

## HOLY SEE

### CERD 26<sup>th</sup> No. 18 (A/8418) (1971)

28. From its 56<sup>th</sup> to its 58<sup>th</sup> meetings, the Committee proceeded to determine formally its view as a Committee (as distinct from the views expressed at previous meetings, which were those of the individual members) as to which reports were “satisfactory”, in the sense that they furnished all or most of the required information, and which reports were “unsatisfactory” or “incomplete” and therefore needed to be supplemented by further information. The initial report (and supplementary report, if any) of each State Party was put before the Committee separately by the Chairman. Where there was no consensus, the question whether a State Party’s report (or reports) was “satisfactory” or whether, failing that, the Committee wished to request additional information from that State Party, was decided by vote.

29. The Committee expressed itself as satisfied with the completeness of the reports submitted by the following 15 States Parties, from which no additional information was requested: ... Holy See...

**CERD 28<sup>TH</sup> No. 18 (A/9018) (1973)**

157. The initial report of the Holy See, submitted on 30 July 1970, was considered at the third session and deemed satisfactory. The second periodic report, dated 26 March 1973, was considered at the seventh session (133<sup>rd</sup> meeting).

158. Some members emphasized that the Holy See was a State sui generis and that special criteria must be applied in considering its reports. Unlike other States, its reports were expected to emphasize not legislative, judicial or administrative measures but educational measures, indicative of the essentially moral and spiritual role which it played; and the Committee, in considering the reports of the Holy See, would naturally look for information about the role which it played in the struggle against racial discrimination on the international plane.

159. Referring to the international Colloquium on racial discrimination which, according to the report under consideration, was organized by the Holy See in May 1972, some members expressed the hope that information on the conclusions reached at that Colloquium and the measures taken in consequence thereof would be conveyed to the Committee in future reports. Some members also inquired about the status of the relations of the reporting State with the racist régimes in southern Africa.

160. The representative of the Holy See noted that the jurisdiction exercised by that State was intended to achieve spiritual goals by temporal means, and that the measures envisaged in article 9 of the Convention applied, strictly speaking, only to Vatican City. He pointed out that the ratification of the Convention by the Holy See mainly of moral value; like the Holy See's accession to the Treaty on the Non-Proliferation of Nuclear Weapons, its ratification of the Convention was mainly intended to afford support and moral encouragement. If, in depositing its instrument of ratification, the Holy See did not make a reservation stating that it would find it difficult to implement all the provisions of the Convention, that was because it had been felt that was obvious. With regard to the Holy See's activities at the international level, he recalled the Pone's trip to Africa and his address to the Ugandan Parliament: He also stated that the Holy See did not maintain diplomatic relations with South Africa or Southern Rhodesia.

161. The Committee decided to consider the report satisfactory, while expressing its desire to receive additional information in the third periodic report of the Holy See along the lines suggested by members during the discussion.

**CERD 30<sup>TH</sup> No. 18 (A/10018) (1975)**

110. In considering the third periodic report of the Holy See, members of the Committee recalled - as they had done when they considered the second periodic report - that the reporting State's obligations under the Convention should be viewed in the light of that State's unique character. They shared the view, expressed in the report, that "the contribution of the Holy See is situated mainly in the domain of education and formation of public opinion"; and they took note of the excerpts from the principal documents, decrees and declarations contained in the report.

111. Note was taken of a statement by the Pope, to the effect that "mere denunciation, often too late or ineffective, is not sufficient"; and the question was raised whether the Holy See itself had gone beyond "mere denunciation" of racial discrimination in terms which were too general and which failed to identify the régimes and policies which promoted racial discrimination. Comments were made regarding a Declaration on Human Rights by the Synod of Bishops, which stated: "No nation today is faultless where human rights are concerned. It is not the role of the Synod to identify specific violations; this can better be done at the local level". Some members thought that, while it was perhaps true that no nation was entirely faultless, it was wrong to conclude that therefore all nations were equally at fault, as far as racial discrimination was concerned; and régimes which made racial discrimination the corner-stone of their national policy should be identified and condemned not only at the local level but also by the central authority. It was noted that no information was given on what was being done concretely at the local level to combat racial discrimination, particularly where its practice was a matter of national policy. Finally, interest was expressed once again (as it had been at the seventh session) in receiving the report of the International Colloquium on Racial Discrimination, which was organized by the Pontifical Commission on pax et iusticia in 1972.

112. The representative of the Holy See confirmed the view of members of the Committee that the unique character of the Holy See had affected the nature of its report and led it to concentrate on statements of principle rather than specific examples of action. Although it would be more difficult to find examples of concrete action - since such action took place in various countries rather than the Holy See - every attempt would be made to ensure that the next report was more specific, he said. He interpreted the statement of the Synod of Bishops, to which reference was made in the discussion, as meaning that it was not for the Synod to identify specific violations but to elaborate general guidelines which could then be implemented at the local level. Denunciations of particular situations were left to the local bishops; indeed, the bishops in Rhodesia had been very outspoken. It was probably true, however, that not enough had been done locally and that more dynamism was required. Furthermore, while it was perfectly true that mere denunciation was not sufficient, the effect of a denunciation by a body with the moral weight of the Catholic Church should not be underestimated; and, in any case, moral denunciation was one of the few weapons available to the Holy See. Finally, he informed the Committee that the report of the international Colloquium was an internal working document of the Pontifical Commission concerned and that publication had not been envisaged; however, he was quite prepared to inquire into the possibility of it being published.

