 16 (a) –(c) and they have recently been reaffirmed in the Holy See's initial report on the Optional Protocols.

11. As regards the reservations, they may be summarized as follows. The Holy See "interprets the phrase 'Family planning education and services' in art. 24. 2, to mean only those methods of family planning which it considers morally acceptable, that is, the natural methods of family planning." The Holy See "interprets the articles of the [CRC] in a way which safeguards the primary and inalienable rights of parents, in particular insofar as these rights concern education (articles 13, 28), religion (article 14), association with others (article 15) and privacy (article 16)." The Holy See deems it necessary that "the application of the [CRC] be compatible in practice with the particular nature of [VCS] and of the sources of its objective law (art. 1, Law of 7 June 1929, n. II) [cf. Law of 1 October 2008, n. LXXI, on sources of law, in force as of 1 January 2009, replaced the law of 7 June 1929, n. II as regards the sources of law] and, in consideration of its limited extent, with its legislation in the matters of citizenship, access, and residence" (See http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en).

12. With respect to the interpretative declaration, the Holy See regards the CRC as "a proper and laudable instrument aimed at protecting the rights and interests of children". The Holy See "recognizes that the [CRC] represents an enactment of principles previously adopted by the United Nations, and once effective as a ratified instrument, will safeguard the rights of the child before as well as after birth, as expressly affirmed in the [1959 Declaration of the Rights of the Child, preamble, para. 3] and restated in the ninth preambular paragraph of the [CRC]. The Holy See remains confident that the ninth preambular paragraph will serve as the perspective through which the rest of the [CRC] will be interpreted, in conformity with art. 31 of the Vienna Convention on the Law of Treaties of 23 May 1969. By acceding to the [CRC], the Holy See intends to give renewed expression to its constant concern for the well-being of children and families. In consideration of its singular nature and position, the Holy See, in acceding to this Convention, does not intend to [derogate] in any way from its specific mission which is of a religious and moral character" (see http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en).

13. The three Reservations and the Interpretative Declaration are necessary in light of the fact that the Convention on the Rights of the Child represents a minimal standard of acceptable behavior (*cf. art. 41, CRC*). The Holy See works to further extend the protection and "to develop the natural talents of children, and most importantly, to provide an opportunity for the spiritual fulfillment of its youngest citizens – from the first moment of conception" (*The Holy See and Children: The Participation of the Holy See at the World Summit for Children*, Path to Peace Foundation: 1995, p. 10).

14. In addition, through its Reservations and Interpretative Declaration, the Holy See seeks "to emphasize the moral concepts which it holds to be of paramount importance"

(*The Holy See and Children: The Participation of the Holy See at the World Summit for Children*, [Path to Peace Foundation: 1995, p. 10]). As noted back in 1990, the Holy See “has held and continues to maintain definite positions on several items which were the object of the extensive debate that led to the formulation of the text of the Convention” (Permanent Observer of the Holy See to the United Nations, at a press conference on the occasion of the accession of the Holy See to the Convention on the Rights of the Child, 20 April 1990).

15. The Holy See contends that the said Reservations and Interpretative Declaration are not “contrary to the object and purpose” of the CRC but rather in conformity with art. 51 (2) of the Convention. In addition, no State Party has raised an objection to the reservations as being incompatible with the object and purpose of the present Convention as per art. 51 (2) (cf. arts. 20, and 21 of the 1969 Vienna Convention on the Law of Treaties (VCLT)). Furthermore, the Holy See maintains that the said Reservations and Interpretative Declaration follow the original spirit of the CRC and contribute to its object and purpose.

16. The Holy See emphasizes that permissibility to enter a reservation is based on the concept that “no State is bound in international law without its consent to the treaty” (A/CN.4/477/Add.1, 18). And since consent is “the very essence of any treaty commitment” (A/CN.4/477/Add.1, 75) reservations permit States to ratify notwithstanding their lack of agreement on the written text of each provision, or in the case of the Holy See, notwithstanding its “concerns of an ethical nature” (Secretary of State of the Holy See at the World Summit for Children, 30 September 1990).

17. Reservations encourage ratification “by the largest possible number of States” (A/CN.4/477/Add.1, 16; CRC/C/3/Add. 27, para. 13). This in turn, produces “impressive statistics as to the number of State Parties” (William Schabas, “Reservations to Human Rights Treaties” *The Canadian Yearbook of International Law* 32, 1994: 40). For example, in the case of the Convention on the Rights of the Child, due to the 193 ratifications, it is commonly referred to by scholars as the “universally recognized” or “widely acclaimed” or “most widely ratified” human rights treaty (Jonathan Todres, Mark E. Wojcik, Cris R. Revaz, eds. *The U.N. Convention on the Rights of the Child*, Transnational: 2006): 3, 9, 19, 99, 237-238). The Committee on the Rights of the Child itself has referred to the Convention on the Rights of the Child in a similar manner on occasions too numerous to cite herein.

18. The three Reservations and the Interpretative Declaration are even more important given the attempted redefinition or creation of new terms and/or rights and/or principles, which do not correspond to an authentic and holistic vision of the human person and his or her rights and duties, nor present a good faith interpretation of the Convention’s text. The Holy See has never agreed to such terms, rights or principles often contained in the Committee’s General Comments and its Concluding Observations, and they certainly do not enjoy international consensus (cf. For an overview of the disputed terms see: The Pontifical Council for the Family, “Ambiguous and Debatable Terms Regarding Family Life and Ethical Questions,” 2006).

B. Concluding observations: paras. 13 and 14 (the child’s rights and duties and the duties and rights of parents)

1. Treaty interpretation

19. *Introduction.* The Committee suggests and recommends, in paras. 13 and 14 of the Committee’s concluding observations (CRC/C15/Add.46), respectively: (a) that the Holy See’s position as regards the relationship between the responsibilities, duties and rights of parents (art. 5) and the right of the child to be heard (art. 12) be clarified; and (b) that the

Holy See take fully into account the principles of non-discrimination (art. 2), of the best interests of the child (art. 3) and of the respect for the views of the child (art. 12).

20. *Treaty Interpretation.* The Holy See interprets the Convention on the Rights of the Child in accordance with arts. 31 and 32 of the VCLT, which it ratified on February 25, 1977 and to which it is nonetheless bound insofar as the provisions contained therein form part of customary international law:

(a) Art. 31 (1) VCLT requires State Parties to render a “good faith” interpretation in accordance with the “ordinary meaning” of the terms of the treaty in their “context and in light of [its] object and purpose.” According to art. 31 (2), (a), (b) of the same, such context comprises the text including the preamble and annexes and any agreement relating to the Treaty made between all the parties and any instrument made by one or more parties (e.g. Holy See’s instrument of ratification with three Reservations and Interpretative Declaration). Art. 32 VCLT provides for recourse to supplementary means of interpretation to confirm or to determine the meaning resulting from the application of art. 31 VCLT when the general rule articulated in the same “leaves the meaning ambiguous or obscure; or leads to a result which is manifestly absurd or unreasonable”;

(b) In reference to art. 31 (3) (a), (b) VCLT, the Holy See has not subsequently agreed with any party as to the interpretation of the treaty or its application in a way that differs from or contradicts its three Reservations and one Interpretative Declaration and all that which is explained in its Initial Report;

(c) With respect to art. 31 (3) (c) VCLT, as regards any rules in international law that may be relevant, the Holy See, in particular, notes that art. 62 of the same is a relevant and applicable rule of international law. In this regard, the Holy See emphasizes that the three Reservations and one Interpretative Declaration constitute “an essential basis of [its] consent” to be bound by the Convention on the Rights of the Child under art. 62 (1) (a), VCLT;

(d) Consequently, the Holy See interprets the Convention on the Rights of the Child in a way that was foreseen at the time of the conclusion of the treaty, namely in line with the aforementioned international rules of interpretation taking into account its own Reservations and Interpretative Declaration;

(e) Interpretations which depart from the original spirit of the Convention would constitute an unforeseen and fundamental change of circumstances, which in turn, would have the effect of “radically” transforming the extent of the Holy See’s “obligations still to be performed under the Treaty” within the meaning of art. 62 (1)(b), VCLT. According to art. 62 (3) VCLT, the Holy See would, as a result, be permitted to invoke such a fundamental change of circumstances as a ground for “terminating or withdrawing” from the treaty or from “suspending the operation” of the same;

(f) Lastly, the Holy See duly notes art. 31 (4), VCLT which states that a “special meaning shall be given to a term if it is established that the parties so intended.”

21. *An Integral Perspective.* In view of Guideline 3 that acknowledges the “holistic” perspective of the rights of the child as acknowledged in the CRC, the Holy See interprets this Treaty in light of its Interpretative Declaration and three Reservations. It considers the CRC as an integral whole and takes into account the preamble together with arts. 1-5 when interpreting Convention provisions.

22. *The Object and Purpose of the CRC.* The Holy See was the fourth State Party to accede to or ratify the CRC for what it considered to be the living heart of the Convention. Its three Reservations and one Interpretative Declaration, as described above, reaffirm that the CRC promotes and protects the rights and duties of the child, before as well as after birth, within the context of the family, the natural and fundamental unit of society, which

itself has rights and duties in addition to those of parents. This means that the Holy See gladly acceded to and continues to endorse the CRC on the understanding that goals, programmes and actions will:

(a) Respect that children best learn about themselves and others, first and foremost, in the reality of “mutually supportive relationships in the family itself, where there is profound respect for all human life, unborn as well as born, and where both mother and father jointly make responsible decisions regarding the exercise of their parenthood.” (Message of Pope John Paul II to the Secretary General of the United Nations, 22 September 1990);

(b) “Respect the moral and religious convictions of those to whom they are directed, in particular the moral convictions of parents regarding the transmission of life, with no urging to resort to means which are morally unacceptable, as well as their freedom in relation to the religious life and education of their children.” (Message of Pope John Paul II to the Secretary General of the United Nations, 22 September 1990).

2. The rights and duties of the child and parents

23. With respect to the rights of the child, the Holy See, in adhering to its legal order, reaffirms what it has always taught and, in this regard, endorses that which was stated in its initial report to the Committee on the Rights of the Child under the main Convention and recently reaffirmed in its initial report under the two Optional Protocols. The Holy See finds support for its interpretation in the CRC and the ordinary meaning of the words used therein:

(a) *The Dignity of the Child.* The source of the rights of the child is his inherent dignity as a human being created in the image and likeness of God. The child’s rights and duties flow from this source and therefore precede any convention or political agreement. This means that from the moment of conception, the child, in the first instance, has inherent dignity as a human person, by nature a social being endowed with intelligence and free will, having fundamental rights to life, survival and development. These natural rights and duties, in turn, are intrinsically linked to the natural duties and rights of the child’s parents, who must lovingly care for, educate and prepare the child to live in society. They are to cultivate within him not only a sense of his inherent dignity but also his acquired dignity through gradual formation and education to live an authentically free and responsible life in society. In the end, the inherent dignity of the child is founded on something more profound than his ability to express his views (cf. CRC/C/3/Add.27, para. 4);

(b) The CRC affirms the recognition of the “inherent dignity and of the equal and inalienable rights of all members of the human family” (preamble, para. 1, CRC). It cites the UN Charter as evidence of a reaffirmation of “fundamental human rights and...the dignity and worth of the human person” (preamble, para. 2, CRC). The preamble of the CRC cites the 1948 Universal Declaration of Human Rights (UDHR), which in turn, acknowledges essential characteristics of the human person as “endowed with reason and conscience” (art. 1, UDHR). The UDHR reaffirms not only the rights of the human person but his or her co-relative responsibilities to others e.g. individuals, groups, communities and the State (arts. 1, 29, 30). The CRC also acknowledges the inherent dignity of “the child [who], by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth” (preamble, para. 9, CRC);

(c) *The Child’s Rights and Duties within the Context of the Family.* “Children’s rights cannot be seen outside the context of the family, the first and most vital unit of society. For that reason, protection of children’s rights cannot become fully effective unless the family and its rights are fully respected by the legal systems of States and the

international community” (CRC/C/3/Add.27, para. 5; cf. Charter of the Rights of the Family (1983), preamble, para. E);

(d) The CRC acknowledges that “the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding” (preamble, para. 6, CRC). Specific reference to the family and/or parents can be found in 18 of the 54 articles (arts. 2, 3, 5, 7, 8, 9, 10, 14, 16, 18, 19, 20-24, 27, 37 and 40);

(e) *The Child’s Rights and Duties Require the Special Protection and Promotion of the Family.* The family based on marriage is a natural society that “exists prior to the State or any other community, and has inherent rights which are inalienable.” Marriage is that “intimate union of life in complementarity between a man and a woman, which is constituted in the freely contracted and publicly expressed indissoluble bond of matrimony and is open to the transmission of life.” For the family to assume its responsibilities in the community it needs the special protection and assistance of society and the State (e.g. preamble para. 5, CRC (CRC/C/3/Add.27, para. 6); Charter of the Rights of the Family (1983), preamble, para. A, B);

(f) The CRC recognizes that “the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community” (preamble, para. 5, CRC). It incorporates the 1948 UDHR which in turn declares that “The family is the natural and fundamental group unit of society and is entitled to protection by society and the State” (preamble, para. 3; art. 16 (3), UDHR). The family is based on marriage, an equal partnership between husband and wife, to whom the transmission of life is entrusted (cf. art. 16(1), UDHR);

(g) *The Child’s Well-being.* Obviously, children must be protected in cases where a proven abuse of a child’s rights has been committed within the family (e.g. human embryo manipulation and/or destruction, abortion, neglect, physical and/or sexual abuse). Beyond such cases, however, civil authorities must not intervene in the family and interfere with the duties and rights of parents, who are presumed to act for the well-being of their child, especially as regards matters pertaining to primary care, religion, education, association with others, access to appropriate information, and privacy. (CRC/C/3/Add.27, para. 16 (b));

