



**International Humanist and Ethical Union**

*The world union of Humanist organisations*

**national  
secular  
society**

25 Red Lion Square

London WC1R 4RL

TEL: 020 7404 3126

FAX: 0870 762 8971

EMAIL: [enquiries@secularism.org.uk](mailto:enquiries@secularism.org.uk)

WEB: [www.secularism.org.uk](http://www.secularism.org.uk)

# **INTERNATIONAL HUMANIST AND ETHICAL UNION**

## **CRITICISM OF THE HOLY SEE OVER CHILD ABUSE**

AT THE UNITED NATIONS HUMAN RIGHTS COUNCIL (UNHRC)

GENEVA – 22 SEPTEMBER 2009 to 15 MARCH 2011

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Updated July 2013

# **IHEU Statement submitted to UN Human Rights Council Human Rights situations that require the Council's attention**

Written statement submitted by the International Humanist and Ethical Union (IHEU), a non-governmental organization in special consultative status.

**UNITED  
NATIONS**

**A**



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HUMAN RIGHTS COUNCIL  
Twelfth session  
Agenda item 4

## **HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S ATTENTION**

**Written statement\* submitted by the International Humanist and Ethical Union (IHEU),  
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 August 2009]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.09-15461

This statement, as published by the UN is available to read online at <http://bit.ly/UNIHEU> and is reproduced below.

# Child Abuse and the Holy See

## Background

1. In 1990 the Holy See acceded to the UN Convention on the Rights of the Child (CRC), agreeing to take a number of initiatives to protect children[1]. However, its accession was made subject to several important reservations based on its status as a church which crucially undermined its accountability – even though it was acceding as a state[2]. In 1994 the Holy See submitted its initial report to the CRC, about which the CRC expressed five areas of concern[3] including, crucially:

“10. In the spirit of the final document of the World Conference on Human Rights, the Committee wishes to encourage the State party to consider reviewing its reservations to the Convention with a view to withdrawing them.”[4]

### Extent and effects of the abuse

2. The Church is faced with huge numbers of victims of child abuse worldwide[5] extending over decades. In the USA alone, nearly US\$3 billion has been paid out in compensation. Even in Ireland with a population of only 5 million, more than Euros 1 billion has been paid out (of which only 10% has been borne by the Church).[6]

3. Evidence submitted to the UN in 2003 sets out typical consequences in later life for abused children[7]: Post Traumatic Stress Disorder, vulnerability to further re-victimisation, difficulties with interpersonal relationships, materially increased risk of self-harm or suicide[8], aggravated by persistent denials of responsibility by Church authorities, as discussed below.

### The Church's reaction to the scandal

5. Several characteristics typify the cases that have reached the public domain.

i. Victims have been accused of lying, even in the face of strong evidence to the contrary. (“One must not give scandal to the church” is ingrained in every priest.)

ii In most cases, sometimes over many years, local dioceses have failed to inform the civil authorities and have covered up allegations, whether or not they believe their instructions from the Holy See require this. Moreover, dioceses have moved alleged abusers from one location to another, resulting in repetition of the abuse[9].

iii. Although many clerics from all levels have resigned, mostly involuntarily, others have tried to face it out. One who had papal support was Bernard Law, Archbishop of Boston[10], who was

forced to resign when he was proved to have systematically covered up abuse in 2002. He still enjoys papal support as archpriest of a papal basilica in Rome and he is still a cardinal.

iv. The Church has frequently suggested that the problem was minor, has blamed other, unconnected factors, or claimed that it did not know the true extent of the problem. It has also claimed that it was ignorant of the nature of child abusers or of their recidivist tendencies known by the church since at least the 1960s.[11] Apologies are rare; a general admission of the Church's culpability has yet to be seen.

v. Every possible step has been taken by the Church to minimise both criminal sanctions and the amount of compensation it paid to victims. "Gagging" clauses are routinely imposed as part of settlements of cases[12].

### **Factors contributing to concealment**

6. The most prevalent common characteristic of the thousands of cases of child abuse that have come to light is secrecy at every level, whether "bought" as part of a settlement[13], of one priest reporting another[14], or – as in Ireland – shameless and widely-publicised attempts made by religious institutions, apparently without censure and possibly with support from highest authorities in the Church[15], to obstruct the publication of reports about wholesale abuse.[16]

### **Apparent contraventions of UNCRC**

7. The relevant articles are:

Article 3: (In all actions concerning children . . . the best interests of the child shall be a primary consideration.)

Article 19: 1. (protect the child,... including sexual abuse... effective procedures for the establishment of . . . forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.)

Article 34: (States Parties undertake to protect the child from all forms of ... sexual abuse.)

Article 44(1) (Reporting)

Article 44(2) (Reporting difficulties... affecting... fulfilment of... obligations under the ... Convention.)

8. The Holy See, alone among the founding signatories, contravenes article 44(1) of the CDC by submitting no quinquennial reports. This omission has only been remarked upon, as far as we are aware, in the Catholics for Choice Shadow Report (*op.cit.*) and by the Irish charity One in Four[17].

The CRC publishes agreements for late submissions for State Parties, but none are recorded for the Holy See[18] suggesting that no commitments have been made to make amends.

9. The CRC requested the Holy See to withdraw all its reservations to the Convention, including the exclusion of the Vatican City (the only geographical territory under the jurisdiction of the Holy See) from its agreement under reservation (c)[19], but it has failed to do so. The Holy See cannot escape its responsibility in cases of child abuse by priests elsewhere, given its claim to be “the highest organ of government of the Catholic Church”, and that it does not seek any reservation from the Convention in this respect[20].

