

February 2014



An analysis of the criticism by the United Nations of the Vatican over child abuse in 2013/14, and the Vatican's reaction to it

By Keith Porteous Wood

States that ratify the UN Convention on the Rights of the Child, as has the Vatican – or technically its diplomatic name, the Holy See (HS) – are subject to 5 yearly examinations by the Committee on the Rights of the Child.

The final stage in this process is the Committee's written concluding observations, which in the case of the HS were issued on 5 February (2014). A version I have highlighted is [here](#). The official version is [here](#) and there are also two short concluding observations on the optional protocols [here](#) and [here](#).

Throughout the process the HS has refused to answer questions the Committee was duty-bound to ask as guardians of the Convention. The Committee's last attempt to elicit even a promise of more information was made at the [public examination](#) in Geneva on 16 January (2014). But most questions, and certainly the key ones, were stonewalled by Msgr Tomasi, head of the HS's UN mission or the Vatican former chief child abuse prosecutor, Msgr Scicluna.

The elephant in the room at the public examination has been the HS claiming that it is not responsible under the Convention for the worldwide activities of the Church, and hence would not provide any information about them. The HS declining responsibility relating to child abuse is particularly rich given "the Holy See has established its full jurisdiction over child sexual abuse cases in 1962 and placed them in 2001 under the exclusive competence of the Congregation for the Doctrine of the Faith" §43(b). Prominent international human rights lawyer Geoffrey Robertson QC, who has worked closely with the UN, is adamant that the HS claiming not to be responsible is not in conformity with several Articles of the Convention (please refer to his book, [The Case of the Pope](#), for more on this).

The Committee have reasserted uncompromisingly in their concluding observations that the Holy See *is* responsible:

"The Committee is aware of the dual nature of the Holy See's ratification of the Convention

..., the Committee nevertheless notes that subordinates in Catholic religious orders are bound by obedience to the Pope in accordance with Canons 331 and 590. The Committee therefore reminds the Holy See that by ratifying the Convention, it has committed itself to implementing the Convention not only on the territory of the Vatican City State but also as the supreme power of the Catholic Church through individuals and institutions placed under its authority.”

Having asserted the authoritative position, the Committee also requested what followed from it, their requirement for much detailed information about the Church’s worldwide activities, particularly on child abuse, including some data previously sought and not provided.

The Committee had pressed particularly hard on two other points at the public examination. It asked the HS several times to release its archive of suspected clerical abusers that the Vatican decrees that the worldwide Church must submit to it prior to it determining how each case should be dealt with. Secondly, the Committee pressed the HS to order the Church worldwide to report child abuse cases to the relevant law enforcement agencies. The HS displayed ingenuity in evading answers to both these key questions, either ignoring them altogether until reminded, giving hopelessly vague answers or using up the time with platitudes about the primacy of the best interests of the child and its dignity.

Admittedly, the Committee asked more questions than there was time to answer, but no one I spoke to at the examination felt that the HS representatives had made a credible attempt to answer. The HS’s responses, such as they were, understandably didn’t remotely satisfy the Committee either, as is clear from their assessment in §43, the strongest condemnation of the Holy See by the United Nations ever to be made, and shown in full below:

Sexual exploitation and abuse

43. *The Committee takes note of the commitment expressed by the delegation of the Holy See to hold inviolable the dignity and entire person of every child. The Committee nevertheless expresses its deepest concern about child sexual abuse committed by members of the Catholic churches who operate under the authority of the Holy See, with clerics having been involved in the sexual abuse of tens of thousands of children worldwide. The Committee is gravely concerned that the Holy See has not acknowledged the extent of the crimes committed, has not taken the necessary measures to address cases of child sexual abuse and to protect children, and has adopted policies and practices which have led to the continuation of the abuse by and the impunity of the perpetrators. The Committee is particularly concerned that:*

(a) Well-known child sexual abusers have been transferred from parish to parish or to other countries in an attempt to cover-up such crimes, a practice documented by numerous national commissions of inquiry. The practice of offenders’ mobility, which has allowed many priests to remain in contact with children and to continue to abuse them, still places children in many countries at high risk of sexual abuse, as

dozens of child sexual offenders are reported to be still in contact with children;