(h) The CRC provides that “In all actions concerning children whether undertaken by public or private social welfare institutions...the best interests of the child shall be a primary consideration” (art. 3(1), CRC). State Parties undertake when applying this legal standard “to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents” (art. 3(2), CRC). Articles 18-20 acknowledge the fundamental role of parents and endorse the principle of subsidiarity, which guides the role of the State vis-à-vis the family and parents. For example, both parents have “common responsibilities” and the “primary responsibility” for the “upbringing and development of the child” (art. 18(1), CRC). State Parties “shall render appropriate assistance to parents” (art. 18 (2), CRC) and may intervene “to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse” (art. 19 (1), CRC);

(i) *Child’s Right and Duty as regards Life and Parents’ Duties and Rights.* From the moment of conception, the child has the inherent right to life in every phase of development and in every human condition (e.g. sick, disabled, poor). And parents, the mother and father, have the primary and inalienable duty and right to ensure that the child’s rights are respected (e.g. twin fusion, cloning, abortion and experimental manipulation or

exploitation of the human embryo are direct violations of this right). By necessary implication, a child's origin should be based on the natural transmission of life between a mother and a father (cf. CRC/C/3/Add.27, para. 7; cf. Charter of the Rights of the Family (1983), art. 4);

(j) The CRC affirms the right to life of the child "before as well as after birth" (preamble, para. 9, CRC). This basic principle is reaffirmed more than once. State Parties are required to respect and ensure the child's rights without discrimination of any kind including "birth" (art. 2, CRC). State Parties are expected to recognize the inherent right to life (art. 6 (1), CRC). They are to ensure the child's survival and development to the maximum extent possible (art. 6 (2), CRC), inclusive of the conceived; and to provide the "highest attainable standard of health...pre-natal and post-natal" (arts. 24 (1), 24 (2) (d) CRC). Lastly, they are to recognize the child's "right to know and be cared for by his or her parents" (art. 7 (1), CRC);

(k) *Child's Right and Duty as regards Education and Parents' Duties and Rights.* Every child, in virtue of his inherent dignity as a human person, has the inalienable right to education including on matters which pertain to the responsible exercise of his rights (e.g. privacy, freedom of expression, access to information, freedom of association, freedom of religion, and so forth). The parents' duty and right to educate their children includes the free choice of schools or other necessary means (e.g. including homeschooling), in keeping with parental moral and religious convictions (e.g. parental duties and rights are violated when educational programmes or classes are imposed by the State over their objections). (cf. CRC/C/3/Add.27, para. 9; cf. Charter on the Rights of the Family (1983), art. 5);

(l) The CRC incorporates the UDHR in its preamble which in turn acknowledges that "Parents have a prior right to choose the kind of education that shall be given to their children" (art. 26 (3), UDHR; cf. preamble 3, CRC). As previously noted, the State undertakes "to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents" (art. 3(2), CRC). The State shall respect "the responsibilities, rights and duties of parents to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention" (art. 5, CRC). The aforementioned principles are read with other articles dealing with the child's education (cf. arts. 28, 29, CRC);

(m) *Child's Right and Duty as regards Religious Freedom and Parents' Duties and Rights.* Freedom of religion is based on "the very dignity of the human person as known through the revealed word of God and by reason itself." And parents have the duty and right "to decide in accordance with their own religious beliefs the form of religious upbringing which is to be given to their children" (CRC/C/3/Add.27, para. 11; cf. Charter on the Rights of the Family (1983), art. 5);

(n) All of that, which is stated in para. 23 (l), supra, is applicable here. In specific regard to the child's right to freedom of thought, conscience and religion, "State Parties shall respect the rights and duties of the parents to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child (art. 14 (2), CRC).

C. Concluding observations: para. 8 (education and girls); para. 9 (education and health); para. 12 (education and the Convention on the Rights of the Child)

24. *Introduction.* The following paragraphs respond to the concluding observations of the Committee on the Rights of the Child as regards education most notably the Committee's concerns for: (a) discrimination "between children" in Catholic schools, in particular with regard to girls; (b) education of children on health matters, including preventive health care, family planning; and (c) promotion of the CRC in school curricula as well as training of professionals and volunteer workers (cf. paras. 8, 9 and 12 of CRC/C/15/Add.46, respectively).

1. General aims and principles regarding Catholic education

25. *Overview.* The Holy See promotes and encourages the family, especially parents, to carry out their fundamental duties and rights to educate their children.

26. *Aims of Catholic Education.* The content of Catholic education is inspired by Christian anthropology, guided by Scripture, Church tradition and Church teachings. It is an integral education directed "towards the formation of the human person in view of his final end and the good of that society to which he belongs and in the duties of which he will, as an adult, have a share" (PCJP, Compendium of the Social Doctrine of the Church, para. 242). This means that the human person must be educated to transcendence, never forgetting that every human being bears within him or her infinite and divine aspirations. Such an educational aim is "more conducive to the realization of the rights of the child" (art. 41, CRC), since it promotes more than the minimal standards set out in arts. 28 and 29, CRC.

27. *The Family and Parents are the Primary Educators.* The family is primarily responsible for the education of children; parents have the original and primary duty and right to educate and in accordance with their conscience and their moral and religious beliefs. The duty and right of parents "to give education is essential, since it is connected with the transmission of human life; it is original and primary...on account of the uniqueness of the loving relationship between parents [and their children] and it is irreplaceable and inalienable, and therefore incapable of being entirely delegated to others or usurped by others" (Pope John Paul II, *Familiaris Consortio*, 1981, n. 36). This parental task takes on more urgency when one reflects upon the fact that a child learns the values transmitted to him or her primarily by the words and actions of others, and then chooses actions according to what he or she has learned.

28. *Gradual and Integral Education.* Parents are called upon to educate the child to become an adult person through a progressive and harmonious maturation of his whole being (e.g. physical, psychological, intellectual, moral and spiritual) (cf. Pope John Paul II, *Familiaris Consortio*, 1981, nn. 36-39; cf. GS 48). To this end, the child is to be gradually formed in the authentic use of freedom and a more perfect sense of responsibility; to be prepared for active participation in social life; to be open to dialogue with others; and to be a promoter of the common good (cf. Second Vatican Council, *Gravissimum Educationis*, 1965, Introduction and ns. 1-2).

29. *Mutual Respect for Fundamental Rights and Duties.* Parents must respect the inherent dignity of the child, his or her fundamental rights and duties, and give the child special care and attention. This is true for every child but becomes all the more urgent when he or she is in need of everything, for example, in earlier stages of development or in difficult circumstances (e.g. sickness, suffering, disabilities). Conversely, children must

respect the fundamental duties and rights of their parents e.g. to care, to protect, to guide, and to educate, including moral and religious formation.

30. *Education in Human Love: General Principles.* The parental duty and right to educate the child includes “sex education,” which is essentially education in human love as self-giving (Pope John Paul II, *Familiaris Consortio*, para. 37). Some fundamental principles in regard to education in human love are as follows:

(a) *Notion of Love.* Every human being has a vocation to love. Love as self-giving is a higher kind of love by which “[o]ne desires the good of the other because he or she is recognized as worthy of being loved.” This love, in turn, generates communion between persons since “each considers the good of the other as his or her own good.” Self-giving in communion and friendship with God and with others is possible when one exercises authentic freedom and self control (PCF, Truth and Meaning of Human Sexuality, paras. 8, 9; cf. Pope John Paul II, *Familiaris Consortio*, para. 11);

(b) *Human Sexuality.* Human sexuality is a good, a fundamental component of personality. It is the capacity for living human love as self-giving incarnated in the nuptial meaning of the body, that is, the human body, male and female, bears the imprint of the person’s masculinity and femininity. (PCF, Truth and Meaning of Human Sexuality, para. 10; cf. Pope John Paul II, *Familiaris Consortio*, para. 11);

(c) *Married Love.* In the married love of a man and a woman, self-giving expresses “through the body, the complementarity and totality of the gift.” Such sexual giving belongs “to this married love, and to this love alone” (PCF, Truth and Meaning of Human Sexuality, paras. 11, 14).

31. *Education in Human Love: Children and Adolescents.* Children and young people, both boys and girls, like every human person, are capable of and called to a higher kind of love where persons are loved for themselves:

(a) The dignity of the child demands that parental education in human love be consistent with the total reality of the child in his bodily and spiritual nature;

(b) The child’s personality must be gradually formed through a process of self-mastery over sentiments and instinctive drives for the ultimate end of accepting and loving the other person;

(c) Part of the child’s education should include character development with an emphasis on growth in virtues, for example, self-discipline, modesty and chastity as well as formation about the nature and meaning of marriage;

(d) Educational content must be proportionate to each phase of development keeping in mind the needs of the particular child, ever safeguarding the principles of decency and respect and always careful that issues are not forced on a child before he or she is properly prepared;

(e) Therefore, excessive weight should not be directed to providing children with mere information (PCF, Truth and Meaning of Human Sexuality, para. 124).

2. Catholic schools and institutions

32. *Introduction.* The Holy See promotes and encourages the system of Catholic schools, which are not State institutions but nonetheless have a public function. The educational activities are carried out in accordance with the Catholic school’s own authority and responsibility under canon law, and pursuant to the laws of the respective States in which they operate:

(a) The Catholic school is a “place of ‘integral education of the human person through a clear educational project of which Christ is the foundation’, directed at creating a synthesis between faith, culture and life” (CCE, “Educating Together in Catholic Schools: A Shared Mission Between Persons of Consecrated Life, and the Lay Faithful,” 2007, n. 3);

(b) The Catholic school is an educating community, constituted by the interaction and collaboration of its various components: students, parents, teachers, directors, and administrative staff;

(c) The Catholic school assists parents who have the right and duty to choose schools, inclusive of home schooling, and they must possess the freedom to do so, which in turn, must be respected and facilitated by the State. Parents must cooperate closely with teachers who, on their part, must collaborate with parents.

33. *Statistics.* As of December 31, 2008, there are about 195,397 Catholic schools in the world attended by 54,662,553 students of different religious backgrounds (*Annuario Statisticum Ecclesiae*, 2008, pp. 281-290).

34. Distribution per type of school:

- (a) 67,848 kindergartens with 6,383,910 pupils;
- (b) 93,315 elementary schools with some 30,520,238 students;
- (c) 42,234 secondary schools (junior and senior) with 17,758,405 students.

35. Distribution per continent:

- (a) Africa: 57,387 schools with 19,587,239 students;
- (b) Americas: 49,423 schools with 13,579,414 students;
- (c) Asia: 40,311 schools with 11,702,202 students;
- (d) Europe: 51,065 schools with 8,645,932 students;
- (e) Oceania: 5,211 schools with 1,147,771 students.

3. Education and girls

(a) Activities of the Holy See

36. *Terminology.* The Committee on the Rights of the Child uses the term “gender,” which does not appear in the CRC, however, the term “sex” is used in art. 2, CRC. Consequently, the Holy See will continue to use the term “sex.” In specific regard to the Committee’s use of the term “gender,” the following is noteworthy:

(a) The Holy See understands gender “according to ordinary usage in the United Nations context, associates itself with the common meaning of that word, in languages where it exists. The term ‘gender’ is understood as grounded in biological sexual identity, male or female. The Holy See thus excludes dubious interpretations based on world views which assert that sexual identity can be adapted indefinitely to suit new and different purposes. It also dissociates itself from the biological determinist notion that all the roles and relations of the two sexes are fixed in a single, static pattern.” (Holy See’s Final Statement at Women’s Conference in Beijing, 1995);

(b) Moreover, the Holy See rejects any innovative interpretations of the word “gender” as related to or inclusive of “sexual orientation” or “gender identity”. There are no clear and agreed upon definitions of these latter terms in international law. If they were to be taken into consideration in proclaiming and implementing fundamental rights, serious uncertainty in the law would surely follow, which in turn, would compromise the ability of

States to enter into and enforce new and existing human rights conventions and standards. (Holy See's Statement at the 63rd Session of the General Assembly of the United Nations on the Declaration on Human Rights, Sexual Orientation and Gender Identity, 2008).

