

challenging religious privilege

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Response from the National Secular Society
to the consultation on
The National Framework for Child Protection,
Learning and Development in Scotland

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Preliminary

Our concern with Child Protection Learning & Development (L&D) is, for reasons stated below, specific and is confined to the situation where children are in the care of religious groups, or simply in contact with personnel acting, whether in a paid capacity or not, under religious auspices where we believe special L&D needs may arise.

We applaud the Scottish Government's protection and prevention work to protect Scottish children from abuse, an area much neglected in the past throughout the world partly because there were no consultations such as this which have the capacity to provide data that is both distressing and exceptionally difficult to deal with. The human cost of that neglect has been massive. We therefore commend the launch of this consultation and trust that the information it produces will be acted upon, without fear or favour even - indeed, particularly - where this trespasses on a taboo, or as in some cases here, several taboos.

The Society will be pleased to answer any questions or provide further information on request, in writing or in person. Please contact Alistair McBay at admin@secularism.org.uk

Introduction

The National Secular Society (NSS) is a not-for-profit non-governmental organisation founded in 1866. Associated secularist groups were formed in Scotland in the 19th century. It promotes the separation of religion and state, and seeks a society where law and the administration of justice are based on equality, respect for Human Rights and objective evidence without regard to religious doctrine or belief. A key element of this is seeking to minimise religious privilege.

Recommendations and Conclusions

In order therefore to ensure the safety of children in Scotland, and the learning and development of those responsible for child protection, we particularly urge that:

1. Legislation is enacted to:
 - a) make it a criminal offence not to report reasonable suspicions of child abuse
 - b) make it a criminal offence for supervisory employees or officers e.g. diocese administrators to act in such a way that is likely to facilitate a criminal act
 - c) enable religious bodies to be sued for civil damages arising from the acts of those acting under their auspices, whether employees or not
 - d) remove any time bar, either criminal or civil, applied to child abuse cases, but leaving the judge the opportunity to re-impose it in the light of the circumstances;
2. All child protection codes produced mandate the reporting of abuse or concerns about it *without exception* to the appropriate and accountable secular authorities;
3. Concerns about abuse in religious contexts should not be limited to sexual abuse and rape, but should also focus on physical and psychological abuse (Please refer to Ireland section);
4. All schools and institutions with children and vulnerable adults should be required by law to display notices giving contact details (including Freephone numbers) for the reporting of abuse or concerns about it to independent secular authorities;

5. The Scottish Government should consider as a matter of some urgency the Holy See's reliance on its own Canon Law in dealing with cases of child sex abuse, and how it is to ensure that law passed in Scotland by the Scottish Government takes primacy in all cases;
6. The same consideration should be given to all other religious institutions which rely on the primacy of their own internal laws in dealing with such cases. In particular, we recommend that contact is made (unless it has already been established) with www.roshni.org.uk/ which appears to be tackling the additional taboo of sexual exploitation in minority ethnic communities.

We have focused on abuse on a religious environment for the following reasons:

1. While we accept that the majority of abuse takes place away from religious environments, and generally in the home or homes of relatives, we believe from media reports that a high proportion of institutional abuse takes place, or has taken place in religious environments.
2. Such environments are a good cover for those sexually attracted to children.
3. The imbalance of power between religious officials and those in their charge is much greater, particularly where the religious establishment also provides boarding, than in other educational establishments.
4. The power structures within religious organisations create an environment where pressure can easily be put upon pupils and their parents – and indeed staff - not to sully the name of the establishment by the reporting or public disclosure of sexual abuse.
5. There is a tendency of some politicians and officialdom generally to treat religious organisations and those within them with deference. We have noted below how in Ireland the church and state became inseparable, and in some cases secular authorities became in effect arms of the church: complaints to the police about child abuse were referred directly to the bishops.