## CERD A/32/18 (1977)

210. In considering the fourth periodic report of the Holy See, several members recalled the special character of the reporting State and observed that that had a direct effect on the kind of report they expected it to submit in accordance with article 9 of the Convention. Some members suggested that the Holy See was not expected to fulfil all the obligations laid down in the convention; at the same time, much was expected of the Holy See under certain articles of the Convention, such as articles 3 and 7. On the other hand, it was suggested by other members that it was not for the Committee to decide what provisions of the Convention were applicable to a State, but it was for that State to describe how it had applied the provisions of a Convention to which it was a party; and it was recalled that the Holy See had not made any reservations, when it ratified the Convention, regarding the limited applicability of some of its provisions. It was suggested also that, in addition to articles 3 and 7 of the Convention, some provisions of article 2 were relevant.

211. It was observed by some members that the statements reproduced in the report dealt mainly with human rights in general and not with racial discrimination as a particular manifestation of the violation of human rights; a contrary opinion was also expressed, to the effect that if people were able to enjoy their human rights, they were ipso facto freed from racial discrimination.

212. Some members of the Committee, noting that racial discrimination was not an abstraction but a living reality for those affected by it, though that the statements in the report treated racial discrimination precisely as an abstraction and failed to establish a link between the general and the particular, and thereby lost a great deal of effectiveness. They had expected the report to contain clear statements position on the subject of racial discrimination and segregation in specific situations, such as those in southern Africa, the Golan Heights and the Panama Canal Zone; and they voiced the hope that the fifth periodic report of the Holy See would refer to actual cases on which it had taken a decisive stand. On the other hand, other members thought that it was not necessary to ask the Holy See to prepare specific projects dealing with specific issues, for the missions of the Church was essentially religious and universal: namely, to bring men to understand and love one another, in a feeling of rediscovered equality.

213. It was recalled that, when earlier reports of the Holy See were considered by the Committee, some members had asked what the Church had done to settle problems of racial discrimination at the local level, and what statements it had made at that level; and it was observed with regret that no reply to that question was given in the present report.

214. Noting that article 3 of the Convention expressed an attitude of condemnation and article 7 one of exhortation, some members thought that the report of the Holy See seemed to lay more stress on the exhortatory aspect than on the condemnatory; they observed that the fight against the evil of racial discrimination called for the forthrightness and courage of the prophet, who would unhesitatingly condemn evil without fear of the consequences. On the other hand, it was emphasized by other members that compassion and persuasion possessed considerable moral force, and that bringing about a transformation in the hearts and minds of men was a task of the highest importance. And it was suggested that, if the report under consideration contained less in the way of condemnation than might have been expected, that was because the Church was less inclined to

condemn than it had been in earlier times.

215. It was hoped that the Holy See would provide information on its attitude towards the Decade for Action to Combat Racism and Racial Discrimination, and on whether it had prepared a special programme in connection with it.

216. It was asked whether the Holy See had acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid, or whether it contemplated any specific measures in connection with it; on the other hand, it was observed that the Holy See was not in a position to take some of the actions provided for in that Convention.

217. It was asked whether in Catholic schools and theological colleges there were programmes giving effect to the provisions of article 7 of the Convention, and whether the Holy See intended to intensify its action to call the attention of international public opinion to the suffering of victims of racial discrimination and the struggles of those striving to recover their dignity and freedom.

218. It was hoped that the fifth periodic report of the Holy See would contain information about the papers submitted for the International Justice and Peace Contest (referred to in para. 16 of the fourth periodic report).

219. The representative of the Holy See assured the Committee that he would bring the comments made by its members to the attention of the Holy See. As a number of members had thought that the report was too general, he wished to stress the unique structure of the Holy See, not only in its own territory but throughout the world. Its influence was exercised through the intermediary of bishops, who proclaimed the principles enunciated by the Pope. In addition, the Holy See exercised a special influence in the field of education. Its mission was not to condemn but to persuade, and to appeal to the conscience of all men. It did not rule out condemnation in certain cases; but it believed it was necessary first to try to persuade and to inform before intervening in support of the principles which it professed. Condemnation was a solution to be adopted only in the last resort.

## **CERD A/36/18 (1981)**

294. The fifth and sixth periodic reports of the Holy See, submitted in one document (CERD/C/66/Add.30), were considered by the Committee together with the introductory statement of the representative, who reminded the Committee of the particular nature of the Holy See which, although it had an international legal status, was not a State and therefore occupied a unique position in the community of nations. He also stated that, in accordance with the Convention, the Holy See had nevertheless taken steps to prevent any manifestation of a racist attitude within the Church, to commit Christians to fight against racism and in favour of equal rights for all citizens, and to influence the outlook of all human beings. In this connection, he provided information, in particular, on the active part that the South African bishops had taken in the anti-apartheid campaign in that country.