Education of girls: foundational principles

37. In fundamental documents as well as in catechesis, speeches, messages, homilies, conferences and other activities, the Holy See has devoted much attention to promoting the dignity of women and girls, including their right to an education. Moreover, one of its dicasteries, the PCL, has developed a section devoted to the Study of the Dignity and Vocation of Women, where it implements the teachings of the Second Vatican Council concerning the laity with particular attention to the equal dignity of man and woman, which is obviously pertinent to both boys and girls. The following subsections (a) through (j) discuss key principles promoted by the Holy See:

(a) *Anthropological Considerations.* The Holy See maintains that there are “deep fundamental anthropological truths of man and woman, the equality of their dignity and the unity of both, the well rooted and profound diversity between the masculine and the feminine and their vocation to reciprocity and complementarity, to collaboration and to communion.” (Address of Pope Benedict XVI to the Participants in the International Convention on the Theme: Woman and Man, the Humanum in its Entirety, 2008; cf. Pope John Paul II, *Mulieris Dignitatem*, 1988, no. 6);

(b) *The inherent Dignity of the Human Person.* “This ‘uni-duality’ of man and woman is based on the foundation of the dignity of every person created in the image and likeness of God (‘male and female he created them’: Gen 1:27), avoiding an indistinct uniformity and a dull and impoverishing equality as much as an irreconcilable and conflicting difference” (Address of Pope Benedict XVI to the Participants in the International Convention on the Theme: Woman and Man, the Humanum in its Entirety, 2008; cf. Pope John Paul II, Letter to Women, 1995, no.8);

(c) *Interpersonal Communion.* “This dual unity brings with it, inscribed in body and soul, the relationship with the other, love for the other, interpersonal communion that implies “that the creation of man is also marked by a certain likeness to the divine communion” (Address of Pope Benedict XVI to the Participants in the International Convention on the Theme: Woman and Man, the Humanum in its Entirety, 2008; cf. *Mulieris dignitatem*, supra, no. 7);

(d) *The Family, based on Marriage.* “God entrusts to women and men, according to their respective capacities, a specific vocation in the Church and the world. Here I am thinking of the family, a community of love open to life [founded on marriage between one man and one woman], the fundamental cell of society. In it the woman and man, thanks to the gift of maternity and paternity, together carry out an irreplaceable role in regard to life. Children from their conception have the right to be able to count on their father and mother to take care of them and to accompany their growth.” (Address of Pope Benedict XVI to the Participants in the International Convention on the Theme: Woman and Man, the Humanum in its Entirety, 2008);

(e) *The Feminine Genius.* Women must collaborate in the building of society, by appreciating and living out their typical “feminine genius,” namely those virtues associated with not just physical motherhood, but spiritual motherhood as well. Women who fully understand and appreciate themselves as having profound dignity as feminine persons, created and loved by God, enrich the Church and society, and prevent the human race from “completely losing its humanity.” This is evident in “all the places afflicted by great poverty or devastated by war, and .all the tragic situations resulting from migrants, forced or otherwise,” [where it] is almost always women who manage to preserve human dignity, to defend the family and to protect cultural and religious values.” (Address of Pope

Benedict XVI to the Participants in the International Convention on the Theme: Woman and Man, the Humanum in its Entirety, 2008; Address of Pope Benedict XVI, Meeting with Catholic Movements for the Promotion of Women, Apostolic Journey to Cameroon and Angola, 2009);

(f) *Oppressive Solitude.* “[W]hen men and women demand to be autonomous and totally self-sufficient, they run the risk of being closed in self-reliance that considers ignoring every natural, social or religious bond as an expression of freedom, but which, in fact, reduces them to an oppressive solitude. To promote and sustain real advancement of women and men one cannot fail to take reality into account.” (Address of Pope Benedict XVI to the Participants in the International Convention on the Theme: Woman and Man, the Humanum in its Entirety, 2008);

(g) *Discrimination against Women.* Women bear the brunt of negative consequences associated with promotion of a radical autonomy, and denial of the complementarity of man and woman, which often dovetails into a disordered view of masculinity. One need only consider the “disheartening” results that flow from the simple fact of being a female, rather than a male, namely: the reduced likelihood of being born, of surviving childhood or of receiving adequate nutrition and health care, and the increased chance of remaining illiterate or having only limited access, or none at all, even to primary education. (Pope John Paul II, Address to Members of the Holy See Delegation to the Fourth World Conference on Women, Beijing, 1995; See also Address of Pope Benedict XVI to the Participants of the Fifth General Conference of the Latin American and Caribbean Bishops’ Conferences, Brazil, 2007);

(h) *Women and Public Life.* Women have “a full right to become actively involved in all areas of public life, and this right must be affirmed and guaranteed, also, where necessary, through appropriate legislation. This acknowledgment of the public role of women, should not however detract from their unique role within the family. Here their contribution to the welfare and progress of society, even if its importance is not sufficiently appreciated, is truly incalculable.” (Address of Pope Benedict XVI, Meeting with Catholic Movements for the Promotion of Women, Apostolic Journey to Cameroon and Angola, 2009; cf. Pope John Paul II, Message for the 1995 World Day of Peace; see also: Congregation for the Doctrine of the Faith (CDF), On Collaboration of Men and Women in the Church and in the World, 31 May 2004);

(i) *Care and Education of Girls.* The investment in the “care and education of girls” is a right and “fundamental key to advancement of women.” For this reason, the Holy See has appealed to all the educational services linked to the Catholic Church “to guarantee equal access for girls, to educate boys to a sense of women’s dignity and worth, to provide additional possibilities for girls who have suffered disadvantage, and to identify and remedy the reasons which cause girls to drop out of education at an early stage.” (Pope John Paul II, Address to Members of the Holy See Delegation to the Fourth World Conference on Women, Beijing, 1995);

(j) *The State and Business Sector.* “The State, for its part, must uphold with appropriate social policies everything that promotes the stability and unity of matrimony, the dignity and responsibility of couples, their rights and irreplaceable duty as educators of their children” (Address of Pope Benedict XVI to the Participants in the International Convention on the Theme: Woman and Man, the Humanum in its Entirety, 2008). Since women “can never be replaced in begetting and rearing children,” civil authorities and the business sector are urged to promote family-friendly economics, namely “to provide for the professional promotion of women and at the same time safeguard her vocation as a mother and educator.” (Pope John Paul II, Woman, Spouse and Mother, in the Family and in Society, 24 March 1994). Family-friendly policy suggestions include paying stay-at-home moms; providing special tax reductions, and financial assistance (e.g. baby bonuses);

creating support services for care of children, and disabled persons, young and old; and creating professional work opportunities such as part-time, telework, flexible hours of work and of vacation. (cf. PCF, Address to Catholic Union of Businessmen and Executives, Prague 2010);

(k) *Proposals for the Future.* The Holy See suggests a “renewed anthropological study based on the great Christian tradition, which incorporates new scientific advances and, given today’s cultural sensitivity, in this way contributes to deepening not only the feminine identity but also the masculine, which is often the object of partial and ideological reflections. Faced with cultural and political trends that seek to eliminate, or at least cloud and confuse, the sexual differences inscribed in human nature, considering them a cultural construct, it is necessary to recall God’s design that created the human being masculine and feminine, with a unity and at the same time an original difference and complementarity. Human nature and the cultural dimension are integrated in an ample and complex process that constitutes the formation of one’s own identity, where both dimensions, that of the feminine and that of the masculine, correspond and complete each other.” (Address of Pope Benedict XVI to the Participants in the International Convention on the Theme: Woman and Man, the Humanum in its Entirety, 2008; For more information on the Holy See’s position see: Pope John Paul II, *Evangelium Vitae*, 1995, para. 99; Pope John Paul II, World Day of Peace Message, 1995; Pope John Paul II, Angelus Messages of 1995 delivered March 19, June 18, June 25, July 9, July 16, July 23, July 30, August 6, August 20, August 27, September 3; Pope Benedict XVI, Address to the Participants in the World Conference of Women Parliamentarians for the Protection of Children and Young Persons, 2004; PCL, Men and Women: Diversity and Mutual Complementarity 2006; PCL, Woman and Man, the Humanum in its Entirety: Proceedings of the 2008 Conference, 2009; Pope Benedict XVI, Address to the Participants of the PCPJ’s International Conference on “Life, Family and Development: The Role of Women in the Promotion of Human Rights,” 2009).

(b) Local activities encouraged by the Holy See

38. *Catholic Schools and Institutions.* The Holy See encourages the activities carried out by Catholic Schools and Institutions, at the local level, according to their own authority in canon law, and the laws of the respective States in which they operate. There is a long-standing tradition of welcoming women and girls in Catholic Schools and Institutions, and today 60% of students are girls. Especially noteworthy is the work of “Figlie di Maria Ausiliatrice,” which has 63 large projects for the education of girls. These programmes serve indigenous peoples and the sick. Other projects are designed especially for girls and young women who are migrants, young mothers and former prostitutes.

(i) Educating children, including girls, in regions where religious freedom is limited

39. Many Catholic schools operate in areas where freedom of religion is not respected, rendering the education process extremely difficult for both teachers and students, especially girls. The following examples of education in peace and dialogue are particularly noteworthy (cf. Press Conference on the Presentation by the Congregation for Catholic Education of the document: “Educating Together in Catholic Schools. A Shared Mission Between Consecrated Persons and the Lay Faithful,” 2007).

40. In Lebanon, the principal objective of Catholic Schools is to guide young people towards dialogue and collaboration between Moslems and Christians. Among the 210,000 students, there are 18 religious confessions represented: 63% Catholics; 12.6% Christians of other confessions and 24.4% non-Christians, the majority of which are Moslems. In some areas of the country non-Catholics make up 99% of the students at the Catholic Schools.

41. In the Holy Land (State of Israel, Palestinian Territories, Kingdom of Jordan) there are about 11 million inhabitants. Of these, 280,000 are Christians of whom 40,000 are Catholics. Of those attending Catholic Schools, 55% are Christians while 45% are non-Christians, the majority of which are Moslems with some students of the Jewish faith. Recently, the political leaders of these regions advised a papal representative that the Catholic schools in Jordan, Palestine and Israel “contribut[e] not only to the educational and cultural level of all three territories, but also to an atmosphere of greater mutual understanding” (Catholic Schools Key for the Holy Land, www.zenit.org/article-30797?l=english, 29 October 2010).

42. In “*El Mutran Nazareth*” the “School of Saint Joseph” has about 1,200 Christian and Moslem students. The education plan is based on education in peace, learning to live together and accepting differences. The origin of this School gives additional testimony to its mission when one considers that it was founded by the Melkite-Greek priest, Fr. P. Emile Shoufani, as a sign of reconciliation after his father was assassinated.

43. In Jerusalem, the “Schmidt’s Girls College” founded in 1886 for young women has 5,000 students between 4 and 19 years of age, two thirds of whom are Moslem.

44. In Bosnia, during the war in the Balkans, the Archdiocese of Sarajevo established three Catholic Schools called “Schools for Europe” with the objective of welcoming Serbian, Croatian and Moslem students. It is a successful example of education in dialogue, reciprocal respect and acceptance, and parental involvement. These schools were initially attended only by 1,600 students. Today there are more than 10,000 students in 15 Catholic Schools.

45. In Morocco, “l’ECAM” (*Enseignement Catholique au Maroc*) has developed a Catholic educational programme that promotes the integral formation of the student. Today there are 17 scholastic centres with thousands of students all of whom are Moslem. There are 600 educators, almost all Moroccan, and 17 male and female Directors (French and Lebanese; Moslems and Christians). The project is inspired by Christian values which are lived in the local community.

46. In Nepal, where the majority of the population are Hindus, there are only 6,000 Catholics among 23 million inhabitants. In 2004, the King granted a civic award to two missionaries for their commitment in the field of education. One was the Director of St. Mary’s School and the other was the founder of St. Xavier College, the only Catholic College in Nepal. They received this honor for their contributions to the social, economic, cultural life and the development of the Nepalese population. This honor, conferred by a country with a Hindu majority, is a sign of appreciation for the educational service of the Catholic School which, through a quality curriculum of study, promotes mutual relations through education in peaceful coexistence.

47. In Dakar, Senegal, the Marist Fathers established the Catholic School “*Sainte Marie de Hann*,” in 1949 and then in 1977 assimilated it with French high schools located outside French territory. Today, it is attended by 3,500 students and 170 teachers. It is open to boys and girls from French-speaking Western Africa, coming from all religious confessions and socio-economic backgrounds. The Marist Fathers eventually withdrew from this initiative and the Dioceses, with the assistance of the lay faithful, took up the cause, conserving its style and spirit. The school, which has received the UNESCO prize, follows an educational programme geared to educate for peace and to promote dialogue among different cultures in an effort to build a world founded on fraternity.

(ii) *Educating children, including girls, in difficult social and economic situations*

48. Many other Catholic schools operate in areas where social and economic disadvantages abound, making access to education extremely difficult for all students,

especially girls. The following examples are particularly noteworthy (cf. Press Conference on the Presentation by the Congregation for Catholic Education of the document: “Educating Together in Catholic Schools. A Shared Mission Between Consecrated Persons and the Lay Faithful,” 2007):

(a) In the United States of America, 27 % of the students at Catholic Schools are from minority groups and 13.5% are non Catholic. Moreover, 43.2% of all the Catholic Schools are situated in the poorest areas. Over the last few years, especially in the larger cities, some Religious Congregations and Dioceses with schools of long-standing traditions attended by “upper middle class” students have chosen to direct their efforts toward the education of an ever growing population of poor students. In response to increasing levels of urban poverty, they have opted to entrust the large institutions to others so as to open smaller educational centres of high quality to cater to the poor classes and minorities. The rate of students leaving Catholic Schools before obtaining their diploma is extremely low: 3.4% in comparison with 14.9% in public schools. The percentage of high school students at Catholic Schools who obtain their diploma, and then proceed to university is extremely high: 99% and 97%, respectively. Lastly, the Christian Brothers established the project “Priority for the Poor: the schools of San Miguel” to guarantee the right of education to children in families suffering from grave economic difficulties. The objectives of the project are twofold: to permit a child to be the protagonist of his or her own personal growth in his respective society; and to assist families in cultivating their proper role as the natural place for the realization of the rights and duties of children. There are now 17 such schools;

(b) In Venezuela the educational movement “*Fe y Alegria*” was established in 1955 by a group of students from the Catholic University, who began meeting the needs of the poor living on the densely populated outskirts of Caracas. The group was directed by a Jesuit priest P. Vélaz, who created a small school for the poor, which in turn led to the development of many other such institutions in Venezuela and Latin America. Moreover, in 1995 “*Fe y Alegria*” established a University institute in Caracas which is now attended by thousands of students. Today, there are 1,000 such schools in 14 countries in Latin America, reaching about 600,000 students, and hiring about 18,000 teachers, of whom 1,022 are religious. The goal is to teach the young and the marginalized in society who have been denied the right to education, to basic health care, to work and to harmonious development (material and spiritual) of one’s personality;

(c) In the Dominican Republic the “Children with Don Bosco” project provides for the alphabetization of children;

(d) In Albania the Salesians in cooperation with the Dioceses promote the rights and duties of the child through the formation of educators which includes education on the rights of the child that involves about 2,000 young persons;

(e) In the Democratic Republic of the Congo the Don Bosco Nganzi Centre offers activities for the formation of educators in Africa and develops teaching materials on the rights of the child. Most recently such materials have been published in Swahili;

(f) In Bolivia the International Office for Catholic Teaching provides for the bilingual alphabetization of the “Quechan” population (Spanish and “Quechan”). It employs 220 teachers and 30 technicians. The results are impressive: 4,176 persons have been educated in two languages and 10,000 in the “Quechan” language alone. The project is directed towards marginalized families and the education of children;

(g) In Haiti 40,000 students have been alphabetized in the Creole language in 162 schools;

(h) In South Africa, Sacred Heart College, situated in the outskirts of Johannesburg, has been open to all people of different races since 1976. It provides education in a specific effort to combat racial discrimination. During the 1990's, of about 1,200 students, 42% were Catholic, Caucasian and African, 37% were from other Christian denominations, 14% were Moslem, the majority of which were Asian and of Middle Eastern descent, 5 % Hindu and 1% Jewish;

(i) In India the project "Loreto Sealdah" was developed in order to reach children living on the streets and in rural areas. The underlying idea is that education ought to be available to every child.

