



MISSION PERMANENTE
DU SAINT-SIÈGE

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

6 December 2006

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Dear Mr Heenan,

With reference to the Note Verbale GVA 2550 of 13 October 2006 inviting States to send their views on Resolution E/CN.4/RES/2005/84, "The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS)", please find enclosed the pertinent comments from the Holy See.

Kindest regards.

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OHCHR REGISTRY

- 6 DEC. 2006

Recipients :...*J. Heenan*..

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THE HOLY SEE

“The Protection of Human Rights in the Context of Human Immunodeficiency Virus (HIV) and Acquired Immunodeficiency Syndrome (AIDS)”.

Views and Comments of, and Steps Taken by the Holy See.

1. Introduction

The Holy See wishes to express its gratitude to the Office of the High Commissioner for Human Rights (OHCHR) for its invitation to offer comments on the steps taken to promote and implement, where applicable, programmes to address the urgent HIV-related human rights of women, children and vulnerable groups in the context of prevention, care and access to treatment.

At the outset of these comments, however, the Holy See wishes to reaffirm strongly that it does not recognise as valid or intended by the original resolution E/CN.4/RES/2005/84 any attempts to legalize abortion or the use of presently illegal or controlled drugs or other harmful substances. Neither does it recognize as valid any attempts to de-criminalize prostitution or to promote recognition of marriage as any other than the union between a man and a woman.

It might be helpful to point out the extensive involvement of the Catholic Church in care, support and treatment services for those living with HIV and AIDS, as well as assistance programmes for family members and loved ones affected by the pandemic. In fact, in 1999 (9-11 December) the Pontifical Council for Health Care organized a symposium on the theme of “The Catholic Church and the Challenge of HIV-AIDS”, during which were presented, among other things, the results of an inquiry into “The Realities, Problems and Proposals of the Local Churches in Relation to Socio-Health Care Services and Pastoral Action with HIV-AIDS in the World”. A copy of the 2000 edition of the Council’s review, *Dolentium Hominum* (no. 44, year XV), which contains the acts of the symposium is attached to this document. Later in 2002, the same Pontifical Council began a deeper analytic study of the activities of the Catholic Church in the area of care, information, education, prevention, assistance and pastoral guide in favour of persons living with HIV and AIDS and of their families. The study covers the activities of the Church at various levels, national and diocesan, and of the numerous religious Congregations and non-governmental Catholic Organizations engaged in the area of health care. A preliminary, incomplete, result of the study (to date available only in the Italian language) is also attached. Examples in this comment are drawn from the Catholic Church in Southern Africa, one of the areas where the pandemic has been most devastating.

2. Implementation of actions that promote universal access to care, treatment, and support for people living with or affected by HIV and AIDS

The Pontifical Council for Health Care estimates that 26.7%¹ of all such services worldwide are delivered under the auspices of Catholic Church-related institutions. The Holy See actively participated in the United Nations General Assembly Special Session on HIV and AIDS in 2001 and, in June 2006, at the High Level Meeting to review progress in implementing the 2001 Declaration of Commitment. As was indicated at the latter meeting, the efforts of the Catholic Church to advance Universal Access may be summarized under *training, prevention, health care and assistance, and pastoral care and support of those affected by HIV and AIDS*. The main lines of action include the following:

- programmes for training addressed to health care professionals, priests, religious, youth, families, as well as to sick people themselves;
- in prevention: formation and education towards proper behavior, so as to avoid the pandemic. In this regard, the contributions of the family have proven to be extremely helpful and efficacious. Publications, conferences and the interpersonal sharing of experiences and skills have also been essential;
- health care and assistance to the sick, with particular stress on the formation of physicians, paramedics, chaplains and volunteers;
- fighting the stigma, facilitating testing, counseling and reconciliation;
- providing anti-retrovirals and drugs to stop vertical transmission (mother to child);
- promoting measures to stop blood contagion;
- caring and accompaniment of the sick, with stress on avoiding contagion, taking care of orphans, widows and people with AIDS who are in prison;
- helping with the social reintegration of those who are HIV positive;
- and collaborating with Governments and other institutions both on the civil and ecumenical levels.²

A particular mention should be made of the "Good Samaritan" Foundation, created in 2004 under the auspices of Pope John Paul II and confirmed by Pope Benedict XVI, with the scope of supporting the most needy of sick people, particularly those affected by HIV and AIDS. By June 2006, the Foundation had funded the provision of treatments in Africa to the worth of half a million US dollars. A booklet presenting the Foundation is also attached to this comment.