All the above factors have combined to permit much higher levels of child abuse to continue unabated for much longer than they would have done were the institutions to have been under secular control. And within this, we believe that the greatest degree of risk is in the following two areas:

- a) **The Catholic Church** - partly because of the scale of its operations in Scotland and also because there has been, and continues to be, a well-documented culture of secrecy. The secrecy extends to, indeed stems from, the very top of the organisation, safely out of Scottish, and even European, jurisdiction: e.g. European arrest warrants are not valid in the Vatican.
- b) **Minority faith communities**. Although on a much smaller scale, a characteristic of some of these communities is the huge power imbalance between religious officials and their adherents, similar to that prevalent in the Catholic Church when abuse was most prevalent. Further, some of these communities are isolated from the community as a whole, and within them it is regarded as unacceptable to report transgressions. Both of these factors combine to create still greater risk of abuse and a still lesser likelihood of being reported to the secular authorities. In our section on Scotland we have made a suggestion about tackling this issue.

The Catholic Church

While there are some honourable exceptions, we are far from convinced of the sincerity of the Catholic Church's hierarchy generally to tackle its widespread abuse problems.

The scale of abuse, indeed rape, suffered by minors both male and female when under the care of the Catholic Church (and/or those working under its auspices) has grabbed global attention. Even now it is not safe to assume that any country is immune. Since the problem first came to light and became the subject of serious journalistic scrutiny in the late 1990s, there has been a succession of European countries discovering horrific levels of abuse that (allegedly) it had no idea existed, and cases continue to come to light on a regular basis, notably now spreading to Africa. Evidence abounds of the Catholic Church's full complicity in covering up abuse of which it was fully aware, and it frequently facilitated the prolonging of abuse by moving known offenders to places unaware of their history where they were able to offend again.

The cover-up has been referred to by the most senior figures in the Church as 'mistakes' or 'errors of judgement' made by bishops, when it is now a matter of known fact that the Church imposed a code of secrecy in dealing with abuse, the breaking of which was punishable by excommunication. The cover-up was and remains a mandated, systematic and organised exercise. The Holy See considers that in so doing, its bishops were in fact obeying 'the law' – by which is meant the Church's own Canon Law. In this regard, as Ireland's Taoiseach noted¹, the Catholic Church put the protection of its reputation and assets before the protection of children. The haphazard pattern of child protection; the fierce resistance to making reporting to secular authorities mandatory without exception; and the acceptance that senior clerics can also be child protection officers; all combine to reinforce our conviction that children are still not anything like as safe in Catholic institutions as they should be.

The hierarchy of the Catholic Church is uniquely privileged in having its hierarchy based in the only absolute monarchy remaining in Europe. This both removes it from the controls to which practically every other state is subject, and grants it immense privileges, for example its access to the United Nations, where it plays a very influential role.

Child abuse, whether sexual or otherwise, occurs in all sectors of society and is by no means restricted to religious groups or people. However, there is widespread evidence of a particular reporting and protection issue with regard to religious organisations, whether churches or religious orders, where such groups insist on their own internal "laws" taking precedence over secular civil or criminal law in the countries in which they are represented. The result is that abuse, or concerns about abuse, go unreported to the civil authorities, and are dealt with "in house", often to the further disadvantage and detriment of the victims. In the case of the Catholic Church, child abuse allegations are dealt with and the Church's own "Canon law". This is totally ineffective, and probably even prejudices any subsequent secular trial².

As part of our international work, we became aware of the astonishing paradox that the Church/Vatican City State/Holy See (the various alter egos under which the Church operates) has used its position to centralise control over child abuse allegations and in so doing enforce secrecy. But is also a signatory to the UN Convention on The Rights Of The Child. It has broken a large number of the Articles of that Convention and continues to break them on a wholesale scale³.

The Executive Director of the National Secular Society has followed up these breaches at the UN Human Rights Council on a number of occasions, which has led him to take a close interest in steps taken towards the elimination of clerical child abuse in the UK.

¹ <http://www.rte.ie/news/2011/0720/cloyne1.html>

² As set out in *The Case of the Pope* by Geoffrey Robertson QC, who is also a UN jurist.

³ As also set out in *The Case of the Pope* by Geoffrey Robertson QC.

We acknowledge at the outset that the vast majority of those connected with the churches, including the Catholic Church, are not and never have been at all involved in the abuse of minors, whether sexual, psychological or physical. It must be a great source of pain to them to have discovered the shocking abuse that took place in their Church.

