



Convention on the Rights of the Child

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Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Initial reports of States parties due in 2003

Holy See* **

[17 May 2010]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

** Annexes are reproduced as received, in the language of submission only.

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I. Introduction

1. The Holy See deposited the instruments of ratification on Oct. 24, 2001 for the two Optional Protocols to the Convention on the Rights of the Child (CRC). It was the eleventh State to ratify the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC).
2. The Holy See submits its initial report pursuant to art. 12 (1–2) of the OPSC. Subsequent information related to the implementation of this Optional Protocol will be included in the Holy See's Periodic Report under the CRC.
3. The Holy See duly notes the Guidelines for OPSC as set out in CRC/C/OPSC/2 (3 November 2006), respectively. The Holy See has taken them into consideration as far as possible given its proper nature.

II. The Holy See and international law

4. 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 177 States and participates as a Member or Permanent Observer to the United Nations and several specialized Agencies of the UN System, as well as in various universal or regional Intergovernmental Organizations.

(a) The internal law of the Catholic Church defines the Holy See as the government of the universal Church composed of the Roman Pontiff and of the institutions which proceed from him. (see Code of Canon Law (CIC), can. 361; see Code of Canons of the Eastern Churches (CCEO), c. 48);

(b) The Holy See also exercises its sovereignty over the territory of Vatican City State (VCS), established in 1929 to ensure the Holy See's absolute and evident independence and sovereignty for the accomplishment of its worldwide moral mission, including all actions related to international relations. (see Lateran Treaty, preamble and arts. 2–3);

(c) 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 to 1870 and VCS since 1929). Indeed, following the loss of the traditional Papal States in 1870 until the establishment of VCS in 1929, the Holy See continued to act as a subject of international law by concluding concordats and international treaties with States, participating in international conferences, conducting mediation and arbitration missions, and maintaining both active and passive diplomatic relations.

5. When the Holy See ratifies or accedes to an international agreement following international law and practice, it intends also to manifest 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 elaborates on juridical, social and moral principles founded upon right reason which are addressed to the whole of humanity 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 the human person and of his or her rights.

III. General considerations regarding the Convention

6. The Holy See reiterates its support for the Convention on the Rights of the Child (“CRC”) which acknowledges that the “child, by reason of his or her physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth.” (CRC (1989), preamble, para. 9; see Declaration on the Rights of the Child (“DRC”) (1959), preamble para. 3).

7. The Holy See reaffirms its three reservations and one interpretative declaration made in accordance with art. 51 of the CRC. These were necessary in light of the fact that the CRC is “a minimal basis for reaching an agreement, and therefore contains areas with which the parties are not completely satisfied.” (CRC/C/3/Add. 27, para. 13).

8. As regards the reservations, the Holy See “interprets the phrase ‘Family planning, education and services’ in art. 24. 2, to mean only those methods of family planning which it considers morally acceptable, that is, the natural methods of family planning.” The Holy See “interprets the articles of the [CRC] in a way which safeguards the primary and inalienable rights of parents, in particular insofar as these rights concern education (articles 13, 28), religion (article 14), association with others (article 15) and privacy (article 16).” The Holy See declares that “the application of the [CRC] be compatible in practice with the particular nature of [VCS] and of the sources of its objective law (art. 1, Law of 7 June 1929, N. II [as amended by the Law of 1 October 2008, N. LXXI]) and, in consideration of its limited extent, with its legislation in the matters of citizenship, access, and residence.” (See www2.ohchr.org/english/bodies/ratification/11.htm#reservations).

9. With respect to the interpretative declaration, the Holy See regards the CRC as “a proper and laudable instrument aimed at protecting the rights and interests of children...”. The Holy See “recognizes that the [CRC] represents an enactment of principles previously adopted by the United Nations, and once effective as a ratified instrument, will safeguard the rights of the child before as well as after birth, as expressly affirmed in the [DRC, preamble para. 3] and restated in the ninth preamble paragraph of the [CRC]. The Holy See remains confident that the ninth preamble paragraph will serve as the perspective by which the rest of the [CRC] will be interpreted, in conformity with art. 31 of the Vienna Convention on the Law of Treaties [VCLT] of 23 May 1969. By acceding to the [CRC], the Holy See intends to give renewed expression to its constant concern for the well-being of children and families. In consideration of its singular nature and position, the Holy See, in acceding to the Convention, does not intend to [derogate] in any way from its specific mission which is of a religious and moral character.” (see UN’s official website: www2.ohchr.org/english/bodies/ratification/11.htm#reservations).

IV. Affirmation of the rights of the child in the teachings of the Holy See relating to the Optional Protocol on the sale of children, child prostitution and child pornography

A. General principles

10. In regard to the Guidelines for OPSC, paras. 1 and 2, the Holy See, in adhering to its legal order, reaffirms its longstanding convictions and in this regard endorses that which was stated in its initial report under the Convention on the Rights of the Child to the Committee on the Rights of the Child. In brief, the following principles inform the Holy See’s teachings, and activities as regards the OPSC:

(a) *The Dignity of the Child.* The child's rights flow from his or her inherent dignity as a human person, made in the image and likeness of God, by nature endowed with intelligence and free will. From the moment of conception, the child is equal in dignity to all human beings. (see CRC/C/3/Add.27, para. 4)

(b) *The Child's Rights and Duties within the Context of the Family.* "Children's rights cannot be seen outside the context of the family, the first and most vital unit of society. For that reason, protection of children's rights cannot become fully effective unless the family and its rights are fully respected by the legal systems of States and the international community." (CRC/C/3/Add.27, para. 5; see Charter of the Rights of the Family (1983), preamble para. E)

(c) *The Child's Rights and Duties Require the Special Protection and Promotion of the Family.* The family based on marriage is a natural society that "exists prior to the State or any other community, and possesses inherent rights which are inalienable." Marriage is that "intimate union of life in complementarity between a man and a woman, which is constituted in the freely contracted and publicly expressed indissoluble bond of matrimony and is open to the transmission of life." (CRC/C/3/Add.27, para. 6; Charter of the Rights of the Family (1983), preamble para. A, B)

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

(e) *Child's Right and Duty to Life and Parents' Duties and Rights.* The human being has the inherent right to life in every phase of development, from conception until natural death, and in every human condition (e.g. sick, disabled, or poor). And parents have the primary and inalienable duty and right to ensure that their child's right to life is respected (e.g. abortion and experimental exploitation of the human embryo are direct violations of the fundamental right to life). (see CRC/C/3/Add.27, para. 7; Charter of the Rights of the Family (1983), art. 4)

(f) *Child's Right and Duty to Education and Parents' Duties and Rights.* Every child in virtue of his or her inherent dignity as a human person, has the inalienable right to education. And parents have the primary and inalienable duty and right to educate their children, which includes the free choice of schools or other necessary means, in keeping with parental convictions (e.g. parental rights and duties are violated when educational programs are imposed by the State). (see CRC/C/3/Add.27, para. 9; Charter on the Rights of the Family (1983), art. 5)

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

B. Protection and prevention (arts. 8, 9)

11. In regard to art. 9 of the OPSC, the Holy See has manifested its support for the Protocol by the very act of ratification, and it has exhorted other States to ratify them. In 2001, the Permanent Observer of the Holy See to the United Nations emphasized that "the

fact that the Holy See has now ratified the two Optional Protocols to the Convention on the Right of the Child is another sign of its ceaseless recognition of the fundamental importance of protecting the human rights of children and promoting their well-being. In depositing its instruments of ratification, the Holy See encourages all other States to join in furthering the legal protection of children by ratifying or acceding to the protocols.” (Symposium, “Children in Armed Conflict: Everyone’s Responsibility” (2001), co-sponsored by Holy See Observer Mission to the United Nations and the Office of the Secretary-General for Children and Armed Conflict).

12. With respect to both arts. 8 and 9, the Holy See views education of children within the family as an indispensable part of confronting the “root causes” of the problems treated in the Optional Protocol. (OPSC, art. 10 (3)). To this end, the Holy See promotes activities that protect and strengthen the family and supports parents in education of their children in values that are founded on a true understanding of the human person. Authentic love and peace, for example, must be built up on a daily basis and in order to prevent conflict, violence, and exploitation, they must take deep root within the heart of every human person. In this way, such education is most likely to have a lasting effect and influence, not only on immediate family members, but also on the greater community (e.g. other families, intermediate groups and political communities, both domestic and international). Paragraphs 16 to 22 below are also relevant.