4. Education and health

49. *Introduction.* The Holy See has always demonstrated a deep concern for human suffering; it follows the very eloquent example of Jesus Christ. Service to the sick and suffering, therefore, is an integral part of its mission. To this end, it has encouraged the blossoming of various works of mercy and the establishment of many religious institutions with the specific aim of fostering, organizing, improving and increasing help to the sick (cf. Pope John Paul II, Apostolic Letter, *Motu Proprio Dolentium Hominum*, 1985, n. 1). For further information on health see the section entitled "Health and Welfare", infra.

50. *Integral Approach to Health.* The Holy See takes a comprehensive approach to health. It does not exclusively focus on one single aspect of health but rather appreciates that "illness and suffering are not experiences which concern only man's physical substance, but man in his entirety and in his somatic-spiritual unity" (Pope John Paul II, Apostolic Letter, *Motu Proprio Dolentium Hominum*, 1985, n. 2):

(a) This vision of health is based on an anthropology that "respects the whole person, far from being identified with the mere absence of illness, [it] strives to achieve a fuller harmony and healthy balance on the physical, psychological, spiritual and social level" (Pope John Paul II, Message for the World Day of the Sick, "Contemplate the Face of Christ in the Sick," 2000, n. 13);

(b) "Precisely because health is not limited to biological perfection, life lived in suffering also offers room for [personal, especially spiritual and moral,] growth and self-fulfillment," and is an opportunity for others to walk towards perfection as they mobilize their energies and resources in order to alleviate suffering. Spiritual assistance is one of these resources that can promote full enjoyment of the right to health (Pope John Paul II, Message for the World Day of the Sick, "Contemplate the Face of Christ in the Sick," 2000, n. 13);

(c) It follows that special protection is needed for the most vulnerable, who depend on the care and protection of others for their survival and development (e.g. unborn, disabled, etc.). Parents are primarily responsible for the child in all stages of his or her development, from the moment of conception; it follows that family planning can never include abortion, experimental manipulation and/or exploitation of the human embryo;

(d) Pope John Paul II appealed "to those institutions which are involved in health care, especially primary health care, to make improved basic health care and education for girls a hallmark of their service" (Pope John Paul II, Address to Members of the Holy See Delegation to the Fourth World Conference on Women, Beijing, 1995).

51. *Family Planning.* The Holy See's position on family planning is well known and may be summarized in the following way:

(a) "The question of human procreation, like every other question which touches human life, involves more than the limited aspects specific to such disciplines as biology, psychology, demography or sociology. It is the whole man and the whole mission to which

he is called that must be considered: both its natural, earthly aspects and its supernatural, eternal aspects” (Pope Paul VI, *Humanae Vitae*, 1968, para. 7);

(b) Children are considered a gift from God. Responsible parenthood is “exercised by those who prudently and generously decide to have more children, and by those who, for serious reasons and with due respect to moral precepts, decide not to have additional children (Pope Paul VI, *Humanae Vitae*, 1968, para. 10);

(c) “If therefore there are well-grounded reasons for spacing births, arising from the physical or psychological condition of husband or wife, or from external circumstances, married people may then take advantage of the natural cycles immanent in the reproductive system and engage in marital intercourse only during those times that are infertile, thus controlling birth in a way which does not in the least offend the moral principles” (Pope Paul VI, *Humanae Vitae*, 1968, para. 7);

(d) “The reason is that the fundamental nature of the marriage act, while uniting husband and wife in the closest intimacy, also renders them capable of generating new life—and this as a result of laws written into the actual nature of man and of woman. And if each of these essential qualities, the unitive and the procreative, is preserved, the use of marriage fully retains its sense of true mutual love and its ordination to the supreme responsibility of parenthood to which man is called. We believe that our contemporaries are particularly capable of seeing that this teaching is in harmony with human reason” (Pope Paul VI, *Humanae Vitae*, 1968, para. 12).

5. Education and the Convention on the Rights of the Child

52. *General Principles.* Human rights are promoted in fundamental documents as well as speeches, messages, addresses and homilies of the Pope and publications of the various dicasteries (e.g. Pope John XXIII, *Mater et Magistra*, 1961; Pope John XXIII, *Pacem in Terris*, 1963; Second Vatican Council, *Dignitatis Humanae*, 1965; Second Vatican Council, *Gaudium et Spes*, 1965; Pope John Paul II, *Centesimus Annus*, 1991; Pope Benedict XVI, *Caritas in Veritate*, 2009; PCJP, *The Compendium of the Social Doctrine of the Church*, 2004; Pontifical Council for the Pastoral Care of Migrants and Itinerant People, *Instruction Erga Migrantes Caritas Christi*, 2004).

53. *Promotion of the CRC.* The Holy See’s initial report under the CRC has been available for the public on the United Nations website since 1994 and in print since 1995 (The Holy See and Children: The Participation of the Holy See at the World Summit for Children, Path for Peace Foundation: 1995). The Holy See continues to cite the CRC in various international fora. A recent example is the 2010 Address by Pope Benedict XVI to the Plenary Assembly of the PCF devoted to the “Rights of the Child” on the occasion of the 20th anniversary of the adoption of the CRC by the UN General Assembly, 08.02.2010. On this occasion he stated:

(a) “The Church, through the centuries, based on the example of Christ, has promised to protect the dignity and rights of minors and, in many ways, it has taken care of them. However, in certain cases, some of its members, acting contrary to this obligation, have violated such rights: a behavior that the Church has not failed and will not fail to denounce and condemn”;

(b) “The teachings and tenderness of Jesus, which considers children as a model to imitate for entering the Kingdom of God (cf. Mt. 18, 1-6; 19, 13-14), has always promoted the deepest respect and care for these innocent persons. Jesus’ harsh words for those who would scandalize one of these little ones (cf. Mk 9, 42) obliges all to always maintain a high level of respect and love for them”;

(c) “Therefore, the Holy See has warmly welcomed the Convention on the Rights of the Child, in all its positive aspects regarding adoption, health care, education, concern for persons with disabilities and the protection of children from violence, abandonment, and all forms of exploitation”;

(d) “The Convention, in the preamble, indicates that the family is ‘the natural environment for the growth and well-being of all its members and in particular children.’ Therefore, it is the family, founded on marriage between one man and one woman, which helps children the most. They want to be loved by a mother and a father who love each other, and they need to live and grow together with both parents, because maternity and paternity are complementary in the education of children and in the development of their personality and identity. It is important, then, that one does everything possible to permit them to grow up in a stable and unitary family.”

54. Other noteworthy examples include the following:

(a) Intervention of the Holy See at the Ordinary Session of the Conference of States to the Convention on the Rights of the Child, 23.03.2007;

(b) Address of Pope John Paul II for the 7th Centenary of La Sapienza University of Rome, 17.05.2003;

(c) Intervention of the Holy See at the Second Session of the Permanent Forum of the UN on Indigenous Children and Youth, 21.05.2003;

(d) Intervention of the Holy See in the third Committee of the 58th General Assembly of the UN on the Promotion and Protection of the Rights of Children, 20.10.2003;

(e) Intervention of the Holy See at the 27th Special Session of the General Assembly of the United Nations on Children, 10.05.2002;

(f) Intervention of the Holy See at the UN on the occasion of the Special Session on the item “World Summit for Children,” 31.01.2001;

(g) Intervention of the Holy See at the 55th Session of the General Assembly of the UN, 15.11.2000;

(h) Intervention of the Holy See at the 54th Session of the General Assembly of the UN on no. 112 regarding “Promotion and Protection of the Rights of the Child,” 30.10.1999.

55. *Teaching the CRC in Schools and Training of Professionals.* The Holy See encourages and supports the study of human rights in Catholic schools in accordance with Church teaching which, among other things, emphasizes the inherent dignity of the human person, who is made in the image and likeness of God, the foundation of the promotion and defense of his or her inalienable rights. Such activities are carried out at the local levels, by the relevant institutions in accordance with their own authority and responsibilities under canon law, and with due regard to the laws of the respective States (cf. CRC/C/3/Add.27, para. 22).

III. Contributions regarding observance and implementation of the Convention

A. General measures

56. *Introduction.* This section regards Guidelines 11-13 (resources and measures for children, including international assistance and development aid), and Guideline 18 (cooperation with civil society. Information with respect to “reservations” and “awareness raising” pursuant to Guidelines 10, 15, 16 has been provided supra paras. 10-18, and supra para. 53, respectively.

57. *Overview of Key Structures and Activities.* As previously noted in Part I of this report, the internal law of the Catholic Church defines the Holy See as the government of the universal Church composed of the Pope and of the institutions which proceed from him (cf. Code of Canon Law (CIC), can. 361; cf. Code of Canons of the Eastern Churches (CCEO), c. 48):

(a) *The Roman Pontiff.* In his addresses, messages, meetings, encounters, pastoral journeys, audiences, documents, and so forth, the Pope promotes the rights and duties of children but also entrusts the coordination and direction of certain topics and activities related to children to a number of dicasteries (CRC/C/3/Add.27, para. 19). They assist him in exercising his pastoral office for the benefit and service of the universal Church, local Churches and the world. They hold annual meetings, organize seminars and conferences, publish conference proceedings and other documents including quarterly magazines or informational circulars, available in multiple languages;

(b) *Pontifical Council for the Family (PCF).* The PCF is most directly concerned with the implementation of the CRC since the rights and duties of the child are inseparable from the rights and duties of the family and parents (CRC/C/3/Add.27, para. 44). The promotion of the rights and duties of the child from the moment of conception is an important part of the PCF’s greater responsibility of assisting the family (See also Holy See’s Initial Report to the CRC CRC/C/3/Add.27, paras. 44-59). The most recent addresses, writings, and activities on behalf of children are set out in the Holy See’s initial report to the CRC under the two Optional Protocols. In 2000, the PCF’s quarterly review “*Familia et Vita*” devoted the issue to the topic of children’s rights. In 2006, the Lexicon was published entitled “*Ambiguous and Debatable Terms Regarding Family Life and Ethical Questions.*” In 2009 the PCF began preparations to celebrate the anniversary year of the General Assembly’s adoption of the 1989 CRC, which was ultimately held in early 2010, when its Plenary Assembly considered the “*Rights of the Child.*” At these meetings, interventions addressed the historical background of the CRC, current interpretations by the Committee of the CRC as well as various aspects of family-child relations: psychological, sociological, pedagogical and so forth (cf. PCF, *I Diritti dell’Infanzia, in Familia et Vita*, XIX Assemblea Plenaria del Pontificio Consiglio Per La Famiglia, Roma, 8-10, Feb. 2010);

(c) *The Pontifical Council for Justice and Peace (PCJP).* The PCJP promotes justice and peace in the world, viewing them in the light of the Gospel and of the social teaching of the Church. Its mission necessarily involves the promotion of human rights. In 2004, the PCJP published the Compendium of the Social Doctrine of the Church, which specifically addresses: fundamental rights and children (para. 5); the right to rear children (para. 155); human rights and child soldiers (para. 158); child soldiers and armed conflict (paras. 158, 245, 512); the family and children (paras. 210, 212, 216, 227, 237); the family and education of children (paras. 239, 240, 242); children and fundamental virtues (para. 242); children and the meaning of sexuality (para. 243); the dignity and rights of children (para. 244); the situation of children in the world (para. 245); trafficking in children (para.

245); child labor (para. 245); street children (para. 245); children and pornography (para. 245); children and exploitation (para. 245); political action and education of children (para. 253);

(d) *The Pontifical Council for the Laity (PCL)*. The PCL deals with issues concerning contributions of the lay faithful to the life and mission of the Church, whether as individuals or through the various forms of associations of the Christian faithful within the Church. The PCL is currently divided into four Sections: Associations or Movements; Youth; Church and Sport; and The Dignity and Vocation of Women. The rights and duties of children are relevant for each of these topics;

(e) *The Pontifical Council for the Pastoral Assistance to Health Care Workers (PCHCW)*. The PCHCW treats matters regarding the formation, study and action carried out by various Catholic International Organizations (C.I.O.'s) in the health care field as well as other pertinent groups and associations. Its quarterly magazine is "*Dolentium Hominum: Church and Health in the World*";

(f) *The Pontifical Council for the Pastoral Care of Migrants and Itinerant People (PCMIP)*. The PCMIP is concerned for people involved in human mobility, especially children and their families (e.g. migrants, refugees, nomads, street persons, circus workers, pilgrims, tourists etc.). It studies and reflects on the social, economic and cultural questions and problems associated with such movements, in particular family breakup and the rights and duties of children. Its magazine "People on the Move" frequently deals with issues related to children and their rights;

(g) *The Pontifical Council for Social Communications (PCSC)*. The PCSC follows questions concerning the instruments of social communication. An important part of its mission is to study the positive and negative effects of these instruments on human development and progress, and in particular, their influence on children. Much has been stated in the Holy See's initial report under the OPSC about the responsibilities of parents and children in regard to communication and access to information: *Pontifical Commission for Mass Media*, "Communio et progressio," n. 67; "Pornography and Violence in the Communications Media: Pastoral Response," 1989, nn. 10-18, 23; "Ethics in Advertising," 1997, n. 16; "Church and the Internet," 2002, n. 12. These efforts supplement the messages of the Roman Pontiff. (e.g. Pope John Paul II: "*Social Communications: Protecting the Child, and Promoting his Best Interests in the Family and in Society*," 1979; Pope John Paul II, "*The Media and the Family: A Risk and a Richness*," 2004; and Pope Benedict XVI, "*Children and the Media: A Challenge for Education*," 2007;

(h) *The Pontifical Council for Culture (PCC)*. Since every human person is a child of his own culture, the PCC promotes the encounter between culture and the saving message of the Gospel and works to reduce unbelief, and indifference to matters of religion. It encourages intercultural dialogue and emphasizes man's creative work as a service to truth, goodness and beauty. By underlining reciprocal respect in a context of cultural diversity, it urges a new Christian humanism marked by education and openness to other cultures in an effort to promote peace and the common good. Its quarterly review is *Cultures and Faith*;

(i) *The Congregation for Catholic Education (CCE)*. The CCE has an "Office for Catholic Schools" through which it receives information about educational systems throughout the world and maintains relations with national and international Catholic organizations on matters concerning Catholic education. From a pastoral perspective, it is concerned with a number of issues including: the teaching of sex education in Catholic schools; and the problems of Catholics related to the teaching of moral or religious matters in public schools;

(j) *Pontifical Council Cor Unum (Cor Unum)*. It is the agency of the Holy See that expresses special care for the needy, thereby encouraging human fellowship and making manifest the charity of Christ. Its work assists many children and their families throughout the world. It is responsible for orienting and coordinating the organizations and charitable activities promoted by the Catholic Church;

(k) *Pontifical Missionary Society of the Holy Childhood (Holy Childhood)*. As was noted in the Holy See's initial report, Holy Childhood is a missionary service carried out through the protagonist role of the children themselves in their family, school, local and world community, and has been the Holy See's principal Society for the missionary pastoral care of children for the last 150 years. Today there are millions of children helping children throughout the world in parishes, schools, and movements. Holy Childhood gives children a missionary education and the opportunity for cooperation with the neediest children and missions in the world (e.g. sharing their faith and material needs). To this end, it provides missionary animation (e.g. prayer), missionary formation (e.g. catechesis) and facilitates communion, organization and cooperation in regard to missionary activities. It works in collaboration with national offices, organized autonomously, that make financial offerings to the Missionary Childhood Solidarity Fund, which in turn, are distributed for approved projects for children (e.g. school instruction, protection of life). It also publishes "Missionary Childhood," an information bulletin.