10. The Holy See’s initial report, submitted in 1994, referred to child abuse only in the context of the family, although the Pope[21] told US bishops in 1992:

“You are faced with two levels of responsibility: in relation to the clerics through whom scandal [of clergy sexual abuse of children] comes and their innocent victims, but also in relation to the whole of society systematically threatened by the scandal . . . . A great effort is needed . . .”

The Holy See is therefore in breach of Article 44(2) of the CRC in its failure to report these cases.

### **The Holy See’s dual status**

12. The Holy See is recognised at the UN as a state through its geographical base in the Vatican City. It sends out ambassadors and makes treaties (“concordats”) with foreign powers[22]. At the same time it claims a need to exercise its mission in full freedom, and to be able to deal with any interlocutor, whether a government or an international organization.[23]

13. Because of the Church’s long history and influence, UN institutions have failed to subject such claims to critical examination, so much so that the Holy See has been allowed to escape the same level of scrutiny under the CRC as is applied to other State Parties.

### **Conclusion and Recommendations**

14. The Holy See has been complicit in widespread attempts to cover up cases of alleged child abuse perpetrated by members of its clergy.

15. We urge the Holy See to recognise its responsibilities and honour its commitments to the CRC and to instruct all dioceses to report all cases of alleged child abuse to civil authorities, at least where required to do so by law.

As an institution which claims to have “the highest moral authority”, it can do no less.

16. We would recommend that the UNCRC committee formally request the Holy See to:

1. Clear the backlog of its reports to the UNCRC and state that these should specifically include full compliance with Article 44(2), without reservation by the Holy See – that is, full disclosure of child abuse cases;
  2. Open up to UNCRC workers and others working in child welfare all its archives in Vatican City State and in States parties concerning any matters relating to known or suspected child abuse;
  3. Make available for interview officials with any knowledge of these matters;
  4. Issue instructions overriding all others, including in Canon Law, that all Church officials are required to communicate knowledge or suspicions of child abuse to UNCRC officials, and to civil authorities under local laws, which have become known to the Holy See since it became a signatory of the Convention.
17. We also urge the UNCRC to use its powers to investigate, or invite other UN agencies to investigate, the Holy See's non-compliance with the CRC in respect of child abuse by its personnel, its failure to report such abuse to CRC, the conduct of cases submitted to CDF, its reservations on accession to the treaty, the role of internal regulations including Canon Law in impeding child protection, and the role of insurance contracts in possible breaches of the Convention.

These investigations should be completed and publicly reported within five years.

#### Footnotes to written statement:

- 1 [http://www.unicef.org/crc/index\\_30208.html](http://www.unicef.org/crc/index_30208.html) gives a list of nine
- 2 Holy See Report, 1994, 2.
- 3 <http://www.unhcr.org/refworld/pdfid/3ae6aec910.pdf>
- 4 <http://www.catholicsforchoice.org/topics/other/documents/2002rightsofthechildshadowreport.pdf> and <http://www.unhcr.org/refworld/publisher,CRC,,VAT,3ae6aec910,0.html>
- 5 [http://en.wikipedia.org/wiki/Roman\\_Catholic\\_sex\\_abuse\\_cases\\_by\\_country](http://en.wikipedia.org/wiki/Roman_Catholic_sex_abuse_cases_by_country)
- 6 <http://www.timesonline.co.uk/tol/comment/faith/article6354966.ece>
- 7 <http://www.oneinfour.org/services/campaigning%20and%20public%20awareness/sexualexploitation/>
- 8 <http://www.independent.ie/national-news/courts/child-abuse-led-man-to-take-own-life-inquest-hears-1853900.html>
- 9 example: Diocese of Dallas: [http://www.richardsipe.com/reports/sipe\\_report.htm#DIOCESE%20OF%20DALLAS](http://www.richardsipe.com/reports/sipe_report.htm#DIOCESE%20OF%20DALLAS)
- 10 [http://www.bostonphoenix.com/boston/news\\_features/top/features/documents/01847611.htm](http://www.bostonphoenix.com/boston/news_features/top/features/documents/01847611.htm)
- 11 example: <http://news.bbc.co.uk/1/hi/uk/2548081.stm> although it has treatment centres for child-abusing priests (Richard Sipe at [http://www.richardsipe.com/reports/sipe\\_report.htm](http://www.richardsipe.com/reports/sipe_report.htm) #FOURTH%20PHASE
- 12 <http://www.timesonline.co.uk/tol/comment/faith/article6354966.ece>
- 13 <http://writ.news.findlaw.com/hamilton/20040108.html>
- 14 <http://www.nytimes.com/1992/03/13/opinion/priestly-silence-on-pedophilia.html>

15 <http://www.guardian.co.uk/world/2005/apr/24/children.childprotection> - the remark of Archbishop Bertone

16 <http://www.independent.ie/opinion/analysis/when-justice-for-all-means-anything-but-1286290.html>

17 <http://www.oneinfour.org/services/campaigning%20and%20public%20awareness/sexualexploitation/>

18 <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.51.2.pdf>

19 "D. Suggestions and recommendations

"10. In the spirit of the final document of the World Conference on Human Rights, the Committee wishes to encourage the State party to consider reviewing its reservations to the Convention with a view to withdrawing them.

"11. In view of the moral influence wielded by the Holy See and the national Catholic Churches, the Committee recommends that efforts for the promotion and protection of the rights provided for in the Convention be pursued and strengthened. In that regard, the Committee wishes to underline the importance of wide dissemination of the principles of the Convention and its translation into languages spoken throughout the world, and recommends to the State party to continue to play an active role to that end.

"12. The Committee emphasizes the need for professionals and voluntary workers involved in the education and protection of children to receive adequate training and education, taking into account the principles set forth in the Convention. The Committee also recommends that the Convention be included in the curricula of Catholic schools. In this respect, it is the view of the Committee that the teaching methods used in schools should reflect the spirit and philosophy of the Convention and the aims of education laid down in its articles 28 and 29.