A small number of those connected with the Church however, have been involved in such abuse. The harm done by this abuse, particularly when systematic or repeated, seems not to be fully appreciated. Victims were scarred for life, often becoming introverted and experiencing complete personality change and relying on drugs, with the resultant destructive cycle that ruins not only their lives, but that of their families and those that they were or could have been close to. Attempted suicide and suicides are common.

Where abuse was discovered in the Church (as opposed to being revealed publicly), the instinct at various levels in the hierarchy (which of course in the case of the Catholic Church extends beyond Scottish jurisdiction, and indeed beyond normal European jurisdiction) was to cover-up the abuse to protect the reputation of the individuals and the Church and also its finances. Such cover-ups, which in Europe and America have been on an almost industrial scale, facilitated the cycle of abuse to continue, protecting as they did the perpetrators from criminal action. The Church itself thereby became a party to the abuse in several other respects:

- a) it sought to paint the victims as liars - with all the opprobrium that this entailed; it went to enormous lengths to prevent the victims talking about their abuse, which itself was an essential part of their rehabilitation;
- b) it went to great lengths to deny or minimise financial compensation in the full knowledge that the abuse had occurred; and
- c) only rarely, if ever, did it provide genuine therapy and rehabilitation.

We accept that the level of abuse peaked in the 1950s to 1970s and has probably tailed off, but this was more due to publicity and increased awareness than the attempts of the Church to put its house in order. We therefore believe it necessary to seek to uncover what abuse has taken place in order to:

1. help the victims: psychologically and financially
2. bring the perpetrators to justice
3. learn from the mistakes of the past
4. ensure that every possible safeguard is put in place to avoid repetitions.

But much more still needs to be done. We are convinced that a great deal of child abuse involving the Church has yet to emerge. The Church continues to keep secret known child abusers, and bring pressure on victims to remain silent. It continues to fight every legal case tooth and nail, even when guilt is perfectly clear. This shameless culture of denial and obstruction must be challenged. In the week this submission was completed, Archbishop Pell, the most senior Catholic cleric in Australia, had to retract a vigorous defence he had just made of child abusers within his Church following the emergence of incontrovertible evidence, which it is difficult to believe he cannot have been aware of⁴. This is not the first time Archbishop Pell has been in hot water over his treatment of child abuse and his callous attitude to victims.

We therefore welcome legal developments in train to put the Church under ever greater pressure. In the last month Monsignor Lynn, who oversaw clergy abuse complaints at the Archdiocese of Philadelphia from 1992 to 2004 but was not personally involved in abuse, has been convicted on child abuse charges. He is appealing⁵. We believe that in future perpetrators brought to justice

⁴ <http://www.abc.net.au/news/2012-07-04/church-issues-statement-on-four-corners-abuse-claims/4108538>

⁵ <http://abclocal.go.com/wpvi/story?section=news/local&id=8720375>

will include more of those within the Church who, despite not having been actively involved themselves, facilitated the abuse. A further case, relating to the Catholic diocese of Portsmouth⁶ has set a precedent under which the Church becomes financially liable for abuse carried out by those working on its behalf. The Church, of course, is appealing against this.

Our comments about Ireland (shown below) reveal that arguably the most shocking aspect there is the deference shown by governmental agencies there to the Church. Had those agencies done their job properly instead of becoming complicit, the abuse could have been stopped in its tracks rather than go on for a half-century or more. This should act as a siren call to the Scottish Government in this consultation.

Below is a section devoted to Scotland, and then to other countries to give a wider context.

Scotland

As we indicate below, there is evidence to suggest that the Catholic hierarchy in Scotland have failed to report to the secular authorities child abuse, of which they are aware, to be perpetrated by those under their control. The following extract from the *Scotsman* 3 April 2010⁷, "*Victim of sex crime blasts Cardinal*" is compelling *prima facie* evidence that Cardinal O'Brien has been aware of child sexual abuse in the Church which he has not reported to the police. The case involves a victim named as Michael X:

"The Cardinal is saying that 'any Catholics who were aware of such crimes and did not act to report them, bring shame on us all'.

"Well, as Archbishop of St Andrews and Edinburgh at the time, he knew what happened to me for years," he claimed. "He only acted to take Lynagh out of pastoral work. Three years later I saw Lynagh had been appointed director of a retreat centre.