58. *Cooperation with Civil Society*. The Holy See promotes the work of numerous international Catholic NGOs, some of which are devoted exclusively to the service of children, and act in accordance with their own authority in canon law and the laws of the respective States (CRC/C/3/Add.27, para. 21). The Holy See also works closely with other organizations that work in related fields of action and share its aims. The following examples are noteworthy:

(a) In 2010, under the auspices of the Secretariat State a Second Forum for Catholic Inspired NGOs was held in Rome, which promotes respect for the independence and legitimate authority of the respective NGOs and that of the Church. It provides NGOs with an important opportunity for dialogue, interaction, and collaboration, with each other and with the Church. It promotes a regular exchange of information on international issues, and offers deeper reflection on the problems in light of the Magisterium. All of this is done in a spirit of communion and respect;

(b) In 2006, the PCL published "International Associations of the Faithful Directory," which sets out important information about the mission and activities of international associations, many of which focus attention on issues pertaining to the family, children and youth. Some of them have acquired non-governmental organization status within the international legal system. In regard to its Section on Woman, the PCL collaborates with associations, movements and non-governmental organizations (NGOs) and is assisted by an "ad hoc" consultative group, composed mainly of women;

(c) The PCMIP has followed the Pope's lead in inviting everyone to promote an ethic of tourism and commends the collaboration between States, tourism associations and the World Tourism Organization in producing the noteworthy "World Ethic Code for Tourism." It also encourages cooperation with associations and organizations (Pope John Paul II, Message for the World Day of Tourism, 2004, para. 4; cf. PCMIP, Guidelines for the Pastoral Care of the Road, paras. 106, 139-141; PCMIP, Final Document of the First International Meeting on the Pastoral Care for the Liberation of the Women of the Street, 2005, para. 15; PCMIP, Final Document of the First Latin American Meeting for the Pastoral Care of the Road/Street, 2008, Recommendations, paras. 15, 21; PCMIP Guidelines for the Pastoral Care of Gypsies, paras. 53-54);

(d) The PCJP explicitly welcomes exchanges with non-governmental organizations that share its aims and are working in the field of peace, justice and human rights.

59. Regional, National and Local Levels (e.g. Episcopal Conferences, Dioceses, etc.). Lastly, the Holy See supports, encourages, and assists activities, at the regional, national and local levels, carried out by the relevant Local Church authorities acting with their own authority and responsibility according to the laws of the respective State in which they operate and under canon law (CRC/C/3/Add.27, para. 22).

B. The family

60. *Introduction.* This section adds to what has already been stated about the “definition of the child”, “general principles” and “civil rights” in part II of this report. In particular, it refers to questions pertaining to Guidelines 27-28 and 31 (b) on the topic of family and alternative care and related issues such as: parental duties and rights (arts. 5, 18 (1-2)); separation from parents (art. 9, 11); family reunification (art. 10); children with disabilities (art. 23, CRC); children deprived of family environment (art. 20); and adoption (art. 21). For information on the question of abuse and neglect (art. 19), including physical and psychological recovery and social integration, see the Holy See’s initial report under the OPSC, and this report, *infra*, “Special Measures to Protect Children.”

61. *The Family.* The deep concern the Holy See has always demonstrated for the family is well known and accessible to the public through its plethora of documents and discourses (e.g. homilies, angelus, speeches, addresses). In specific regard to the PCF, it published “The Family and Human Rights”(1999), “The Family, Marriage and De Facto Unions” (2000), and “Family and Procreation” (2006). Each document, among other things, promotes the family based on marriage between one man and one woman as the most proper environment for children, and therefore entitled to special protection from society and the State (See the Holy See’s initial report under the Optional Protocols for more information on the PCF).

62. *Activities for the Family from 1994 to 2009.* Following preparation of its first report to the Committee on the Rights of the Child, the Holy See celebrated the family in a comprehensive way during the United Nations International Year of the Family in 1994. Many activities and discourses were carried out in this regard. Starting in 1994, Pope John Paul II entrusted the PCF with organizing the World Conference for Families: Rome, Italy 1994; Rio de Janeiro, Brazil 1997; Rome, Italy 2000, Manila, Philippines 2003; Valencia, Spain 2006; Mexico City, Mexico 2009. The family continues to receive attention in the Pope’s annual messages. For example, Pope Benedict XVI in the 2008 World Day of Peace Message focused on the interrelationship of the family, society and peace. The family also continues to be a subject of concern in important documents. For example, Pope John Paul II issued a “Letter to Families” to emphasize how the family based on marriage between one man and one woman is an expression and source of love for its members, especially children. As the vital cell of society, the family is the foundation for building a “civilization of love” which readily welcomes all children especially the unborn, disabled, homeless, and poor (Pope John Paul II, Letter to Families, 1994). This theme brings life to preamble para. 6, CRC: “the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.”

63. *The Family on the Move.* The Holy See remains concerned with the needs of the migrant, refugee and displaced family and child:

(a) Pope John Paul II asked States not to forget migrant families and their particular needs; to protect them from marginalization and racism; to welcome them; and to provide social services with a view to facilitating a peaceful existence in conformity with the dignity of the human person (Pope John Paul II, Message for the World Day of Migrants and Refugees, 1994, n.1);

(b) Pope Benedict XVI underlined the “commitment of the Church not only in favor of the individual migrant, but also of his family, which is a place and resource of the culture of life and a factor for the integration of values.” (Pope Benedict XVI, Message for the World Day of Migrants and Refugees, “Migrant Family,” 2007);

(c) The PCMIP dedicated its 2004 December issue of “People on the Move” to the theme “The Family on the Move” and in its annual meetings, conferences, and publications, has studied the well-being of the family.

64. *Family Reunification.* The Holy See has dealt with the issue of family breakup and reunification, for example, in the context of the “family on the move” and “street children”:

(a) Pope Benedict XVI has highlighted the problem faced by the “migrant family”: “The distance of [family] members from one another and unsuccessful reunification often result in breaking the original ties. New relationships are formed and new affections arise. Some migrants forget the past and their duties, as they are subjected to the hard trial of distance and solitude. In family reunification, social workers, especially religious women, can render an appreciated service of mediation that merits our gratitude more and more.” (Pope Benedict XVI, Message for the World Day of Migrants and Refugees, “Migrant Family,” 2007);

(b) The PCMIP has also studied the issue of temporary and permanent family breakup for the “family on the move” and the need for reunification. The PCMIP argues that “the pastoral approach to families in mobility demands flexibility and attention to the family unit as a whole. Interventions on behalf of parents must always include children and vice-versa.” (PCMIP, *Proceedings of the XVIII Plenary Session on the theme “Migrant and Itinerant Family,”* 2008, Final Document, p. 68; cf. PCMIP, *Instruction Erga migrantes caritas Christi, (The Love of Christ Towards Migrants),* 2004, nn. 30, 43, 87 and the *Juridical Pastoral Regulations*, art. 2 (1));

(c) The PCMIP assists children living on the street in many ways, and primarily by promoting their return “to a normal way of life, which entails their reunification within society, but above all within a family environment, if possible in their original families, or otherwise in community facilities, but always of a family type.” (*Guidelines for the Pastoral Care of the Road*, 2007, Part Three: The Pastoral Care of Street Children, n. 124; See also the Final Document of the First International Meeting for the Pastoral Care of Street Children, Rome, 2004, Conclusion, n. 8).

65. *Family-child relationship.* In addition to what has been previously stated in part II, the following writings, events and activities are noteworthy:

(a) *Letter to Children (1994).* Pope John Paul II wrote a “Letter to Children,” in 1994, which highlights how all children are “role models” for grown-ups, who are urged to embrace the Gospel message by becoming “simple like children full of trust, rich in goodness, and pure.” The Gospel, in this Letter, is referred to as the “Gospel of Children.” The purpose of the theme is to deepen one’s understanding and appreciation of the inherent dignity of each child, and his or her vital role within the family and society (Pope John Paul II, Letter to Children, 1994);

(b) *Conferences and Meetings Regarding the Rights of the Child (2000, 2010).* In 2000, the Third World Meeting of the Holy Father with Families was held in Rome and devoted to the topic “Children, Springtime of the Family and Society,” which dealt with the

rights of children. In early 2010, the PCF devoted its Plenary Assembly meeting to the “Rights of the Child” in celebration of the 20th Anniversary of the Convention on the Rights of the Child. Topics for discussion included: the CRC; the role of NGOs; historical-philosophical reflections on the rights of parents and children; and family-child relations from various perspectives (e.g. psychological, sociological, and pedagogical). (PCF, Jubilee of Families, Themes for Reflection and Dialogue in Preparation for the Third World Meeting of the Holy Father with Families, “Children, Springtime of the Family and Society,” 2000; PCF, “I Diritti dell’Infanzia,” (The Rights of the Childhood), in *Familia et Vita*, Anno XV – No. 2, 2010);

(c) *Children, Youth and Family Jubilees (2000)*. In 2000, the Church celebrated the “Jubilee Year,” which included a “Children’s Jubilee,” “Youth Jubilee,” and “Families Jubilee,” where special activities were organized and Papal addresses were delivered to these groups;

(d) *World Youth Days (1986 to 2010)*. The Holy Father has spoken to youth in speeches, meetings, letters, messages, homilies, and audiences. The following examples are noteworthy. In 1985, Pope John Paul II stated: “All young people must feel that the Church is paying attention to them. So the whole Church, in union with the Successor of Peter, must feel more and more committed, at world level, in favour of the youth, sharing their cares and anxieties, their aspirations and hopes, in order to match their expectations by communicating the certainty that is Christ, the Truth that is Christ, the love that is Christ” (Pope John Paul II, Address to the Roman Curia, 1985). Since 1986, twenty-four World Youth Days have been held in different countries around the world. The principal objective is to “make the person of Jesus the centre of the faith and life of every young person so that he may be their constant point of reference and also the inspiration of every initiative and commitment for the education of the new generations. This is the slogan of every Youth Day, and through this decade, the Days have been like an uninterrupted and pressing call to build life and faith upon the rock, who is Christ.” (Letter of Pope John Paul II on the Occasion of the Seminar on World Youth Day Organized in Czestochowa, 1996);

(e) *Meetings with Youth during Apostolic Journeys (2006-2010)*. The Roman Pontiff has organized a meeting with young people on many of his apostolic journeys (cf. Addresses of Pope Benedict XVI at: Sulmona, Italy, 2010; Grand Harbour of Valletta, Malta, 2010; Apostolic Nunciature, Lisbon, Portugal, 2010; Stadio dos Coqueiros, Luanda, 2009; São Paulo, Brazil, 2007; Kraków-Blonie, Poland, 2006);

(f) *PCL Youth Section (1986 to 2010)*. Also since 1986, the “Youth Section (Office)” in the PCL has existed to serve as a visible expression of the importance attributed to Youth of the world. It is an example of pastoral care and confidence in their regard; and a centre for information for youth and of their apostolate. It promotes various initiatives; keeps contact with international movements and associations for youth with a view to promoting cooperation between the various communities; and organizes meetings on youth ministry at international and continental levels. In 2010, the Youth Office organized its 10th International Youth Forum held in Rocca di Papa where some 300 young people gathered from various countries to reflect on the theme, “Learn to Love.” They attended conferences, liturgies, cultural events, and further reflected on the topic of authentic love, which has God, himself, as its source and end.