The testimony of Dr. Maretha de Waal, Independent Evaluator, of the University Pretoria, concerning the foundation upon which Southern Africa Catholic Bishops'

¹ Javier Cardinal Lozano Barragán, Statement of the Holy See Representative at the United Nations General Assembly High Level Meeting and comprehensive review of the progress achieved in realizing the targets set out in the Declaration of Commitment on HIV/AIDS on HIV and AIDS, 2 June 2006.

² *Ibid.* See also: Pontifical Council for Health Pastoral Care, *The Catholic Church and AIDS*, Vatican City, pp. 1-3.

Conference (SACBC and its programme partners) have built their ARV services, may be cited:

The SACBC (Southern African Catholic Bishops' Conference AIDS Office) has been actively fostering the development of local community-driven initiatives in their response to the HIV/AIDS pandemic, including provision of food aid, income generation/skills training, HIV/AIDS awareness, home-based palliative care, hospices and orphan support ... Plans for the implementation of ART through funding secured by the SACBC AIDS Office commenced in 2002, at a time when there was no commitment from the South African government to make ARV treatment available.³

3. The disproportionate impact of the HIV pandemic on women and girls

The Holy See wishes to state that the services sponsored by the Catholic Church prioritize, on a routine basis, the needs of women and girls living with or affected by the virus, especially in places and cultures where women and girls are not accorded equitable status in the delivery of education, health care and social services. With all programmes seeking financial support for HIV-related services, the Catholic AIDS Funding Network Group, which convenes major Catholic donor organisations engaged in the response to the pandemic, has articulated funding guidelines that insist on gender-sensitive perspectives and on participation of people (especially women) living with HIV. The strong presence of religious Sisters and of committed laywomen in such service programmes often represents a key factor in assuring that women and girls are not neglected or ignored when presenting their needs.

In fact, the late Pope John Paul II, in his message to the 1995 United Nations Fourth World Conference on the Concerns of Women, held in Beijing, committed the 300,000 social, educational and caring institutions of the Catholic Church to giving "priority to women and young girls, especially the poorest."⁴ His successor, Pope Benedict XVI, has also expressed his deep sensitivity to the inordinate burden and impact of the pandemic on women and girls when he said during a visit from the bishops of Southern Africa: "I especially pray for the widows, the orphans, the young mothers and all those whose lives have been shattered by this cruel epidemic."⁵

4. Access to HIV prevention education, especially that targeted to young people:

The Holy See emphasizes the crucial role of responsible and mutually caring marital relationships, aiming toward both the unity of the spouses and cooperation with

³ Dr. Maretha de Waal, University of Pretoria, *Turning of the Tide: A Qualitative Study of SACBC Funded Antiretroviral Treatment Programmes*, January 2005, p. 6.

⁴ Pope John Paul II, Message to the Coordinator of the World Conference on Women, Beijing, August 1995.

⁵ Pope Benedict XVI, "Pope's Address to Bishops of Southern Africa: *Be Sustained by the Lord's Promise 'I Am With You Always'*", 10 June 2005 (www.zenit.org).

God in the creation of new human life. Catholic Church leaders, therefore, have persistently promoted *the positive measures of sexual abstinence outside marriage and mutual, life-long fidelity within marriage as effective HIV prevention strategies*. Such behaviours have been expressed as the "*first and preferred choice*" by many women who lament that they are victimized by sexual pressures from men or are aware of their particular vulnerability to HIV infection because of the extra-marital activity of their husbands. In their pastoral message on HIV and AIDS, the Catholic bishops of Southern Africa challenged young men as follows: "Respect girls and young women and relate to them without making sexual demands of them."⁶

The late Pope John Paul II encouraged young people to look beyond biological factors with regard to sexuality and to develop inter-personal relationships in a slow and mature manner that delays sexual intercourse until a life-long commitment in marriage. For example, he told young people during his visit to Uganda in February 1993:

Do not let yourselves be led astray by those who ridicule your chastity or your power to control yourselves. The strength of your future married love depends on the strength of your present effort to learn about true love. Chastity is the only safe and virtuous means to put an end to the tragic plague of AIDS.⁷