"That's when I had to report the crimes to the police to protect other youngsters, at great emotional cost to myself. The Cardinal is guilty of rank hypocrisy and his last act as a Cardinal before his resignation should be to commission a truth and reconciliation process for Scotland."

Michael X was paid 42,000 compensation by the then Archbishop O'Brien, who has since acknowledged the truth of his claims of abuse. The man was abused by Fr Lynagh as a 15-year-old pupil at Blairs College near Aberdeen.

Fr Lynagh, who pled guilty to the crimes, was jailed for three years in 1995. Michael X said that when he took the payment from the Cardinal he was told that it was "up to him" if he wanted to go to the police.

He said: "I have tried to rebuild my life, and not just be a victim or a mad zealot campaigning against this abuse. But the Cardinal's so-called apology disgusted me so much that, in all conscience, I felt I had to speak out."

We further note the words of Cardinal Keith O'Brien in 2010: "The past weeks and months have not been easy for any one of us - and I share with you the shame of so many others in our Church near at home and far afield"⁸. It does seem that sexual abuse in Scotland has been proportionally lower than in other countries. According to Bishop Devine, one in 200 of the clergy in Scotland has faced allegations of sexual abuse in the last 40 years. However his complacency and demonisation of those who raise concerns set a very poor example, particularly in his description of Scotland's problem as being "minimal"⁹.

⁶ <http://www.portsmouth.co.uk/news/local/waterlooville-woman-wins-high-court-case-against-catholic-church-over-sex-abuse-1-3225554>

⁷ <http://www.scotsman.com/news/victim-of-sex-crime-blasts-cardinal-1-1365721>

⁸ <http://news.bbc.co.uk/1/hi/scotland/8600595.stm> 2 April 2010

⁹ <http://www.heraldsotland.com/news/home-news/devine-slams-anti-catholic-agenda-in-child-sex-abuse-row-1.1031394>

Scotland was also outraged recently by the investigation into the children's homes run by the Catholic order the Poor Sisters of Nazareth, with dozens of former residents of homes in Aberdeen, Glasgow, Midlothian and Kilmarnock suffering vicious beatings and sexual abuse. This abuse occurred over several decades in the 20th century, went unreported and was kept quiet for many years.

We find this moving account "Sisters of no Mercy" from the *Guardian* of 12 April 2003¹⁰ to be particularly persuasive, yet Archbishop Conti has denounced these, the victims, as being seekers not of justice but of "pots of gold".

Taking together the quotes in this Submission from Cardinal O'Brien and Archbishop Conti, and similarly defensive and occasionally callous comments made by Bishop Devine, we invite the Scottish government to consider very carefully how much credence it can place on any assurances given by the hierarchy of the Catholic Church in Scotland. It has sought and continues to seek shamelessly to protect its own interests.

The scale of the Catholic Church's institutions in Scotland and its centralised control away from Scotland, combined with the stubbornly and continuing intransigence of the Holy See outlined above, must mean that special care has to be taken by the Scottish Government to protect Scottish children in Catholic-run institutions. We contend that, given the massive centralisation of power in the Vatican over national institutions, as evidenced for example in EU member states Ireland and Italy, the Scottish Government cannot take any chances and assume that somehow all will be well, for if it does so it will be failing in its duty of care to Scottish children.

Nor does the Catholic Church stand alone in this context. In 1990, it was reported that the Rev. Gordon Haggarty, a Church of Scotland minister in Aberdeen, was jailed for sex offences against young girls. In 1994, William Robb, aged 54, was jailed for seven years for a series of sex offences against boys as young as 10. Robb, who had been minister of several Scottish parishes and a Sea Cadet chaplain, resigned from a post in Dalry when a police investigation was launched into activities including pornographic pictures, group sex, drink and drugs. A common feature in both cases was that the crimes had been kept quiet for many years, with the victims either unheard or unable to speak out. In an article dated 11 August 1994 headed "Kirk slow to confront last taboo", the *Herald*¹¹ commented:

"The Kirk seems to have particular problems in confronting and discussing these issues openly"

We also draw to your attention to reports of child abuse at Glasgow central mosque. The *Herald* reported on 18 August 2007 the creation of a new charity aiming to confront the "hush-up" culture on abuse among black and ethnic minorities.¹² The article is reproduced in the Appendix because the newspaper account is corrupted when displayed on some browsers and becomes nearly unreadable.

