



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Consideration of reports submitted by States
parties under article 9 of the Convention**

**Sixteenth to twenty-third periodic reports of States parties
due in 2014**

Holy See*

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Abbreviations

CBCR	Catholic Bishops Conference of Rwanda
CCE	Congregation for Catholic Education
CCEO	Codex Canonum Ecclesiarum Orientalium
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CIC	Codex Iuris Canonici
CP	Code of Penal Law
CPP	Code of Penal Procedure
OSCE	Organization for Security and Cooperation in Europe
PCC	Pontifical Council for Culture
PCJP	Pontifical Council for Justice and Peace
PCMP	Pontifical Council for the Pastoral Care of Migrants and Itinerant People
VCLT	Vienna Convention on the Law of Treaties
VCS	Vatican City State

I. Introduction

1. The Holy See herein submits its sixteenth report on the implementation of the provisions of the Convention on the Elimination of All Forms of Racial Discrimination (hereinafter “CERD”) in accordance with article 9, paragraph 1, of the same. This consolidated document includes the sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second and twenty-third reports due on 31 May 2000, 2002, 2004, 2006, 2008, 2010, 2012 and 2014, respectively.

2. In the preparation of the report, the following has been taken into account as much as possible given the unique nature of the Holy See: the guidelines regarding the form and content of CERD-specific reports (CERD/C/2007/1); the recommendations of the Committee on the Elimination of Racial Discrimination (hereinafter “the Committee”) that concern the previous report (CERD/C/SR.1425 and SR.1433); and the concluding observations adopted by the Committee on 23 August 2000 (CERD/C/304/Add.89).

II. Responses to the concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add. 89)

A. Treaty interpretation

1. The 1969 Vienna Convention on the Law of Treaties

3. The Holy See interprets the CERD in accordance with arts. 31 and 32 of the Vienna Convention on the Law of Treaties (VCLT), which it ratified on 25 February 1977 and to which it is nonetheless bound insofar as the provisions contained therein form part of customary international law. The Holy See, while recognizing the important work done by the Committee to remind States parties of the contents of the Convention, reaffirms the following principles.

(a) Art. 31 (1) VCLT requires States 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. 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 the Holy See’s interpretation of the CERD.

(c) With respect to art. 31 (3) (c) VCLT, and other relevant rules in international law, the Holy See underlines that art. 62 (1) (a) of the same is pertinent. An “essential basis of [the Holy See’s] consent to be bound by the treaty” was founded on provision art. 9 (2) CERD which limits the competence of the Committee to the rendering of mere proposals of a non-binding nature in the form of “suggestions and general recommendations.”

(d) Consequently, the Holy See interprets the CERD 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. Consequently, Committee proposals that add new terminology or create new obligations depart from the original spirit of the CERD and 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.

(e) 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.”

2. Object and purpose of the Convention on the Elimination of All Forms of Racial Discrimination

4. States parties to the CERD are obliged to condemn racial discrimination, as defined in art. 1 (1). They must also undertake to prohibit racial discrimination and to pursue a policy of eliminating racial discrimination and of promoting understanding among all races, through appropriate means and without delay (cf. *L'Osservatore Romano*, “Holy See. Convention Ratification”, 22 May 1969, p. 2, Italian version).

3. Committee recommendations

5. The Holy See takes issue with a number of Committee suggestions, and in addition to that which has already been mentioned supra in para. 2, includes the following:

(a) The Holy See objects to the contents of those general recommendations which have extended the scope of the Convention (CERD/C/GC/32, 24 September 2009, para. 7; see also CERD/C/GC/25, 20 March 2000). It is worth emphasizing that the terms “gender,” and “intersectionality” are not found in the text of the Convention acceded to by the Holy See. Moreover, the topic of women is addressed in a separate and distinct international instrument, namely the Convention on the Elimination of All Forms of Discrimination against Women. In any case the Holy See reiterates its interpretation of the term “gender” as accepted in the Final Report of the Fourth World Conference on Women (Beijing, 1995) and as confirmed in the Declaration of the Holy See attached to the Final Report of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, 2001).

(b) The Holy See also objects to those recommendations that States parties to the CERD “include in their periodic reports information on action plans or other measures to implement the Durban Declaration and Programme of Action, taking into account the Outcome Document of the Review Conference” and “When fulfilling their primary responsibility to implement the substantive provisions contained in articles 2 to 7 of the Convention, take into account the relevant parts of the Durban Declaration and Programme of Action and the Outcome Document of the Review Conference” (CERD/C/GC/33, 29 September 2009, paras. 1 (i) and (j)). The outcome documents related to the Durban Conference are broader in scope than the CERD, are not legally binding and form part of a review process separate and distinct from the reporting obligations of States parties to the CERD. Consequently, for the purpose of its current reporting obligations under the CERD, the Holy See merely wishes to advise the Committee of its participation at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001, the review process held in 2009, and the 10th Anniversary celebrated in 2011 (see: The Statements of the Holy See in Annexes I and II).

B. Concluding observations, paragraph 11 (data on the inhabitants and administrative structure of Vatican City State)

1. General considerations

6. 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 180 States and participates as a Member and/or non-Member Permanent Observer to the United Nations and several United Nations specialized agencies, as well as in various universal or regional intergovernmental organizations.

7. According to the internal law of the Catholic Church the term Holy See “refers not only to the Roman Pontiff but also to the Secretariat of State, the Council for Public Affairs of the Church, and other institutes of the Roman Curia, unless it is otherwise apparent from the nature of the matter or the context of the words” (Code of Canon Law (CIC) can. 361; cf. Code of Canons of the Eastern Churches (CCEO), can. 48).

8. 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, spiritual and religious mission, including all actions related to international relations (cf. Lateran Treaty, preamble, arts. 2 and 3).

9. 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 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.

10. 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.

2. Vatican City State

Nature and purpose of Vatican City State

11. VCS was constituted a State with the Lateran Treaty of 1929 to ensure the Holy See’s absolute and evident independence and to guarantee its indisputable inherent sovereignty in the international realm for the accomplishment of its worldwide moral mission, including all actions related to international relations (cf. Lateran Treaty, preamble and arts. 2-3). In other words, the primary function of VCS is to ensure the absolute freedom and independence of the Holy See.

Relationship between Vatican City State and the Holy See

12. The Holy See is a sovereign and unique subject of international law having an original, non-derived legal personality independent of any authority or jurisdiction, which exercises its sovereignty over the territory of VCS. The Holy See refers to the Roman Pontiff but also to the institutions of the Roman Curia (within the territorial jurisdiction of VCS), that proceed from him, unless it is otherwise apparent from the nature of the matter or the context of the words (cf. CIC, can. 361; CCEO, can. 48).

Governance

13. VCS is under the sovereignty of the Roman Pontiff (Lateran Treaty art. 26; Fundamental Law of 2000, art. 1). The fullness of legislative, executive and judicial power resides in the Roman Pontiff as Sovereign and Head of State who represents the VCS in relations with States and other subjects of international law through the Secretariat of State (Fundamental Law, 2000, art. 1-2). The Roman Pontiff delegates his legislative authority to a Commission of Cardinals (the Pontifical Commission for VCS) and his executive authority to its Chair, the Cardinal President, save in those matters reserved to the Roman Pontiff or other competent body (Fundamental Law, 2000, arts. 3, 5). Judicial power is exercised in the name of the Roman Pontiff through the tribunals of VCS (Fundamental Law, 2000, arts. 15, 16, 19) in a Single Judge, Tribunal, Court of Appeal and “Court of Cassation” (Supreme Court) (Law N. CXIX, 1987, art.1). The Gendarmerie Corps of VCS (Vatican Police Force) is part of the Department of Security Services and Civil Protection of the Governorate (see *infra* para. 9).