C. Prohibition (arts. 1–3)

13. As regards arts. 1, 2, and 3 of OPSC, the Holy See condemns the sale of children, child prostitution, child pornography, as well as illicit organ transfer, forced labor, child exploitation.

14. Following Catholic doctrine the Holy See views these acts as moral offenses against the divine law as revealed in the Decalogue. (see Catechism of the Catholic Church, arts. 2414, 2355, 2354, 2296).

15. Such acts also violate basic principles that are knowable through right reason. These acts are properly treated as criminal acts and punished according to the laws of the State. The sale of children and sexual exploitation of children through prostitution and pornography are recognized as contemporary forms of slavery that degrade the human person and create victims of the most vulnerable.

D. International assistance and cooperation (art. 10)

16. With respect to art. 10 of the OPSC, the Holy See adopts an integral approach by employing its moral leadership worldwide to address contributing factors including underdevelopment, poverty, economic disparities, people on the move (e.g. migrants and refugees), and family breakdown. The Holy See also promotes the growth of children and parents in authentic human love, and provides education on the harmful nature of pornography and of violence, and the proper use of modern technology.

17. The Roman Pontiff gives an annual message on the occasion of the World Day of Migrants and Refugees. In 2005, the message “Migrations: a Sign of the Time” discussed the “feminization” of migration as a result of the growing number of women on the move. It also emphasized the trafficking in women and children, and the insincere offers of help which they accept not suspecting what awaits them, namely forced labor and sex exploitation. In 2006, the message “The Migrant Family” focused on the family life of migrants and the difficult conditions in the refugee camps, where women and children are at risk for sexual exploitation. In 2007, the message “Young Migrants” underlined that girls

“fall victim more easily to exploitation [than boys]” and unaccompanied minors, both boys and girls, frequently end up on the street or become victims of “unscrupulous exploitation”.

18. The concern of the Holy See is also reflected in the publications of its Dicastries. For example, to assist parents in fulfilling their original and primary duty and right to educate their child in authentic human love, the Pontifical Council for the Family has prepared guidelines for education within the family, namely “The Truth and Meaning of Human Sexuality (1995)”. The document makes the following main points:

(a) The pedagogical role of individuals, other than parents, is subsidiary to the prior and primary role of the family, and is subordinate or subject to the parents’ guidance and control.

(b) Formation in human love begins in the family where each person is educated in love by the love of others. The child receives love but then learns to love in return through the words and deeds of his or her parents.

(c) When authentic love flourishes in the family, the child gradually learns to consider the good of the other person as his or her own good.

(d) Human sexuality, which has authentic love as its intrinsic end, is a good and fundamental component of the child’s personality. Human sexuality, however, is not just limited to the genital or physical aspect but rather characterizes the child on psychological and spiritual levels as well.

(e) A remote type of marriage preparation begins in the family with the witness and word of the parents. Within this framework of love, the child learns that marriage between a man and a woman endures for the life of the spouses and constitutes a partnership of love and of life for the good of the spouses and the transmission and education of life.

19. The Congregation for Catholic Education is called to develop principles of Catholic education for Catholic schools. The document “Educational Guidance in Human Love (1983)” presents a general outline for sex education and exhorts parents to exercise their fundamental duties and rights to educate their children.

20. In 1989, the Pontifical Council for Social Communications published “Pornography and Violence in the Communications Media: A Pastoral Response”. It explores the nature of the problem and the serious negative effects of pornography, and of violence on children. It also presents an overview of the causes of the problem, and proposes solutions.

21. In 2002, the Pontifical Council for Social Communications published “Ethics in the Internet” and “The Church and the Internet”. The former document discusses the positive and negative influences of the internet. It also delineates the central principles for an ethical evaluation of the internet, and comments on the issue of pornography. The latter document discusses the use and role of the internet within the Church. Practical recommendations are given to parents, young people, educational institutions, and governments. Parents, in the first instance, are exhorted to educate and protect their children from the harms of the internet.

22. The Pontifical Council for the Pastoral Care of Migrants and Itinerant People publishes a magazine entitled “People on the Move”. It has frequently dealt with sexual exploitation of children, for example, “The Dimensions of Sex Tourism and Initiatives to Combat It” (2004); “Main Responses to Child Sex Tourism” (2004); “A Report on Sex Tourism and Trafficking of Women and Children” (2004).

V. Affirmation of the rights of the child in the activities of the Holy See relating to the Optional Protocol on the sale of children, child prostitution and child pornography

A. Introduction

23. The Holy See, according to its mission and involvement in the international community, promotes the well-being of the child in times of peace and armed conflict by carrying out numerous activities including cooperation and collaboration at the international level in various intergovernmental meetings and conferences. The following examples are especially noteworthy.

(a) *United Nations General Assembly Special Session on Children.* During the “Special Session of the United Nations on Children” (2002), the Holy See affirmed that: “for ‘the best interest of the child’ legislation is needed to protect children from all forms of exploitation and abuse, as in the case of incest and pedophilia, as well as through labor, slavery, the abominable crimes of prostitution and pornography, kidnapping, their use as soldiers or guerrillas, or as victims of armed conflicts or of international or unilateral sanctions imposed on some countries. All these scourges are an affront and a scandal to humanity. These various forms of violence must not go unpunished.”

(b) *Conference: Making Europe and Central Asia a Region Fit for Children.* In May 2001 and 2004, the Holy See participated in the Intergovernmental Conferences entitled “Making Europe and Central Asia a Region Fit for Children”. They were held respectively in Berlin and Sarajevo and constituted the first intergovernmental conferences on the theme. Representatives from many countries, along with the European Commission and NGOs, met to discuss issues pertaining to a full range of concerns with regard to children and young people, including: trafficking, education, health and poverty, drug abuse, HIV/AIDS and prostitution.

(c) *Congresses:* The Holy See attended the Second World Congress Against Commercial Sexual Exploitation of Children held in Yokohama, Japan, in December 2001 as well as the Third World Congress Against Sexual Exploitation of Children and Adolescents held in Rio de Janeiro, Brazil, in November 2008.

24. The Roman Pontiff does many activities as part of his pastoral ministry. In addition, numerous activities are carried out on his behalf through different bodies that constitute the central government of the Catholic Church: the Pontifical Council for the Family, the Congregation for Catholic Education, the Pontifical Council for Justice and Peace, and the Pontifical Council for Health Pastoral Care. An overview of their activities is set out below.

25. Furthermore, the Holy See encourages activities that are accomplished by the local Church, religious congregations, and Catholic associations in accordance with their own authority under canon law, and with due regard to the law of the respective States in which they operate. Consequently, this section of the report highlights the direct assistance given to child victims (or children at risk) for their physical and psychological recovery, rehabilitation as well as social reintegration pursuant to the OPSC, arts. 9 and 10.

B. Prevention, prohibition, protection, international assistance and cooperation (arts. 1–10)

1. The Roman Pontiff

26. The Roman Pontiff as part of his pastoral ministry has on many occasions publicly acknowledged the offenses committed by some of the Church's own members against the rights of child. As a consequence he has met with Bishops as well as victims in order to support, encourage and assist the activities accomplished at the local levels carried out in accordance with local authority under canon law, and with due regard to the laws of the respective States.

(a) The Church, with its moral, spiritual, and religious mission is constituted as a society founded on the communion of faith, sacraments and discipline, and governed by an autonomous legal system.

(b) The Church has the inherent right, acquired at the time of its foundation by Jesus Christ and independent from any civil authority, to urge and persuade sinful faithful to lead authentic Christian lives by ceasing their misbehavior.

(c) Such means, for example, include the *pastoral path* (e.g. exhortation, preaching, good example, correction), the *sacramental path* (e.g. confession), the *disciplinary path* (e.g. norms as regards the reception of the sacraments, the suitability of candidates for priesthood, the correct exercise of office) and the *penal canonical path* (e.g. penal sanctions, penal remedies, and penances).