The article refers to the Scottish registered charity called Roshni, with offices in Glasgow and Dundee. Its website is www.roshni.org.uk. Roshni campaigns for the UK's black and ethnic minorities to confront crimes against children which are being 'swept under the carpet by shame, fear and silence.'

England

The evidence of clerical child sex abuse, and its cover-up shows the greatest number of cases by far have been in Catholic Church institutions. It is notable that, there are hundreds of cases, mainly from the 50s 60s and 70s characterised by the routine institutional cover-up, often in orders, such as the Benedictines, separate from the diocesan structure. The Church continues to fight these cases tooth and nail, to prevent paying out a penny more than they are required to.

¹⁰ <http://www.guardian.co.uk/world/2003/apr/12/religion.childprotection>

¹¹ <http://www.heraldsotland.com/sport/spl/aberdeen/kirk-slow-to-confront-last-taboo-1.490154>

¹² <http://www.heraldsotland.com/child-abuse-in-mosques-lifting-the-veil-of-secrecy-1.827823> (repeated in Appendix)

There is even a dispute between the Catholic diocese of Middlesbrough and the De La Salle Brothers as to liability over abuse at an institution in Market Weighton in East Yorkshire. While the abuse is not contested, the two branches of the Catholic Church cannot agree who is liable, and therefore no compensation has been paid. Meanwhile some of the 140 known victims have died without receiving compensation.

The Church of England is currently conducting its own internal enquiry into abuse in one of its dioceses, after considerable adverse publicity surrounding cases coming to light together with evidence that the abuse was the subject of a cover-up. It was particularly shocking that an investigation by a judge, Baroness Butler-Sloss had to be reopened when it emerged that she had been deliberately misled by bishops whose evidence she had taken at face value without checking¹³.

There are also concerns about abuse in minority faith communities.

Northern Ireland

Following on from the Dublin revelations, the devolved administration in Northern Ireland has also promised an inquiry into the abuse of [children](#) in church-run homes and by members of the Catholic clergy, given that many dioceses overlap the Province and the Republic of Ireland. The demand for an investigation has been victim-led.

Ireland

The instance of sexual abuse of children remains an ongoing problem, and is not one that has been consigned to 20th century history, as apologists for religious institutions would have us believe. In Ireland, secular authorities' misplaced deference to the Church allowed such activities to continue until relatively recently on a breathtaking scale. This is an abstract of some of the mutually supporting evidence over some 50 years which the National Secular Society has presented to the Council of Europe.¹⁴

It is striking that the Roman Catholic Church was so obstructive to attempts by the Irish government to uncover the truth, and as recently as 2008, even when the Church's wrongdoing on an industrial scale had by then been demonstrated beyond doubt. Noteworthy are:

1. the Church's secrecy, including files mandated to be returned to Rome;
2. its unwillingness to instruct its managers to report suspected cases of abuse to the secular authorities;
3. the use of Canon Law which effectively frustrates the proper operation of civil and criminal law in the places where the alleged crimes were committed;
4. and the churches continued "tooth and nail" defence of cases where there is no doubt of the perpetrators' guilt.

These all compound to demonstrate that the Church is still in denial and still in damage limitation mode. The Taoiseach stated in the Dail in July 2011:

"For the first time in Ireland, a report into child sexual abuse exposes an attempt by the Holy See, to frustrate an Inquiry in a sovereign, democratic republic as little as three years ago, not three

¹³

[http://www.diochi.org.uk/downloads/Diocesan%20Secretary/Safeguarding%20Final%20document%20suite%20120229/EBS%20Report%20+%20Addendum120228\(2\).pdf](http://www.diochi.org.uk/downloads/Diocesan%20Secretary/Safeguarding%20Final%20document%20suite%20120229/EBS%20Report%20+%20Addendum120228(2).pdf)

¹⁴ <http://www.secularism.org.uk/search.html?query=council+of+europe+abuse+ireland>

decades ago. The rape and torture of children were downplayed or 'managed' to uphold instead, the primacy of the institution, its power, standing and 'reputation'."¹⁵