66. *Family - Disabled Children*. The Pope has frequently addressed the many challenges faced by disabled children, youth and their families in his addresses, jubilee celebrations, conferences, and especially during the annual messages on the occasion of the World Day of the Sick. The following subsections (a) through (g) represent a summary of some key principles:

(a) *Dignity and Right to Life.* A disabled person's inherent dignity, founded in his nature as a human person desired by God, begins from conception. It is not diminished by the gravity of his or her disability; it is not conditioned by his or her difficulty in communicating; it is not lost or taken away; and it is not changed over time. Any attempt to eliminate the life of the unborn or born disabled person is unacceptable;

(b) *Familial Support in Exercising Rights.* The child with disabilities should be supported in "exercising his right to live in society, to share space, work and housing with those who do not have a mental handicap." All the loving acceptance and care which the family can give to this child "must aim at facilitating his future participation in the life of society";

(c) *Child's Right to a Family and Family Care.* "The family is the best environment for the child's personal development, especially when he is weaker, more limited in his abilities and therefore more in need of care, attention, affection and communication (not only verbal) with his immediate surroundings";

(d) *Family's Right to Special Protection from the State and Society.* The family needs the "intervention of specialized associations and other forms of extra-family help," especially upon the death of one or both parents;

(e) *Family's Duty to Educate and the Child's Right to Education.* The family is primarily responsible for the personal and moral education of their children, especially the mentally disabled child. "Affective and sexual education must begin very early in the mentally [disabled], because it comes through knowledge of his [or her] own body...[it] starts with an education in their relational life with others, with respect for other people, their intimacy and their bodies [the child] must be told of the real limits that his [or her] more or less serious handicap places on the possibility of marriage";

(f) *Family's Duty to Listen and the Child's Freedom of Expression.* "It is also important for parents to listen to their disabled child, in order to give him [or her] an opportunity to express himself";

(g) *Family's Duty to Protect and the Child's Right to Protection.* "To subject such persons – who are often unable to give truly informed consent – to contraception, sterilization or, worse, abortion as a matter of official policy is a practice that is not only unethical, but can also jeopardize their psychological development." (PCF, Conclusions of the Conference on the Family and Integration of the Disabled, 1999; See also: Holy See's Document for the International Year of Disabled Persons, 1981; Pope John Paul II, Discourse to the Participants of the VII International Conference of the PCHCW on "Disabled Persons in Society", 21 November 1992; Pope John Paul II, Homily, Jubilee of the Disabled, 2000; See also Pope John Paul II, Address to the Jubilee of the Disabled, 2000; Jubilee Preparatory Committee, Preparation for Day devoted to Persons of Disabilities, Parts I to V, 2000; Intervention of the Holy See at the 76th Plenary Meeting of the UN General Assembly on Human Rights and Fundamental Freedoms, New York, 2006; Pope Benedict XVI, Discourse to the Participants of the XXVIII International Conference of PCHCW on "The Pastoral Care in the Treatment of Sick Children," 15 November 2008; Pope Benedict XVI, World Day of the Sick, 11 Feb. 2008; Intervention by the Representative of the Holy See at the 63rd Session of the UN General Assembly within the Third Committee For the Promotion and Protection of Human Rights, 2008; PCHCW, Congress on the Pastoral Care of the Deaf "Ephphata! The Deaf Person, Herald and Witness of the Proclamation of the Gospel," Executive Conclusions, 2010).

67. *Parental Rights and Duties.* The Holy See's concern for the rights and duties of parents has heightened in the face of disturbing trends, especially those that treat the child as an object or thing rather than a human person and a subject of rights and duties:

(a) *Notion of Parenthood.* Parenthood is the event whereby “the family, already constituted by the conjugal covenant of marriage, is brought about ‘in the full and specific sense’” (Pope John Paul II, Letter to Families, 1994, n. 7);

(b) *Rights of the Child.* In order to preserve the rights of the child, for example, the right to life, the right to know and be cared for by parents and the right to preserve one’s identity and family relations (arts. 6, 7, 8, CRC), no one can have an alleged right to motherhood or fatherhood at any cost or through any technical means (Pope John Paul II, Address to the Pontifical Council for the Family, “The Paternity of God and Paternity in the Family,” 1999);

(c) *Well-Being of Children.* Given that the child “should grow up in a family environment,” as acknowledged in preamble 6, CRC, the Holy See has consistently maintained that “it is important for children to be born and raised in a home where parents, [one man and one woman] are united in a faithful covenant.” (Pope John Paul II, Address to the Pontifical Council for the Family, “The Paternity of God and Paternity in the Family,” 1999);

(d) *Responsible Parenthood.* The Pope continues to promote “responsible fatherhood and motherhood,” that is, respect for the unitive and procreative dimensions of the conjugal union, which not only safeguards the dignity of the spouses but by necessary implication facilitates the rights of the child (e.g. to grow up in a family, to know his or her parents, to preserve his or her identity including nationality, name and family relations: arts. 7, 8 CRC). (Pope John Paul II, Letter to Families, 1994, n. 12; cf. Pope John Paul II, *Evangelium Vitae*, 1995, n. 97; cf. CRC, arts. 7, 8).

68. *Mother-Child Relationship.* The Holy See promotes respect for the special relationship between mother and child, born and unborn, as acknowledged in international law where both mother and child are singled out for “special care and assistance” (art. 25 (2) UDHR; art. 10 ICESCR; art. 12(a) ICESCR); for protection before as well as after birth (preamble 9, CRC), for access to pre-natal and post-natal care (art. 24 (2) (d), CRC), and for special protection from the death penalty, which is prohibited in cases involving pregnant women (art. 6 (5) ICCPR). In addition to what has already been stated about women, supra, the following two points are noteworthy:

(a) Mothers have been commended for sheltering human beings within themselves, especially in difficult and even traumatic circumstances, and for guiding the child’s first steps, for helping the child grow and for being the anchor as the child makes his or her way in life (cf. Pope John Paul II, “Letter to Women,” 1994, n. 2);

(b) Mothers who have endured an abortion, often made in cases involving “a painful and even shattering decision,” have been encouraged to seek healing (e.g. spiritual, psychological, etc.) and to accept the birth of other children in the future (Pope John Paul II, *Evangelium Vitae*, 1995, n. 100).

69. *Father-Child Relationship.* The Holy See emphasizes the indispensable role of fathers for the growth and development of the child, and has continually emphasized the negative effects when dads are absent from families:

(a) Fatherhood necessarily implies motherhood, and motherhood necessarily implies fatherhood, since the task of educating the child flows from the transmission of life, which is shared by both parents, father and mother (Pope John Paul II, Address to the Pontifical Council for the Family, “The Paternity of God and Paternity in the Family,” 1999);

(b) The father’s role in education can be aided by educational structures but never adequately replaced; it is central to family life. “To belittle the father’s specific task is to destroy the children’s identity as future spouses and parents” (PCF, Conclusions of the

Theological-Pastoral Congress Third World Meeting of the Holy Father with Families, Jubilee of Families, 2000).

70. *Children Deprived of a Family Environment: Separation and Divorce.* Information pertaining to child refugees, migrants as well as abandoned, orphaned, and abused children is set out in the Holy See's initial report to the Committee under OPSC. Further information is provided about sexual abuse of children under "Special Measures to Protect Children," *infra*, which also includes information about street children. In regard to children suffering the effects of separation and divorce, the following is noteworthy:

(a) At the PCF's 1997 conference on the "Pastoral Care of the Divorced and Remarried," Pope John Paul II not only promoted pastoral care of divorced and remarried parents but also the children of their previous marriage, who he argued had been "deprived of their birthright to the presence of both parents" and were "the first victims of these painful events" (Pope John Paul II, Address to the Pontifical Council for the Family, "Pastoral Care of the Divorced and Remarried," 1997);

(b) In 2002, the PCF studied the effect of divorce on children and concluded: children are the "first victims of their parents' decisions [they suffer] manifold, profound and permanent" consequences. Recommendations included pastoral initiatives for the education of the young on the nature and meaning of authentic human love and marriage as well as promotion of marriage preparation in the family through the witness and word of parents, and in the parish, through various courses and activities (Conclusions of the 15th Plenary Assembly of the PCF, 2002).

71. *Adoption.* The Holy See promotes the adoption of abandoned children and "adoption-at-a-distance:" assistance given to extremely poor parents for the raising of their children (*Evangelium Vitae*, 1995, n. 93). It also encourages married couples who are unable to have children to consider adoption. During the International Year of the Family, the PCF studied the question of adoption in an international symposium and promoted the child's right to a family. The Final Declaration of the International Symposium on Adoption, Seville, Spain, 1994 concluded the following:

(a) "Every child has the right to be conceived within a family through an authentically human act, to be born and grow within that stable and responsible community of life and love" (n. 3);

(b) "The family is the natural and fundamental element of society;" it is based on marriage between a man and a woman (n. 13, cf. UDHR, art. 16);

(c) "Only when children are lacking the security, and guarantee of their own families, or when in their own country it is not possible to find families who can welcome them, should recourse then be made, under the proper conditions, to either national or international adoption" (n. 3);

(d) "The foundations of foster care and adoption into a family for the good of the child" should be in accordance with the criteria adopted in international law that recognize the child's need for a "permanent family" and a "suitable family"(n. 12);

(e) "In coherence with the dignity and the 'higher' and primary interest of children, adoption can never be an instrument for other purposes such as commerce, exploitation or manipulation" (n. 10). "Clandestine and private adoptions which are full of risks and illegal must be avoided" (n. 16);

(f) "Impeding [children] from being part of a family – in the proper and original sense – involves serious, negative and even irreparable consequences for the normal development of their personalities" (n. 14).

C. Health and welfare

72. *Introduction.* In addition to what has already been mentioned in paras. 49-51, supra, on “Education and Health,” and paras. 60-71 supra, on “The Family,” this section responds to questions pertaining to Guidelines 30-32 on the topic of basic health care and welfare per basic health and health services (art. 24, CRC), social security, childcare services and facilities (arts. 26, 18 (3), CRC).

73. *Child Care, Standard of Living, Social Security.* States are urged to develop a family policy that is “the basis and driving force of all social policies;” one that would “rethink labor, urban, residential and social services policies so as to harmonize working schedules with time available for the family, so that it becomes effectively possible to take care of children and the elderly” (Pope John Paul II, *Evangelium Vitae*, 1995, n. 90).

74. *Basic Health Care and Health Care Services.* The Pope promotes the basic health and welfare of children in his annual message on the occasion of the World Day of the Sick. The 2009 address was specifically devoted to sick children and their families. He urged everyone, especially Christians, to stand united and offer practical support for children and their caregivers. This message was given during the 140 year anniversary of an institution connected with the Holy See - the “Bambino Gesù” Children’s Hospital. Pope Benedict XVI, in his 2009 Message, describes them as “little human beings who carry in their bodies the consequences of illnesses.” He empathizes with other children who carry wounds from: conflict and wars, the hatred of senseless adults, the deprivation of a family and homeland and the violation of their innocence. He regrets that many more die of thirst, hunger and lack of basic health care. He poignantly concludes: “From all these children arises a silent cry of pain that calls on our conscience as men and believers.” (Pope Benedict XVI, Message on the World Day of the Sick, 2009). The Pope has visited and addressed children at many hospitals to offer his love, support and prayers (cf. Message of John Paul II, To the Children of Cardinal Glennon Children’s Hospital, St. Louis, 1999; Address of Pope Benedict XVI to Staff and Parents at ‘Bambino Gesù’ Children’s Hospital, Rome, 2005; Address of Pope Benedict XVI to the ‘Giannina Gaslini’ Paediatric Hospital, Genoa, 2008; Address of Pope Benedict XVI to the Caritas Baby Hospital, Bethlehem, 2009).

75. Statistics as regards the Local Church. The Holy See encourages the local activities of Catholic health care institutions, (CHCI) which operate in accordance with their own authority and responsibilities under canon law and in accordance with the laws of the respective States. As of December 31, 2008, there are 120,826 Catholic Institutions for Assistance and Charitable Purposes (cf. *Annuarium Statisticum Ecclesiae*, 2008, pp. 356-366).

76. Distribution per type of institution:

- (a) 5,428 hospitals;
- (b) 18,025 dispensaries;
- (c) 529 leprosaria;
- (d) 15,985 homes for the elderly, the chronically ill, invalids and the disabled;
- (e) 9,962 orphanages;
- (f) 11,902 nurseries;
- (g) 13,250 centres for matrimonial advice;
- (h) 34,250 special centres for social education or rehabilitation;
- (i) 10,800 other institutions.

77. Distribution per continent:

- (a) 16,772 in Africa;
- (b) 41,670 in America;
- (c) 22,369 in Asia;
- (d) 37,431 in Europe;
- (e) 2,584 in Oceania.

78. *Programmes for Children and Adolescents.* Specific programmes for the health of children and adolescents are offered in 54 % of the CHCI. Such programmes include: promotion of the health of the baby through primary, secondary and tertiary prevention; reduction of morbidity and mortality rates of children and young people; education about authentic human love; reduction in rates of infant malnutrition; improvement of cures and accessibility to specific health services; prevention of teen pregnancy based on respect for the values of modesty, chastity and abstinence; education in good personal hygiene and a healthy diet; care of those suffering with mental health problems (psychotic behaviors, depression, and suicidal tendencies); prevention and treatment for alcohol and drug abuse.

79. Vaccination programmes are available in 45.8 % of the CHCI. In this regard, efforts are made: to eliminate, eradicate and control immune-preventable diseases with a view to reducing mortality and morbidity rates; to improve comprehensive immunization by guaranteeing access to vaccination for all and by informational campaigns at the national level; to ensure better distribution of vaccinations among the maternal and infant population with a view to eliminating polio, measles, maternal and neo-natal tetanus; and to prevent and control epidemics such as meningitis. It is noteworthy that Pope Benedict XVI purchased the first international bond for immunization in 2006. To date, the International Financing Facility for Immunization (IFF), also known as “bonds of the Pope,” has collected more than \$1.6 million and has saved more than one million lives, mostly children, in developing countries.

80. Access to essential medicines and drugs is possible in 45.8 % of the CHCI. The objectives of this initiative include: ensuring everyone access to essential pharmaceuticals including the poor; guaranteeing the supply of pharmaceuticals to health centres; offering essential medicines at economically sustainable prices.

81. Nutrition programmes are offered in 37.5 % of the CHCI. The initiatives include: evaluating, in a timely and efficient manner, the nutritional situation of children, first of all, and then focusing on groups who are at major nutritional risk; following the nutritional needs and general health of children and pregnant women; reducing the rates of malnourished children by ensuring nutrition and pediatric attention for undernourished children; educating children and adolescents to eat properly and preventing the development of eating disorders with the assistance of social and psychological services. (cf. Pontifical Council for the Pastoral Care of Health Workers, Investigation of specific programmes related to the health of children and adolescents in Catholic Health Institutions, 2006, unpublished text).