27. The following statements and activities of the Roman Pontiff are particularly noteworthy. In his April 2002 Address to the Cardinals of the United States, Pope John Paul II stated: "Like you, I too have been deeply grieved by the fact that priests and religious, whose vocation it is to help people live holy lives in the sight of God, have themselves caused such suffering and scandal to the young... The abuse which has caused this crisis is by every standard wrong and rightly considered a crime by society; it is also an appalling sin in the eyes of God. To the victims and their families, wherever they may be, I express my profound sense of solidarity and concern." He continued: "The abuse of the young is a grave symptom of a crisis affecting not only the Church but society as a whole. It is a deep-seated crisis of sexual morality, even of human relationships, and its prime victims are the family and the young. In addressing the problem of abuse with clarity and determination, the Church will help society to understand and deal with the crisis in its midst."

28. In his July 2002, Homily at 17th World Youth Day, Pope John Paul II stated: "do not be discouraged by the sins and failings of some of [the Church's] members. The harm done by some priests and religious to the young and vulnerable fills us all with a deep sense of sadness and shame. But think of the vast majority of dedicated and generous priests and religious whose only wish is to serve and do good! At difficult moments in the Church's life, the pursuit of holiness becomes even more urgent."

29. In his October 2006 Address to the Bishops of Ireland, Pope Benedict XVI stated: "In the exercise of your pastoral ministry, you have had to respond in recent years to many heart-rending cases of sexual abuse of minors. These are all the more tragic when the abuser is a cleric. The wounds caused by such acts run deep, and it is an urgent task to rebuild confidence and trust where these have been damaged. In your continuing efforts to deal effectively with this problem, it is important to establish the truth of what happened in the past, to take whatever steps are necessary to prevent it from occurring again, to ensure that the principles of justice are fully respected and, above all, to bring healing to the victims and to all those affected by these egregious crimes. In this way, the Church in

Ireland will grow stronger and be ever more capable of giving witness to the redemptive power of the Cross of Christ. I pray that by the grace of the Holy Spirit, this time of purification will enable all God's people in Ireland to maintain and perfect in their lives that holiness which they have received from God."

30. During his apostolic journey to the United States, in 2008, the Roman Pontiff raised the issue of sexual abuse more than once. First, while *en route* to the United States and after expressing his shame, the Roman Pontiff described the following actions that are needed: that justice be done by not permitting pedophiles to become priests and to assist victims in healing; that pastoral efforts be made to give assistance to victims and promote their healing; that education of seminarians be ever deepened in the spiritual, human and intellectual formation so that only sound priests with a deep sacramental life be admitted. Second, he addressed the United States Bishops and spoke about the enormous pain suffered by the victims and communities; the vital importance to ensure that the vulnerable are always shielded from those that would cause harm; the implementation of policies and practices within a wider context that ensures education in authentic moral values rooted in the dignity of the human person; increased guidance and support of priests in their pathway to holiness; the important role of Bishops in providing a witness of holiness; and the essential role of prayer and the sacraments for living lives of holiness. Many of the above points were again mentioned in his homily at National Stadium. Lastly, he met with some victims of sexual abuse as Pastor of the Church to express his sorrow, to offer his apologies and to promote healing and reconciliation.

31. During the Roman Pontiff's apostolic journey to Sydney on the occasion of the 23rd World Youth Day, in July 2008, he discussed the issue of sexual abuse of minors by clergy. On the flight to Australia he highlighted the need: 1) to clearly present the Church's moral teaching; 2) to properly educate and prepare priests; and 3) to promote healing and reconciliation. Then in his homily during the Eucharist celebration with Bishops, seminarians and novices he acknowledged "the shame" felt by members of the Church "as a result of the sexual abuse of minors by some clergy and religious in this country." He expressed deep sorrow for the pain and suffering of the victims and assured them as their Pastor that he shares in their suffering. He emphasized that such grave betrayals of trust deserve unequivocal condemnation; asked all of them to work together in combating the evil; highlighted that victims should receive compassion and care; noted that those responsible for these evils must be brought to justice; and made promotion of a safer and more wholesome environment (especially for young people) an urgent priority. Lastly, he met with some victims of sexual abuse for the reasons discussed in the abovementioned paragraph.

2. The Pontifical Council for the Family

32. *Introduction.* The pastoral activities of the Pontifical Council for the Family in response to the challenges posed by the sale of children, child prostitution, child pornography have been developed over many years. The Pontifical Council for the Family has been the voice of many innocent victims by exhorting the rightful authorities to give due attention to their cause. This has been done through its various publications and its participation at numerous congresses, meetings, conventions and other world gatherings.

33. *Children's Rights.* The Pontifical Council for the Family has always taught that the rights of children must be considered in the context of the family, with respect for the right to life. It has also insisted that due attention be given to defining the terms "family" and "children" (see "La dignità dei bambini e i loro diritti" (2002), pp. 23, 43, 45). As the fundamental institution for the life of every society, the family based on marriage must be understood as the covenant whereby "a man and a woman establish between themselves a partnership of their whole life... which of its own very nature is ordered to the well-being

of the spouses and to the procreation and upbringing of children”. (“Letter to Families” (1994), n. 17; see CIC, c. 1055; c. CCEO 776 (1-2); Charter of the Rights of the Family (1983), art. 1-3; UDHR, (1948), art. 16). In addition, the rights of the child exist “before and after birth,” and the interpretation of such rights must guarantee “the moral principles” and “the fundamental and inalienable rights of the parents, especially concerning education, religion, association and private life”. (“*La dignità dei bambini e i loro diritti*” (2002), pp. 44-45). “In effect, children have the right to have parents that are conscious collaborators of God in the transmission, in a human way, of life. [Children] have the right to be loved, protected, educated, and defended.” (*Enchiridion della Famiglia*, (2004), n. 3635).

34. *Publications*. The Pontifical Council for the Family has published “*La dignità dei bambini e i loro diritti*” (The Dignity of Children and their Rights) (2002); and “*Ambiguous and Debatable Terms Regarding Family Life and Ethical Questions*”, (2006), which includes the following articles: “Children’s Rights and Sexual Violence”, “The Dignity of the Child,” “Family and the Rights of Minors” and “The Rights of the Child.”

35. *International Conferences*. The Pontifical Council for the Family has organized seven international meetings on the Child’s Rights: The Dignity and the Rights of the Child (Rome, 1992); Sexual Exploitation of Children through Prostitution and Pornography (Bangkok, 1992); The Rights of the Family and Child Labor (Manila, 1993); Children of the Street (Rio de Janeiro, 1994); The Family and International Adoption (Seville, 1994); Hope for Children with Brain Impairments (VCS, 1999); and The Family and the Integration of the Disabled in Childhood and in Adolescence (VCS, 1999).

36. *The International Conference on the Sexual Exploitation of Children through Prostitution and Pornography*. The final declaration produced at the 1992 Bangkok conference is particularly important: “The sexual exploitation of children is a grave crime against the truth of the human person ... Every abuse against their dignity is a crime against humanity and against the future of the human family. The children of the world trapped in prostitution, pornography and sexual exploitation cry for help. The Lord calls his people to action. Deliberating, resolving and acting together, we pledge to respond.”

37. *World Meeting on the Family*. The Pontifical Council for the Family dedicated its 3rd World Meeting of the Family to the theme: “Children: Springtime of the Family and Society”, during the Church’s Great Jubilee of 2000. It published a document to assist the family, entitled “Children: A precious Gift to the Family and Society”. It is in the form of catechesis available in different languages and addressed to every family in the world. This educational tool commences with a bold and sober evaluation of the present condition of children in the world by touching on the following problems: poverty, malnutrition, inadequate water supply, lack of adequate education, illiteracy, lack of health services, failure to protect children’s rights, child labor, exploitation (of all types) and child prostitution. It also emphasizes the parents’ duty/right to exercise responsible parenthood.

38. *City of Children Project*. The Pontifical Council for the Family developed “City of Children”, a project based in Rwanda.

(a) The primary goal of the project is to respond to the demands of the countless abandoned children by providing medical services and psychological assistance. It provides a moral, religious, and cultural education and also gives general care and formation. This initiative takes into consideration the “best interest of the child” in reference to a Christian anthropological perspective and considers the well-being of the child within the context of the family. The children receive an integral education that would otherwise be unattainable.