295. The Committee paid tribute to the Catholic Church, whose universal mission was confirmed by the report of the Holy See under consideration and which was working tirelessly to eradicate racism from men's hearts and minds in accordance with article 7 of the Convention. The Committee also expressed its appreciation of the report which contained specific information, particularly on the application of article 3 of the Convention. It was stated, in this connection, that while the Holy See could not be expected to comply with all the requirements of the Convention or adhere strictly to the guidelines for the preparation of periodic reports, it was, however, in a special position to promote the objectives of articles 3 and 7 of the Convention and had indeed earned wide acclaim for preaching the dignity and brotherhood of man which the Committee was striving to advance.

296. In connection specifically with article 3 of the Convention, the Committee wished to know the position of the Holy See towards national liberation movements, particularly those fighting against apartheid and racial discrimination.

297. With reference to article 4 of the Convention, some members of the Committee, referring to the specific character of the Holy See which made it unable to adopt any penal provisions, wished to know what moral or religious sanctions could be applied by the Catholic Church against any of its members who failed to apply its precepts, particularly the precept of the brotherhood of all mankind, without distinction as to race, colour or national or ethnic origin.

298. It was noted from the report that one of the contributions of the Holy See to the fight against racial discrimination was the co-ordination and stimulation of the educational efforts of Christian communities throughout the world and the wish was expressed to receive fuller information on the results of that co-ordination. It was asked, in particular, whether problems relating to the protection of human rights, and the elimination of racial discrimination were included in the curricula of Catholic educational establishments and whether there was any system to prevent the appearance, in Catholic teaching establishments in developing countries, of forms of racial segregation arising out of the economic, social or political situations, contrary to the principles of the Holy See. Information was also requested on the specific measures that the Catholic Church was taking on behalf of some of the martyred peoples in the Middle East.

299. Replying to questions by members of the Committee, the representative of the Holy See stated

that the Holy See was totally committed to the use of the peaceful means and that, when obstinate refusal of necessary reforms led to violent revolutions, the Holy See endeavoured, so far as it lay within its power, to contain the exacerbation of hatred, prevent the exploitation of critical situations and persuade the parties concerned to seek a just peace. With regard to the question of the directives issued by the Holy See concerning education, he provided information on a basic document in current use in Catholic schools and theological institutions which was the Encyclical Mit brennender Sorge of 14 March 1937, condemning the idolatry of racism spurred on by national-socialism. With regard to the extent of the control exercised by the Holy See over Catholic schools, he explained that it was not the mission of the Holy See to exercise control over such schools in the manner of a central government, since they had their own responsibility and autonomy. That did not, however, preclude a degree of supervision to ensure that education was broadly in keeping with the guidelines provided. Moreover, three types of penalty could be imposed for failure to respect those guidelines: a teacher might receive a recommendation; in more serious cases he might be suspended from teaching, as had been done in the case of a teacher opposing decolonization; and in extreme cases he might be permanently debarred from teaching in Catholic schools.

## **CERD A/37/18 (1982)**

414. The seventh periodic report of the Holy See (CERD/C/91/Add.17) was considered by the Committee together with the introductory statement of the representative who suggested that the report ought to be considered in the light of the unique character of the Holy See, deriving from its mission, which was essentially religious and universal in scope. The Holy See was, nevertheless, committed to promoting respect for fundamental human rights of all peoples, especially those touching on these rights flowing from the equality and dignity of all men without distinction and, in so doing, it focused mainly on education and the formation of world public opinion. The representative also referred to an address of the Pope to the bishops of South Africa in which he emphasized the interrelationship between human rights and peace.

415. The Committee paid tribute to the efforts of the Holy See in joining States in the combat against racial discrimination and special reference was made to its contribution in the educational field. Attention was drawn to a publication of the Vatican within the framework of the Decade for Action to Combat Racism and Racial Discrimination and to statements made by the Pope which demonstrated that the Holy See was prepared, whenever necessary, to issue specific condemnations of racial discrimination and injustice.

416. The Committee noted the particular nature of the report under consideration owing to the specific character of the Holy See as a subject of international law, namely, the fact that it was not a State and did not have citizens or a territory in the traditional sense, since Vatican City was essentially an annex to the Church's spiritual power. The Committee, however, repeated its position to the effect that it had always endeavoured to examine the reports of the Holy See in the same way it examined the reports of States and had consequently put forward a number of specific questions. While oral replies to some of those questions had been provided, it was usual practice for parties to the Convention to include and even to amplify those replies in their next report.

417. The Committee requested information regarding the position of the Holy See with respect to liberation movements. Moreover, it was asked whether any moral or religious sanctions existed to implement article 4 of the Convention; whether information on human rights was included in the curricula of ecclesiastical schools; and whether racial segregation existed in Catholic schools.

418. Noting the spiritual influence of the Holy See on the attitudes of many people in many countries, the Committee requested information on how the Church used that influence in shaping the attitudes of church members with regard to the main moral and political issues facing the contemporary world, especially the question of peace, the gap between the rich and the poor and racial and ethnic discrimination. In particular, the Committee would welcome information in future reports on the activities not only of the South African bishops but also those of other countries. Noting that religious fanaticism could lead to divisions between peoples of different ethnic origin or religions, a member requested information on the current activities of the Catholic Church to promote fraternity and understanding between nations, ethnic groups and different religions.