Citizenship, residence and access

14. VCS has a small population made up of citizens and residents (non-citizens). Citizenship in VCS is primarily based on one’s function and in certain circumstances others can obtain citizenship due to their relationship with a person who has citizenship (cf. Law of 7 June 1929, N. III, art. 1, 3-5; cf. Law of 22 February 2011, N. CXXXI, artt.1-3). Access to VCS and the activities carried out therein are severely regulated (cf. Law of 7 June 1929, N. III, arts. 12-32; cf. Law of 22 February 2011, N. CXXXI, artt.6-13).

Security

15. The Gendarmerie Corps is a special police force which has general responsibility for security and public order that encompasses all regular police duties including criminal matters (Law of 16 July 2002, N. CCCLXXXIV, art. 13.3). If necessary, the Pontifical Commission of VCS can request assistance from the Pontifical Swiss Guards (Fundamental Law, 14), which is a body of 110 armed guards that provides security services for the Supreme Pontiff and His residence (Disciplinary and Administrative Regulations of the Pontifical Swiss Guards, 2006, arts. 7, 1).

Population of Vatican City State

16. As of January 2014, there are 606 citizens of VCS, and 257 of them are diplomats working in the Pontifical Representatives to Foreign States, and to various universal and regional intergovernmental organizations, and do not reside in VCS. This means that only 239 citizens actually inhabit VCS. In addition to citizens, there are 200 residents (non-citizens) bringing the total number of inhabitants to 439 (Report of the Governorate of VCS, Office of the Civil State, Registrar and Notary, 2012).

Visitors

17. In 2013, 18 to 20 million persons, in addition to residents and employees of the Apostolic See and Vatican City State, entered as pilgrims and tourists (e.g. St. Peter's Basilica and the Vatican Museums) as well as visitors to the offices of the Holy See and others (Tribunal of Vatican City State, Report of the Promoter of Justice for the Inauguration of the Judicial Year 2014).

Administration of justice

18. In 2013, the Vatican judicial organs dealt with the following judicial procedures: 4 civil cases, 5 penal trials, 4 penal decrees of condemnation. It is noteworthy that the majority of crimes committed in VCS are property related carried out by those who have gained access as one of the 18-20 million visitors to VCS each year (Tribunal of Vatican City State, Report of the Promoter of Justice for the Inauguration of the Judicial Year 2014, graphic 10).

Statistics

19. Since 1929, the sovereigns of Vatican City State (from Pope Pius XI until Pope Francis) were Italian, Polish, German or Argentinean natives. As previously noted, the Pope exercises legislative and executive powers in the civil government of Vatican City State through a Pontifical Commission. Legislative acts are carried out by the Pope and, in his name, by this commission, which also promulgates general instructions and regulations. The exercise of executive government is entrusted to the Cardinal President of the same commission, and in this context, he assumes the title of President of the Governorate. The President works closely with the Secretary General. These two positions are presently held by an Italian and a Spaniard. The Pope enters into international agreements on behalf of VCS with the assistance of the Secretariat of State, an office of the Roman Curia, which is composed of Cardinals, Bishops, priests, male and female religious and lay people, who come from various countries in Africa, America, Asia, Europe and Oceania. On behalf of the Pope, the three Tribunals exercise ordinary vicarious judicial power: the Offices of the Promoter of Justice, Chief Judge, and Judges are held by Italians. The Vatican Police Force is composed of Italians and the Swiss guards, as the name implies, are of Swiss origin.

C. Concluding observations, paragraph 9 (article 4 of the Convention, Penal Law of Vatican City State and Canon Law)

1. General considerations

Primary source

20. Canon law is the primary source of the laws of VCS and the primary criterion for interpretation; however, it should be noted that not every aspect of canon law is applicable in the temporal governance of VCS (cf. Law of 1 October 2008, N. LXXI, art. 1 (1), on the sources of law, in force 1 January 2009, amended the Law of 7 June 1929, N. II as regards the sources of law). Canon law, in comparison with the laws of other States, is a complex unity of divine natural law, divine positive law, and human law which reflect and express the Catholic Church: its origin, means, spiritual and moral mission, organizational structure, supernatural end, and spiritual and temporal goods. The divine natural law (also referred to as simply "natural law") and divine positive law indicate the primary and essential norms regulating the moral life, as interpreted by the Church's teaching authority and set out in the Catechism of the Catholic Church (CCC). In confronting particular circumstances, purely

human laws are developed which are mutable. They may include elements borrowed from the civil law, but human law can never breach divine natural law or divine positive law.

Principal sources

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

Supplementary sources

22. Another source of law is the supplementary law, that is, the laws of Italy which were received into law by the competent Vatican authority (cf. Law of 1 October 2008, N. LXXI, art. 3.1). For example, the 1889 Italian Code of Penal Law (CP) and the 1913 Italian Code of Penal Procedure (CPP), 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). However, there are limitations to the applicability of supplementary law, since it must not be contrary to precepts of divine natural law and divine positive law, nor to general principles of canon law nor to the norms of the Lateran Pact and subsequent agreements, and the supplementary law always must be applicable to the existing state of facts in VCS (cf. Law of 1 October 2008, N. LXXI, art. 3.2).

International law as a source of law

23. The law of VCS ought to be in conformity with general norms of international law and norms deriving from treaties and other agreements to which the Holy See is a State 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).

2. Criminal laws of Vatican City State and article 4 of the Convention on the Elimination of All Forms of Racial Discrimination

24. The majority of crimes prosecuted in VCS are ones of a less serious nature, and alternative sanctions to imprisonment are generally applied. For example, a Single Judge has the discretion to impose a fine in place of imprisonment in cases of “reati contravvenzionali” (crimes of less gravity) as well as other crimes carrying a punishment of a maximum not exceeding six months imprisonment; such decisions take into consideration the nature of the crime committed and the particular circumstances of the case (Law of 14 December 1994, n. CCXXVII, art. 1 cf. art. 8 of the Law of 10 January 1983, n. LII). Punishment is not solely retributive but also serves an educational and rehabilitative function. It is noteworthy, that this is consistent with the primary end of canon law, namely, the salvation of souls. Needless to say, capital punishment does not exist in VCS. VCS has no penitentiary system, but pursuant to the Lateran Treaty, art. 22, may request the Italian State to try and punish offences committed within VCS. The Italian State may also be requested to punish offenses committed and tried in VCS. In addition to, or in substitution of any fine imposed, the Single Judge may temporarily suspend an authorization or administrative concession, and in cases that do not involve citizens, residents or persons in active service, or he may temporarily prohibit one’s access to VCS (Law of 14 December 1994, n. CCXXVII, art. 3). The decision or decree may be appealed by the accused or the Promoter of Justice before a Tribunal of Judges (Law of 14 December 1994, n. CCXXVII, art. 4).

25. The penal laws of VCS have been amended with the promulgation of the Apostolic Letter issued Motu Proprio of Pope Francis, 11 July 2013, “On the Jurisdiction of Judicial Authorities of Vatican City State in Criminal Matters”. Article 1 of the Supplementary Norms on Criminal Law Matters: Law VIII, Chapter I, Crimes Against the Person enacts a

criminal offense in accordance with article 4 of the Convention, which carries a punishment of five to ten years imprisonment.