(b) The project is valuable because it has established good practices in the community. Similar projects in other dioceses, parishes and institutions have been initiated. Presently, there are a number of family homes sheltering children (about 12-14 in number). There is also a central kitchen; a multipurpose hall; a medical clinic that offers psycho-

social services for traumatized children; a sports area; a primary school for children; and a chapel. All this has been made possible by the generous collaboration of various benefactors. To date, there are 219 children residents and 131 nonresidents.

39. *Pastoral Assistance.* The Pontifical Council for the Family is helping children all over the world through its contacts with Bishops. The President of the Pontifical Council for the Family exchanges ideas on the condition of children in the respective countries with a view to improving conditions. Courses have been offered to Bishops in Africa on various topics including strategies for forming, educating and training people involved in the care of families and of abandoned children.

3. The Congregation for Catholic Education

40. *Introduction.* There are approximately 250,000 Catholic educational institutions in the world, with more than 42 million students. (see Office International pour l'Enseignement Catholique, OIEC, 2006). Educational activity takes place on two levels. The first level is "preventative" care through formal scholastic education. The second level focuses on rescue or problem solving that consists in non-formal education, although in close relationship with scholastic education.

41. It is noteworthy that the activities described herein are promoted and encouraged by the Holy See. However, they are accomplished by the local Church, religious congregations, Catholic associations and lay faithful in accordance with their own authority under canon law, and with due regard to the law of the respective States in which they operate.

42. *Formation.* Numerous written materials on children's rights, especially as related to the OPSC, have been published and distributed to Catholic educators by Catholic specialized institutions and organizations.

(a) *VIDES.* Many Catholic institutions under the co-ordination of VIDES (International Volunteer Force for Education and Development) initiated a study on the data and results of educational projects in recent years. It published the 2002 "*Bambine, adolescenti e giovani a rischio in America Latina, sistematizzazione e processi educativi*" (Girls, Adolescents and Youth at Risk in Latin America: Placement and Educational Processes).

(b) *France.* The handbook for Catholic educators entitled "Lutter contre la pédophilie: repères pour les éducateurs," (2002) gives guidelines on how to recognize, fight and prevent the phenomenon of paedophilia.

(c) *Australia.* The Catholic Institute of Education published "Stop it: A Guide to Dealing with Sexual Abuse in Schools", (2006), and a code of ethics for educators called "Integrity in Ministry", (2006).

(d) *United States of America.* The National Catholic Education Association (NCEA) has a series of initiatives for the formation of about 165,000 Catholic educators on the issue of sexual abuse. Such initiatives attempt to combat the problem and assist abused minors who attend Catholic schools.

(e) *Austria.* Since 2007, teachers in Catholic schools have learned about the importance of human rights and in particular the rights of children. The Institute of Formation for Christian Teachers, in addition to promoting this human rights awareness for teachers, has promoted a similar project for Catholic associations and non-governmental organizations. These projects involve approximately 121,000 teachers and workers in the educational field.

(f) *Kenya.* The Catholic Pastoral Awareness Program addresses the formation of teachers in Catholic schools, and in particular, secondary schools. The program forms educational personnel to manage problem situations as well as those circumstances that put a child's education at risk (e.g. misery, abandonment, sexual and/or labor exploitation). The Centre for In-servicing Religious Education Teachers (CISRET), aimed principally at primary school educators also deals with those that form or educate others. The program places great emphasis on the care of abused and exploited children. There are also sex education programs and projects for young people, which include formation about the prevention of AIDS. These programs are available at the local level and co-ordinated by the National Office for Catholic Education.

(g) *India.* Catholic Schools offer educational courses on human rights, especially on the rights of the child. These courses include sex education specifically dealing with sexually transmitted diseases. The education and formation is based on an integral concept of the human person and promotes respect for oneself and others. Particular attention is directed to the rights of female children with due regard to education for family life. In addition, the Indian Episcopal Conference has emphasized the need to support all minors who are at risk within Catholic educational institutions (e.g. marginalized children, school drop outs, victims of exploitation).

(h) *Ecuador.* The "Confederación ecuatoriana de establecimientos de educación católica" (Confedec) created a series of helpful aids and school textbooks for primary education in order to guarantee the right of minors to a healthy and integral development. They are gathered in a collection entitled "Educación para el amor." These texts have also been used in State schools.

(i) *Other Initiatives.* The Christian Brothers operate throughout the world in 933 schools with about 879, 249 pupils in attendance. Their educational programs include materials pertaining to human rights inclusive of the rights of the child.

43. *Rescue and Problem Solving.* Many pastoral activities are carried out throughout the world which attempt to rescue or otherwise assist children. These activities are conducted on a more informal level but in close relationship with formal educational programs. The following is an overview of just some of these initiatives.

(a) *Uganda.* The "Uganda Catholic Education Department" has a project for rescuing street children with a view to offering them an education, especially those exposed to sexual abuse.

(b) *India.* Great efforts have been made to prevent abuse and exploitation, both at the local village level as well as in the urban areas where there are high levels of child labor and child sexual exploitation. Many projects involve schools, parishes and religious congregations in order to raise awareness in families. One particular program creates the economic and social conditions for minors to attend school through various means: the payment of school tuition; the availability of free admittance to Catholic schools; and the establishment of colleges (especially for children from villages and rural areas). Other initiatives rescue children who are victims of abuse, labor exploitation and broken homes. Various religious congregations, especially the Salesians, manage a wide network of family homes and boarding houses.

(c) *Latin America.* There is a network of family homes and assistance centres for children and young people from 3 to 20 years of age who are victims of sexual abuse or labor exploitation. The majority of them come from broken or poor families. This project, under the direction of the "Congregation of the Daughters of Mary Help of Christians" (Maria Ausiliatrice), rescues minors: they address their psychological and spiritual needs with a view to assisting the child to return to schools and family life. Subparagraphs "d" through "n" infra describe such activities country by country.

(d) *Argentina*. The “Hogar de Niñas Maria Mazzarello”, (Chaco) program is for girls aged 3 to 16 who live in situations which expose them to risks (e.g. school drop outs, victims of child labor, and/or sexual abuse). It focuses on social issues, reconstruction of family relationships, and reinsertion into the life of society. The “Casa de día ‘Laura Vicuña’” (Ensenada) project cares for abandoned children, between the ages of 6 and 16, who have suffered violence or are otherwise at risk.

(e) *Bolivia*. The “Hogar Casa Main” (Santa Cruz) project assists abandoned girls who are in grave moral danger (between the ages of 5 and 12). An integrated basic education is provided with a view toward professional formation. Special attention is given to each girl.

(f) *Brazil*. The “Fundação Servir” (Alta Floresta) foundation has a variety of programs that deal with the civil, moral, cultural, athletic, academic and spiritual formation of children and adolescents. For example, “Project Hope” is a centre for girls at risk. “Project Growth” educates adolescents on various topics, such as hygiene, health, human sexuality, rights, ecology and responsible use of free time. “Casa Mamãe Margarina” (Manaus) is a home for girls, between 6 and 18 years of age, who are victims of sexual or labor exploitation and may be pregnant or unmarried mothers. With human and spiritual assistance, along with psychological support to overcome trauma and to re-develop self-esteem, children resume school and renew contacts with their families.

(g) *Chile*. “Hogar Inés Riesco Llona” (Santiago de Chile) caters for girls and young women aged 4 to 18, who come from various parts of the city of Santiago. The majority of children are directed to the program by a judge of the juvenile court, while others arrive after having previously lived on the street or suffered sexual abuse or physical violence. Girls are offered a family environment and assisted in reintegrating themselves in society. The “Centro Abierto de integración infanto juvenil Laura Vicuña” (Santiago Lo Prado) encourages educational endeavors for young girls and concentrates on their protection from risks. The project provides after-school activities, workshops and provides areas for study and recreation. It also gives specialized psychosocial assistance: aimed at improving the child’s self-esteem, promoting healthy development and proper care of infants.

(h) *Colombia*. The “Casa Mamá Margarita,” (Medellín) project offers education for minors who live on the streets and are no longer in contact with their families. The “Casa Main” (Bogotá) is a rescue program for girls between the ages of 6 and 11 years. These girls have either endured sexual abuse or are at risk of suffering such violence. Others have lived in an atmosphere of physical and verbal abuse and no longer attend school. At this centre, scholastic support is offered as well as activities of an athletic, recreational or artistic character. Various values are promoted, for example, personal hygiene, respect for self and for others, honesty and authentic human love.