419. The representative of the Holy See assured members that their suggestions and comments had been duly noted and would doubtless be reflected in the following report and expressed the hope that



the Holy See's collaboration with the Committee would continue in the same spirit of mutual understanding and commitment to the provisions of the Convention.

## **CERD A/40/18 (1985)**

182. The eighth periodic report of the Holy See (CERD/C/118/Add.11) was considered by the Committee at its 709<sup>th</sup> meeting, held on 11 March 1985 (CERD/C/SR.709).

183. The report was introduced by the representative of the Holy See who emphasized that the Catholic Church had from the outset vigorously defended the principle of equality. A number of encyclicals of recent Popes, the teachings of the Second Vatican Council and numerous addresses, messages and exhortations of the Popes were relevant in that connection. With regard to the Committee's request for more detailed information on measures taken by the Holy See with reference to articles 3, 5 and 7 of the Convention, he pointed out that the Holy See, while not comparable to those of States belonging to the international community. He emphasized that more than 2,500 dioceses and 100 episcopal conferences throughout the world contributed to the eradication of racial discrimination.

184. The Committee paid a special tribute to the Holy See for its efforts to mobilize world public opinion against racial discrimination. It was pointed out that, since its inception, the Committee had recognized the unique position of the Holy See and the fact that its reports must be viewed in terms of its special mission. Members of the Committee stressed the importance of the mission of the Holy See in the field of education and the formation of public opinion to eliminate all forms of racial discrimination throughout the world.

185. The Committee appreciated the role of the Holy See in the struggle against apartheid. It was pointed out that Pope Paul VI had denounced racism and stated that it was a disgrace that apartheid still existed. One member asked why there had not been a specific statement by Pope John Paul II condemning apartheid in South Africa. Another member asked whether there was any possibility of the Holy See becoming a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid.

186. Members of the Committee asked whether any moral or religious sanctions existed to implement the provisions of article 4 of the Convention and whether there were specific pastoral guidelines for combatting racism. One member pointed out that persuasion was not the only power of the Holy See, the Church also had other sanctions, such as excommunication, that were more powerful than the sanctions of other State parties to the Convention. In a given situation where racial discrimination had become a serious threat, the Church should go beyond persuasion.

187. Information was requested concerning the curricula of Catholic schools and whether they provided for education in the field of human rights. It was also asked whether Catholic schools were racially segregated.

188. With respect to the liberation theology in Latin America, members of the Committee pointed out that it appeared to be causing some discomfort, within the Church. Since it championed the cause of the poor and the oppressed, it could not avoid being politically active. However, the Holy See appeared more prepared to accept a political role for the Church in some countries than in others, and sought to restrict the political activities of some Church members. In that context,

members of the Committee observed that a debate was under way in the Catholic Church on its social doctrine, its position vis-à-vis certain régimes in Latin America and its role in the struggle of the oppressed against the dominant establishment. It was also pointed out that the media had reported differences between the Holy See and some bishops in Latin America over the Church's attitude towards liberation movements. Members asked what the position of the Holy See was in that regard.

189. In reply to questions raised and observations made by members of the Committee, the representative of the Holy See informed the Committee that both Pope Paul VI and Pope John Paul II had condemned apartheid in strong terms, although there were no specific references to South Africa. Church doctrine clearly repudiated racism. The issuing of pastoral guidelines was the responsibility of each bishop. Instruction on human rights issues was provided in the pontifical universities and in many thousands of Catholic schools; he hoped that there was no trace of discrimination in Catholic schools anywhere, even in South Africa. Indeed, the South African bishops had lost financial support from the Government because they had prohibited racial discrimination in their schools.

190. In connection with the implementation of article 4 and the question whether the Catholic Church applied moral or religious sanctions, he said that, if a person acted against the Church's doctrine prohibiting racial discrimination, that would be a serious sin which must be confessed and would call for a serious admonition.

191. He informed the Committee that the question whether the Holy See could become a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid would be referred to the Secretariat of State. He indicated that the Holy See was not against all aspects of liberation theology, but opposed only to those teachings that were based on false theological principles. He added that, on the issue of political activities, a clear distinction must be drawn between political activities by the laity and by priests. It was expressly forbidden for priests to engage in the activities of political parties.

## **CERD A/42/18 (1987)**

675. The ninth periodic report of the Holy See (CERD/C/149/Add.6) was considered by the Committee at its 793<sup>rd</sup> meeting on 12 March 1987 (CERD/C/SR.793).

676. The report was introduced by the representative of the Holy See who drew attention to the meetings held by Pope John Paul II during his pontifical travels in five continents with minority and aboriginal groups, the Pope's visit to the synagogue in Rome and the strong opposition of the Roman Catholic Church to anti-Semitism, the Pope's address to the Special Committee against Apartheid, and the interdenominational prayers for peace at Assisi on 27 October 1986, which had demonstrated the fundamental unity of all mankind.