26. Moreover, in accordance with article 6 of the Convention, the penal laws of VCS provide access to effective protection and remedies through the competent tribunals and provisions allowing access to just and adequate compensation for any damage suffered. Any prosecution of an accused involves the following phases as set out in the CPP: (a) statements and evidence collected during the police investigation; (b) preliminary judicial investigation per “istruzione sommaria” (summary procedure) carried out by the Promoter of Justice or per “istruzione formale” (formal procedure) conducted by the Investigating Judge; (c) indictment; (d) trial; (e) decision; (f) appeal to the court of appeals; and (g) appeal to the highest court.

27. Lastly, victims may make complaints according to arts. 149-161 CPP and witnesses, including victims, give evidence according to arts. 245-256 CPP. Crimes may give rise to an action for damages and restitution (arts. 7-13 CPP). These include offenses against the person (arts. 364 ff. CP). It is a crime to threaten, or use violence against any person, including those who lodge a complaint or provide testimony (arts. 364-375, CP).

3. Penal Canon Law and article 4 of the Convention on the Elimination of All Forms of Racial Discrimination

Universal Church

28. With its moral, spiritual, and religious mission, the universal Church 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 misbehaviour. 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), 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).

Vatican City State

29. As previously noted, canon law is the primary source of the laws of VCS and the primary criterion for interpretation, but not every aspect of canon law is applicable in the temporal governance of VCS (supra para. 21).

Penal Canon Law

30. The nature and scope of penal canon law, which differs greatly from State criminal laws, is not intended to usurp or otherwise interfere with them or with State civil actions:

(a) Penal canon law contains norms for delicts (canonical crimes), which are certain externally unjust actions, imputable to the author, which disturb the public order of the Church, as a religious society. Such delicts exclusively concern the unity and functioning of the Church and the administration of the sacraments. The proper purpose of penal canon law is to repair the scandal created (causing others to sin) restore justice, and reform the offender (c.1341 CIC; c. 1401 CCEO).

(b) Some of these canonical crimes or particular offenses, such as homicide, theft, aggression and sexual abuse, can 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 legislative jurisdiction; for example, an ecclesiastical judge, in determining the appropriate sanction for a proven offense in 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) The Church does not address the few delicts mentioned in canon law in a detailed or exhaustive manner 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.

(d) 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, and order to reside for clerics and religious). In other words, canonical penalties concern the privation of goods and rights that one has or one enjoys in the Church, which only the Church can alter.

(e) The Church conducts penal canon law proceedings confidentially 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 nor 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, nn.2238-2240).

D. Concluding observations, paragraph 10 (clarification as regards the Rwanda genocide per paragraph 106 of CERD/C/338/Add.11)

1. Overview

31. The Committee’s concluding observation in reference to para. 106 of the previous report of the Holy See, namely the fifteenth periodic reports (CERD/C/338/Add.11), derives from the following context.

32. In considering the content of para. 106 of the previous periodic report, due attention should be given to paras. 99 to 104. In sum, these paragraphs underlined the Papal interventions in support of human rights, the democratic process and the Arusha negotiations as well as the provision of humanitarian aid through its dicasteries. The Holy See also encouraged the local church and episcopate to make their own human and material contributions in accordance with their own authority under canon law, and pursuant to the laws of the respective State, where such activities operated. In this latter regard, several messages of the Catholic Bishops of Rwanda urging peace and reconciliation were attached to the report.

33. In particular, para. 106 acknowledged “the possible involvement of ecclesiastics in the genocide,” and reproduced Pope John Paul II’s declaration to the Episcopal Conference dated 14 March 1996, wherein it noted that brotherly love that leads to forgiveness “does not invalidate human justice ... justice and fairness for all those who have rights to defend are just and necessary ... the State is faced with a great and difficult challenge: it is the State’s essential duty to render justice to all ... in the matter of uncovering responsibilities for the tragedy which your country has undergone, justice and truth must go hand-in-hand. The Church as such cannot be held responsible for the transgressions of its members who have acted against the precepts of evangelical law; they will be called to account for their acts. All members of the Church who have sinned during the genocide must have the courage to bear the consequences of the acts they committed against God and against their neighbour.”

34. It is well-known that genocide “offends divine law that prohibits one from killing and fails to respect the law of love handed down to us by Jesus Christ” (CBCR, *Souvenons-nous de ce qui s’est passé en renforçant la vérité, la justice et le pardon*, in *L’Osservatore Romano*, N. 22, 1er juin 2004, no. 19). It also breaches penal canon law can. 1397 which provides that one who commits murder, or who by force or by fraud abducts, imprisons, mutilates or gravely wounds a person is to be punished, according to the gravity of the offence, with the deprivations and prohibitions mentioned in can. 1336, including dismissal from the clerical state. The local Bishop or Superior of the cleric or religious, in question, have jurisdiction in canon penal law to do their own investigation in order to apply religious penalties. However, an ecclesiastical judge, in determining the appropriate sanction for a proven offense in 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). So far, the activities of the local Church together with religious congregations in accordance with their own authority under canon law, and with due regard for the just criminal and civil laws of the State in which they operate have been directed towards assisting the State of Rwanda in carrying out its essential duties to determine the truth concerning those criminally responsible.

2. The Holy See’s support of the local Church and respect for the jurisdiction of civil authorities

35. The national courts (e.g. conventional court system, military court and the traditional community courts or Gacaca courts) of the Rwandan Government as well as the International Criminal Tribunal for Rwanda have had “concurrent jurisdiction to prosecute persons for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens for such violations committed in the territory of the neighbouring States, between 1 January 1994 and 31 December 1994.” The International Criminal Tribunal for Rwanda has had primacy over the national courts of all States, and at any stage of the procedure, the Tribunal could formally request national courts to defer to its competence (art. 8, Statute of the International Criminal Court of Rwanda). In addition, the national courts of Belgium and France have also been active in the prosecution of cases.

36. As noted above, “the nature and scope of penal canon law, which differs greatly from State criminal laws, is not intended to usurp or otherwise interfere with them or with State civil actions.” The Catholic Church at the local level, according to its own authority in canon law and with respect for the just laws of the State, continues to support the efforts of the State of Rwanda. In particular, the local Church promotes efforts to uncover criminal responsibilities for the genocide in Rwanda. In 2002, the Catholic Bishops Conference of Rwanda (CBCR) published a pastoral message that gave a brief overview of the jurisdiction of the Gacaca courts and encouraged all Christian believers as well as every person of good will to participate actively in these tribunals, which it described as a vehicle that reconciles in truth and justice (CBCR, *Jurisdiction Gacaca* in *L’Osservatore Romano* N.33 – 13 Août 2002, no.12). In 2004, on the 10th Anniversary of the Rwandan genocide the CBCR published a second pastoral message calling upon all to establish unity among the Rwandan people and to contribute to safeguarding liberty and justice, especially in the Gacaca courts (CBCR, *Souvenons-nous de ce qui s’est passé en renforçant la vérité, la justice et le pardon*, in *L’Osservatore Romano*, N. 22, 1^{er} juin 2004, no. 19). In 2006, the CBCR followed up with another message on the Gacaca courts exhorting participants to not transform these courts into tribunals of division. In particular, this message exhorted Christians to take an active part; above all, eye witnesses were urged not to remain silent but to come forward to speak the truth. The message also admonished participants to refrain from telling falsehoods, to retract false testimony and to stop intimidating or abusing witnesses (CBCR, *Que les Juridictions Gacaca Contribuent Réellement à la Réconciliation et à la Reconstruction Nationale*, 27 Mars 2006).