"13. The Committee recommends that the position of the Holy See with regard to the relationship between articles 5 and 12 of the Convention be clarified. In this respect, it wishes to recall its view that the rights and prerogatives of the parents may not undermine the rights of the child as recognized by the Convention, especially the right of the child to express his or her own views and that his or her views be given due weight.

"14. It also recommends that the spirit of the Convention and the principles set forth therein, in particular the principles of non-discrimination, of the best interests of the child and of respect for the views of the child, be fully taken into account in the conduct of all the activities of the Holy See and of the various Church institutions and organizations dealing with the rights of the child."

20 [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.3.Add.27.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CRC.C.3.Add.27.En?OpenDocument) (Extracted 12 August 2009)

21 John Paul II, Letter to U.S. Bishops, June 11, 1993, *Origins* 23, no. 7 (July 1, 1993): 102–103

22 for examples see [www.concordatwatch.eu](http://www.concordatwatch.eu)

23 <http://www.unhcr.org/refworld/pdfid/3ae6af7f4.pdf>

**Intervention by Keith Porteous Wood, Executive Director of the (UK) National Secular Society as an International Representative of the (UN-accredited) International Humanist and Ethical Union.**

UN HUMAN RIGHTS COUNCIL: 12th Session (14 Sept – 2 October 2009)

Speaker: IHEU Representative, Keith Porteous-Wood: Tuesday 22 September 2009

Agenda Item 4: Matters requiring the attention of the Council

**Child Abuse and the Holy See**

Mr President,

In 1990 the Holy See acceded to the UN Convention on the Rights of the Child. It submitted its first and only report in 1994 - about which CRC expressed several areas of concern. [1] But since then - nothing. [2]

The extent of child abuse within the Catholic Church is well known. What we are addressing here, however, is the reaction of the Church authorities over which the Holy See exerts control.

- Victims have been accused of lying, even in the face of strong evidence to the contrary.
- The Church has covered up allegations, and generally failed to inform the civil authorities, even when under an obligation to do so. Moreover, dioceses have frequently moved alleged abusers from one location to another, resulting in repetition of the abuse.[3]
- Clerics implicated in concealment have been permitted to remain in office, such as Bernard Law, Archbishop of Boston [4] who still enjoys papal support as archpriest of a papal basilica in Rome, and is still a cardinal.
- The Church has argued that the problem was minor, [that it did not know the true extent of the problem, or was ignorant of the nature of child abusers or of their recidivist tendencies] yet the scale of the problem has been known to the Church since at least the 1980s.[5]
- Every possible step has been taken by the Church to minimise both criminal sanctions and the amount of compensation it paid.
- [“Gagging” clauses are routinely imposed as part of the settlement of cases.[6]]

[Mr President, the Holy See has been complicit in widespread attempts to cover up cases of alleged child abuse perpetrated by members of its clergy and religious orders,[7] apologies are rare, and a general admission of the Church’s culpability has yet to be seen.]

We urge the Holy See to recognise its responsibilities to children and the CRC, to bring its reporting up to date, and to instruct its dioceses and religious orders to report *all* cases of alleged

child abuse to the civil authorities. We suggest that as an institution that claims to have “the highest moral authority”, it can do no less.

And we urge the international community to hold the Holy See to account.

Thank you sir.

*The sentences in square brackets were part of the original intervention but were omitted on delivery, due to a reduction in the original time limit.*

#### **Footnotes to intervention:**

- [1] <http://www.unhcr.org/refworld/pdfid/3ae6aec910.pdf>
- [2] <http://www.catholicsforchoice.org/topics/other/documents/2002rightsofthechildshadowreport.pdf>
- [3] example: Diocese of Dallas: [http://www.richardsipe.com/reports/sipe\\_report.htm#DIOCESE%20OF%20DALLAS](http://www.richardsipe.com/reports/sipe_report.htm#DIOCESE%20OF%20DALLAS)
- [4] [http://www.bostonphoenix.com/boston/news\\_features/top/features/documents/01847611.htm](http://www.bostonphoenix.com/boston/news_features/top/features/documents/01847611.htm)
- [5] example: <http://news.bbc.co.uk/1/hi/uk/2548081.stm> although it has treatment centres for child-abusing priests (Richard Sipe at [http://www.richardsipe.com/reports/sipe\\_report.htm](http://www.richardsipe.com/reports/sipe_report.htm) #FOURTH%20PHASE
- [6] <http://www.timesonline.co.uk/tol/comment/faith/article6354966.ece>
- [7] <http://www.childabusecommission.ie/rpt/pdfs/CICA-Executive%20Summary.pdf>

This intervention can be viewed online at <http://bit.ly/8YRzkw>

## Right of Reply from Holy See

Reply by Papal Nuncio to the Vatican permanent observer mission of the Holy See to the U.N. and other international organizations, H.E. Archbishop Silvano Maria Tomasi, C.S.

Reproduction of transcript provided by Holy See follows.