(i) *Costa Rica*. The “Casa Main” (San José) is for female street children between 4 and 12 years of age. The goal is to prevent problems and exploitation but also to rehabilitate victims of abuse. The last phase of the educational journey is directed to the development of healthy relations with others and the responsible use of freedom.

(j) *Ecuador*. The “Casa Laura Vicuña” (Quito) is a centre designed for minors between 5 and 18 years of age who have lived unstable lives and have been victims of various types of abuse.

(k) *Mexico*. The “Hogar Nuestra Señora de la Esperanza” (Morelia- Michoacán) is an educational program for girls, between the ages of 8 and 17 years, who are victims of violence, drug abuse, exploitation and prostitution. The goal is for young woman to develop healthy self-esteem, overcome problems with prostitution and drugs, complete obligatory schooling and acquire some form of professional experience. The “Proyecto educativo

María di Nazareth” (Tuxtla Gutiérrez-Chiapas) offers marginalized girls an integral education designed to avert ignorance, delinquency and prostitution. The “Proyecto Casa Patio Miguel Magón” (Zitacuaro–Michoacán) restores friendships and trust. Various activities are offered such as scholastic support, courses in literacy, recreational activities. Medical and psychological assistance is also available. The “Aldea infantil Pepita de Valle Arizpe” (Saltillo) is a program for girls and young women between the ages of 3 and 18 years, who come from families that are broken or poor, and are especially at risk for child labor and child exploitation. The “Proyecto de la “Casa Auxilio” (Copainalá – Chiapas) offers children and youth an educational atmosphere that promotes formation in Christian and human values. This program involves three different types of activities. There is a commercial academy, where one can obtain a diploma as a secretary or an accountant; a family home, which allows girls to attend elementary school; and a recreational club. Such programs are invaluable for girls between the ages of 6 and 13 who are candidates for early marriages.

(l) *Paraguay.* The “Hogar de niñas en estado de vulnerabilidad ‘Tesape Pora’” (Villarica) is a home for girls who have been exposed to various risks. Many have been abandoned and/or sexually and physically abused. The program provides the necessary conditions for normal and harmonious growth by providing a family environment and being attentive to the needs of each girl.

(m) *Peru.* The “Hogar del niño” (Chorillos – Lima) is a home for girls and boys who have suffered from broken families, physical or psychological maltreatment, and/or labor exploitation. In the first phase of the program particular emphasis is placed on acceptance of the child in his or her condition, encouraging the child to open up, and promoting the child’s development of self-confidence and respect for others. In the second phase, scholastic support is offered to prevent the child from dropping out of school.

(n) *Dominican Republic.* The “Canillitas con Laura Vicuña” (Santo Domingo) helps girls between the ages of 7 and 13, who have lived on the street and/or who have suffered various types of exploitation. The project provides scholastic training, professional development as well as formation in personal hygiene and in authentic human love.

(o) *Europe.* Many different structures have been established for children and young people who are victims of exploitation or abuse or who are otherwise at risk due to family breakdown. Notable programs are those developed by the Congregation of Daughters of Mary Help of Christians (Maria Ausiliatrice) and other such programs initiated by the Salesians of Don Bosco, who have three establishments in Belgium; twelve in Italy; one in the Czech Republic; two in Poland; three in Portugal; and eight in Spain.

(p) *Mali and Cameroon.* Catholic educators in Mali established the “Enfants de la Rue” a program for minors who have been abandoned or exploited. This initiative provides education as well as psychological and emotional support. It also assists the child in his or her reintegration into society. A similar program has been developed in Cameroon.

(q) *United States of America.* The Christian Brothers have three residential programs for juvenile offenders in New York, Pennsylvania and Rhode Island. They also have one school for emotionally disturbed children in New York.

(r) *Nepal and Rwanda.* The “Catholic International Bureau for Children” (BICE) has numerous prevention programs for abuse (e.g. “Sexual Abuse Prevention Project,” in Nepal, and the “Child Soldier Recovery Project”, in Rwanda).

(s) *World Wide.* The “Order of the Poor Clerks of the Mother of God” (Piarists) manage programs across the globe for formation and rescue of minors: one in Bolivia; one in Argentina; two in Brazil; five in Mexico; two in Cameroon; two in Spain; one in Cuba;

one in Costa Rica; one in Colombia; one in Ecuador; two in Chile; one in Slovakia; one in the Philippines; two in Poland; five in Senegal; and three in Venezuela.

4. The Pontifical Council for Justice and Peace

44. *Introduction.* Within the last five years, the Pontifical Council for Justice and Peace, on behalf of the Holy See, has actively promoted the rights of the child and protection of children against trafficking for purposes of prostitution, labor and pornography.

45. *Publications.* The Pontifical Council for Justice and Peace published the "Compendium of the Social Doctrine of the Church" (2004), which specifically deals with the dignity and rights of children and of the family as well as the inalienable rights and duties of parents. Other notable publications include: "Justice and Peace: An Ever Present Challenge" (2004); "Note on Corruption" (2006); "Words that Matter: The Holy See in Multilateral Diplomacy" (2003).

46. *Specific Initiatives.* The Pontifical Council for Justice and Peace has also participated in various conferences and meetings focused on the pastoral concern of the Church as regards the rights of children in situations of exploitation and combat. The following four examples are noteworthy.

(a) *Refugees, Asylum Seekers, Migrants and the Plight of Children.* In June 2006, members of the Pontifical Council for Justice and Peace spoke at an event which launched the International Coalition on the Detention of Refugees, Asylum Seekers and Migrants composed of 100 human rights groups from 36 countries worldwide. Among the groups that participated were those dealing specifically with issues pertaining to refugee children, who are obviously particularly vulnerable to sexual exploitation. All groups were seeking alternatives to the imprisonment of migrants and refugees, which penalizes human beings in great need. "Arbitrary imprisonment poisons human society. It harms those who practice it as well as those who suffer it."

(b) *Trafficking: Children, Drugs, Weapons.* In November 2006, officials from the Pontifical Council for Justice and Peace participated in the Inter-parliamentary Assembly Sponsored by the Institute for Religion and Public Policy. During discussions, increasing concern for the trafficking in human beings, drugs and weapons was expressed and specific insights were given on how the problem is affecting women and children. It was noted that freedom of religion had an important role to play in the search for authentic peace and stability as well as mutual respect and understanding. Numerous Catholic non-profit organizations and Christian associations emphasized their respective roles in stopping the trafficking in human persons and providing victim assistance and protection. It was noted that, in many cases, the efforts of these organizations and associations commenced long before the involvement of State authorities.

5. The Pontifical Council for Health Pastoral Care

47. *Introduction.* In 1996, the Pontifical Council for Health Pastoral Care conducted a study on Catholic socio-health programs, activities and centers in favor of children and adolescents. The final report is entitled: "The Sociological-Technical Report on the Research Pertaining to Socio-Health Programs, Activities and Centers Favoring Children, Adolescents and Girls in the World".

(a) The research goal was to ascertain the various programs and activities promoted and directly managed by the local Church in a number of States representative of each Continent.

(b) The study reviewed programs of formation, family planning, prevention and assistance (e.g. victims suffering AIDS or abandonment); therapeutic and re-educational

activities; health centers in favor of life, the physically-mentally disabled and victims of violence (e.g. teenage mothers, children, girls and women).

(c) The data was collected from over 56 countries spanning different continents. The following religious orders were involved: Brothers of St. John of God; Sisters of Charity of St. Vincent de Paul; Oblate Sisters of the Most Holy Redeemer; Missionary Sisters of Charity; Franciscan Sisters of the Divine Motherhood (Mother of Mercy Clinic); Sisters of Mercy; Camillians; Hospital Worker Sisters of the Sacred Heart; Sisters of the Good Shepherd; and Salesian Fathers. This study constitutes only a small part of the undertakings of the Catholic Church in this sector.

(d) It is noteworthy that the pastoral activities described infra are promoted and encouraged by the Holy See. However, they are accomplished by the local Church, religious congregations, Catholic Associations and lay faithful in accordance with their own authority under canon law, and with due regard to the law of the respective States in which they operate.