82. HIV/AIDS, Malaria and Tuberculosis. CHCI carry out initiatives that concentrate on: prevention; formation of health care workers; education of peer groups; information dissemination; sensitization; elimination of the stigma associated with HIV/AIDS; formation in values; formation in authentic human love; voluntary counseling and testing; preventing transmission from mother to child, through moral means; creating support groups; providing economic support to the person and/or his family; offering services for orphans and women; educating orphans; providing nutrition; timely prevention and cure of infections; home care; hospital care; alternative medicine, as additional care, for example,

physiotherapy; antiretroviral care (cf. PCHCW, Proceedings from the Conference on “The Church and the Challenges of HIV/AIDS,” in *Dolentium Hominum*, 2000, n. 44; International Meeting of General Superiors, “A Service of Love: A Global Analysis of the Work of Religious Institutes Against HIV/AIDS,” Bologna, 2008; PCHCW, “The Catholic Church and AIDS,” 2008).

83. HIV/AIDS programmes are offered at 45.5 % of the CHCI. Some key objectives include: organizing awareness and informational seminars, courses and campaigns; carrying out primary prevention activities; analyzing individual cases to resolve ethical questions, especially in relation to informed consent and clinical experimentation projects; supplying care and home visits for those suffering from HIV/AIDS; guaranteeing economic and moral support; providing spiritual and pastoral support; opposing unjust discrimination against those suffering from HIV/AIDS. The Society of Saint Vincent de Paul has various support programmes for people suffering with HIV/AIDS and for the families of those who have died from HIV/AIDS which include: home assistance; organization of seminars and Work Days devoted to youth awareness campaigns against alcoholism, drugs, prostitution, and abortion; and activities that oppose unjust discrimination and stigmatization of person diagnosed as HIV positive or sick with AIDS.

84. HIV-AIDS and Catholic Organizations. The Community of Sant’Egidio has various projects for the prevention, diagnosis as well as antiretroviral treatment of infection by HIV. In addition, they provide home care, accompany the sick to their hospital visits, extend familial support, and manage numerous lodgings. The “International Federation of Catholic Pharmacists” promotes meetings on the prevention of HIV/AIDS; develops programmes against the spread of the HIV virus as well as educational initiatives on sexual responsibility; and opposes unjust discrimination. (cf. PCCHW, “The Catholic Presence in Care, Assistance and Support of Persons with HIV/AIDS in the World,” 2003, unpublished).

85. Malaria programmes exist at 40.9 % of the CHCI. Activities to contain and avoid malaria include primary prevention; awareness campaigns; informational seminars; screening; and promoting usage of mosquito nets.

86. Tuberculosis programmes are available at 59.1 % of the CHCI. Attention is given to: prevention through screening and awareness campaigns; the organization of various prevention and treatment projects; guaranteeing home care of the sick in an effort to avoid complications caused by their movement and travel; and education about personal and environmental hygiene.

D. Leisure and culture

87. *Introduction.* This section gives information regarding Guidelines 33-34 on rest, leisure, recreation, cultural and artistic activities (art. 31, CRC). The topic of education (arts. 28, 29, CRC) has been addressed *supra* in part II of this report.

88. *Leisure and Children.* The Roman Pontiff personally promotes wholesome leisure activities for children in his annual Message for the World Day of Tourism. The following comments are especially noteworthy as regards tourism and sport:

(a) Both sport and tourism are “two living forces for mutual understanding, culture and the development of societies”. They foster both physical and spiritual development of families, young people and children, and they may be specifically interrelated, for example, “when sport actually becomes the main reason for travel at home or abroad” (Pope John Paul II, Message for the World Day of Tourism, 2004, n. 2);

(b) The Pope promotes sport that “protects the weak and excludes no one, that frees young people from the snares of apathy and indifference and arouses a healthy sense of competition in them [that] helps to eradicate intolerance and build a more fraternal and united world; [that] contributes to the love of life, teaches sacrifice, respect and responsibility, leading to the full development of every human person” (Pope John Paul II, Message for the World Day of Tourism, 2004, n. 4; cf. Homily at the Mass for the Jubilee, World Day of Sport, 2000, n. 3);

(c) He deplores, however, abuse and corruption, exaggerated commercialism, aggressive rivalry, violence to individuals, degradation of the environment or offenses against the cultural identity of the host country (Pope John Paul II, Message for the World Day of Tourism, 2004, nn. 1-2).

89. The following writings and activities of the dicasteries are also noteworthy:

(a) Since 2004, the PCL’s “Church and Sport” Section has been devoted to the following aims: (i) to be a point of reference in the Church for national and international sports organisations; (ii) to sensitise the local churches to the importance of the pastoral ministry of sports environments, while encouraging cooperation between Catholic sports associations; (iii) to foster a sports culture, as a means of bringing about the holistic growth of the person at the service of peace and brotherhood between peoples; (iv) to promote the study of specific issues relating to sport, particularly from the ethical point of view; (v) to organise and support initiatives that encourage Christian witness by sportsmen and sportswomen. In addition, the PCL has published: *The World of Sport Today: a field of Christian Mission*, 2005 and *Sport: An Educational and Pastoral Challenge*, 2008;

(b) The PCMIP has pastoral care of tourism which takes on many forms: travel preparations; hospitality for tourists in the communities of the countries visited; attention to professionals and workers in tourism; accompanying those who visit the Church’s cultural heritage; and putting tourism into an ethical framework that respects fundamental human values and promotes greater solidarity (cf. PCMIP, Guidelines for the Pastoral Care of Tourism, 2001). In specific regard to children and young people, the PCMIP has noted the rising importance of “family tourism” and the capacity for tourism per se to foster healthy family life when planned and executed carefully. As part of its pastoral care of tourism, shrines and pilgrimages, the PCMIP assists in facilitating rightly guided and directed tours, especially for the family (cf. PCMIP, *Family on the Move, in People on the Move*, December 1994, pp. 65-75).

90. *Cultural Activities and Initiatives for Children and Young People*. The Holy See views all culture as “an effort to ponder the mystery of the world and in particular of the human person: it is a way of giving expression to the transcendent dimension of human life.” (PCC, *Towards a Pastoral Approach to Culture*, 1999, introduction).

91. In addition to the family, it is noteworthy that dioceses, parishes, Catholic schools and universities as well as many Church movements are at the forefront in promoting numerous cultural activities. They work in accordance with their own authority and responsibility under canon law and the laws of the respective States. “Young people are the future of the Church and of the world. Pastoral commitment on their behalf, both in universities and in the workplace, is a sign of hope on the eve of the third millennium” (Id., n. 38).

92. Initiatives for young people, among other things, promote: places where young people can meet and form good quality social relationships and find a supportive environment for the faith; talks and reflection groups; cultural associations or social clubs that offer, for example, music, theatre, cine-clubs; cultural collections, such as, books or videotapes, for Christian cultural information and formation; good role-models for forming “young adults who can live their faith in their own milieu, whether they are students,

researchers, workers or artists”; pilgrimage itineraries that allow “for small meditative groups as well as large festive gatherings to quench their thirst for culture” through cultivation of a spiritual life (Id., n. 38).

93. Children and young people also benefit from programmes of study that facilitate cultural and religious dialogue as well as cultural diversity. Cultural Diversity is a “defining characteristic of humanity,” and “an essential requirement of sustainable development for the benefit of present and future generations” (UNESCO Convention on the Protection and Promotion of Diversity of Cultural Expressions, preamble, para. 1 and I.2.6).

94. All human persons, including children, are “part of a culture, depend upon it and shape it.” In a certain sense, all human beings are both “child and parent of the culture in which they are immersed.” (Pope John Paul II, *Fides et ratio*, n. 71). It follows that children and young people must study the importance of protecting and promoting cultural patrimony, itself important for transmitting cultural values and forming personal as well as communal identity.

95. The child should have the opportunity to grow up in his or her own culture, which must be truly cultural, that is, an authentic means by which the community grows spiritually and becomes more human. The child should also have the opportunity to move out of a culture or engage in missionary activity in another culture (cf. *Gaudium et Spes*, n. 63).

E. Special measures to protect children

96. *Introduction.* The Holy See’s initial reports under the OPAC and OPSC have already provided information concerning Guideline 38 on refugees (art. 22), children in armed conflict (arts. 38-39), economic and sexual exploitation of children, abduction, sale and human trafficking (arts. 19, 32, 34, 35, 36), as well as abuse and neglect. This section adds further information on sexual abuse and also discusses: Guideline 38 with respect to drug abuse (art. 33), children belonging to a minority or an indigenous group (art. 30), children living and working on the streets, includes issues pertaining to children in conflict with the law (arts. 37, 40).

97. *Sexual abuse of children.* In its initial report on OPSC, the Holy See has provided extensive information on its worldwide efforts to combat sexual abuse, and sexual exploitation of children, in specific regard to the issues of prevention, protection, prohibition, rescue, rehabilitation, and reintegration. It has also given specific information as regards the witness, words and deeds of the Roman Pontiff as regards the sexual abuse of children by Catholic clergy and religious. It is worth repeating what was stated in the Holy See’s initial report under the OPSC in regard to the universal Church: with its moral, spiritual, and religious mission, it is constituted as a society founded on the communion of faith, sacraments, and discipline. The Church has the inherent right, acquired at the time of its foundation by Jesus Christ and independent of any civil authority, to urge and persuade delinquent faithful to lead authentic Christian lives by ceasing their misbehavior. Such means, for example, include the pastoral path (e.g. exhortation, preaching, good example, correction), the sacramental path (e.g. sacrament of penance and reconciliation, which includes confession), the disciplinary path (e.g. norms as regards the sacraments, suitability of ministers, correct exercise of office), and the penal path (e.g. penal sanctions, penal remedies, and penances).

98. *Sexual Abuse and Penal Canon Law.* Given the confusion regarding the nature and scope of penal canon law, which differs greatly from State criminal laws, and is not intended to usurp or otherwise interfere with them or with State civil actions, the following points are noteworthy:

(a) Since canon law is an original or non derived law that regards only the baptized faithful and those belonging to the Catholic Church, only these people are bound by penal canon law. Penal canon law addresses disturbances to the public order of the Church, it therefore, briefly treats the subject matter of delicts (e.g. homicide, theft, aggression, and sexual abuse);

(b) These particular offenses also trigger sanctions by the State since the public order of civil society has also been disturbed. Penal canon law specifically acknowledges the State's concurrent legislative jurisdiction, for example, a judge who is determining the appropriate sanction within the canonical order, may take into consideration whether "the offender has been or foreseeably will be sufficiently punished by the civil authority" (c. 1344 (2), CIC);

(c) Penal canon law contains norms for ecclesiastical delicts, which are definite, externally unjust actions, imputable to the author, that disturb the social order of the Church. Such delicts predominantly concern the unity and functioning of the Church and the administration of sacraments;

(d) The Church does not address in a detailed or exhaustive manner the few ecclesiastical delicts mentioned in canon law, nor does it legislate as regards many more crimes which are generally sanctioned by the State. The reasons for this are stated in the aforementioned paragraphs;

(e) The juridical system of the Church does not use physical force for exercising coercive punishment, neither through the use of prisons nor other such places. The penal sanctions in the Church are: medicinal penalties or censures (excommunication, interdict, suspension); and expiatory penalties (e.g. loss of the clerical state, loss of office, order to reside);

(f) The universal law of the Church has always viewed sexual abuse of a minor by a cleric/religious as one of the most serious offenses that sacred ministers can commit. Accordingly, canon law has provided the most severe penalties, not excluding dismissal from the clerical state. The offense relates to the obligations founded in divine law regarding human sexuality as revealed in the sixth commandment of the Decalogue (cf. c. 1395 (2), CIC; c. 1453 (1) CCEO);

(g) In order to ensure that offenders are appropriately punished, in the year 2001, the Roman Pontiff, who "gives judgment either personally, or through the ordinary tribunals of the Apostolic See, or through judges whom he delegates" (c. 1442 CIC; cf. 1059 (1), CCEO) placed this offense under the special competence reserved to the CDF. These offenses are referred to as "grave delicts against morals," and are now treated according to the substantive procedural norms applicable for the whole Church, to be considered together with the 1983 Code of Canon Law. (cf. Apostolic Letter *motu proprio*, *Sacramentorum sanctitatis tutela*, 30 April 2001);

(h) Pope Benedict XVI approved and promulgated a revised set of substantive and procedural norms in 2010. A brief description of the changes and amendments of the normative text is available in an explanatory letter of the CDF, which can be found on the Holy See's website along with other materials under the topic: "Abuse of Minors. The Church's Response" <http://www.vatican.va> (last accessed 12 Jan. 2011);

(i) The Church conducts the aforementioned penal canon law proceedings in confidence in order to protect the witnesses, the accused and the integrity of the Church process. Although, the general public is not admitted to these proceedings, this fact does not forbid or even discourage anyone from reporting the underlying allegations to civil authorities. The Church has constantly taught the moral obligation to obey just civil laws

(cf. Matt. 22: 21; Rom. 13:1; Catechism of the Council of Trent, 1566; Second Vatican Council, *Gaudium et spes*, 1965; Catechism of the Catholic Church, 1987).