37. In 2009, the Bishop of Byumba, in Rwanda, noted that the Catholic Commissions of Justice and Peace continue to work closely with State institutions. For example, these Commissions pursue the pastoral path of reconciliation through various programmes of education that form persons to become agents of reconciliation. In particular, they collaborate with religious congregations and public institutions such as the National Commission for Unity and Reconciliation, the National Commission on the Elimination of Genocide and the National Commission for Human Rights (See the intervention of the Bishop of Byumba, Rwanda, given at the “Synodus Episcoporum Bulletin, l’Assemblée Spéciale du Synode des Évêques pour L’Afrique 4-25 Octobre 2009”).

3. Statements and activities of the Holy See regarding Rwanda

38. In 2002, Pope John Paul II addressed the President of the Association of the Central African Bishops’ Conference stating: “We cannot forget the long drawn-out tragedy that has continued for so many years to afflict the Great Lakes region of Africa. The continued violence does not just contradict God’s plan to gather his dispersed children together in unity. It also denies the vocation of the human person, to whom the Creator entrusted the responsibility for collaborating with his work, by his ongoing action on behalf of unconditional respect for life and for the dignity of every human being. Your countries have paid a heavy price for this spiral of violence and exclusion that engenders great poverty and instability, forcing the migration of entire populations. This logic of hatred and contempt of one’s brother has corroded the roots of the human values necessary to build a world of solidarity and establish peaceful and fraternal relations. Today I would like to say again: No more war that destroys the desire to live in peace and fraternal acceptance! May courageous witnesses of new hope for the whole region be raised up in the region of the Great Lakes! To foster respect for the fundamental rights of individuals and human groups to their integral development, the Catholic Church is called to commit herself alongside all people of good will to usher in a new epoch of peace, justice, and effective solidarity in the Great Lakes region. she must continue to watch over the developments under way, inviting Catholic communities with their pastors, to present boldly the moral and spiritual values necessary for a true change of mentality and heart” (Pope John Paul II, Letter to the President of the Association of Central African Bishops’ Conferences, 13 May 2002).

39. In 2002, on the occasion of receiving the Letters of Credence from the New Ambassador of Rwanda Pope John Paul II stated: “The requirement of equitable justice is certainly the only foundation on which a state can build true peace and a strong democracy at the service of the integral development of all citizens without exception. One can only appreciate the efforts made in your country to promote justice: it is to be hoped that they bear fruit. This will contribute to reinforcing the national unity and to uprooting the culture of impunity that can only create hatred, exacerbating the inequalities between persons and the ethnic communities. It is a matter of allowing Rwandans to set out firmly and confidently on the path of effective reconciliation and sharing, while sincerely striving to seek and to express with courage the truth about the circumstances that led to the genocide. In a special way this implies giving up ethnocentrism, which gives rise to the domination of some over the others. It also means looking positively at the ground remaining to be covered to reach peace together. The path of national reconstruction and harmony among all the inhabitants, on which Rwanda has set out, is also a path of democratization. The universal values such as respect for human life, a sense of the common good, the acceptance of the repatriated, support of families, are a precious heritage that constitutes a source of hope, not only for Rwanda, but also for the whole Region of the Great Lakes, which is called to find the strength of mind and necessary political courage to establish a lasting and supportive development” (Pope John Paul II, Address to the New Ambassador of Rwanda to the Holy See, 13 December 2002).

40. In 2007, Pope Benedict XVI wrote to the President of the Republic of Rwanda on the occasion of that country's anniversary day of national mourning. "I wish to participate," writes the Pope in his Message, "in your national mourning and especially in the prayers for all the victims of this dreadful carnage without any distinction of religious belief, ethnicity or political affiliation." He expressed hope that "all Rwandans, guided by the civil and religious Authorities, will more generously and effectively engage in national reconciliation to build a new country, in truth and justice, in fraternal unity and peace." He continued: "Religious motivations behind the commitment of Catholics in daily life, in the family and in society, and the moral principles that derive from them constitute a point of encounter between Christians and [all men and women] of good will." He concluded his Message by affirming that "the Christian faith, which is shared by the majority of Rwandan People, if lived constantly and to the full, constitutes an effective help in recovering from a past of errors and death, which culminated in the genocide of 1994; at the same time, this faith stimulates trust in the possibility available to all Rwandans, reconciled with one another, to build a better future together, rediscovering the newness of love which is the only force that can lead to personal and social perfection, allowing society to make progress towards the good" (Pope Benedict XVI, Letter to the President of the Republic of Rwanda, 03 April 2007).

41. In 2014, Pope Francis, in anticipation of the 20th anniversary of the outbreak of the horrific genocide, stated the following during the *ad limina* Apostolorum of the Bishops of the Episcopal Conference of Rwanda: "I associate myself profoundly to the national mourning, and I assure you of my prayer for you, yourselves, for your communities often torn apart, for all the victims and their families, for all the Rwandan people without distinctions of religion, ethnic origins or political affiliations ... The forgiveness of offenses and genuine reconciliation, which might seem impossible from a human view after so much suffering, are nevertheless a gift that it is possible to receive from Christ, with faith and prayer, even if the path is long and calls for patience, mutual respect and dialogue. Hence, the Church has her place in the reconstruction of a reconciled Rwandan society, with all the dynamism of your faith and of Christian hope." Pope Francis also noted that 6 June 2013 "marked the 50th anniversary of the establishment of diplomatic relations between Rwanda and the Holy See" and was an "occasion to recall the beneficial fruits that all can expect from such relations, for the good of the Rwandan people." He noted that "[a] constructive and genuine dialogue with the Authorities will be able to foster the common endeavor of reconciliation and reconstruction of the society around the values of human dignity, justice and peace" (Address of Pope Francis to the Bishops of Rwanda, 03 April 2014). Three days later, in his post Angelus Message, the Pope declared: "I want to express my paternal closeness to the Rwandan people, encouraging them to continue, with determination and hope, the process of reconciliation that has already manifested its fruits, and the commitment to the human and spiritual reconstruction of the country." At the end, Pope Francis exhorted them with the following words: "To all of you I say: Do not be afraid! Construct your society on the rock of the Gospel, on love and concord, because only in this way can an enduring peace be produced" (Pope Francis, Angelus, 06 April 2014).

E. Concluding observations, paragraph 12 (declaration regarding communications per article 14, CERD)

42. According to art. 14.1, "A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration."

43. The Holy See has carefully considered this article and, at this time, is not planning to submit a declaration recognizing the competence of the Committee to receive and consider communications.

III. Information relating to articles 2 to 7 of the Convention in the statements and activities of the Holy See

A. Article 2

Condemnation of racial discrimination

Fundamental principles regarding racial equality

44. The work of evangelization is the main mission of the Church throughout the world and the Holy See enables and supports this mission. Evangelization is the one true way of promoting mutual respect and understanding between peoples, where each one is valued for his or her own personal dignity without distinction of race, color, descent, or national or ethnic origin. In particular, the Holy See promotes four fundamental principles: “1) The unique, divine, origin of mankind postulates unity between all men so that no one is alien to the creative design of God; 2) The brotherhood which exists between all members of the human family, created by the Father in His own image and redeemed by the Son, is ontological in nature; 3) It is this particular bond which gives rise to the eminent dignity of human nature, both in the person and in the species, and it is on this dignity that individual and collective rights and duties are founded; 4) The natural equality of all human beings with respect to their dignity implies an absolute rejection of discrimination, which would be an offence to the fundamental rights of the person” (CERD/C/118/Add.11, p. 5 citing “The Holy See and the International Convention on the Elimination of All Forms of Racial Discrimination,” in *L’Osservatore Romano*, 1 May 1969).