48. *Africa*. Many health structures and centers situated in Angola, Burundi, Ivory Coast and Senegal have confronted issues relating to protection and promotion of life as well as the treatment and assistance of teenage mothers and victims of abuse (e.g. sexual violence, battering, psychological violence, exploitation, prostitution).

(a) *Angola*. There are preventative educational seminars designed to raise awareness about child abuse. The principal objectives of the Church in Angola are to reduce domestic violence, violence within the community, improve the quality of life and promote a sense of solidarity among the population. To this end, there are initiatives for women, and for the integral development of youth and children. The program entitled "Pastoral Care of the Child" cares for abandoned children and street children as well as those who suffer from physical-mental difficulties and malnutrition. The purpose of the initiative is to provide basic health care services, protection, nutritional supervision, education and skill development in social communications.

(b) *Senegal*. Most attention has been focused on women. Since 1994, the "Catholic Association for the Promotion of Women" has been studying the needs of the population and developing useful strategies for intervention. This association has been assisted by every diocese in the country (6 in total).

(c) *Ghana, Sierra Leone, Uganda, Zambia*. As regards undertakings for the promotion of life and support for teenage mothers and victims of violence, there are many "Diocesan Offices for Human Development" which encourage participation in services for the needy and promote formation imbued with a spirit of solidarity and respect for the value and dignity of life. In addition, consultants for youth deal with social problems and focus on issues pertaining to teenage mothers and victims of violence. The Bishops' Conference of Sierra Leone has publicly denounced the elevated number of abducted children and increasing violence against children during the last 6 years of war. Many victims of abuse have immediately complained to public authorities or have spoken privately to Church officials due to shame or lack of civic organizational structures.

(d) *Republic of Central Africa, Mali, Burkina Faso, Benin, Nigeria, Cameroon, Togo, Mauritius*. Some activities are carried out in the dioceses for teenage mothers or child victims of violence. In particular, courses are offered in Nigeria for the formation of the laity to assist victims of domestic and community violence.

49. *Europe*. In Austria, Germany, Ireland, France much attention is given to the protection of minors in conditions of social need resulting from prostitution, exploitation, poverty, abandonment, violence and abuse.

(a) *Germany*. Centers are organized in the parishes to prevent child prostitution; to shelter female victims of violence; and to offer consultation services for women and children, who have been victims of violence. Religious orders have established other programs for the assistance and support of female victims of violence.

(b) *France*. The Sisters of Charity of St. Vincent de Paul have a “Home for Children” that assists incest victims and other victims of violence by offering psychological and spiritual assistance. In addition, they offer a specific program for the recovery of “street children” in order to protect them from a life of prostitution.

(c) *Ireland*. Associations work to prevent violence of minors and to organize courses and seminars against all forms of child abuse. Various religious orders have established centers that assist victims of violence in the recovery process.

(d) *Austria*. The Sisters of the Good Shepherd have programs for the rehabilitation and formation of young female prostitutes and victims of sexual abuse.

(e) *Spain*. The Sisters of the Most Holy Redeemer have shelters, rehabilitation programs and formation initiatives for young female prostitutes and victims of violence.

(f) *England*. Rehabilitation activities are available for young female prostitutes.

(g) *Poland*. The Franciscan Sisters of Mercy have institutes for abandoned children and orphans as well as other houses for children. They provide health and spiritual assistance and consultants to address the psychological needs of child abuse victims.

(h) *Slovenia*. The following activities have been established: support groups; parochial centers for female victims of abuse; and recovery centers for young female prostitutes. Research activities are also carried out with a view to better understanding the issues.

(i) *Croatia*. Following the violent conflict with Serbia, there are numerous centers that assist female victims of violence and provide psychological therapy. In addition, agencies facilitate the adoption of children born from violence and recovery centers assist young female prostitutes.

50. *The Americas*. In Canada, there are advisors for street children; centers for youth (health services for children with psychological, physical, social and spiritual difficulties); centers for teen mothers or victims of physical, mental and sexual violence; and shelters and emergency services for battered women and children. In the USA, lay volunteers are trained and formed to give assistance to abuse victims (especially minors). In particular, they distribute information on existing support services that encourage the filing of complaints with local support institutions or groups. In Honduras, a Social Pastoral Project assists children in need and offers a temporary house for women and children who are victims of violence. In Ecuador, centers assist female victims of violence and Salesian advisors aid street children. In Venezuela, religious orders offer support to women victims of violence. In Bolivia, centers exist for victims of violence.

51. *Middle East*. Taking into consideration the conditions in the region, including those with respect to religious freedom, the activities of the Church are limited. One notable exception is the State of Jordan where support groups for victims of violence exist due to the efforts of the Congregation of the Franciscan Missionary Sisters of the Divine Motherhood, who also manage the “Mother of Mercy Clinic” where many helpful services are provided.

52. *Oceania*. Information on young victims of violence has been acquired only from New Zealand and Australia. In New Zealand, youths at risk can take advantage of informational programs and women seeking refuge are offered shelters. In Australia,

rehabilitation centers assist street children. In both of these countries, the programs are offered by the Brothers of St. John of God.

53. *Asia.* In Asian countries, there are many abandoned and orphaned children. In the Philippines, rehabilitation services help child victims of violence and female prostitutes. The Sisters of the Good Shepherd offer temporary shelters for girls who are victims of violence. In Taiwan “family consultants” assist street children while specific support services and rehabilitation programs are available for child prostitutes as well as emergency assistance for abused women and thanks again to the work of the Sisters of the Good Shepherd. In Korea, the Brothers of St. John of God assist female prostitutes and victims of abuse, who can take advantage of their programs (e.g. shelter, rehabilitation and formation). In India, street children have the benefit of rehabilitation centers and “consultants” while victims of domestic violence are assisted through a variety of programs offered by the Brothers of St. John of God. In Thailand, female child prostitutes can recover in special centers and attend informational centers for social problems and issues related to the family. Houses for women in difficulty and temporary shelters for female victims of abuse are also available. Such services are offered either by the Brothers of St. John of God or the Congregation of Camillians.

54. *Summary.* The study has been directed to ascertaining the socio-health programs, activities and centers operating in the world in favor of children, adolescents and girls. The work of the local Church has emphasized the following: the recovery, support, re-education and rehabilitation of persons, especially young victims, who have endured moral cynicism, brutal treatment, indifference and desperation. Such programs, activities and centers have promoted value education and respect for the dignity of human life. They support those in need or suffering from various social problems, including pregnant women, detained persons, victims of prostitution, and the poor in destitute physical-social conditions. As regards child victims suffering from violence, abandonment and indifference, the local Church with its religious sisters and brothers has created centers for identification, support and recovery. Such centers work to restore the child’s identity and dignity. They also assist children in filling their interior spiritual void which has been generated by humiliation. In sum, these centers attempt to cultivate within each child a more profound understanding of their respective dignity as human persons.

VI. Vatican City State

A. General guidelines

55. Taking into consideration Chapter III, *supra*, any analysis of the law of the Vatican City State (VCS) must always be seen in light of its proper nature as acknowledged in the following reservation to the Convention on the Rights of the Child. “That the application of the Convention be compatible in practice with the particular nature of the Vatican City State and of the sources of its objective law (art.1, Law of 7 June 1929, N. II) [as amended by the Law of 1 October 2008, N. LXXI] and in consideration of its limited extent, with its legislation in matters of citizenship, access and residence.”

B. General measures

56. *Sources of Law.* Canon law is the primary source of the law of VCS and the primary criterion for interpretation (see 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).

(a) The principle sources of law are the fundamental law and the laws for VCS enacted or issued by the Roman Pontiff, the Pontifical Commission or other authority upon which he has conferred legislative power (see Law of 1 October 2008, N. LXXI, art. 1 (2)).

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

(c) Another source of law is the supplementary law of Italy received into law by the competent Vatican authority (see Law of 1 October 2008, N. LXXI, art. 3 (1)).

(d) For example, the 1889 Italian Code of Penal Law (ICPL) and the 1913 Italian Code of Penal Procedure (ICPP), which were in force at the time of the Lateran Pact of 1929, were received, modified and integrated into the legal system by the laws of VCS (see Law of 1 October 2008, N. LXXI, arts. 7, 8). However, there are limitations to the applicability of supplementary law. The supplementary law must not be contrary to precepts of divine law, nor to general principles of canon law nor to the norms of the Lateran Pact and subsequent agreements and they always must be applicable to the existing state of facts in VCS (see Law of 1 October 2008, N. LXXI, art. 3 (2)).