677. Members of the Committee expressed satisfaction with the report and welcomed the strong position adopted by the Pope against racial discrimination.

678. They referred to the role played by the Holy See in the struggle against apartheid and in support of the independence of Namibia and asked whether the Holy See maintained diplomatic relations with South Africa and whether it was true that the Vatican had made large investments in South Africa. It was pointed out that a peaceful struggle of the type promoted by the Holy See was preferable, but that the developing situation, involving indiscriminate killings by the authorities, justified the use of every possible means by the people of southern Africa. In that context, clarification was sought on the position of the Church with regard to the methods that had been forced upon some of the national liberation movements. Members of the Committee wished to know whether the Holy See helped and supported such movements in southern Africa. It was also asked whether Roman Catholics in South Africa and Namibia had freedom to express their religious views. Members stressed that the Holy See could exert greater pressure on South Africa to end apartheid than mere condemnation of the system.

679. Reference was made to the appalling poverty that existed in the world and the expenditure of billions of dollars on the nuclear arms race and it was asked what the Holy See was doing to promote the economic, social and cultural rights of the poor.

680. The hope was expressed that the Holy See would become more closely involved in the promotion of a dialogue between different ethnic groups in countries with special problems in the Near and Middle East. It was asked whether there was any contact between the Holy See and the liberation movements, some of which were religious, in the Near and Middle East, and whether the Vatican had extended any humanitarian aid to them.

681. Reference was made to the recruitment by the Catholic Church of girls from Christian families in Kerala, India, who had been lured into joining European convents, ostensibly for theological studies, but in reality to work as domestic servants performing chores, and it was asked what measures were contemplated to stop that practice.

682. Reference was made to certain individuals within the Roman Catholic Church and their links with extreme right-wing racist groups, and it was suggested that the Holy See might consider the

possibility of reminding them of the teachings of the Gospel on the relations that should exist between men.

683. Reference was made to the liberation theology in Latin America and the case of two Catholic priests in Brazil and Peru, as well as to the fact that the Church, which championed the cause of the poor and the oppressed, could not avoid being politically active. In that context, information was requested about recent developments between the Vatican and the promoters of the liberation theology movement.

684. In reply to the questions and observations made by the members of the Committee, the representative of the Holy See said that the Catholic Church maintained relations with many faiths, especially Islam; it regularly exchanged messages with Islamic authorities in different countries, for example at Ramadan, and it maintained solidarity with believers in the Koran, as indicated, for example, by the Pope's visit to Casablanca. Questions such as the right of the Palestinians to freedom and self-determination were a constant theme in the Pope's periodic address to the diplomatic corps accredited to the Holy See. With regard to Jerusalem, the centre of the three major monotheistic religions, the position of the Holy See had always been that Jerusalem must be a city open to all three religions and hence open to the whole world. In his many journeys to meet religious communities, the Pope had not failed to meet Islamic believers on the African continent.

685. The fundamentalists were only a minority and, if the Catholic Church adopted a stringent attitude towards them, it would have to do the same in respect of other extremists. The Catholic Church, which had seen times of tension and times when it had to look more closely at its position, was today experiencing a time of regeneration and fraternity; it should not use force in the face of deep convictions on the part of believers and others.

686. He drew attention to an important report, published recently on the international debt situation, which stated unequivocally the obligations of both developed and developing countries. The Catholic Church did not merely send missionaries abroad; its work included measures to help with housing, schools and hospitals, which showed that it was always concerned with deeds as well as words.

687. The Catholic Church had always strongly advocated disarmament and had warned of the serious dangers of the rearmament that had started soon after the end of the Second World War.

688. On the question of South Africa, the representative assured the Committee that the Holy See had no relations with that country. There was a large Catholic community in South Africa and the Catholic Church was closely involved in ecumenical activities and in promoting the rights of oppressed groups, as well as dialogue between them.

689. He said that the Holy See believed in peaceful action. It did not exclude the possibility of using force, but regarded it only as a last resort when all other means had failed. It was clear from the report that the Holy See had been far more active recently and had taken firmer stands against apartheid than in other fields.

690. The issue of nuns from Kerala being sent to European convents to perform domestic chores

had been exaggerated by the media. While there might have been an isolated case of a nun moving from one convent to another, a young Christian girl normally entered a convent to train, work and pray for her sisters, not to wash dishes. There was no question of any racial implications.

691. The representative of the Holy See said that, despite unfounded information published by certain organs, the Vatican had no investments in South Africa. He read out a statement by the President of the Banca di Roma per la Svizzera - which the Holy See did not own, but in which it had a majority share - that there had been no loans for religious works in South Africa. While in the course of its normal operations, it had from time to time subscribed, on behalf of certain clients connected with the Vatican, to South African debt bonds offered publicly. The Bank, as such, had no investments in South Africa. He wished to state categorically that the Holy See had no credit balance of any kind with South Africa or with any firms or bodies controlled by South Africa.

692. He emphasized that liberation theology should be seen in a specific context. The whole process of Catholic thought was community-oriented. Reference had been made to two Catholic priests: Father Bosch, of Brazil, was a faithful member of the Catholic Church but had erred in voicing to the whole world a reflection showing individualism. The same was true of Father Gutierrez of Peru. The Catholic Church also regarded liberation theology as one which could be based on doctrine or the Gospel, but which emphasized the human rights of the community.