(b) Although the Holy See has established its full jurisdiction over child sexual abuse cases in 1962 and placed them in 2001 under the exclusive competence of the Congregation for the Doctrine of the Faith (CDF), it has declined to provide the Committee with data on all cases of child sexual abuse brought to its attention over the reporting period and the outcome of the internal procedure in these cases;

(c) Child sexual abuse, when addressed, has been dealt with as grave delicts against the moral through confidential proceedings providing for disciplinary measures which have allowed the vast majority of abusers and almost all those who concealed child sexual abuse to escape judicial proceedings in States where abuses were committed;

(d) Due to a code of silence imposed on all members of the clergy under penalty of excommunication, cases of child sexual abuse have hardly ever been reported to the law enforcement authorities in the countries where such crimes occurred. On the contrary, cases of nuns and priests ostracized, demoted and fired for not having respected the obligation of silence have been reported to the Committee as well as cases of priests who have been congratulated for refusing to denounce child abusers, as shown in the letter addressed by Cardinal Castrillon Hojos to Bishop Pierre Pican in 2001;

(e) Reporting to national law enforcement authorities has never been made compulsory and was explicitly rejected in an official letter addressed to members of the Irish Episcopal Conference by Bishop Moreno and Nuncio Storero in 1997. In many cases, Church authorities, including at the highest levels of the Holy See have shown reluctance and in some instances, refused to cooperate with judicial authorities and national commissions of inquiry.

(f) Limited efforts have been made to empower children enrolled in Catholic schools and institutions to protect themselves from sexual abuse.

Equally sobering is the Committee's rebuke on the treatment of the victims:

Child victims and witnesses of crimes

60) The Committee expresses serious concern that in dealing with child victims of different forms of abuse, the Holy See has systematically placed preservation of the reputation of the Church and the alleged offender over the protection of child victims. The Committee is particularly concerned that while the Holy See recognized in its written responses and during the interactive dialogue the primary competence of judicial authorities, it has continued to address these cases through Canon Law proceedings which contain no provision for the protection, support, rehabilitation and compensation of child victims. The Committee is also particularly concerned that:

(a) Child victims and their families have often been blamed by religious authorities, discredited and discouraged from pursuing their

complaints and in some instances humiliated, as noted especially by the Grand Jury in Westchester, the Ryan Commission in Ireland and the Winter Commission in Canada;

(b) Confidentiality has been imposed on child victims and their families as a precondition of financial compensation; and

(c) Although it has extended its own statute of limitations, the Holy See has in some instances obstructed efforts in certain countries to extend the statute of limitation for child sexual abuse.

The concluding observations make harrowing reading and can best be summarised by noting that the word regret appears six times and concern or its derivatives over 30 times. The key passages are highlighted [here](#), with the most important underlined.

Recommendations in the Committee’s concluding observations on the two key points mentioned above:

- “mandatory reporting of all suspected cases of child sexual abuse and exploitation to law enforcement authorities”, regardless of current Canon law §44(e)
- “Ensure a transparent sharing of all archives which can be used to hold the abusers accountable as well as all those who concealed their crimes and knowingly placed offenders in contact with children” §44(c)

Other notable recommendations concerning child abuse and child victims

- “Immediately remove all known and suspected child sexual abusers from assignment and refer the matter to the relevant law enforcement authorities for investigation and prosecution purposes” §44(b);
- an independent investigation of “all cases of child sexual abuse as well as the conduct of the Catholic hierarchy in dealing with them” with the outcome to be published §44(a)
- “amend Canon law” that “impose[s] an obligation of silence on the victims and on all those that become aware of such crimes” §44(d)
- “Provide compensation to victims of sexual abuse committed by individuals and institutions under the Holy See’s authority without imposing any obligation of confidentiality” §61(d)
- “Ensure that child victims and witnesses of crimes are provided with psycho-social support for their rehabilitation and reintegration ... not ... preventing children from reporting to national law enforcement authorities...” §61(c)