Reaffirmation of principles

45. The Holy See has recalled the aforementioned principles repeatedly over the years. For example, in 2004, the dicastery of the Pontifical Council for Justice and Peace (PCJP) published the “Compendium of the Social Doctrine of the Church” which highlights that the elimination of racial discrimination is sought in multiple areas by proclaiming the dignity of the human person according to the teachings of Jesus Christ. Consequently, the equal dignity of every human being and the rejection of any form of racism and racial discrimination is founded on a transcendent basis: “Since something of the glory of God shines on the face of every person, the dignity of every person before God is the basis of the dignity of man before other men...[it]is the ultimate foundation of the radical equality and brotherhood among all people, regardless of their race, nation, sex, origin, culture, or class” (Compendium of the Social Doctrine of the Church, 2004, n.144). Again, in 2008, Pope Benedict XVI in his Address to the United Nations General Assembly called attention to the unity of the human family, in emphasizing “the principle of the responsibility to protect” which obliges every State to defend “its own population from grave and sustained violations of human rights, as well as from the consequences of humanitarian crises, whether natural or man-made” (Pope Benedict XVI, Address to the General Assembly of the United Nations, New York, 18 April 2008).

46. In keeping with the aforementioned principles the Holy See continues to condemn all forms of racial discrimination. The following are some noteworthy examples.

(a) Racism is a Sin, a Serious Offense Against God: In 2001, Pope John Paul II stated: “Every upright conscience cannot but decisively condemn any racism, no matter in

what heart or place it is found. Racism is a sin that constitutes a serious offence against God. The Second Vatican Council reminds us that "We cannot truly pray to God the Father of all if we treat any people in other than brotherly fashion, for all men are created in the image of God. Therefore, the Church reproves, as foreign to the will of Christ, any discrimination against people or any persecution of them on the basis of their race, color, social condition or religion" (Nostra Aetate, n. 5)" (Pope John Paul II, Angelus, 26 August 2001, n 2).

(b) Racism is a Denial of the Inherent dignity of every human person: In 2011, the Holy See stated that "the 'Church rejects racism in any form as a denial of the image of the Creator inherent in every human being'... From this common origin in fact, stems a common destiny of humanity that should inspire in one and all a strong sense of solidarity and responsibility" (Statement of the Holy See at OSCE/SHDM, 10 November 2011).

(c) Racism is a lie and Creates a Division in Humanity: Also, in 2011, the Holy See emphatically stated that "Racism is a sin. It is fundamentally a lie," and "creates division in humanity" (Statement of the Holy See at OSCE/SHDM, "Prevention of Racism, Xenophobia and Hate Crimes through Educational and Awareness-Raising Initiatives", 11 November 2011).

47. Promotion of Principles through Social Communications: The Holy See also uses the media services located in VCS to promote the abovementioned principles and to condemn racial discrimination. These media programs, articles and statements, in turn, are translated into different languages and reproduced by numerous other media outlets throughout the world (i.e. Vatican Radio, *L'Osservatore Romano* Newspaper, Vatican Television Center, Vatican Website (www.vatican.va), Holy See's Press Office Daily Bulletin, Vatican Information Services, Vatican Publishing House, Vatican News (www.news.va)).

B. Fostering mutual understanding (article 2)

1. Dialogue between cultures

48. In 2001, Pope John Paul II devoted the World Day of Peace Message to the topic "Dialogue between Cultures for a Civilization of Love and Peace." He noted that this "dialogue is the obligatory path to the building of a reconciled world" (no. 3). Culture is a form of "man's self-expression in his journey through history on the level of both individuals and social groups" (no. 4) and not only expresses diversity but also "common elements within the broader horizon of the unity of the human race" (no. 7). In addition, each culture has its limitations. "The authenticity of each human culture, the soundness of its underlying ethos, and hence the validity of its moral bearings, can be measured to an extent by its commitment to the human cause by its capacity to promote human dignity at every level and in every circumstance" (no. 8). The "dialogue between cultures, a privileged means for building the civilization of love is based upon the recognition that there are values which are common to all cultures because they are rooted in the nature of the person," for example the values of solidarity, justice, peace, and life (nos. 16 -19) (Pope John Paul II, World Day of Peace Message, 1 January 2001).

2. Dialogue between religions

49. In 2008, Pope Benedict XVI noted that the United Nations can count on the results of dialogue between religions, and can draw fruit from the willingness of believers to place their experiences at the service of the common good. Their task is to propose a vision of faith not in terms of intolerance, discrimination and conflict, but in terms of complete

respect for truth, coexistence, rights, and reconciliation (Pope Benedict XVI, Address to the General Assembly of the United Nations, New York, 18 April 2008).

C. Article 3

1. Racial segregation and apartheid

Rejoicing at the end of apartheid

50. In 2001, the Holy See stated: “It is right to rejoice at the end of the apartheid regime in South Africa, but the racist massacres or the ‘ethnic cleansing’ of recent years [notably in Africa], often in a context of general destruction, show to what extremes hatred and the will to dominate others can lead people” (cf. “The Church and Racism, 2001,” p. 10). Christians in particular have the responsibility to offer a teaching that stresses the dignity of every human being and the unity of the human race. If war or other terrible circumstances make others the enemy, the first and most radical Christian commandment is to love that enemy and to respond to evil with good (cf. *Id.*, Part III).

Remembering the atrocities of apartheid

51. In 2004, there was an Official Visit of a group of Cardinals and Archbishops to the Museum of Apartheid in South Africa. With a view to assisting people to understand the nature of apartheid, the same group made up of both “whites” and “non-whites” accessed the Museum through separate entrances, one for “whites” only and another for “non-whites” only (*L’Osservatore Romano*, 22 December 2004, N. 5178, English edition).

2. Diplomatic relations with South Africa

52. The Holy See established diplomatic relations with South Africa in 1994, after the abolition of apartheid. In 2001, Pope John Paul II on the occasion of receiving the Letters of Credence from the New Ambassador of the Republic of South Africa noted that “the entire family of nations does well to reaffirm its commitment to recognize, uphold and promote the fundamental dignity and inalienable rights of every human being. This is the sure path to overcoming prejudices and to combating every form of racism; it is the way that will increase awareness that all people belong to a single human family, willed and gathered together by Almighty God himself. As your own history has shown, although it is important that the truth about the past should be known and responsibility laid where it is due, it is even more important that the delicate process of building a just and harmonious multiracial society should go forward.” Pope John Paul II also thanked the Ambassador for recognizing the “significant contribution made by the Catholic Church in building up South African society, both in the past and today” (Pope John Paul II, Address to the New Ambassador of the Republic of South Africa to the Holy See, 18 May 2001).

53. Similarly, in 2005, on the occasion of receiving the Letters of Credence from the New Ambassador of the Republic of South Africa, Pope Benedict XVI commended South Africa on its progress concerning social and economic stability as well as its generosity in accepting refugees. The Pope also assured the Ambassador of the local Church’s commitment to supporting the civil government in its efforts to further dialogue and mutual understanding, as well as its initiatives dealing with social and human problems such as poverty, HIV/AIDS, illiteracy and so forth (Pope Benedict XVI, Address to the Ambassador of South Africa accredited to the Holy See, 1 December 2005).

54. In 2009, Pope Benedict XVI praised South Africa for having been largely successful in achieving reconciliation in society and commended its efforts towards promoting reconciliation in other countries such as Burundi and Zimbabwe (Pope Benedict XVI,

Meeting with Journalists During Return Flight from Apostolic Journey to Cameroon and Angola, 23 March 2009).