## **CERD A/45/18 (1990)**

206. The tenth periodic report of the Holy See (CERD/C/172/Add.8) was considered by the Committee at its 875<sup>th</sup> meeting, held on 14 August 1990 (CERD/C/SR.875).

207. The report was introduced by the representative of the reporting State, who said that because of the essentially religious and moral character of the Holy See, and the small size of its territory, which served solely to safeguard the Church's autonomy and the free exercise of the Papal pastoral mission, it was not feasible to draw up the report in accordance with the Committee's guidelines. He referred to several pastoral messages issued by the Pope since the submission of the report and drew particular attention to a recent document entitled "The Church and racism - action for a more fraternal society". That document dealt, *inter alia*, with institutionalized racism, such as apartheid, and denounced racial discrimination against aborigines, minorities, particularly religious minorities, spontaneous racism against refugees or immigrants, and anti-Semitism. It also called on all schools to provide education to eradicate discriminatory instincts and promote brotherhood, and on all States to support education through legislative action in defence of ethnic, linguistic or religious minorities, immigrants, refugees and temporary foreign workers.

208. Members expressed appreciation for the continuing dialogue between the Holy See and the Committee. Reference was made to the important role played by the Catholic Church in the transmission of value. While the actions of the Holy See to combat racial discrimination were perhaps less direct than of other States, it wielded an enormous spiritual and moral influence throughout the world and, in many respects, represented the universality of the human race. Although the structure of the report was understandably different from other reports, it none the less demonstrated the concern of the Holy See with the elimination of racial discrimination and the efforts of local churches to promote, *inter alia*, pluralism, tolerance, inter-religious dialogue and the overcoming of divisions between races. Members also made an appeal that the Holy See should continue its efforts to protect indigenous peoples throughout the world.

209. Clarification was requested of the attitude of the Holy See towards priests living and working among the most oppressed people in society, particularly in Latin America, and media allegations concerning the Church's reticence towards such priests. Comment was also invited on the role played in some Western countries by ultra-conservative movements claiming links to the Catholic Church, which were often antagonistic towards immigrants or refugees. In addition, members sought information on the current situation of discussions being held by the Catholic Church with other Christian denominations.

210. Given the enormous influence of the Catholic Church, it was observed that the Holy See could comment more quickly and forcefully on topical issues. The Special Committee against Apartheid, for example, had waited a long time for a clear-out and assertive condemnation of apartheid from the Holy See. During the Nigerian civil war in the late 1960s, the Holy See had also delayed taking a firm position on the matter.

211. The representative of the Holy See thanked the members for their comments and observations, which would be taken into account in the preparation of the next periodic report. He did not agree

that the Church's action to combat racial discrimination was as indirect as had been suggested, although admittedly the Holy See did not have at its disposal the same legislative and other measures open to other State parties. The Church's attitude to priests working and living among the most oppressed peoples had relaxed in recent years and their views were now more widely accepted. While it was true that some ultra-conservative groups often combined conservative religious views with conservative political opinions, the Church sought to emphasize the equality and dignity of all groups regardless of race or religion. During the last two years, in particular, the Church had increasingly emphasized the problems encountered by immigrants. The Holy See had always firmly and unequivocally condemned apartheid and had contributed greatly to the struggle for its elimination. The report detailed the many statements made by the Pope in condemnation of that practice. The Holy See had also been represented at the two World Conferences to Combat Racism and Racial Discrimination and many other international meetings dealing with apartheid.

212. In general, the ecumenical situation was much better than anyone could have expected 30 years ago. The ecumenical dialogue between the Catholic and the Orthodox Churches was particularly advanced and it was now accepted that there were no important doctrinal differences between the two Churches. The practice of reciprocal exclusion for the sacraments had ended and, when a service was not available in one's own church, reciprocal attendance at each other's service was being encouraged.

213. With reference to the Nigerian civil war, the position adopted by the Holy See had admittedly given rise to some concern, even among Nigerian bishops, but the Church generally abstained from comment on complex political issues, while always making its position clear on the principles involved. During the crisis in Nigeria, the Holy See had made considerable efforts to influence the priests involved in the secessionist movement.

214. In conclusion, the representative said that the Holy See was very active in combating discrimination of all kinds, and the Committee, and the United Nations as a whole, could depend on its continued support.



## **CERD A/48/18 (1993)**

278. The Committee considered the combined eleventh and twelfth periodic reports of the Holy See (CERD/C/226/Add.6) at its 991st and 992nd meetings, held on 5 August 1993 (CERD/C/SR.991-992).

279. The representative of the State party who introduced the report emphasized that the Catholic Church's categorical rejection of racial discrimination was enshrined in basic documents such as the 1983 Code of Canon Law, the main legislative document of the Latin Church, and more recently, the Code of Canon Law for the Eastern Churches.

