



MISSION PERMANENTE
DU SAINT-SIÈGE

AUPRÈS DE L'OFFICE DES NATIONS UNIES
ET DES ORGANISATIONS INTERNATIONALES

Geneva, 16 July 2024

N. 483/24

Madam Chair-Rapporteur and Distinguished Special Rapporteurs,

In response to your letter AL VAT 1/2024, dated 19 June 2024, addressed to H.E. Archbishop Paul Richard Gallagher, the Holy See's Secretary for Relations with States and International Organizations, regarding a Joint Communication from Special Procedures concerning ██████████ I have been entrusted with the task of communicating the following:

1. The Holy See, in its capacity as an Observer State to the United Nations, has never acquiesced to, nor submitted itself to, the Special Procedures. This reply should not be construed as an indication of the Holy See's acquiescence to be subject to Special Procedures.
2. The ██████████ is not and has never been a public official of the Holy See and has never acted on behalf of the Holy See in an official capacity, under its direction or control. He is not, and has never been, a Vatican citizen, nor has he ever resided in the Vatican City State. Furthermore, he has never acted on behalf of the Vatican City State in an official capacity, under its direction or control. The ██████████ is a dual citizen of Italy and Argentina, currently residing in Italy under the exclusive jurisdiction of the Italian Republic.
3. In accordance with international law, the Holy See is bound to observe the treaties that it has ratified in the territory of the Vatican City State, over which it exercises full territorial sovereignty. Those treaties also apply, where appropriate, in relation to citizens of the Vatican City State, members of the Holy See's diplomatic corps and the public officials of the Holy See residing outside the territory of Vatican City State.

Distinguished

Ms. Aua BALDÉ, Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

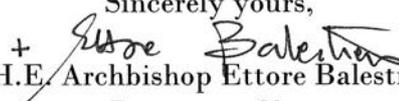
Mr. Morris TIDBALL-BINZ, Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions

Mr. Bernard DUHAIME, Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence

GENEVA

4. The Holy See does not exercise jurisdiction - as that term is understood under international law - over Catholic institutions and persons present on the territory of other States. Those institutions and persons are subject to the jurisdiction - as understood under international law - of the States where they are located. Therefore, each member of the Catholic Church is subject to the laws of the respective State in which he or she lives.
5. The Holy See does not have the capacity or legal obligation to observe its treaty obligation in the territory of other States. Any attempt to implement its treaty obligation in the territory of other States would in fact impinge on their sovereignty and constitute a violation of the principle of noninterference in their internal affairs.
6. The thesis of the Committee on the Rights of the Child according to which the Holy See would be legally bound to implement the Right of the Child Convention, "as the supreme power of the Catholic Church, worldwide through individuals and institutions under its authority" (UN Doc. CRC/C/VAT/CO/2, § III), has no basis under International Law. Indeed, current International Law does not foresee the extraterritorial application of Human Rights treaties on the basis of religious affiliation or religious discipline.
7. It is regrettable that the Committee on the Rights of the Child appears to have misunderstood the nature of the Catholic Church. The Catholic Church is a non-territorial spiritual community, founded on principles of unity, charity and peace, and a common profession of faith. The relationship between the Pope, individual bishops and Catholic faithful, is defined by theological principles and religious doctrine as one of both communion and decentralization (cfr. Vatican Council II, Dogmatic Constitution *Lumen Gentium*).
8. Moreover, it is important to differentiate between Canon Law and the legal systems of individual States. While observance of State laws ultimately depends on enforcement powers of each State, Canon Law is observed voluntarily by the faithful in virtue of their personal religious convictions as members of a specific religious community. The overarching goal of Canon Law is the salvation of the souls. In contrast, State laws are designed to safeguard the common good and maintain public order. Consequently, Canon law does not supersede or encroach upon a State's jurisdiction.

I take this opportunity to renew to you, Distinguished Chair-Rapporteur and Special Rapporteurs, the assurance of my highest consideration.

Sincerely yours,
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H.E. Archbishop Ettore Balestrero
Permanent Observer
of the Holy See to the United Nations
and other International Organizations in Geneva