D. Article 4

1. Effective mechanisms at the national, regional and international levels

55. In 2003, the Organization for Security and Cooperation in Europe (OSCE) organized a Conference on Anti-Racism, Xenophobia and Discrimination, at which the Holy See promoted “effective penalties [to be] applied for racist attitudes and behaviour within States, but also at the international level particularly by means of the International Criminal Tribunal for the Former Yugoslavia and that for Rwanda. Such penalties are necessary and important in order to punish the perpetrators of these acts to provide collective manifestation of the fundamental values without which a society cannot endure.” In 2005, at the OSCE Conference on Anti-Semitism and other Forms of Intolerance, the Holy See encouraged “OSCE to commit itself to establishing effective tools and mechanisms to fight against prejudices in the media and through education” (Statement of the Holy See to the OSCE Conference on Anti-Semitism and other Forms of Intolerance, Cordoba, 8 June 2005). In 2012, the Holy See once again supported OSCE in strengthening its “efforts to combat racism and xenophobia,” to put an “end to these phenomena, thereby marking a fundamental step toward the affirmation of the universal value of the human dignity and rights, in a horizon of respect and justice for persons and nations” (Statement of the Secretary for the Relations with States of the Holy See, at the 19th Ministerial Council of the OSCE, Dublin, 6-7 December 2012).

2. Pardon based on truth, justice and reparation

56. In 2001, the Pope’s dicastery, the Pontifical Council for Justice and Peace, noted that in order to foster mutual understanding among different groups, especially in the same country, pardon is proposed as the only path to national reconciliation. However, pardon has its own demands, which are truth, justice, reparation and reconciliation, and which include: overcoming the weight of history by a correct re-reading of each other’s history in order to acquire a better knowledge and acceptance of the other; opting for “a culture of peace” by religions, governments and the international community; encouraging all forms of mediation instead of easily resorting to arms in order to solve problems (thus putting an end to the growth of arms industry and the commerce of arms) (PCJP, 8-12, “The Church and Racism, 2001”, nos. 8-12). The text situated the issue of racism in a growing globalized world, focusing on the Catholic Church’s path towards national and international reconciliation, in noting that while globalization is moving peoples and countries closer than ever before, disagreements and ethnic violence are increasing. (Id., no. 21).

3. The conversion of hearts and the healing of memories

57. In 2003, the Holy See also noted that penalties were not enough since they constituted a measure of last resort. In addition to effective penalties, the Holy See called for a change of hearts “in order that there will prevail neither fear nor the spirit of domination but openness to others and sentiments of brotherhood.” In this regard, the Holy See argued that religions have a fundamental role to play. “Christians, in particular, have the responsibility to act in a consistent way with their faith, which teaches the dignity of every human being and the unity of the human race. And should war or calamitous circumstances make others our enemies the first Christian commandment – and the most radical – is precisely that of love of one’s enemies: we are called to respond to evil with good” (Contribution of the Holy See at the OSCE Conference on Anti-Racism, Xenophobia and Discrimination, Vienna, 4-5 September 2003). In 2011, the Holy See returned to the

call for an examination of “the sentiments that are in our own hearts and work towards an individual and collective conversion of hearts and attitudes.” It also raised the importance about the “healing of memories” which it contended “involves an honest appraisal of our person, community and national history and a frank admission of those less noble aspects which have contributed to the marginalization of today, but in such a way as to reinforce our desire to make the era of globalization an era of encounter, inclusion and solidarity” (Statement of the Holy See at OSCE/SHDM “Prevention of Racism, Xenophobia and Hate Crimes Through Educational and Awareness-Raising Initiatives”, 11 November 2011).

4. Education and moral development

58. In 2011, the Holy See stated that in order to move forward, our “deliberation must be about truth: the truth concerning human dignity, the truth concerning the fundamental unity of the human family” (Statement of the Holy See at OSCE/SHDM “Prevention of Racism, Xenophobia and Hate Crimes Through Educational and Awareness-Raising Initiatives”, 11 November 2011). In 2011, the Holy See reaffirmed its position in calling for “firm and concrete action ...at the national and international level, to prevent and eliminate racism and xenophobia. Above all, an extensive educational effort is needed, which exalts the dignity of the person and safeguards his or her fundamental rights” (Statement of the Holy See at OSCE/SHDM, 10 November 2011).

E. Article 5

1. Vulnerable groups and fundamental human rights and duties

59. In 2002, the Holy See stated: “Each country should set in place appropriate national structures to address the questions of racism, racial discrimination...Where structures already exist, their effectiveness should be verified and appropriate improvements made. Special attention should be given to situations where, despite best efforts, racist sentiments may still prevent the vulnerable from fully exercising their human rights. We must monitor the ability of the police and of the administration of justice to address racist abuse effectively and sensitively. Conscious efforts should be made to ensure that vulnerable groups have full access to basic education, so that they can better realize their complete God-given potential and fully participate in society” (Intervention of the Permanent Observer of the Holy See to the United Nations at the 58th Session of the Human Rights Commission, 22 March 2002).

2. The human person’s common origin, supreme destiny, fundamental rights and duties

60. In 2005, Pope John Paul II stated: “As a member of the human family, each person becomes as it were a citizen of the world, with consequent duties and rights, since all human beings are united by a common origin and the same supreme destiny. By the mere fact of being conceived, a child is entitled to rights and deserving of care and attention; and someone has the duty to provide these. The condemnation of racism and the mobilization of international solidarity towards all the needy are nothing other than consistent applications of the principle of world citizenship” (Pope John Paul II, World Day of Peace Message: “Do not be Overcome by Evil but Overcome Evil with Good” 1 January 2005, no. 6).

3. The universality of the human person and fundamental human rights

61. In 2008, Pope Benedict XVI reaffirmed that “human rights all serve as guarantees safeguarding human dignity. It is evident, though, that the rights recognized and expounded in the [Universal] Declaration [of Human Rights] apply to everyone by virtue of the common origin of the person, who remains the high-point of God’s creative design for the world and for history. They are based on the natural law inscribed on human hearts and

present in different cultures and civilizations. Removing human rights from this context would mean restricting their range and yielding to a relativistic conception...[which could] obscure the fact that not only rights are universal, but so too is the human person, the subject of those rights”(Pope Benedict XVI, Address to the 62nd Session of the United Nations General Assembly 95th Plenary Meeting, 18 April 2008).

4. The right to life in need of special protection

62. The right to life of every human being exists from the moment of conception until natural death; it is fundamental, the first amongst other rights, and one which needs State protection, especially in addressing national, regional and international policies that promote or impose - frequently in a veiled way - “race selective” abortifacients, abortion, infanticide, and euthanasia (active or passive). Such destruction of life is the epitome of the arbitrary use of power of some over others, which in turn constitutes a negation of human rights through the very destruction of the subject of human rights.

F. Article 6

Solidarity with victims of racial discrimination

63. In 2001, Pope John Paul II stated: “The Church offers her solidarity to all who, for racial, ethnic reasons, are victims of discrimination. Spiritual and religious values, with their potential for renewal, contribute in an effective way to improving society. It is only right that the work of religious communities should be joined to the praiseworthy action of governments and international organizations in this area. I would therefore like to repeat that no one is a foreigner in the Church and everyone must feel at home! To make the Church “the home and the school of communion” is a concrete response to the expectations for justice in today’s world” (Pope John Paul II, General Audience, 20 August 2001).