Pope Benedict XVI struck a similar chord when he urged the bishops of Southern Africa to *reinforce values related to marriage, family life and chastity, and linked these to the only "100% guaranteed" means of HIV prevention*.⁸

5. Stigma and discrimination:

The Holy See wishes to recall *the strong religious leadership, inspiring example, and untiring efforts of the late Pope John Paul II to eliminate stigma and discrimination toward those living with and affected by HIV*. In his visit to AIDS patients in the United States in 1989, he held out the unconditional love of God as the guideline to be followed:

God loves you all, without distinction, without limit ... He loves those of you who are sick, those suffering from AIDS. He loves the friends and relatives of the sick and those who care for them. He loves all with an unconditional and everlasting love.⁹

In their pastoral statement, the Southern Africa Catholic Bishops' Conference left *no room for any possibility of stigmatisation or marginalization based on the false premise that God has "willed" AIDS for sinful individuals*:

⁶ *A Message of Hope to the People of God from the Catholic Bishops of South Africa, Botswana, and Swaziland*. 30 July 2001.

⁷ *Documentation Catholique*, No. 2068, 21 March 1993, p. 262.

⁸ Pope's Address to Bishops of Southern Africa "Be Sustained by the Lord's Promise 'I Am With You Always'", VATICAN CITY, JUNE 10, 2005 (Zenit.org).

⁹ Pope John Paul II, Address given at Mision Dolores, 1989.

*AIDS must never be considered as a punishment from God. He wants us to be healthy and not to die from AIDS. It is for us a sign of the times challenging all people to inner transformation and to ... [a] ministry of healing, mercy and love.*¹⁰

These same bishops have also *challenged the stigma and discrimination that sometimes are generated internally within communities of faith*, inviting Church communities to be places where people infected and affected by HIV need to find comfort, support, information and care.¹¹

6. Inequities in treatment access

The leadership of the Catholic Church has assumed a *forceful role in advocating for a just solution to the inequities in treatment access*. Three examples may be recalled.

When he addressed the organizers of the Jubilee 2000 Debt Campaign, the late Pope John Paul II posited the existence of "a 'social mortgage' on all private property, a concept which today must also be applied to 'intellectual property' and to 'knowledge'. The law of profit alone cannot be applied to that which is essential for the fight against hunger, disease, and poverty."¹²

In the same vein, Javier Cardinal Lozano Barragán, in his statement to the UN Special Session on AIDS, held in 2001, cautioned that:

An important factor contributing to the rapid spread of AIDS is the situation of extreme poverty experienced by a great part of humanity. Certainly a decisive factor in combating the disease is the promotion of social justice, in order to bring about a situation in which economic consideration would no longer serve as the sole criterion in an uncontrolled globalization.¹³

Most recently, on the observance of World TB Day, in March 2006, Pope Benedict XVI encouraged "initiatives of assistance and solidarity" towards the sick and poor, and called for:

... renewed commitment at the global level, that the necessary resources may be made available to cure our sick brothers and sisters, who often also live in situations of great poverty... hoping that they may always be guaranteed dignified conditions of life.¹⁴

¹⁰ *A Message of Hope to the People of God from the Catholic Bishops of South Africa, Botswana, and Swaziland*. July 30, 2001.

¹¹ Press Release by Southern African Catholic Bishops' Conference, 30 January 2005.

¹² John Paul II, Message to the Jubilee 2000 Debt Campaign (23 September 1999), as appeared in *L'Osservatore Romano*, 25 September 1999, 5.

¹³ Archbishop Javier Lozano Barragán, intervention of the Holy See delegation to the UN Special Session on AIDS, New York, June 2001.

¹⁴ Vatican Information Service, 060322 (110), 22 March 2006.

7. Concluding remarks:

The Holy See has promoted respect for the rights of those living with and affected by HIV by sponsoring life-saving education and services and by sensitizing Catholic Church members to avoid stigma and discrimination. Its past record as well as its future plans have been summarized most eloquently by Pope Benedict XVI:

On this coming 1 December, World AIDS Day will once again be observed. I hope that this observance will promote increased responsibility for treating this disease, together with a commitment to avoid any discrimination toward those who are living with the disease. I also invoke the Lord's comfort on the sick and on their families, and I encourage the many initiatives that the Church sponsors in this field.¹⁵

¹⁵ Unofficial translation of original Italian message