280. The representative also referred to the many initiatives taken by the Church in support of victims of discrimination, such as indigenous peoples, minorities, displaced persons and refugees, and to the work of the Pontifical Council on migrants and displaced persons and Catholic aid agencies. He also mentioned the Catholic Church's concern at the emergence of new forms of racism and xenophobia, with particular reference to Europe and the practice of ethnic cleansing in the former Yugoslavia, as well as to the situation in Palestine and South Africa.

281. He also pointed out that, in view of the religious dimension of many conflict situations, efforts had been undertaken to promote dialogue between religions through the Pontifical Commission for religious relations with Judaism and the Pontifical Commission for religious relations with Muslims.

282. In addition, the representative drew attention to the contents of the document entitled "The Church confronted with racism - for a more brotherly society", published in 1989 by the Pontifical Council, which addressed various issues of racism and offered guidance in promoting brotherhood and solidarity between races. In that connection, he indicated that, in order to eliminate racist behaviour of whatever kind from society, it was necessary to have a firm conviction of the dignity of every human being and the unity of the human family, and that the major contribution of the Holy See in meeting its obligations under the Convention lay in its capacity to educate individuals' consciences to contribute to attenuating the conflicts and divisions between races and ethnic groups.

283. Members of the Committee expressed their gratitude to the State party's representative for the detailed information he provided orally. They sought information, in general, as to the role played by the State party and the Catholic Church, particularly through its presence at the grass-roots level, in contributing to the realization of the principles and provisions laid down in the Convention.

284. Members of the Committee, emphasizing the importance of developing greater understanding, openness and tolerance between all religions, requested information on the actions taken by the State party to promote dialogue between different churches and religions and the peaceful coexistence of faiths. Members of the Committee also expressed concern at and sought clarification of the practice of the Catholic Church that required children of mixed-faith marriages to be brought up according to the Catholic faith.

285. Members of the Committee wished to receive further information on the activities undertaken by the State party to support United Nations efforts and actions to combat racism and racial

discrimination.

286. In respect of article 2 of the Convention, members of the Committee requested information on the measures taken to encourage multiracial organizations and movements.

287. With regard to article 3 of the Convention, members of the Committee wished to receive further information on the State party's position on apartheid.

288. In connection with article 6 of the Convention, members requested further information on the work undertaken by the Catholic Church in support of victims of discrimination in different geographical regions.

289. In respect of article 7 of the Convention, further information was sought on the educational and institutional measures taken by the Holy See and the Catholic Church to combat racial prejudice and to persuade people to live harmoniously together. Equally, members of the Committee requested the State party to provide details of the breakdown by ethnic or racial origin of pupils in Catholic schools, as well as information on efforts undertaken to promote educational opportunities in Catholic schools for the most disadvantaged groups in society.

290. In connection with article 11 of the Convention, it was asked whether the State party might consider taking action under the provisions of that article.

291. In reply to the various questions raised and comments made by members of the Committee, the representative of the State party provided information on the efforts undertaken by the Holy See and the Catholic Church to address injustices and to combat discrimination. He indicated that those activities were often conducted through the Church's work with the most disadvantaged groups in society, who were most likely to suffer discrimination on account of their ethnicity and poverty. Mention was also made of the activities of the Catholic Church, particularly within Latin America, to fight injustice resulting from poverty.

292. He informed the Committee of the action being taken by the Holy See to promote inter-religious dialogue with Judaism and Islam and inter-church dialogue in Eastern Europe with the Moscow patriarchy. He also emphasized the importance accorded by the State party to respect for minorities and the principles laid down in international instruments on human rights and international humanitarian law. In that connection, he provided information about the action taken by the Holy See to address concerns raised within the framework of the conflict situation in the former Yugoslavia.

293. Concerning article 3 of the Convention, he stressed that Catholic institutions based in the country that officially practiced apartheid not only taught about coexistence between the races, but also encouraged such action.

294. With respect to article 6 of the Convention, he outlined activities undertaken to protect persons suffering from discrimination. In that regard, mention was made of the work of the local Catholic Church in German communities in the service of refugees. In the context of Latin America, details were given of the Church's work with local indigenous communities. The representative indicated

that the State party's next periodic report would contain further information on the work undertaken by the Catholic Church in different countries in Africa and Asia.

295. With regard to article 7 of the Convention, he explained that the principle of non-discrimination was an essential element of the teaching in Catholic educational establishments and of the Catholic Church at all levels of society. Statistics on the provision of education in Catholic schools for the most disadvantaged groups in society were not available at the current time.

#### Concluding observations

296. At its 1007th meeting, held on 17 August 1993, the Committee adopted the following concluding observations.

#### Introduction

297. The Committee welcomed the information contained in the reports and the additional information presented orally. The Committee expressed its appreciation to the representatives of the State party for their cooperation and efforts to reply to many of the questions raised and was of the view that the dialogue with the State party was particularly useful.

#### Positive aspects

298. The Committee welcomed the State party's recognition of the very important role the Holy See and the national Catholic Churches could play throughout the world to achieve the aims and objectives of the Convention. The Committee also appreciated the readiness expressed by the State party to foster tolerance and non-discriminatory attitudes, and to counter racial discrimination.

#### Factors and difficulties impeding the application of the Convention

299. The Committee recognized that the exceptional nature of the status of the State party determined the directness of the measures it could take to implement fully the provisions of the Convention.