*Bullets in the original replaced by numbers for ease of reference.*

Mr. President

Let me clarify the issue raised by the International Humanist and Ethical Union in its intervention

1. In the upcoming report of the Holy See to the Committee on the Rights of the Child, which is finalized as we speak, a paragraph will be dedicated to the problem of child abuse by catholic clergy.
2. While many speak of child abuse, i.e. pedophilia, it would be more correct to speak of ephhebophilia, being a homosexual attraction to adolescent males. Of all priests involved in the abuses, 80 to 90% belong to this sexual orientation minority which is sexually engaged with adolescent boys between the age of 11 and 17 years old.
3. From available research we now know that in the last fifty years somewhere between 1.5% and 5% of the catholic clergy has been involved in sexual abuse cases. The Christian Science Monitor reported on the results of a national survey by Christian Ministry Resources in 2002 and concluded: "Despite headlines focusing on the priest pedophile problem in the Roman Catholic Church, most American churches being hit with child sexual-abuse allegations are Protestant".<sup>1</sup> Sexual abuses within the Jewish communities approximate that found among the Protestant clergy.<sup>2</sup>
4. About 85% of the offenders of child sexual abuse are family members, babysitters, neighbors, family friends or relatives. About one in six child molesters are other children, while most of the offenders are male<sup>3</sup>.
5. According to a major 2004 study commissioned by the US Department of Education, nearly 10 percent of US Public school students have been targeted with unwanted sexual attention by school employees. The author of the study concluded that the scope of the school-sex problem appears to far exceed the clergy abuse scandal in the Roman Catholic Church and concluded in an interview with Education Week "the physical

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<sup>1</sup> Mark Clayton, "Sex Abuse Spans Spectrum of Churches", Christian Science Monitor, April 5, 2002, p.1.

<sup>2</sup> Rabbi Arthur Gross Schaefer, "Rabbi Sexual Misconduct: Crying Out for a Communal Response", [www.rrc.edu/journal](http://www.rrc.edu/journal), November 24, 2003.

<sup>3</sup> Dr. Grath A. Rattray, "Child Month and Paedophilia", *The Gleaner*, May 14, 2002

abuse of students in schools is likely more than 100 times the abuse by priests".<sup>4</sup>

6. The Church is very conscious of the seriousness of the problem. The Code of Canon Law stipulates that priests involved in sexual abuse cases must be "punished with just punishments, not excluding expulsion from clerical state"<sup>5</sup>. The American Bishops Conference issued in 2002 "essential norms for diocesan/eparchial policies dealing with allegations of sexual abuse of minors by priests or deacons". The guidelines mention among others that "in case of sufficient evidence the bishop will withdraw the accused from exercising the ministry, impose or prohibit residence in a given place or territory...pending the outcome of the process". Other National Bishops Conferences have taken similar measures.
7. As the Catholic Church has been busy cleaning its own house, it would be good if other institutions and authorities, where the major part of abuses are reported, could do the same and inform the media about it.

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<sup>4</sup> Caroline Hendrie, "Sexual Abuse by Educators Scrutinized", in: Education Week, March 10, 2004

<sup>5</sup> CIC C. 1395 § 2.

## IHEU General comments on Holy See response

### General

- a. The Holy See signally failed to deny, far less provide evidence to contradict, our charges of breach of five Articles of UN Convention on Rights of the Child, namely:
  - i. Article 3: (In all actions concerning children . . . the best interests of the child shall be a primary consideration.)
  - ii. Article 3: (In all actions concerning children . . . the best interests of the child shall be a primary consideration.)
  - iii. Article 19: 1. (protect the child,... including sexual abuse... effective procedures for the establishment of . . . forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.)
  - iv. Article 34: (States Parties undertake to protect the child from all forms of ... sexual abuse.)
  - v. Article 44(1) (Reporting), and
  - vi. Article 44(2) (Reporting difficulties... affecting... fulfilment of... obligations under the ... Convention.)
- b. The Holy See significantly failed to deny any of our charges, specifically those of compounding abuse by accusing victims of lying and of institutional cover ups. They did not deny that they failed on many occasions to inform civil authorities, even when obliged to do so, or evading prosecutions, or trying to minimise the compensation paid by the Church. They did not deny moving offending priests to new posts, enabling them to re-offend. Nor did they deny that they have retained those implicated in cover-up in high positions.
- c. The massive scale of the problem is illustrated by the billions of dollars of compensation paid and by our unanswered accusations. That the Church apparently thinks that one paragraph on “child abuse by Catholic clergy” inserted in a document that is already fifteen years late is adequate, shows arrogance and indifference. It indicates why this problem has simmered largely not been tackled until very recently. This problem goes to the very top of the Church. The previous Pope did everything in his power to prevent the Archbishop of Boston, Bernard Law’s resignation, despite clear evidence of his complicity in a cover-up on a huge scale. Indeed, papal patronage by the previous and current Pope is evident from Law’s appointment and continued tenure as Archpriest of the Basilica di Santa Maria

Maggiore in Rome, a position he still retains. More significant is that he remains a Cardinal and even a member of the Pontifical Council of the Family<sup>6</sup>.

- d. The remainder of the Holy See's right of reply in effect says that other religious organisations were worse, despite compensation paid out by them not remotely reaching the same levels as the Catholic Church paid. The rebuttal fails to mention that there are many more protestant than Catholic churches and adherents in the US. The Pope claims to be the highest moral authority, yet his Church seems to be happy to excuse itself for such unpardonable conduct over the decades and over much of the world by pointing to other religious organisations, and even teachers, saying in effect: "we are no worse than they are". Even if this were true, it would be no adequate excuse; our objections are to the Church's shameful role. It has not – and we think cannot - offer one shred of denial to our accusations on its role.
- e. The Holy See's position as a nation state gives it the maximum privileges and influence, but the minimum accountability. It exploits this ruthlessly. It is not, for example, party to the European Convention on Human Rights, which would bring it under the jurisdiction of the European Court of Human Rights at Strasbourg. Another evasion is the cynical reservation (exclusion) of the Vatican City, from the UN Convention of the Human Rights of the Child, even though the Holy See is party to it. Vatican City is the entire geographical territory of the Holy See, and we believe the place from which investigations of child abuse by priests is directed.
- f. What is equally shocking is the international community's failure to bring effective pressure to bear on the Holy See over this matter.

