



Statement of the Permanent Mission of the Holy See to the United Nations
and Other International Organizations in Geneva
at the 47th Session of the Human Rights Council
Item 3 - Interactive Dialogue with the Special Rapporteur on the Right to Privacy
Geneva, 2 July 2021

Madame President,

The Delegation of the Holy See takes note of the report prepared by the Special Rapporteur, in which he addresses two separate challenges, namely artificial intelligence and privacy and, also, children's privacy.

Among the various challenges we face, especially during the pandemic, as noted by Pope Francis, “the increase in distance learning has led to a greater dependence of children and adolescents on the internet and on virtual forms of communication in general, making them all the more vulnerable and overexposed to online criminal activities.”¹

As a result, it is of utmost importance to address more effectively the protection of the dignity of children in the digital world²; an effort that calls for genuine cooperation and firm commitment on the part of every member of our society, from entrepreneurs to educators and especially parents.

The Convention on the Rights of the Child (CRC) recognizes that parents have particular responsibilities³, rights, and duties, in a manner consistent with the evolving capacities of the child, to provide appropriate direction and guidance in the exercise of the rights recognized in the CRC, including the right to privacy.

In this regard, it is essential to avoid the risk of pitting the "rights of parents" against the "rights of the child", as if they were conflicting sets of autonomous rules placed on an equal footing. Such an approach fails to consider that all human rights must be at the service of the dignity of the human person. Indeed, "[a]ny practice or

¹ Cf. Address of His Holiness Pope Francis to the Members of the Diplomatic Corps accredited to the Holy See, 8 February 2021. Available at: http://www.vatican.va/content/francesco/en/speeches/2021/february/documents/papa-francesco_20210208_corpo-diplomatico.html [Accessed 21 February 2021].

² Cf. Address of His Holiness Pope Francis to Participants in the Congress on “Child Dignity in the Digital World”, 14 November 2019. Available at: http://www.vatican.va/content/francesco/en/speeches/2019/november/documents/papa-francesco_20191114_convegno-child%20dignity.html [Accessed 21 February 2021].

³ Cf. Artt. 3.1, 5 and 18 of the Convention on the Rights of the Child, General Assembly Resolution 44/25, 20 November 1989. Available at: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx> [Accessed 21 February 2021].

system that would treat *rights* in an abstract fashion, separated from preexisting and universal *values*, risks undermining their *raison d'être*."4 Put more plainly, children need their parents. Parents are fundamental to their integral human development, guiding them as they mature in both their personal autonomy and responsibility within the family.

Indeed, the fundamental value that underlies the rights of the child is the healthy, holistic and integral development of the child. Authentic development must take into account all dimensions of the human person, including the intellectual, emotional, spiritual and moral levels. It must also recognize the progressive nature of human development. This is why the CRC is prefaced by the observation "that [...] 'the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth.'"5

In the context of the current report, parents' capacity to monitor and control children's use of electronic devices - far from being a violation of the right to privacy of children6 - is an essential way in which their dignity and rights are to be promoted and protected, as well as a measure of safety to ensure they are not exploited and abused through these devices.

Madame President,

For these reasons, my Delegation would like to express its deep concern regarding the negative approach adopted by the Special Rapporteur in which the rights of the child are in opposition to the legitimate rights and responsibilities of parents. Instead, a positive approach is needed, one that embraces and supports the constructive and necessary role of parents in protecting and educating their children.

Moreover, the Holy See would like to take this opportunity to reiterate that international law does not recognize a so-called right to "reproductive sexual information and services"7, which implies access to abortion and family planning services. In addition, the "mandatory parental notification and/or consent for prescribed contraceptives and abortion" is not an infringement on the right to privacy

4 H.E. Mons. Paul Richard Gallagher, Secretary for Relations with States of the Holy See, Statement at the High-Level Segment of the 46th Session of the Human Rights Council, 23 February 2021.

5 Convention on the Rights of the Child, Preambular Paragraph. 9. Cf. also *ibid*, Preambular Paragraph 6.

6 *Ibid*. Cf. Reservations of the Holy See on accession to the Convention on the Rights of the Child: "[...] b) [The Holy See] interprets the articles of the Convention in a way which safeguards the primary and inalienable rights of parents, in particular insofar as these rights concern education (articles 13 and 28), religion (article 14), association with others (article 15) and privacy (article 16). " https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&clang=_en#EndDec [accessed on 22 February 2021].

7 Cf. Report of the Special Rapporteur on the Right to Privacy, A/HRC/46/37, para 96-100, p. 15-16. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/O15/65/PDF/G21O1565.pdf?OpenElement> [Accessed 21 February 2021].

of children but rather the right and duty of the parent in their evaluation of the best interests of their child.⁸

Thank you, Madame President.

⁸ *Ibidem.*