64. The dicasteries of the Holy See have also been active:

(a) In 2005, the President of the PCJP visited a Congolese refugee camp in Kigoma, Tanzania, in order to express the concern of the Church for inter-ethnic violence.

(b) In 2007, the President of the PCJP visited an internally displaced persons camp in North Uganda as a sign of solidarity for the victims of inter-ethnic violence (2-9 August). During the same year (15-20 May) he also met groups of internally displaced persons in Ivory Coast.

(c) In 2010, following episodes of inter-ethnic violence, the President of the PCJP went to Nigeria in order to participate in an Inter-religious Celebration for the victims and the reconciliation of the affected communities, as well as to support the call for peace and reconciliation.

(d) In March 2014, the President of the PCJP visited South Sudan in order to express the concern of the Church for inter-ethnic violence, and to participate in a Celebration of prayer for peace.

G. Article 7

1. Education

Education about inherent human dignity and fundamental rights and duties

65. In 2001, Pope John Paul II noted that there is “need for a vast work of education to the values that exalt the dignity of the human person and safeguard his fundamental rights.

The Church intends to continue her efforts in this area, and asks all believers to make their own responsible contribution of conversion of heart, sensitization and formation. First of all, prayer is necessary to achieve this” (Pope John Paul II, Angelus, 26 August 2001; See also Pope Benedict XVI, Regina Caeli, 19 April 2009).

Fostering religious belief and respect for others

66. In 2001, the Holy See emphasized that every religion, just as every culture, is capable of fully fostering all human rights and indeed of providing the fertile ground in which respect for human rights and the respect for the dignity of all can take root (Intervention of the Holy See Delegation to the International Consultative Conference on “School Education in Relation to Freedom of Religion or Belief, Tolerance and Non-discrimination”, Madrid, 24 November 2001).

The fundamental role of education

67. In 2003, the Holy See argued that “the primary place in the follow up to the Durban Conference should be given to education...The racist hatred of today must not be passed on, not even one generation further. We must find the ways to educate future generations to a different vision of human relations, one which corresponds to the truth concerning the unity of humankind...Education against racism should aim especially at enhancing the capacity of individuals and communities, who have in the past been victim of exclusion, to be able to bring their own contribution tomorrow, indeed already today, to the construction of that spirit of unity which can promote future prosperity, coexistence and indeed peace within the one human family” (Intervention by the Permanent Observer of the Holy See at the 59th Session of the United Nations Commission on Human Rights, 25 March 2003). Similarly, in 2003, the Holy See emphasized that “the roots of racism...are found in ignorance, prejudice and hatred, which may often arise from faulty and inadequate education and also from the misuse of the media.” It noted that the role of education is fundamental. It is a “good practice to be promoted” in the struggle against these evils, and offers a unique opportunity to present – especially to the young – certain common values such as the unity of the human race, the equal dignity of all human beings, life, peace, justice, and solidarity which binds together all the members of the human family (Pope John Paul II, Message for the 89 World Day of Migrants and Refugees, 2003).

Education in solidarity

68. In 2004, the Holy See stated that “to overcome all racism... restricting membership of a local community on the basis of ethnic or other external characteristics would be an impoverishment for all concerned, and would contradict the basic right of the baptized to worship and take part in the life of the community.” Knowing that solidarity does not come easy, the Holy See promotes “training and a turning away from attitudes of closure, which in many societies today have become more subtle and penetrating.” To deal with this phenomenon, the Church points to its vast educational and formative resources at all levels, and appeals to parents and teachers to combat racism by inculcating positive attitudes based on Catholic social doctrine (Intervention of the Holy See at a conference organized at OSCE on Tolerance and the Fight Against Racism, Xenophobia, and Discrimination, 14 September 2004).

Education of young people in justice and charity

69. In 2012, Pope Benedict XVI devoted his World Day of Peace to Education of Young People, who, he stated, can offer new hope for the world with their enthusiasm in the face of “a rising sense of frustration at the crisis looming over society, the world of labour and the economy, a crisis whose roots are primarily cultural and anthropological. It is a matter

of communicating to young people an appreciation for the positive value of life and of awakening in them a desire to spend their lives in the service of the Good. This is a task which engages each of us personally.” The Pope focused on educating the young in justice. In this regard, he noted that “[w]e cannot ignore the fact that some currents of modern culture, built upon rationalist and individualist economic principles, have cut off the concept of justice from its transcendent roots, detaching it from charity and solidarity: “The ‘earthly city’ is promoted not merely by relationships of rights and duties, but to an even greater and more fundamental extent by relationships of gratuitousness, mercy and communion. Charity always manifests God’s love in human relationships as well; it gives theological and salvific value to all commitment for justice in the world”. On educating young people in peace he stated: “Peace, however, is not merely a gift to be received: it is also a task to be undertaken. In order to be true peacemakers, we must educate ourselves in compassion, solidarity, working together, fraternity, in being active within the community and concerned to raise awareness about national and international issues and the importance of seeking adequate mechanisms for the redistribution of wealth, the promotion of growth, cooperation for development and conflict resolution” (Pope Benedict XVI, World Day of Peace Message, 1 January 2012).

70. The dicasteries of the Holy See have also been active:

(a) In 2001, the PCJP argued that the roots of racism are based on prejudices and ignorance, born from faulty and inadequate education. In response, an authentic education is needed, which aims at teaching the human being to become “ever more human” as well as competent and efficient. Education must inculcate common values that unite the human family: the inherent dignity of every human being, solidarity, peace, justice, life and authentic human rights (“The Church and Racism, 2001”, Introductory Update, nos. 13-15).

(b) In 2003, the Pontifical Council for Culture (PCC) held a formation session for priests on “Pastoral Approaches to Culture” in Accra, Ghana, 24-27 March, which studied, among other topics, the challenges of ethno-centrism and tribalism.

(c) In 2008, the Congregation for Catholic Education (CCE) organised an international conference on intercultural education and religious pluralism which also dealt with the overcoming of discrimination in multicultural societies. As a follow-up to this meeting, on 7 April 2014 the CCE published the special document, “Educating Today and Tomorrow: A Renewing Passion”, which recalls the fundamental characteristics of Catholic schools and universities, going on to describe the challenges to which Catholic educational institutions are called to respond today, with the development of their own specific mission. Specific attention has been given for all people who have educational responsibilities in Catholic schools and universities with reference to the Specific Challenges for Multi-religious and Multi-cultural of current Societies.

2. Culture

Dialogue of cultures for the building of a civilization of love and peace

71. In 2001, Pope John Paul II stated: “Individuals come to maturity through receptive openness to others and through generous self-giving to them; so too do cultures. Created by people and at the service of people, they have to be perfected through dialogue and communion, on the basis of the original and fundamental unity of the human family as it came from the hands of God who ‘made from one stock every nation of mankind’ (Acts 17:26). In this perspective, dialogue between cultures...emerges as an intrinsic demand of human nature itself, as well as of culture. It is dialogue which protects the distinctiveness of cultures as historical and creative expressions of the underlying unity of the human family, and which sustains understanding and communion between them. The notion of communion, which has its source in Christian revelation and finds its sublime prototype in

the Triune God (cf. Jn 17:11, 21), never implies a dull uniformity or enforced homogenization or assimilation; rather it expresses the convergence of a multiform variety, and is therefore a sign of richness and a promise of growth. Dialogue leads to a recognition of diversity and opens the mind to the mutual acceptance and genuine collaboration demanded by the human family's basic vocation to unity. As such, dialogue is a privileged means for building the civilization of love and peace" (Pope John Paul II, World Day of Peace Message, 1 January 2001; see also Pope John Paul II, Angelus, 26 August 2001, n.3 on "the culture of reciprocal acceptance, recognizing in every man and woman a brother or sister with whom we walk in solidarity and peace").