On specific paragraphs (using same numbers as the Holy See's rebuttal):

1. Any answer to the charges that might be made in a single paragraph is not only one that has no substance but is insulting; and, we are entitled to assume, intentionally so.
2. We made no mention of "p[a]edophile" in either our intervention or Statement, so the reference to its alleged inaccuracy seems to be to be gratuitous. It is a clear attempt to divert attention from child abuse with an attack on homosexuals, a recurring theme in the Holy See's latest pronouncements. This is particularly unfortunate given the commonly-supposed high proportion of homosexual clergy. The Holy See's remarks on ephebophilia are perhaps also a desperate attempt to disguise the lack of substance of the Right of Reply. The remarks are also inaccurate: an *ephebos* was a young man undergoing military training, that is, 18+. It is quite clear that many young girls were also abused by clergy.
3. Even if the comparisons were not valid, this is simply a shameless diversionary argument heedless of the adage "two wrongs don't make a right". We do not believe that the

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<sup>6</sup> [http://www.vatican.va/news\\_services/press/documentazione/documents/cardinali\\_biografie/cardinali\\_bio\\_law\\_bf\\_en.html](http://www.vatican.va/news_services/press/documentazione/documents/cardinali_biografie/cardinali_bio_law_bf_en.html)

protestant churches or synagogues behave institutionally in the same reprehensible way in relation to child abuse committed by their priests, or if they do that the scale of cover up is so massive. Nor is there evidence of anything on such a high scale of (a) concealment of the abuse systematically (b) protection the abuser (c) avoidance of responsibility (d) claiming exemption on the grounds of sovereign immunity (e) failing to comply with UNCRC requirements, (f) avoiding cooperation with civil authorities. Although the point is valid, the comparison is diversionary.

Furthermore, the statement in the Holy See's response that: "most American churches being hit with child sexual-abuse allegations are Protestant", carefully ignores a statement in the very same research<sup>7</sup> that "The Catholics have gotten all the attention from the media, but this problem is even greater with the Protestant churches simply because of their far larger numbers," (our emphasis). According to Wikipedia, Catholics form about a third of Christians in the US. (57.199m out of 173.402 million), so there are roughly twice as many protestants as Catholics.

4. This point is irrelevant: these people are not members of an organisation that claims ultimate authority and unquestionable teachings on morality. Nor have they taken vows of celibacy, nor are they allowed to claim legal immunity on spurious grounds. Furthermore, the power relationship between a Catholic priest and his victims is quite different, making easier the abuse to take place and then exacerbating the already traumatic abuse.
5. As 4
6. It was the primacy of canon law that encouraged criminal concealment; appeals to its penalties are not reassuring and we can find no requirement in canon law to inform civil authorities, even when this is required. The Holy See is passing responsibility to national Bishops Conferences, i.e. to church qua church officials, with no mention of the culpability of the Holy See as a sovereign body.
7. If the Church is "putting its house in order" it is only doing so after much unfavourable publicity and the payment of huge sums in compensation – which even on this scale are inadequate. The tone of this sentence shows a sense of grievance rather than repentance.

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<sup>7</sup> <http://www.csmonitor.com/2002/0405/p01s01-ussc.html>

## Comments by others on the Holy See's Right of Reply to IHEU's intervention

The exchange has been covered in between a hundred and two hundred newspapers - we have stopped counting – around the world in at least seven languages and numerous blogs, some with hundreds of comments. It is notable that 99% of the newspaper content and blog comment is sympathetic to IHEU's intervention.

The Vatican Correspondent of the Religious News Service (RNS), a subscription only wire service, asked The Rev. Federico Lombardi, Jesuit and head of the Holy See Press Office, to confirm the authenticity of the document circulated by their representative in the Chamber, but unusually without a letterhead. He did so, *"but said that the Vatican had chosen not to publish it, in order not to 'add gasoline to the fire' on a volatile topic"*<sup>8</sup>. He described IHEU's intervention to the Washington DC-based Catholic News Service as "a very hard and unjust attack".<sup>9</sup>

In a comprehensive article on the website of the (US) National Public Radio by David Ropthkopf, he concluded:

*Perhaps not surprisingly, the Vatican's response neither satisfied the man accusing it of covering up sex abuse within the Church nor did it sit very well with representatives of other religions. Keith Porteous Wood, of the NGO that charged the Catholic Church with violating several provisions of the Convention on the Rights of the Child, said not enough had been done by the Church to address its internal problems or to open its records to permit civil prosecution of wrong-doers.*

*Protestant and Jewish representatives were quick to respond condemning the Church's attempt to spread around the blame and defending their own approaches to the problem.*

*Had these other religious groups asked my advice, I might have told them to simply remain silent and let the Archbishop Tomasi have the limelight and the microphone all to himself. It is hard to imagine what the Church could possibly do to look worse than it already did in the face of a global scandal that has cost it \$2 billion in settlements in the United States alone. Hard to imagine ... and yet somehow, that's precisely what it did.*

More details available from IHEU's statement issued by the UN Human Rights Council, under reference A/HRC/12/NGO/25 dated 8 September 2009 reference A/HRC/12/NGO/25. Copies were made available to delegates together with a transcript of our intervention when Keith Porteous Wood spoke.

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<sup>8</sup> RNS Vatican Correspondent Francis X Rocca as quoted in RNS Digest Sept 30. His dispatch on this subject concluded: Welcoming the attention that the exchange had drawn to his cause, Porteous Wood pronounced himself unappeased by the reply. "The complacency exhibited by this supposed rebuttal shows that the problem goes to the most senior level of the church," he said.