#### Principal subjects of concern

300. The Committee noted the absence of concrete information in the report of the State party on the practical activities it had undertaken to implement the provisions of the Convention, particularly article 7.

#### Suggestions and recommendations

301. The Committee recommends that the next report to be submitted to it should contain further information on the practical activities undertaken and policies pursued by the Holy See for the implementation of the provisions of the Convention in different geographical regions of the world. The Committee also wished to receive further information on the practical activities being undertaken by the State party to support United Nations action against racism and racial

discrimination and to defend victims of racism. Information on the proportion of ethnic groups and races educated in Catholic schools set in multi-ethnic societies would be welcomed by the Committee.

302. In addition, the Committee wished to receive information on the efforts the State party intended to undertake to encourage the establishment and work of multiracial movements throughout the world.

303. Given that educational activities were one of the most important means of fighting against racial prejudice and for harmony between different groups, the Committee recommended that further efforts of the State party should be focused on the implementation of article 7 of the Convention and that the State party should undertake further measures to promote equality of educational opportunities.

304. The Committee, noting the important religious factor prevalent in many situations of ethnic conflict, recommended that the State party should become more active in conflict prevention and resolution efforts. It also recommended that the State party, wherever possible, should undertake further measures to promote inter-religious dialogue, especially in ethnic conflict situations displaying a religious component, and should try to exercise an ameliorating effect in that respect.

305. In view of the moral influence wielded by the Holy See and the national Catholic churches, the Committee also suggested that the State party should take a more active stance against unjust systems that had the effect of fostering racist attitudes, as well as against any tendency towards racism and xenophobia which might develop in national societies.

## **CERD A/55/18 (2000)**

389. The Committee considered the thirteenth, fourteenth and fifteenth periodic reports of the Holy See, due on 31 May 1994, 1996 and 1998 respectively and submitted in one document (CERD/C/338/Add.11), at its 1425th meeting (CERD/C/SR.1425), held on 17 August 2000. At its 1433rd meeting (CERD/C/SR.1433), held on 23 August 2000, it adopted the following concluding observations.

### 1. Introduction

390. The Committee notes the submission of the report of the Holy See which followed the general guidelines for the presentation of States parties' reports. The Committee is encouraged by the constructive dialogue it had with the delegation and the positive reactions to the suggestions and recommendations made during the discussion.

391. The Committee notes that the unique structure and nature of the State party may limit the directness of the measures that can be taken to fully implement the Convention.

### 2. Positive aspects

392. The Committee notes with satisfaction that the laws and teachings of the Catholic Church promote tolerance, friendly coexistence and multiracial integration and that Pope John Paul II has in a number of speeches openly condemned all forms of racism, racial discrimination and xenophobia manifested through racial tensions and conflicts around the world. The Committee welcomes the solemn request of His Holiness for pardon for past acts and omissions of the Church which may have encouraged and/or perpetuated discrimination against particular groups of people around the world.

393. The information given by Vatican Radio and Osservatore Romano (the Vatican's daily newspaper) in promoting the principles of the Convention is welcomed.

394. The Committee welcomes the efforts of the State party and encourages it to continue its active role in promoting conflict prevention and resolution as well as dialogue between and within religions. In particular, it notes the positive initiatives undertaken by the State party to promote peace and bring an end to ethnic conflicts. The State party is also encouraged to continue its initiatives in this regard.

395. Appreciation is expressed for the contributions made by the Pontifical Council for the Pastoral Care of Migrants and Itinerant People through, inter alia, declarations and programmes of action to promote non-discrimination against refugees and migrants in various parts of the world. In this context, the Committee notes the efforts undertaken by the State party to promote the rights of the Roma populations.

396. The Committee expresses its appreciation for the role of the Catholic Church in promoting education, particularly in developing countries. The Committee further welcomes the opening up

of Catholic schools to children from different religious creeds as well as the promotion of tolerance, peace and integration through education. The Committee notes with satisfaction that in many countries where the majority of the population is non-Christian, Catholic schools are places where children and young people of different faiths, cultures, social classes or ethnic backgrounds come into contact with each other.

### 3. Concerns and recommendations

397. The Committee recommends that the State party implement, as appropriate, the Convention, and invites it to provide in its next periodic report information on the relationship of article 4 to Canon Law and Penal Law in Vatican City State.

398. The Committee notes the clarification outlined in paragraph 106 of the report concerning the involvement of ecclesiastics, against the precepts of the Catholic Church, in the genocide in Rwanda. The State party should cooperate fully with the national and international judicial authorities in connection with prosecutions relating to the Rwanda genocide.

399. While welcoming the extensive statistical information provided in the State party's report concerning the membership and administrative structure of the Roman Catholic Church as well as Catholic educational establishments globally, the Committee invites the State party to provide data on the inhabitants and administrative structure of Vatican City State.

400. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of making the declaration be considered.

401. The Committee recommends that the State party undertake all appropriate measures to ensure that the report and these concluding observations are widely distributed to the public. The Committee further recommends that the State party's next periodic report be an updating report and that it address the points raised during the consideration of the report.