The Dublin Government is currently locked in a further battle with the Catholic Church regarding the reporting of abuse to the secular authorities. As the Dublin government moves to protect its children from further abuses, Irish priests have vowed this year (April 2012) to defy a proposed new law forcing them to report details of sexual abuse revealed in the confessional box, in spite of the threat of a 10-year jail sentence after the introduction of the mandatory reporting legislation.¹⁶

While the sexual abuse and rape has attracted the greatest amount of publicity, a much greater volume of abuse, particularly by the Christian brothers in schools, was physical and psychological. This should not be overlooked.

Italy

Coming right up to date, we draw your attention to the current situation in Italy, where until May 2012 the Church there, on the Vatican's doorstep, still had no formal child protection policy in place. Even then, the Italian Bishops' Conference (CIE) published its policy in May this year in which it issued guidelines on child protection inform its bishops that they are 'not obliged to report illicit facts' of child abuse to the police.' The Italian Bishops Conference is under the direct control of Pope Benedict. The document reads:

*"Under Italian law, the bishop, given that he holds no public office nor is he a public servant, is not obliged to report illicit facts of the type covered by this document to the relevant state judicial authorities."*¹⁷

So even after all that has been revealed in the last 20 years, senior figures in the Catholic Church continue, as recently as May 2012, to play fast and loose with the laws of the countries in which they operate with regard to reporting crimes of child sex abuse to the appropriate secular authorities. As a result, there are legitimate concerns that arise in relation to how children can be properly protected in such situations.

United Nations Convention on the Rights of the Child

The Scottish Government's National Framework for Child Protection Learning & Development takes account of the fact that Scotland's policy and legislative agenda is increasingly child-centred and influenced by the United Nations Convention on the Rights of the Child 1989 (UNCRC). For example, the Children (Scotland) Act 1995 reflects the Convention's key principles, in particular the principle of best interests (Article 3) and of the right of the child to express those views freely in all matters affecting the child (Article 12). We wish to draw your attention to the fact, therefore, that the Holy See has failed to honour its obligations under the UNCRC, including its failure to submit quinquennial reports for 13 years.

When the National Secular Society raised these issues in the United Nations on 22 September 2009, the distinguished delegate of the Holy See exercised the Right of Reply to our oral intervention to say (in summary):

1. In the upcoming report of the Holy See to the Committee on the Rights of the Child, which was then being finalised "as we speak", a paragraph would be dedicated to the problem of child abuse by Catholic clergy. However, in spite of a reminder in our intervention in March 2010, this has still not been filed.

¹⁵ <http://www.rte.ie/news/2011/0720/cloyne1.html>

¹⁶ www.irishcentral.com/news/Irish-priests-say-they-will-disobey-new-confession-box-law-on-child-abuse-149029005.html#ixzz1zqV32Ycp

¹⁷ <http://www.belfasttelegraph.co.uk/news/world-news/bishops-not-obliged-to-report-sexual-abuse-to-police-16163815.html>

2. He did not deny our assertions but noted that, inter alia, offenders can be dismissed under the Church's own Canon Law. However, he made but no mention of the necessity of reporting suspected abuse to secular authorities.¹⁸

Legal Commentary by Geoffrey Robertson QC

In 2010, Geoffrey Robertson QC, Distinguished Jurist and Member, United Nations Internal Justice Council, 2008-2012, published "The Case of the Pope. Vatican Accountability for Human Rights Abuse. (ISBN: 9780241953846). He notes therein that the following Articles of the UNCRC are likely to have been breached by the Holy See :