Other important concerns and recommendations relate to:

- the Magdalene laundries in Ireland §37
- the wholesale removal of children from their mothers, sold for significant sums and then obstructing attempts to re-establish contact between children and their mothers. This occurred in the Magdalene laundries, and on a larger scale in Spain
- Violence - the Committee is concerned that while corporal punishment, including ritual beatings of children, has been and remains widespread in some Catholic institutions and reached endemic levels in certain countries §39
- Baby boxes allowing children to be abandoned §35
- Obstruction by the Vatican of attempts to extend the statute of limitations for sexual

abuse crimes – which would have further protected clerical abusers. §60

Media reaction

The Committee's criticism of the Holy See made headline news in many countries and there were over 500 newspaper reports, and as many radio, TV and web reports, the first time the Committee's work has been given such prominence.

Holy See reaction

Faced with such a catalogue of heinous malfeasance, the decent response would be an undertaking to do very much better, or failing that, profuse apologies, or even failing that, silence. Instead, neither of the two key players at the public examination showed themselves in their best light. According to this [report](#), Associated Press asserted shortly after the public examination that many more priests had been defrocked by the Vatican in 2011 and 2012 than Msgr Scicluna had claimed. The Vatican denied the AP report, only to have to withdraw their rebuttal later in the day.

Msgr Tomasi berated the Committee claiming its concluding observations do not take "into account some of the clear and precise explanations that were given to the committee", but, significantly, didn't say which ones. That explanation could not be further from the reality I witnessed in Geneva. For example, as the video will confirm, members of the Committee accused the Holy See of contravening Articles 3, 4, 14, 34 and 39, which neither spokespersons even referred to in their answers. What explanations they did give on key issues were by and large unconvincing, disingenuous, and evasive, and the Committee treated them as such, for example in §43(b) above.

Msgr Tomasi sought to divert attention from the key issues by giving major prominence to passing references in the concluding observations in §54 and 55 to abortion which urged a review of the HS's position "on abortion which places obvious risks on the life and health of pregnant girls". The context was the Committee's criticism of sanctions imposed by the Church in relation to the abortion following the rape of a nine-year-old girl), but Msgr Tomasi [portrayed this](#) as "the Committee asked for acceptance of abortion".

Conclusion

What are we to make of Msgr Tomasi's continuing truculence? Is he simply unable to stop playing the same old broken record, regardless of the damage he is doing? Or is this part of a considered – if misguided – media strategy agreed with the Pope? The National Secular Society is not alone in suggesting that the Committee's widely publicised public examination and concluding observations could yet turn out to be a force for good. The unprecedented level of worldwide coverage of the Committee's concluding observations, the vast majority of it fierce critical of the Church, must have put significant pressure on the Vatican and the Pope himself.

The BBC's religious affairs correspondent Robert Pigott told viewers on 5 February that the Committee was a "powerful moral voice that even the Pope cannot ignore". And David Willey, its Rome correspondent of many years, "Pope Francis has been criticised somewhat for putting the issue really on the backburner. He has been dealing with other critical issues for the Church but the other day we heard he had set up a new committee of enquiry in the Vatican administration to deal with this very problem. It is very troubling for the Church and they are going to have to consider very carefully this criticism which I would say is some of

the harshest that has been heard from the United Nations.”

The new papacy has been a triumph of PR over substance in practically every field – except clerical child abuse. The recall of the former Dominican Republic Nuncio subject to serious accusations over multiple abuse of minors, in effect making him a [fugitive from secular justice](#), and the massive publicity over the Committee’s examination and concluding observations have not just been PR disasters, they have left many, even Catholics in the pews, wondering whether the Pope really wants to - or is able to – turn over a new leaf on child abuse.

Words will no longer do; only actions will now convince. Time is running out for Pope, and his papacy will be judged more on his ability to tackle this issue than anything else.

The National Secular Society provided written evidence to the Committee and, together with victim groups, was cross examined at a private pre-session hearing in June (2013), and Executive Director attended the public examination on 16 January (2014).