<sup>9</sup> <http://www.catholicnews.com/data/stories/cns/0904338.htm>

## **Worldwide media coverage of IHEU's intervention at UN**

Links can be read online at <http://bit.ly/nssunhrc>

### **UK**

[Sex abuse rife in other religions, says Vatican](#) (*Guardian*)

[Child abuse common in other churches, says Vatican](#) (*Telegraph*)

[Vatican hits out at other faiths over child abuse](#) (*Ekklesia*)

[Pope chooses Bishop Bernard Longley to be new Archbishop of Birmingham](#) (*Times*)

[Catholic Church accused of covering up child abuse](#) (*Mirror*)

[The Vatican hits back](#) (BBC)

[The correct response to Abuse](#) (*The Tablet*)

[Catholic church sex abuse 'caused by homosexuals, not paedophiles'](#) (*Pink News*)

[Report of Archbishop's appointment turns into yet another rant about sex abuse](#) (*Telegraph*)

### **Australia**

[Roman Polanski and clergy sexual abuse](#)

[Other churches also have abuse problem: Vatican](#)

### **Canada**

[Fightback and counterattack: Vatican says church sex abuse of kids not really pedophilia](#)

### **Ireland**

[Sorry the hardest word for clergy](#)

### **United States**

[Vatican defense: 'Only 5%' of clergy sex abusers and most of those gay](#)

[Foreign Policy: The Vatican And Child Abuse](#)

[Vatican says no to protecting free expression when it incites hatred](#)

[Vatican envoy to UN defends church's response to sex abuse](#)

[The Vatican Would Prefer You Refer To Its Molesting Priests as Gay Molesting Priests](#)

[Catholic Church Delivers Astonishing Pedophilia Rationalization in Geneva](#)

[Vatican: Abusive Priests Not Pedophiles, but 'Ephebophiles'](#)

[Sex Abuse in Catholic Church was Homosexual Problem, not Pedophilia: Vatican](#)

[Vatican Sets Record Straight on Sexual Abuse](#)

[Vatican: we may be bad, but others are worse](#)

[Catholic church sex abuse 'caused by homosexuals, not paedophiles'](#)

[Vatican official: Most clerical abuse not pedophilia, but homosexual abuse of adolescents](#)

[The Abuse is Homosexuality](#)

[Vatican envoy to UN defends church's response to sex abuse](#)

[Vatican's New Defense on Child Molestation Charges: Finger-pointing](#)

[The Vatican's latest defense](#)

## **Argentina**

[Para el Vaticano no es pedofilia, sino efebofilia](#)

[El Vaticano sugiere a la ONU definir la efebofilia](#)

## **Croatia**

[Protestants and Jews have more pedophiles?](#)

## **France**

[Prêtres pédophiles : le Saint-Siège répond aux attaques](#)

## **Germany**

[Hauptsache unter der Fünf-Prozent-Hürde](#)

## **Italy**

[La Chiesa: preti pedofili? No, solo efebofili](#)

[Pedofilia, scontro a Ginevra](#)

[Vaticano: non è pedofilia ma Efebofilia](#)

[Arcivescovo Tomasi: "Preti pedofili? No, sono omosessuali attratti da maschi adolescenti"](#)

[ARCIGAY: MANCUSO, IL VATICANO E' IN STATO CONFUSIONALE](#)

## **Mexico**

[Busca Iglesia encubrir los delitos contra menores: ONG](#)

[Prelado habla de casos de efebofilia](#)

[La iglesia católica acusa a otras iglesias de albergar más casos de pederastia que ella y culpa a los homosexuales de sus propios casos](#)

## **Netherlands**

['Misbruik in Kerk geen pedofilie maar efebofilie'](#)

## **Poland**

[Katolicki Kościół oskarżony](#)

## **Portugal**

["Padres não são pedófilos, são gays"](#)

[Santa Sé lamenta colagem do clero católico à pedofilia](#)

## **Spain**

[Los curas que abusan de niños no son pedófilos sino efebófilos, según el Vaticano](#)

[Arzobispo dice que los curas pederastas son en realidad "efebófilos"](#)

[Los curas no son pedófilos para el Vaticano, sino "gays atraídos por adolescentes"](#)

[El Vaticano afirma que los curas no son pedófilos, sino "efebófilos"](#)

[El Vaticano considera que no hay curas pedófilos, sino "efebófilos"](#)

[La Iglesia se defiende: "los casos de abusos sexuales son comunes en otros credos"](#)

[La Iglesia asegura que sus curas son efebófilos y no pedófilos](#)

**Follow up intervention by Keith Porteous Wood, Executive Director of the (UK) National Secular Society as an International Representative of the (UN-accredited) International Humanist and Ethical Union.**

International Humanist and Ethical Union Intervention UN HUMAN RIGHTS COUNCIL:

13th Session (1 to 26 March 2010)

Speaker: IHEU Representative, Keith Porteous Wood: Tuesday 16 March 2010

Agenda Item 4: Matters requiring the attention of the Council

**Child Abuse and the Holy See**

Mr President

At the 12th session of the Council we noted contravention by the Holy See of several articles of [the Convention on the Rights of the Child] the CRC, and cited evidence of the part played by the Holy See in the cover up of [the long-running and ubiquitous problem of] child abuse by priests and servants of the Catholic Church. [1] But the distinguished delegate of the Holy See, in exercising their right of reply, conspicuously failed to deny our allegations, disingenuously attempting to point the finger of blame elsewhere.[2] He claimed that their report to the CRC, then being finalised would devote “*a paragraph ... to child abuse by catholic clergy*”. We note however that still, six months later, that report now 13 years overdue, has still yet to be filed.

But what a discourtesy to [this Council and to] the tens of thousands of child victims to suggest that any single paragraph could explain, far less excuse, decades of abuse in respect of which billions of dollars and euros in compensation have already been paid, and investigations in new countries are regularly being announced, [e.g. in Austria, Germany and the Netherlands.]