- *Article 3(1)3: "The evidence shows that the primary consideration in dealing with children's allegations has been the good name and reputation of the Catholic Church and the protection of the priesthood from scandal. The best interests of the child requires the church to act immediately to stop the abuse and protect other children by precluding any prospect of re-offending. That meant calling in the police and social welfare services and providing counselling to the child and the family – steps the Vatican resolutely refused to envision when it published its new Canon Law norms in July 2010."*
- *Article 64: "Article 6 of the Protocol obliges state parties to assist each other with providing all the evidence at their disposal - an obligation which the Vatican continues to evade."*
- *Article 19(1)5: "This placed an international law duty on the Holy See to make arrangements for reporting child sex abuse to law enforcement authorities - a duty that has been blatantly breached from the outset by subjecting all allegations to the 'pontifical secret' procedures of the Crimen Sollicitationes document, and then of the 2001 apostolic letter, and most recently of the July 2010 decree, which insists on Canon Law jurisdiction over abusive priests."*
- *Article 346: "The Holy See, through its responsible agency the CDF (the Congregation of the Doctrine of the Faith), took no 'national, bilateral or multinational measures' other than by issuing the 2001 Cardinal Ratzinger letter, which served to delay investigations of accused priests and failed to require notification to law enforcement agencies. The Holy See has most scandalously breached its obligations under Article 34, and remains in breach through its 2010 insistence on Canon Law process and 'pontifical secrecy'."*
- *Article 39 7: "It is also relevant to note the Holy See's unwillingness to afford 'measures to promote physical and psychological recovery and social reintegration' to victims, as required by Article 39 ...",*
- *Articles 3, 19 and 34 – Re Canon Law 8: "Vatican diplomats may have prepared a devious defence for the Holy See by entering a 'reservation that it will only apply the Convention' when it is compatible with Canon Law. The sections of the Convention dealing with child sex abuse are irrevocably incompatible with Canon Law, which favours the priest at the expense of the best interests of the child (a breach of Article 3(1)); which does not provide effective procedures for investigation, reporting, referral or judicial involvement (a breach of article 19(2)), and has secrecy provisions that preclude national, bilateral and multi-national measures (a breach of article 34)."*
- *Article 44 9: "The Holy See was next due to report on 1 September 1997 and then again on 1 September 2002: it did not do so on either occasion and indeed has never submitted another report, a complete abdication of its duties under the Convention."*

¹⁸ www.secularism.org.uk/holy-see-accused-of-flouting-un1.html

We conclude our submission to this consultation by further quoting from Geoffrey Robertson's book and endorse his conclusion below.

"It is plain from ... the new Canon Law norms laid down in July 2010 ... that the Vatican will not, under this Pope, yield in its claim that the church is entitled to shelter suspected criminals in its midst from police investigation, public trial and any punishment that they deserve. The Holy See's grave and extensive breaches of the Convention on the Rights of the Child, and its contempt for its reporting obligations over the past thirteen years, should - if the other parties care - justify its expulsion. The other parties, and the UN itself, should care very much, because this is the one and only human rights convention that has near universal support."

Appendix

INVESTIGATION : A new charity is aiming to confront the “hush-up” culture on abuse among black and ethnic minorities. By Neil Mackay

<http://www.heraldscotland.com/child-abuse-in-mosques-lifting-the-veil-of-secrecy-1.827823>

Saturday 18 August 2007

Child abuse in mosques: Lifting the veil of secrecy

ALI Khan was sitting at a meeting in a Glasgow mosque, discussing a paedophile assault in a house of God, when he realised he had to take matters into his own hands.

"Horror of horrors," says Khan over the telephone from his office in Dubai, "what was suggested was that the alleged abuser should be allowed to remain in the mosque."

The alleged paedophile saved the mosque from compromising itself by disappearing. "How do we know where he is now?" asks Khan, still distressed about the event. "The police were never involved. It was another one of those hushed-up things."

Proof of this "hushing up" of the alleged abuse of children from ethnic backgrounds was what prompted Khan to set up Roshni, a new charity based in Glasgow. The word Roshni means light in Urdu, and the charity has as its motto the phrase No More Secrets.

From tomorrow, Roshni will campaign for the UK's black and ethnic minorities to confront crimes against children which are being swept under the carpet by shame, fear and silence.

Khan believes many people from Britain's ethnic communities wrongly see organisations such as the police, the health service and social work as "white" and therefore fail to report offences against children. Likewise, charities like Children First and Kidscape are seen, once again wrongly, as existing for white children.

To compound Khan's belief that ethnic communities needed a wake-up call on child protection issues, a child abuse scandal broke at Glasgow's central mosque. Taher Din was jailed for a year after sexually molesting two young boys at the iconic building near the Clyde.