57. *Limitations of Canon law.* Due to the intimate organic relationship of VCS with the Catholic Church, every aspect of canon law is not applicable in the temporal governance of VCS. For example, penal canon law is not applied in the civil tribunals of VCS. The fact that a given act may also be treated as a religious offense under penal canon law does not preclude prosecution according to the criminal law and procedures of any State. The same is true of VCS (see Law of 7 June 1929, N. II, art. 22).

58. *Security and Administration of Justice.* The Corps of Gendarmes is a special police force which has general responsibility for security and public order that encompasses all regular police duties (Law of 16 July 2002, N. CCCLXXXIV, art. 13(3)). The Pontifical Swiss Guard, a body of 110 armed guards, provides security services for the Roman Pontiff and his residence (Disciplinary and Administrative Regulations of the Pontifical Swiss Guard, 2006, arts. 7, 1). Judicial authority, exercised in an ordinary vicarious manner, is vested in a Judge (sitting alone), Tribunal, Court of Appeal, and Supreme Court of Appeal (Law of 21 November 1987, N. CXIX, art. 1).

C. Prevention (art. 9, paras. 1 and 2)

59. *Access, Citizenship and Residence.* Access to VCS and the activities carried out therein are severely restricted (see Law of 7 June 1929, N. III, arts. 12–32). 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 children can obtain citizenship due to their relationship with a person who has citizenship (see Law of 7 June 1929, N. III, art. 1, 3-5; see Law of 1 October 2008, N. LXXI, art. 4(a): citizenship is regulated by the laws of VCS). As of 8 February 2008, there were five hundred and fifty two citizens; fourteen citizens were less than 14 years of age, and seventeen were less than 18 years of age. There were two hundred and sixty three residents; nine were less than 14 years of age and seventeen were less than 18 years of age. Also see the teachings of the Holy See mentioned in Chapter V above, which have particular relevance for those working and living in VCS.

D. Prohibition and related matters (arts. 3; 4, paras. 2 and 3; 5; 6; 7)

60. To date there are no specific penal laws enacted for VCS that criminalize the sale of children, child prostitution and child pornography as defined in the OPSC. However, analogous offenses are punished under the supplementary laws of Italy in accordance with the ICPL and ICPP. The key offenses are slavery (ICPL, art. 145), inducement of a minor into prostitution or otherwise corrupting the minor (ICPL, art. 345 (1)), and distribution or exposition of obscene materials (ICPL, art. 339).

61. VCS has no penitentiary system but under art. 22 of the Lateran Pact may request Italy to punish the offences committed within VCS. It does not seek extradition of persons for the purposes of prosecution due to its unique nature, and extradites persons to the Italian authorities according to art. 22 of the Lateran Pact based on the double criminality rule.

E. Protection (arts. 8; 9, paras. 3 and 4)

62. The specific laws of VCS have amended the supplementary Italian penal law from time to time (see Law of 10 Jan. 1983, N. II; Law of 15 June 1989, N. CXLIV; Law of 14 Dec. 1994, N. CCXXVII; Law of 7 Dec. 2001, CCCLXXI). The penal procedures have been amended with minors specifically in mind, for example, minors cannot be punished for a crime unless they have completed the age of 16; the law favors the return of all minors to their parents or legal guardians, who have the fundamental obligation to provide for their education, assistance and supervision, and the court may make provisions for rehabilitation, education, and/or other social assistance (see Law of 21 June 1969, N. L, e.g. arts. 14, 17, 18, 23).

63. A special commission is currently studying the criminal laws of VCS.

Annex I

Message of His Holiness Pope Benedict XVI for the 92nd World Day of Migrants and Refugees

Migrations: a sign of the times

Dear Brothers and Sisters,

Forty years ago the Second Vatican Ecumenical Council was closed, whose rich teaching covers many areas of ecclesial life. In particular the Pastoral Constitution *Gaudium et Spes* made a careful analysis of the complexities of the world today, seeking the ways best suited to bring the Gospel message to the men and women of today.

To this end the Council Fathers in response to the appeal of Bl. John XXIII undertook to examine the signs of the times and to interpret them in the light of the Gospel so as to offer the new generations the possibility of responding adequately to the eternal questions about this life and the life “to come and about just social relations” (cf. *Gaudium et Spes*, n. 4).

One of the recognizable signs of the times today is undoubtedly migration, a phenomenon which during the century just ended can be said to have taken on structural characteristics, becoming an important factor of the labour market worldwide, a consequence among other things of the enormous drive of globalization.

Naturally in this “sign of the times” various factors play a part. They include both national and international migration, forced and voluntary migration, legal and illegal migration, subject also to the scourge of trafficking in human beings.

Nor can the category of foreign students, whose numbers increase every year in the world, be forgotten.

With regard to those who emigrate for economic reasons, a recent fact deserving mention is the growing number of women involved (“feminization”). In the past it was mainly men who emigrated, although there were always women too, but these emigrated in particular to accompany their husbands or fathers or to join them wherever they were.

Today, although numerous situations of this nature still exist, female emigration tends to become more and more autonomous. Women cross the border of their homeland alone in search of work in another country. Indeed, it often happens that the migrant woman becomes the principal source of income for her family. It is a fact that the presence of women is especially prevalent in sectors that offer low salaries. If then, migrant workers are particularly vulnerable, this is even more so in the case of women.

The most common employment opportunities for women, other than domestic work, consist in helping the elderly, caring for the sick and work in the hotel sector. These, too, are areas where Christians are called to dedicate themselves to assuring just treatment for migrant women out of respect for their femininity in recognition of their equal rights.

In this context it is necessary to mention trafficking in human beings — especially women — which flourishes where opportunities to improve their standard of living or even to survive are limited. It becomes easy for the trafficker to offer his own “services” to the victims, who often do not even vaguely suspect what awaits them. In some cases there are women and girls who are destined to be exploited almost like slaves in their work, and not infrequently in the sex industry, too.

Though I cannot here closely examine the analysis of the consequences of this aspect of migration, I make my own the condemnation voiced by John Paul II against “the widespread hedonistic and commercial culture which encourages the systematic exploitation of sexuality” (*Letter of Pope John Paul II to Women*, 29 June 1995, n. 5). This outlines a whole programme of redemption and liberation from which Christians cannot withdraw.

Speaking of the other category of migrants — asylum seekers and refugees — I wish to underline how the tendency is to stop at the question of their arrival while disregarding the reasons for which they left their native land.

The Church sees this entire world of suffering and violence through the eyes of Jesus, who was moved with pity at the sight of the crowds wandering as sheep without a shepherd (cf. Mt 9: 36). Hope, courage, love and “‘creativity’ in charity” (Apostolic Letter *Novo Millennio Ineunte*, n. 50) must inspire the necessary human and Christian efforts made to help these brothers and sisters in their suffering. Their native Churches will demonstrate their concern by sending pastoral agents of the same language and culture, in a dialogue of charity with the particular Churches that welcome them.

In light of today's “signs of the times”, particular attention should be paid to the phenomenon of foreign students. Thanks among other factors to foreign exchange programmes between universities, especially in Europe, their number is growing, with consequent pastoral problems the Church cannot ignore. This is especially true in the case of students coming from developing countries, whose university experience can become an extraordinary occasion for spiritual enrichment.

As I invoke divine assistance on those who, moved by the desire to contribute to the promotion of a future of justice and peace in the world, spend their energies in the field of pastoral care at the service of human mobility, I impart to all as a sign of affection a special Apostolic Blessing.

From the Vatican, 18 October 2005

Benedictus PP. XVI

Annex II

Message of His Holiness Pope Benedict XVI for the 94th World Day of Migrants and Refugees

(13 January 2008)

Young Migrants

The theme of the World Day of Migrants and Refugees invites us this year to reflect in particular on young migrants. As a matter of fact, the daily news often speaks about them. The vast globalization process underway around the world brings a need for mobility, which also induces many young people to emigrate and live far from their families and their countries. The result is that many times the young people endowed with the best intellectual resources leave their countries of origin, while in the countries that receive the migrants, laws are in force that make their actual insertion difficult. In fact, the phenomenon of emigration is becoming ever more widespread and includes a growing number of people from every social condition. Rightly, therefore, the public institutions, humanitarian organizations and also the Catholic Church are dedicating many of their resources to helping these people in difficulty.