72. The dicasteries of the Holy See have also been very active. The following examples are noteworthy.

73. In general, the PCC emphasizes that, since every human person is a child of his or her own culture, he or she is called to promote the encounter between culture and the saving message of the Gospel. The PCC 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."

74. In 2002, the PCC Meeting of Asian Members, Consulters and Directors of Cultural Centers in Nagasaki, Japan noted that the "Church profoundly respects Asian cultures which are pluri-religious, spiritually-orientated and form a kaleidoscope of diversity. The Church allows herself to be enriched by all that is good in cultures while she fortifies, completes and restores them in Christ" (Final Statement, PCC, Meeting of Asian Members and Consulters with Directors of Cultural Centers, Nagasaki, Japan, 15-17 October 2002).

75. In 2003, the Pontifical Council for the Pastoral Care of Migrants and Itinerant People (PCMIP) noted that the cultural origins of every person should be respected as well as different cultural practices, so long as they do not contradict common values or universal ethical values inherent in divine natural law and authentic human rights (Fifth World Congress on the Pastoral Care of Migrants and Refugees "Starting Afresh from Christ. Towards a Renewed Pastoral Care for Migrants and Refugees, Rome, 17-22 November 2003).

76. In 2004, the PCC organized One People of God within a Diversity of Cultures, a meeting of African Members and Consulters of the PCC with African Bishops in Johannesburg, South Africa, 27-30 October. The following themes were addressed: Between Leveling of Values and Diversity and Promoting Fraternity and Solidarity in All Cultures; The Reconciliation of Cultures: a Christian Necessity; The Christian Culture of Peace in the Diversity of Cultures; An afterthought on apartheid.

77. In 2006, Cultural Resources for Reconciliation and Forgiveness constituted the First Meeting of Directors of Catholic Cultural Centres in Africa, which was held in Lusaka, Zambia, 18 -22 April. The meeting included the following talks: the evangelical basis for reconciliation and forgiveness; African techniques for reconciliation and pardon - synthesis of fifty years of ethno-pastoral work by the African Cultural Institution; KuNgoni Art Centre and its work on cultural values for reconciliation.

78. In 2006, a meeting devoted to the topic Jesus Christ Alive in Asian Cultures was organized as a Pan Asian meeting of the Members and Consulters of the PCC and the Presidents of the National Episcopal Commissions for Culture. They gathered in Bali, Indonesia, 26-30 November. The topics for discussion included Christian Culture and Islam; Seeking a Culture of Peace; Indigenous Peoples in Search of Christ; Preserving the Dignity and Identity of Native Cultures. The "treasure of values in these cultures which are infused with divine grace" was emphasized.

79. In 2008, the gathering on Dialogue for a Better Living Together between Cultures constituted the Second Meeting of Directors of Catholic Cultural Centres in Africa held in Ouagadougou, Burkina Faso, 26-29 November. Talks included: “Christian identity and questions of political, tribal, ethnic and linguistic ascendancy in the Democratic Republic of the Congo”; “Bridging the Gap between the Indigenous Cultural Beliefs and Practices and the Catholic Faith in Ghana”; “Inter-cultural dialogue in Nigeria,” “Reconciliation in Rwanda,” “Self-sufficiency and the globalization of solidarity”: the experience of “Italia Solidale - Monde Solidale”.

80. In 2008, the topic of the New Evangelization, Globalization, African Cultures was taken up at the PCC Meeting of African Members, Consulters and African Bishops in Bagamoyo, Tanzania, 22-26 July. They studied the following themes: “Cultural Diversity and International Solidarity” and “Catholic Cultural Centres at the Service of Intercultural Dialogue.”

81. Upon the suggestion of Pope Benedict XVI, the “Courtyard of the Gentiles” (cf. www.cortiledeigentili.com) was established with the sole purpose of providing a neutral space for dialogue between believers and non-believers. In 2011, the PCC organized a meeting in Tirana, Albania, 14-15 November, on the theme: “Believers and non-believers in dialogue with the challenges of postmodern society.” This meeting included a session on the “Spiritual dimensions of survival of Albanian identity” and “The freedom to believe, pluralism in the public sphere and ideological totalitarianism.”

82. In 2009, the PCMIP urged Church action in the field of migration to promote intercultural encounters and projects that counteract racial and cultural fears, as well as suspicion and mistrust, and to assist migrants in becoming advocates of their own cultural identity and rights, as they give concrete signs of respect for the laws, culture and tradition of the host country (PCMIP, The Sixth World Congress on the Pastoral Care of Migrants and Refugees, Rome, 9-12 November 2009).

3. Information

The effect of information on cultural identity

83. In 2001, Pope John Paul II promoted a dialogue between cultures, in part, due to “the impact of new communications technology on the lives of individuals and peoples.” He stated that “[t]he free flow of images and speech on a global scale is transforming not only political and economic relations between peoples, but even our understanding of the world.” While such technologies open up a range of positive possibilities, he noted that they also have “certain negative and dangerous aspects.” Moreover, he emphasized the fact that “a few countries have a monopoly on these cultural ‘industries’ and distribute their products to an ever growing public in every corner of the earth [which] can be a powerful factor in undermining cultural distinctness. These products include and transmit implicit value-systems and can therefore lead to a kind of dispossession and loss of cultural identity in those who receive them” (Pope John Paul II, World Day of Peace Message: “Dialogue Between Cultures for a Civilization of Love and Peace”, 1 January 2001).

Information based on truth, freedom, justice and solidarity

84. In 2001, the PCJP, recalled the growing responsibility of individuals, especially educators, in regard to new means of communication and to the serious risks as to the content of what is communicated. It noted that society has a right to information based on truth, freedom, justice and solidarity, and that public authorities have the important responsibility of guaranteeing freedom of the media within the framework of respect for the common good. In particular, they should avoid letting serious prejudices enter society

through the transmission of racist and discriminatory messages (“The Church and Racism, 2001”, no. 16).

Information should promote a culture of respect, dialogue and friendship

85. In 2009, Pope Benedict XVI devoted his annual message for World Communications Day to “New Technologies, New Relationships. Promoting a Culture of Respect, Dialogue and Friendship” in which he stated: “[m]any benefits flow from this new culture of communication: families are able to maintain contact across great distances; students and researchers have more immediate and easier access to documents, sources and scientific discoveries, hence they can work collaboratively from different locations; moreover, the interactive nature of many of the new media facilitates more dynamic forms of learning and communication, thereby contributing to social progress ... In reality, when we open ourselves to others, we are fulfilling our deepest need and becoming more fully human. Loving is, in fact, what we are designed for by our Creator. Naturally, I am not talking about fleeting, shallow relationships, I am talking about the real love that is at the very heart of Jesus’ moral teaching: ‘You must love the Lord your God with all your heart, with all your soul, with all your mind, and with all your strength’ and ‘You must love your neighbour as yourself’ (cf. Mk 12:30-31). In this light, reflecting on the significance of new technologies, it is important to focus not only on their undoubted capacity to foster contact between people, but on the quality of the content that is put into circulation using these means. I would encourage all people of good will who are active in the emerging environment of digital communication to commit themselves to promoting a culture of respect, dialogue and friendship” (Pope Benedict XVI, Message for the 43rd World Communications Day, 24 May 2009).