99. *Activities combating sexual abuse at the local level.* Since the Holy See's initial report under the OPSC, describing its efforts to encourage and support bishops in addressing this serious problem, Pope Benedict XVI has addressed the topic also in Malta, Portugal, the United Kingdom and has met with more victims. These recent statements and meetings are available on the Holy See's website under the topic "Abuse of Minors. The Church's Response" at www.vatican.va. Moreover, the local Church, in addition to the norms of universal canon penal law, has been creating and/or revising guidelines under its own authority in canon law, and in accordance with the laws of the respective State in which it operates. The following represent just a few examples, taking into consideration that this report is including information from 1994 to early 2011:

(a) United States Conference of Catholic Bishops (USCCB): 2005 Essential Norms For Diocese/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons" (hereinafter "Essential Norms"), which updated 2002 Essential Norms, approved by the Holy See for the Bishops of the United States to promulgate according to their authority under canon law; See also 2002 Charter for the Protection of Children and Young People;

(b) Canadian Conference of Catholic Bishops (CCCC). 2007 Orientations for Diocesan Sexual Abuse Protocols, which updated 2002 From Pain To Hope;

(c) German Catholic Bishops' Conference (GCBC). 2010 Guidelines for Dealing with Sexual Abuse of Minors by Clergy, Religious and Other Staff within the Competence of the German Bishop's Conference, which replace the 2002 Guidelines;

(d) South African Catholic Conference of Bishops (SACCB). 2007 Interim Edition Protocol For Dealing with Complaints Of Sexual Abuse of Minors by Church Personnel, which revised 2004, and in turn, 1999 Protocols;

(e) Irish Catholic Bishops' Conference (ICBC). 2008 Safeguarding and Guidance Document for the Catholic Church in Ireland, reiterates and further develops the core principles set out in the 2005 Our Children, Our Church: Child Protection Policies and Procedures for the Catholic Church in Ireland.

100. *Drugs, drug addiction and substance abuse.* The Holy See's concern for young persons in specific regard to these issues is well known:

(a) In discourses too numerous to cite herein, different aspects of drug addiction and substance abuse have been addressed, for example, drug production, trafficking, consumption, treatment and root causes of addiction and substance abuse. "Drug addiction and alcoholism are against life. One cannot speak of the 'freedom to use drugs' nor the 'right to use drugs,' since the human being does not have the right to damage himself and can never abdicate his personal dignity which comes from God," and certainly a person does not have the right to make others pay for his or her choice. Obviously these problems are more disturbing when one considers young persons, especially children who are forced to sell and consume drugs. One cannot successfully combat this tragic phenomenon without returning to the human values of love and life which are uniquely capable of giving a significance to a person's existence, especially when illuminated by religious faith. (Pope John Paul II Address to Participants of the VI International Congress Organized by the PCHCW, "Drug Addiction and Alcoholism, Frustrating the Person in his or her Capacity for Communion and Gift," 1991, nn.3, 4);

(b) In approaching the phenomenon of drugs and drug addiction, the PCHCW concentrates on three different areas: "prevention, suppression, rehabilitation;" prevention combined with an appropriate education is the most important since it "proposes a true

sense of life and gives priority to values.” (PCHCW, “Church, Drugs and Drug Addiction: Pastoral Handbook,” 2002, n. 54) “During the drug addict’s recovery phase, efforts must be made to know the individual and to understand his interior world; to bring him to discover or to rediscover his own human dignity, to help him revive and grow as an active subject with personal resources, which drugs have buried, through a trusting reactivation of the will oriented to secure and noble ideals.” (PCHCW, “The Charter of HealthCare Workers,” 1995, n. 95);

(c) The PCF has studied the question whether soft drugs should be legalized. To this query, it responded in the negative reaffirming the basic proposition that “Drug abuse cannot be conquered with drugs.” It has also noted that drug dependence of the young together with legalization of drugs risks “destroying the young person” and in turn, the family (PCF Document “Should ‘Soft’ Drugs be Legalized?,” 1997; See also PCF Document “From Despair to Hope: The Family and Drug Addiction,” 1991).

101. *Children belonging to a minority or an indigenous group.* The Pope has said much on this theme, and his discourses are too numerous to cite herein. Of particular note are the activities of the PCMIP for the pastoral care of gypsies, in particular the young. For example, the 2005 Guidelines for the Pastoral Care of Gypsies is the fruit of many international meetings and discussions, which have included various pastoral agents including representatives from different Gypsy populations, encompassing various ethnic groups. The nomad culture of the Gypsies presents many challenges for young gypsies (e.g. education, etc.). The Guidelines identify a set of goals to be achieved, difficulties to be overcome, and resources to be obtained (Guidelines for the Pastoral Care of Gypsies, 2005; See also, for example, VI World Congress for the Pastoral Care of Gypsies, Freising, Germany, 2008, on “Young Gypsies in the Church and Society,” (forthcoming publication); Final Document of the V World Congress for the Pastoral Care of Gypsies, Budapest, Hungary, 2003).

102. *Children living or working on the street and their physical and psychological recovery and social reintegration.* Much has been said on this topic, and a good summary of some basic principles is provided in Attachment 8 (See also the Holy See’s initial report under OPSC).

103. The PCMIP has devoted much attention to the pastoral care of “street children;” those who have no ties to their families and have made the street their place of abode. These children, often known to the police, have frequently spent time in prison and/or endured the effects of family breakdown, extreme poverty, civil unrest, sexual exploitation, violence, or drug and alcohol addiction. The PCMIP is also concerned for “children in the street” who are not deprived of a family or home but choose to live with little or no sense of responsibility regarding their education or future. (See PCMIP, The Final Document of the First Latin American Meeting for the Pastoral Care of those Living on the Road/Street, Bogotá, 2008; PCMIP, Guidelines for the Pastoral Care of the Road, 2007; Proceedings of the First International Meeting on the Pastoral Care for the Liberation of the Women of the Street, Rome, 2005; PCMIP, The Final Document of the First International Meeting for the Pastoral Care of Street Children, Rome, 2004).

104. A pastoral plan for the care of “street children” and “children in the street” is set out in part three of the 2007 Guidelines for the Pastoral Care of the Road. It urges associations in the Church to take into account prevention, rehabilitation and reintegration, and offers concrete proposals for action as inspired by the Gospel (Guidelines for the Pastoral Care of the Road, 2007, paras. 116-144). In addition, part two of the same Guidelines gives attention to the pastoral ministry for the liberation of street women, including girls, from sexual exploitation, prostitution and trafficking. Emphasis is on the prevention, liberation, rehabilitation and reintegration in specific regard to prostitution. A number of services may be provided in this regard, including: housing, medical and legal assistance, vocational

training, education, awareness campaigns, protection from threats, facilitating links with families, visa assistance and so forth. (PCMIP, Guidelines for the Pastoral Care of the Road, 2007, paras. 85-115).

105. The 2007 Guidelines endorse and build upon prior international meetings organized by PCMIP. In 2004, for example, representatives and experts from various associations, bishops' conferences and congregations within the Church, observed that, in the majority of cases, activities assisting "street children" were well planned and executed by strongly motivated and professionally prepared people. They agreed on the objectives of rehabilitation, reintegration and prevention and noted the various initiatives in place for street children. Such programmes included: direct contact with children on the street; day centres; basic support initiatives (e.g. food, clothing, shelter, education, psycho-social); welcome residences; spiritual support and accompaniment programmes; awareness raising campaigns; family reincorporation strategies; training and refresher courses for workers and volunteers. As to methodology, among other things, they promoted support for parents who are available for collaboration as well as opportunities for children who desire to engage in recreational activities, sports and anything else that stimulates creativity and responsibility. This latter point is important in light of *supra* paras. 90–95, 96 (PCMIP, Final Document of the First International Meeting for the Pastoral Care of Street Children, Rome, 2004, Conclusions, paras. 7-10; The aforementioned is substantially repeated in the PCMIP, Guidelines for the Pastoral Care of the Road, 2007, paras. 124-128).

IV. Vatican City State

106. *Introduction.* The Holy See reaffirms what was previously stated in its initial report under the Optional Protocols. Some of the information given in these reports is worth repeating here.

107. *Reservation.* Any analysis of the law of Vatican City State (VCS) must always be seen in light of its proper nature as acknowledged in the following reservation to the CRC. "That the application of the Convention be compatible in practice with the particular nature of the Vatican City State and of the sources of its objective law (art.1, Law of 7 June 1929, N. II [cf. Law of 1 October 2008, n. LXXI, art. 1, on the sources of law, in force as of 1 January 2009, replaced the law of 7 June 1929, N. II as regards the sources of law]) and in consideration of its limited extent, with its legislation in matters of citizenship, access and residence."

108. *The primary source of law.* Canon law is the primary source of the law of VCS and the primary criterion for interpretation (cf. Law of 1 October 2008, N. LXXI, art. 1 (1)):

(a) Although an intimate organic relationship of VCS with the Catholic Church exists, not every aspect of canon law is applicable in the temporal governance of VCS. The fact that a given act may also be treated as a religious offense under penal canon law does not preclude prosecution according to the criminal law and procedures of any State. The same is true of VCS (cf. Law of 7 June 1929, N. II, art. 22);

(b) The law of VCS is in conformity with general norms of international law and norms deriving from treaties and other agreements to which the Holy See is a party, it being understood that canon law remains the primary source of the law of VCS and the primary criterion for interpretation (cf. Law of 1 October 2008, N. LXXI, art. 1 (4)).

109. *The principal sources of law.* The fundamental law and the laws for VCS, enacted or issued by the Supreme Pontiff, the Pontifical Commission or other authority to whom he has conferred legislative power, are the principal sources of law (cf. Law of 1 October 2008, N. LXXI, art. 1 (2)).

110. *Supplementary law.* Another source of law is the supplementary law of Italy which has been received into law by the competent Vatican authority (cf. Law of 1 October 2008, N. LXXI, art. 3 (1)). However, there are limitations to the applicability of supplementary law. It must not be contrary to precepts of divine law, nor to general principles of canon law nor to the norms of the Lateran Pact and subsequent agreements and they always must be applicable to the existing state of facts in VCS (cf. Law of 1 October 2008, N. LXXI, art. 3 (2)):

(a) For example, the 1889 Italian Code of Penal Law (ICP) and the 1913 Italian Code of Penal Procedure (ICPP), which were in force at the time of the Lateran Pact of 1929, were received, modified and integrated into the legal system by the laws of VCS (cf. Law of 1 October 2008, N. LXXI, arts. 7, 8);

(b) For example, the 1942 Italian Civil Code is supplementary law as amended prior to 1 January 2009, with the exception of the “bis” or “ter” additions (Id., art. 4). As supplementary law, the 1942 Italian Civil Code cannot be contrary to precepts of divine law, nor to general principles of canon law nor to the norms of the Lateran Pact and subsequent agreements and they always must be applicable to the existing state of facts in VCS (cf. Id., art. 4 referencing art. 3). The 1946 VCS Civil Code of Procedure as amended provides the norms for civil procedures (cf. Id., art. 5) and when a legal disagreement arises on a civil matter, where there is a lacuna in law, the civil judge may decide the case taking into account the precepts of divine positive law and divine natural law, as well as general principles of law in the juridical system of VCS (cf. Id., art. 6).

111. *Access, citizenship and residence.* Access to VCS and the activities carried out therein are severely restricted (cf. Law of 7 June 1929, N. III, arts. 12-32). VCS has a small population made up of citizens (who may or may not be inhabiting VCS) and residents (inhabiting non-citizens). Citizenship in VCS is primarily based on one’s function, and in certain circumstances, a child may obtain citizenship due to his or her relationship with one who has citizenship (cf. Law of 7 June 1929, N. III, art. 1, 3-5; cf. Law of 1 October 2008, N. LXXI, art. 4(a): citizenship is regulated by the laws of VCS). Citizens are generally comprised of Cardinals, diplomatic personnel, other ecclesiastics and religious, the Pontifical Swiss Guards, lay men and lay women. Residents are generally comprised of ecclesiastics (non-Cardinals), religious and lay people. As of 1 April 2009, there were 567 citizens of VCS. The inhabitants of VCS totaled 461 of whom 241 were citizens and 220 were non-citizens. In regard to children, 24 of them were citizens under 14 years of age and 25 of them were between ages 14 and 18; in terms of residents, six of the children were under 14 years of age and 13 of them between 14 and 18 years of age.

112. *The Family.* All that which has been stated about the dignity of the child, his or her rights and duties within the family are equally applicable here. Marriage is regulated exclusively by canon law and adoption is authorized by the Pope, whose authorization had never been requested prior to preparing this report (cf. Law of 1 October 2008, N. LXXI, art. 4 (c), (d)). Marriage, birth and death certificates as well as registration for citizenship are managed according to the law of VCS (cf. Id., art. 4 (g), (h)).

113. *Health and Welfare.* The “*Fondo di Assistenza Sanitaria*” (FAS) provides the system of benefits for employees, and their families, including minors under the age of 18, of organizations and entities directly managed by the Apostolic See (Secretary of State, Rescript, Promulgating the Statute of FAS, 7 November 1994, AAS 87 (1995) 95-102, art.1; FAS Regulation of 18 October 1995, art. 7). The benefits include access to health workers, health care, emergency services, and pharmaceutical products in VCS as well as outside VCS. An allowance is also available for the employees and their nuclear family; it includes a baby bonus, maternity benefits, assistance for the disabled person, and educational scholarships (cf. Secretary of State, Rescript, Promulgating the Norms for the Concession of an Allowance for the Nuclear Family, 26 May 1992, art. 5 and as

subsequently amended; Secretary of State, Rescript, Promulgating Provisions for the Benefit of the Family, 20 January 1994, and as subsequently amended).

114. Education, Leisure and Cultural Activities. The juridical order of VCS as regards instruction and formation is inspired by the Magisterium in specific regard to the primary responsibility of parents and the need for compulsory scholastic instruction from the age of six to 18 years of age. Children attend legally recognized schools according to various State legislation, save those cases where parents and tutors are able to instruct children privately, to pay the expenses, and to access the necessary educational tools (cf. Law of 1 October 2008, N. LXXI, art. 11). There is one minor seminary and a child need not be a resident or a citizen of VCS in order to attend it. The educational expenses are paid by the parents. All that which was stated before on the topic of leisure and cultural activities is equally applicable here taking into consideration that the children, who are residents or citizens of VCS, have a special opportunity to learn about Christian culture and take advantage of the various cultural, musical, and artistic activities e.g. Vatican Museum.

115. *Special Protection Measures*. The Holy See has provided information about the relevant special protection measures for children in its initial report under the OPSC. As regards information on the disabled child see *supra* para. 113.