For the young migrants, the problems of the so-called “difficulty of dual belonging” seem to be felt in a particular way: on the one hand, they feel a strong need to not lose their culture of origin, while on the other, the understandable desire emerges in them to be inserted organically into the society that receives them, but without this implying a complete assimilation and the resulting loss of their ancestral traditions. Among the young people, there are also girls who fall victim more easily to exploitation, moral forms of blackmail, and even abuses of all kinds. What can we say, then, about the adolescents, the unaccompanied minors that make up a category at risk among those who ask for asylum? These boys and girls often end up on the street abandoned to themselves and prey to unscrupulous exploiters who often transform them into the object of physical, moral and sexual violence.

Next, looking more closely at the sector of forced migrants, refugees and the victims of human trafficking, we unhappily find many children and adolescents too. On this subject it is impossible to remain silent before the distressing images of the great refugee camps present in different parts of the world. How can we not think that these little beings have come into the world with the same legitimate expectations of happiness as the others? And, at the same time, how can we not remember that childhood and adolescence are fundamentally important stages for the development of a man and a woman that require stability, serenity and security? These children and adolescents have only had as their life experience the permanent, compulsory “camps” where they are segregated, far from inhabited towns, with no possibility normally to attend school. How can they look to the future with confidence? While it is true that much is being done for them, even greater commitment is still needed to help them by creating suitable hospitality and formative structures.

Precisely from this perspective the question is raised of how to respond to the expectations of the young migrants? What can be done to help them? Of course, it is

necessary to aim first of all at support for the family and schools. But how complex the situations are, and how numerous the difficulties these young people encounter in their family and school contexts! In families, the traditional roles that existed in the countries of origin have broken down, and a clash is often seen between parents still tied to their culture and children quickly acculturated in the new social contexts. Likewise, the difficulty should not be underestimated which the young people find in getting inserted into the educational course of study in force in the country where they are hosted. Therefore, the scholastic system itself should take their conditions into consideration and provide specific formative paths of integration for the immigrant boys and girls that are suited to their needs. The commitment will also be important to create a climate of mutual respect and dialogue among all the students in the classrooms based on the universal principles and values that are common to all cultures. Everyone's commitment — teachers, families and students — will surely contribute to helping the young migrants to face in the best way possible the challenge of integration and offer them the possibility to acquire what can aid their human, cultural and professional formation. This holds even more for the young refugees for whom adequate programs will have to be prepared, both in the scholastic and the work contexts, in order to guarantee their preparation and provide the necessary bases for a correct insertion into the new social, cultural and professional world.

The Church looks with very particular attention at the world of migrants and asks those who have received a Christian formation in their countries of origin to make this heritage of faith and evangelical values bear fruit in order to offer a consistent witness in the different life contexts. Precisely in this regard, I invite the ecclesial host communities to welcome the young and very young people with their parents with sympathy, and to try to understand the vicissitudes of their lives and favor their insertion.

Then, among the migrants, *as I wrote in last year's Message*, there is one category to consider in a special way: the students from other countries who because of their studies, are far from home. Their number is growing constantly: they are young people who need a specific pastoral care because they are not just students, like all the rest, but also temporary migrants. They often feel alone under the pressure of their studies and sometimes they are also constricted by economic difficulties. The Church, in her maternal concern, looks at them with affection and tries to put specific pastoral and social interventions into action that will take the great resources of their youth into consideration. It is necessary to help them find a way to open up to the dynamism of interculturality and be enriched in their contact with other students of different cultures and religions. For young Christians, this study and formation experience can be a useful area for the maturation of their faith, a stimulus to be open to the universalism that is a constitutive element of the Catholic Church.

Dear young migrants, prepare yourselves to build together your young peers a more just and fraternal society by fulfilling your duties scrupulously and seriously towards your families and the State. Be respectful of the laws and never let yourselves be carried away by hatred and violence. Try instead to be protagonists as of now of a world where understanding and solidarity, justice and peace will reign. To you, in particular, young believers, I ask you to profit from your period of studies to grow in knowledge and love of Christ. Jesus wants you to be his true friends, and for this it is necessary for you to cultivate a close relationship with Him constantly in prayer and docile listening to his Word. He wants you to be his witnesses, and for this it is necessary for you to be committed to living the Gospel courageously and expressing it in concrete acts of love of God and generous service to your brothers and sisters. The Church needs you too and is counting on your contribution. You can play a very providential role in the current context of evangelization. Coming from different cultures, but all united by belonging to the one Church of Christ, you can show that the Gospel is alive and suited to every situation; it is an old and ever new message. It is a word of hope and salvation for the people of all races and cultures, of all ages and eras.

To Mary, the Mother of all humanity, and to Joseph, her most chaste spouse, who were both refugees together with Jesus in Egypt, I entrust each one of you, your families, those who take care of the vast world of young migrants in various ways, the volunteers and pastoral workers that are by your side with their willingness and friendly support.

May the Lord always be close to you and your families so that together you can overcome the obstacles and the material and spiritual difficulties you encounter on your way. I accompany these wishes with a special Apostolic Blessing for each one of you and for those who are dear to you.

From the Vatican, October 18, 2007

Benedictus PP. XVI

[English only]

Annex III

Letter of John Paul II to Archbishop Jean-Louis Tauran on the occasion of the international conference, Twenty-First Century Slavery – The Human Rights Dimension to Trafficking in Human Beings

*To Archbishop
Jean-Louis Tauran
Secretary for Relations with States*

On the occasion of the International Conference “Twenty-First Century Slavery – The Human Rights Dimension to Trafficking in Human Beings”, I ask you kindly to convey to all present my warm greetings and the assurance of my close personal interest.

The trade in human persons constitutes a shocking offence against human dignity and a grave violation of fundamental human rights. Already the Second Vatican Council had pointed to “slavery, prostitution, the selling of women and children, and disgraceful working conditions where people are treated as instruments of gain rather than free and responsible persons” as “infamies” which “poison human society, debase their perpetrators” and constitute “a supreme dishonour to the Creator” (*Gaudium et Spes*, 27). Such situations are an affront to fundamental values which are shared by all cultures and peoples, values rooted in the very nature of the human person.

The alarming increase in the trade in human beings is one of the pressing political, social and economic problems associated with the process of globalization; it presents a serious threat to the security of individual nations and a question of international justice which cannot be deferred.

The present Conference reflects the growing international consensus that the issue of human trafficking must be addressed by promoting effective juridical instruments to halt this iniquitous trade, to punish those who profit from it, and to assist the reintegration of its victims. At the same time, the Conference offers a significant opportunity for sustained reflection on the complex human rights issues raised by trafficking. Who can deny that the victims of this crime are often the poorest and most defenceless members of the human family, the “least” of our brothers and sisters?

In particular, the sexual exploitation of women and children is a particularly repugnant aspect of this trade, and must be recognized as an intrinsic violation of human dignity and rights. The disturbing tendency to treat prostitution as a business or industry not only contributes to the trade in human beings, but is itself evidence of a growing tendency to detach freedom from the moral law and to reduce the rich mystery of human sexuality to a mere commodity.

For this reason, I am confident that the Conference, while treating the significant political and juridical issues involved in responding to this modern plague, will also explore the profound ethical questions raised by trafficking in human beings. Attention needs to be paid to the deeper causes of the increased “demand” which fuels the market for human slavery and tolerates the human cost which results. A sound approach to the issues involved will lead also to an examination of the lifestyles and models of behaviour, particularly with regard to the image of women, which generate what has become a veritable industry of

sexual exploitation in the developed countries. Similarly, in the less developed countries from which most of the victims come, there is a need to develop more effective mechanisms for the prevention of trafficking in persons and the reintegration of its victims.

With encouragement and hope I offer cordial good wishes for the work of the Conference. Upon the organizers and all taking part, I cordially invoke an abundance of divine blessings.

From the Vatican, 15 May 2002

John Paul II
