



EUROPEAN INTER-UNIVERSITY CENTRE FOR HUMAN RIGHTS AND
DEMOCRATISATION

European Master in Human Rights and Democratisation

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The Holy See: Sovereign Power internationally recognised

**Does the authority the Holy See exercises within the International Community go
along with a responsibility for Human Rights violations?**

E.MA Thesis

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ABBREVIATIONS

CAT	The Committee against Torture
CDF	The Congregation for the Doctrine of the Faith
CERD	The Committee on the Elimination of Racial Discrimination
CRC	The Committee on the Rights of the Child
ECHR	The European Convention on Human Rights and Fundamental Freedoms
ECmHR	The European Commission on Human Rights
ECtHR	The European Court of Human Rights
FSIA	The Foreign Sovereign Immunities Act
ICERD	The International Convention on the Elimination of all forms of Racial Discrimination
IHEU	The International Humanist and Ethical Union
ILC	The International Law Commission
UN	The United Nations
UNCAT	The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
UNCRC	The United Nations Convention on the Rights of the Child
UNHRC	The United Nations Human Rights Committee
US	The United States
VCLT	The Vienna Convention on the Law of Treaty

ABSTRACT

The objective of this thesis is to examine the link between the competence and power recognised to the Holy See among the international community of states and international responsibility in case of human rights violations. The first part enlightens the purpose of the creation of the Vatican City State and gives a general background to the unique status the Holy See has been granted with. The second part analyses certain international treaties on human rights the Holy See has ratified and the consequences in case of violation. The Convention on the Rights of the Child is considered as a case study in order to discuss the possible direct responsibility of the Holy See. The third part examines the issue of alleged human rights violations that originated from actions of ecclesiastical members or institutions. Focus lies on liability under the European Convention on Human Rights and the Foreign Sovereign Immunities Act in the United States. As regards the European Convention, it is argued that the European Court may influence church-state relations in matters related to certain human rights principles such as the right to a fair trial, the right to respect for private and family life as well as the right to freedom of expression and freedom of religion. Thus, the third part encompasses an analysis of certain judgments of the European Court where decisions of churches' institutions may have been taken in breach of individual's rights. On the other hand, under the Foreign Sovereign Immunities Act, the special relationship between religious ministers, such as priests, and the Holy See is analysed through the recognition of the possibility for the Holy See to be seen as the priests' employer and thus to engage its liability for clerical sexual abuses committed against children in the United States.

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