Din, a member of the mosque's management committee, had a previous conviction for indecent assault. The boys he assaulted were just nine and 10. The first sex attack took place during Ramadan, while leading members of the city's Asian community worshipped nearby.

During the trial, there were suggestions that officials from the mosque may have tried to cover up the attacks. The first victim told prosecutors that when Din dragged him into a toilet, another mosque official walked in. Din left the scene and the boy told his father what had happened. The father could not bring himself to believe the allegation.

The police were not informed, and eight months later a worshipper at the mosque caught Din abusing a second child. Din had lured the boy to a changing room under the pretence that they were going to play football.

A doctor, Mohammed Farooq, heard the boy shouting out and went to investigate. He reported the incident to a member of staff at the mosque, who told him not to phone the police. Farooq was told: "We know the guy, we will sort it out." The child's mother, however, alerted the authorities herself.

Tomorrow, Roshni will kick off its first big campaign, calling on every mosque, madrasah and ethnic youth group in Scotland to make sure all their staff are fully cleared by Disclosure Scotland against the sex offenders register and given state approval to work with children. Failure to "disclosure" staff is a breach of the Protection of Children Act. Many smaller organisations don't even know what Disclosure Scotland is, Khan claims.

"I have done quite well in life and I want to give something back," says Khan. "My first goal is simply to raise awareness among adults in the black and ethnic minority community about child abuse, and I also want children to learn what is appropriate - what is right and wrong behaviour for an adult."

Roshni is also going to try to change cultural attitudes that make dealing with abuse difficult for ethnic minority families. The issues of shame and honour, says Khan, mean "children and adults find it very hard to report offences outside the community - that is borne out by the example of the mosque trying to hush up what happened".

"We come from countries with a very strong family-based culture," Khan went on, "that makes it hard for some people to report. Denouncing one family member is like denouncing the whole family. We need to change this mindset. My personal view is that I think some people believe they will be bringing shame on others if they speak out."

He spoke of people being "spurned and threatened" for daring to speak out about crimes against children.

"Our own research," Khan said, "has shown a tendency not to report abuse within religious establishments, particularly where this involves religious leaders, as a result of the shame that this can bring upon a community."

The Disclosure Initiative is the first of many steps towards ensuring all Scotland's children are equally protected. Khan describes the work as a "critical partnership" with faith leaders and "a historic turning point in child protection within Scotland's faith communities".

"From Monday, we will be approaching all places of worship, schools of worship, religious organisations and private houses where teaching takes place and ensuring that anyone working with children has been cleared by Disclosure Scotland," Khan said.

"We will visit every mosque and temple in Scotland to make sure that they adapt to 21st-century standards of child protection. We feel many religious organisations are unaware of their responsibilities under statute. We think a lot of smaller organisations have never heard of Disclosure Scotland. We have to knock on every door and tell them about Disclosure Scotland. At the moment, there is not enough oversight and protection."

He added: "Scotland's faith communities are united in their absolute opposition to child abuse. However, there remains a general sense of inertia when it comes to translating this opposition into practical measures that will reduce the risk to children."

Roshni will pay for any disclosures that haven't been done. Leaders of all ethnic faiths will be contacted, but Roshni will begin with Scotland's "big three" - Muslim, Sikh and Hindu. It's a big job: in Glasgow alone there are 18 mosques and 15 Muslim organisations for young people.

Nor will the work be easy. Khan says it is not uncommon for people to take local children into their homes for Koranic teaching. While they may merely be teaching children, they will be reluctant to be disclosed as many are being paid unofficially and want to avoid the taxman.

Once the Disclosure Initiative is under way, Roshni will start to campaign to prevent adults who have been found guilty of abusing children while in a position of trust simply moving to another part of Britain and starting to work with young people again. "It's happened in the past. People are slipping through loopholes even if we wanted to stop them moving around," said Khan, pointing out that similar problems faced Christian churches for many years.

Roshni is not focusing only on sexual abuse, however. "If a child wakes up every morning and gets a smack around the head, it will think that's the norm," Khan added. "In the long run, we need to ensure that all ethnic minority children feel comfortable reporting outside the community. In five years, I want to see all ethnic minority children empowered."