The claim by the representative of the Holy See that they “were putting their house in order” is not borne out by the facts. [In Ireland, the Papal authorities attempted to obstruct the Murphy Inquiry into the cover up of child abuse by the Dublin diocese,[3] and has refused to cooperate with an inquiry by the Irish Foreign Affairs Committee, refusing to respond to two letters from the Committee to the Papal Nuncio, Archbishop Giuseppe Leanza, inviting him to appear before it.][4]

To protect children and bring perpetrators to justice, we call on the Holy See: 1. to remove its reservation to the CRC to bring the territory of Vatican City state, to which it has instructed all abuse accusations are to be sent, under the jurisdiction of the CRC,

2. to open up its files and records to CRC and state investigators, and

3. to instruct all its representatives to cooperate with legal investigating authorities worldwide, something that they have signally failed to do in Ireland.

Thank you sir.

Note: the words in [brackets] were included in the circulated statement but omitted from the intervention due to time constraints.

Holy See representatives were present in the Chamber when this intervention was made, and indeed were seen reading the written statement as it was being delivered. They chose not to exercise any Right of Reply, presumably not wishing to repeat the worldwide headlines that had followed their disingenuous response to our previous intervention on 22 September 2009.

**Footnotes to intervention:**

[1] <http://www.iheu.org/iheu-calls-vatican-recognize-its-responsibilities-children-and-under-un-convention>

[2] <http://www.iheu.org/holy-see-responds-iheu-criticism>

[3] <http://www.inis.gov.ie/en/JELR/Pages/Ahern%20Receives%20Dublin%20Archdiocese%20Report>

[4] <http://www.irishtimes.com/newspaper/ireland/2010/0216/1224264554852.html>

This intervention can be viewed online at <http://bit.ly/b8mRry>



## **Child Abuse and the Holy See**

Our written statement on this dated 28 August 2009 [A/HRC/12/NGO/25] notes the accession of the Holy See to the UN Convention on the Rights of the Child (CRC); the extent and effects of the abuse of children by priests of the Roman Catholic Church; the reaction of the Church to the abuses, including . We noted the failure of the Holy See to honour its obligations under the UNCRC, including its failure to submit quinquennial reports for 13 years.

We regretted that the Holy See had escaped the level of scrutiny normally applied under the CRC, possibly as a result of the ambiguous nature of the Holy See's responsibility for those working under the Church's authority.

We referred to the above statement in oral interventions in Human Rights Council debates on 22 September 2009 and 16 March 2010.

Clerical abuse is being revealed in more and more countries, often with senior clerics being guilty themselves or concealing the guilty. Links to reports of the most serious to emerge so far can be found at:

<http://www.secularism.org.uk/unhrc-holy-see-child-abuse-ref1.html>

### **Reaction of the Holy See**

The distinguished delegate of the Holy See exercised the Right of Reply to our oral intervention of 22 September 2009 to say (in summary):

- 1) In the upcoming report of the Holy See to the Committee on the Rights of the Child, which is finalized "as we speak", a paragraph will be dedicated to the problem of child abuse by catholic clergy. (But despite a reminder in our intervention in March 2010, this has still not been filed.)
- 2) He did not deny our assertions but noted that:
  - a) as many as 5% of catholic clergy could be involved. (If true that would equate to approximately 20,000 clergy involved in child abuse).
  - b) offenders can be dismissed under Canon Law (but no mention was made of the necessity of reporting suspected abuse to secular authorities).

## Legal Commentary by Geoffrey Robertson QC<sup>10</sup>

In 2010, Geoffrey Robertson QC published the *Case of the Pope*<sup>11</sup>. He notes that the following Articles of the CRC are likely to have been breached (all noted in our previous written statement, plus Articles 6 and 39):

- Article 3(1)<sup>12</sup>: “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 6<sup>13</sup>: “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)<sup>14</sup>: “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 *Crimen*, 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 34<sup>15</sup>: “The Holy See, through its responsible agency the CDF (the Congregation of the Doctrine of the Faith), took no ‘national, bilateral or multi-national measures’ other than by issuing the 2001 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<sup>16</sup>: “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 ...”,

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<sup>10</sup> Geoffrey Robertson QC, Distinguished Jurist and Member, United Nations Internal Justice Council, 2008-2012

<sup>11</sup> *The Case of the Pope*. Vatican Accountability for Human Rights Abuse. Geoffrey Robertson, QC. ISBN: 9780241953846

<sup>12</sup> [Ibid ¶163 page 113-4]

<sup>13</sup> Ibid ¶167 page 117

<sup>14</sup> [Ibid ¶163 page 113-4]

<sup>15</sup> [Ibid ¶163 page 113-4]

<sup>16</sup> [Ibid ¶ 164 page 115]

- Articles 3, 19 and 34 – Re Canon Law <sup>17</sup>: “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 <sup>18</sup>: “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.”

**Robertson concludes:**

“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.”<sup>19</sup>

- “...the scourge of child abuse within the church itself had for many years gone unpunished as a result of the procedural deficiencies of Canon Law, the selfish desire to protect the church from scandal by harbouring and trafficking paedophile priests, and the negligent supervision of bishops by the Holy See through its CDF office, headed for the previous two decades by Cardinal Ratzinger.”<sup>20</sup>
- “It is a serious reflection on the competence and resolve of the ‘eighteen experts of high moral standing’ who have been elected to the Committee on the Rights of the Child that they have done and said nothing about the Vatican’s thirteen-year failure to deliver a report, during the period when widespread child abuse by its priests has been extensively publicized.
- “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

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<sup>17</sup> [Ibid ¶ 166 page 115]

<sup>18</sup> [Ibid ¶ 163 page 113]

<sup>19</sup> [Ibid ¶ 170 page 119]

<sup>20</sup> [Ibid ¶ 173 page 120]

very much, because this is the one and only human rights convention that has near universal support.”<sup>21</sup>

## Complicity of the Holy See

Subsequently, two relevant letters have come to light:

1. Letter dated January 31 1984 to Bishop Moreno of Tucson from Sacra Congregazione per Il Clero, Roma (PROT. 172621/1)<sup>22</sup> It contains the following compromising paragraph:  
“To the second question (“Should we allow or disallow civil lawyers from obtaining Father’s personnel records from our Chancery files”) we reply that under no condition whatever ought the afore-mentioned files be surrendered to any lawyer or judge whatsoever. ... we suggest that both the office of the Apostolic Delegate and the legal department of the United States Catholic Conference be informed of the request for Father [redacted]’s files so that all may begin preparing whatever resistance to this request may be necessary.”
2. Letter dated 31 January 1997 to Irish bishops from the Irish Papal Nuncio (N. 808/97), which is considered to have “apparently instructed Irish bishops not to cooperate with civil authorities who were probing reported incidents of sexual abuse by priests”<sup>23</sup> (extracts):
  - “The Congregation for the Clergy has attentively studied the complex question of sexual abuse of minors by clerics and the document entitled ‘Child Sexual Abuse: Framework for a Church Response’, published by the Irish Catholic Bishops’ Advisory Committee.  
“The text, however, contains “procedures and dispositions which appear contrary to canonical discipline and which, if applied, could invalidate the acts of the same Bishops who are attempting to put a stop to these problems. If such procedures were to be followed by the Bishops and there were cases of eventual hierarchical recourse lodged at the Holy See, the results could be highly embarrassing and detrimental to those same Diocesan authorities.
  - “In particular, the situation of ‘mandatory reporting’ gives rise to serious reservations of both a moral and a canonical nature.
  - “ ... I am directed to inform the individual Bishops of Ireland of the preoccupations of the Congregation in its regard, underlining that in the sad cases of accusations of sexual abuse by clerics, the procedures established by the Code of Canon Law must be meticulously followed under pain of invalidity of the acts involved if the priest so punished were to make hierarchical recourse against his Bishop.”

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<sup>21</sup> [Ibid ¶ 165 page 115]

<sup>22</sup> <http://www.ibtimes.com/articles/103256/20110120/vatican-letter-to-tucson-reveals-cover-up-mentality.htm>

<sup>23</sup> <http://www.guardian.co.uk/world/2011/jan/18/vatican-irish-bishops-child-abuse>

## **Conclusion**

We call upon the Human Rights Council and the Committee on the Rights of the Child to hold the Holy See to account for:

- its breach of its obligations under the CRC;
- its disregard for its duty of care to the abused children;
- its systematic cover-up of thousands of cases of abuse.

**Further follow-up intervention by Keith Porteous Wood, Executive Director of the (UK) National Secular Society as an International Representative of the (UN-accredited) International Humanist and Ethical Union.**

International Humanist and Ethical Union Intervention UN HUMAN RIGHTS COUNCIL:

16th Session (1 to 26 March 2011)

Speaker: IHEU Representative, Keith Porteous-Wood: Tuesday 15 March 2011

Agenda Item 4: Matters requiring the attention of the Council

**Child Abuse and the Holy See**

Mr President

At both 12<sup>th</sup> and 13<sup>th</sup> sessions of the Council, we alleged that the Holy See had contravened several articles of [the Convention on the Rights of the Child] the CRC in relation to child abuse. Geoffrey Robertson QC's book, *The Case of the Pope* lists six<sup>24</sup>, including those we have previously noted.

He cites as reasons: "procedural deficiencies of Canon Law, the selfish desire to protect the Church from scandal by harbouring and trafficking paedophile priests, and the negligent supervision of bishops by the CDF office of the Holy See, headed for the previous two decades by Cardinal Ratzinger".

He believes that "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 ... justify its expulsion."

On 22 September 2009, the distinguished representative of the Holy See, in exercising their right of reply, did not deny any of our allegations, but claimed that a report, then twelve years overdue, was being "finalized as we speak". It still remains to be filed.

Since Robertson's book was published in 2010, Vatican letters to the Bishop of Tucson<sup>25</sup> and the Irish bishops<sup>26</sup> have emerged which confirm the Holy See's determination to keep wrong doing from the secular authorities.

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<sup>24</sup> Nos. 3(1), 6, 19(1), 34, 39 and 44

<sup>25</sup> <http://www.secularism.org.uk/uploads/rome-to-bishop-tucson.doc>

<sup>26</sup> <http://www.secularism.org.uk/uploads/nuncio-to-irish-bishops.doc>

Robertson concludes that “It is a serious reflection on the competence and resolve of the ‘eighteen experts of high moral standing’ who have been elected to the [Committee on the Rights of the Child] that they have done and said nothing about the Vatican’s thirteen-year failure to deliver a report, during the period when widespread child abuse by its priests has been extensively publicized.”

We commend to the Council our report on this matter [A/HRC/16/NGO/92]<sup>27</sup>

We again call upon the Human Rights Council and the [Committee on the Rights of the Child] CRC to hold the Holy See to account for:

- its breach of its obligations under the CRC;
- its disregard for its duty of care to the abused children;
- its systematic cover-up of thousands of cases of abuse; and
- its failure to adequately control those put in positions of trust with children.

Thank you, Sir.

[Words in square brackets omitted due to time constraints.]

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<sup>27</sup> A/HRC/16/NGO/92, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/113/20/PDF/G1111320.pdf?OpenElement><http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/113/20/PDF/G1111320.pdf?OpenElement>