



(UK) National Secular Society's Submission to Pre-Sessional Working Group of the UN CRC, concerning its examination of the Holy See (2nd periodic report)

March 2013

National Secular Society
25 Red Lion Square
London
WC1R 4RL
+44 207 404 3126
enquiries@secularism.org.uk
www.secularism.org.uk

(Recommendations shown in bold)

Laudable words by Pope in the reports contrast with actions contrary to the Convention

We note, particularly, paragraph 31 of the OPSC report where Pope Benedict “highlighted that victims should receive compassion and care; and noted that those responsible for these evils must be brought to justice”. Laudable words in the spirit of the Convention. There may be some isolated exception but by and large the Vatican either follows these words less than half-heartedly, or simply ignores them; its default position is to fight to obstruct compassion and care for victims and fight even harder to shield clerical perpetrators and those facilitating them from secular justice, and by doing so also endangering additional victims.

Some examples follow, which we believe directly implicate the Vatican; sadly there are many more - which can be provided on request:

Pope Benedict: “Victims should receive compassion and care.”

- (a) In the United Kingdom, a dispute between the Catholic diocese of Middlesbrough and the De La Salle brothers (directly under Vatican control) over the payment of compensation to 170 victims took 14 years, taken on appeal up to the Supreme Court. Meanwhile, many victims died without receiving compensation, because of this internal dispute between separate entities within the Church – which is wealthy enough to pay the victims and could easily have paid them, resolving any dispute about responsibility later¹.
- (b) Also in the United Kingdom, the Supreme Court has refused to hear an appeal by the RC Diocese of Portsmouth against a decision that the Church is financially “vicariously” liable for child abuse carried out by priests. This has been another long battle where the Church has done everything possible to evade its responsibility to victims. The judgment is likely to create an international precedent².
- (c) The Magdalene Laundries in Ireland were slave camps, clearly in violation of the OPSC and other treaties, in which over 10,000 girls and women – many now dead – were deprived even of their names and then incarcerated, often until their (unregistered) death and burial in unmarked graves. The last laundry closed in 1996. While we accept some occupants were referrals from the state, others were brought in at the instigation of the Church. The laundries were run by orders of the Catholic Church reporting to the Vatican which profited directly from the fruits of these children’s and women’s forced labour. No compensation was paid by the Church at all, nor as far as we can establish, were any significant attempts made to “promote [their] physical and psychological

¹ <http://www.guardian.co.uk/world/2012/nov/21/christian-brothers-abuse-compensation-court>

² <http://www.guardian.co.uk/world/2013/feb/28/catholic-church-abuse-claims-compensation>

recovery and social reintegration” (Article 39)³.

We invite the Committee to (1) ask the Holy See to publicly instruct dioceses and religious that all abuse victims must be offered “physical and psychological recovery and social reintegration” (Article 39), or the funds to provide it.

We invite the Committee to (2) ask the Holy See to provide a list of the credible abuse victims notified to it since accession to the Convention, and for each indicating a summary of (any) recovery assistance made and whether in cash or kind.

We invite the Committee to ask (3) the Holy See to submit a report on Magdalene Laundries and the extent to which (if at all) the Convention and OPSC were breached.

Pope Benedict: “Those responsible for these evils must be brought to justice.”

- (d) Geoffrey Robertson QC: “The evidence establishes that at the direction of the Vatican, wrongdoers were dealt with in a manner that protected them from exposure, silenced their victims, aided and abetted some to move on and commit further offences, and withheld evidence of their serious crimes from law enforcement authorities. In effect, the Church has [...] been running a parallel system of criminal justice, [...] deliberately hidden from the public [...] This alternative system of “justice” was overseen for almost a quarter of a century by Cardinal Ratzinger”⁴.
- (e) Tom Doyle, former Dominican who has worked at a Vatican Embassy and written numerous books on Roman Catholic child abuse: “The evidence produced by legitimate investigations throughout the U.S., in Ireland, Canada and now Europe shows a consistent and systematic practice of cover-up and deception throughout every country where clergy sex abuse has been uncovered [...] there is also evidence that the Vatican encouraged a policy of silence”⁵.
- (f) Richard Sipe, a former Benedictine, full time researcher on Roman Catholic Child abuse and consulted by the world’s media⁶: “There is no question that the corruption in the Catholic Church, of which abuse of minors is a major manifestation, goes to the very top of ecclesiastical structure. This is fostered in three specific ways: the sexual behaviours of all varieties by the highest officials in the church and Vatican; the tolerance of these behaviours on every level of clerical institutions from seminaries to the Vatican; and the cover-up of even criminal activity under the guise of privilege and spiritual forgiveness. The Church has inflicted a great deal of harm on countless people because of their (arrogant and wilful) *modus operandi* and their inability to intervene in any effective way. Documents demonstrate, and will continue to substantiate, the claims that the

³ <http://news.yahoo.com/ireland-apologizes-women-catholic-laundries-202801171.html>

⁴ Geoffrey Robertson, *The Case of the Pope* (London: Penguin Group, 2010), §2, p2.

⁵ <http://www.richardsipe.com/Doyle/2010/2010-07-25.htm>

⁶ <http://www.richardsipe.com/Interviews/2011-01-11-LUXEMBURG.htm> and author http://www.richardsipe.com/about_richard.html

systemic operation of the church on every level has conspired to avoid scandal, protect its financial interests, and its *bella figura* at the expense of the protection of children and the vulnerable. Europe is experiencing the unfolding of the pattern and practice of the Catholic sexual system just as we did in the United States from 1985 till now.”⁷ In 1963, the Pope was told, by a US religious order dealing with abusers, that: “I am not sanguine of the return of priests to active duty who have been addicted to abnormal practices, especially sins with the young”⁸.

- (g) An article by Jamie Howard in the Guardian newspaper⁹ articulates the widely held view that the main purpose of the 2001 apostolic letter *Sacramentorum sanctitatis tutela*, as the report’s heading suggests, was to “order bishops to keep allegations secret”. *Sacramentorum*’s successor, the July 2010 decree *de gravioribus delictis*, transfers even more power to the Vatican and is potentially even more damaging to the rights recognised in the Convention.
- (h) In Ireland in 1997 pressure was brought to bear by the Vatican on any bishops who tried to impose punishments outside the confines of canon law (e.g. through the secular courts); they would face the “highly embarrassing” position of having their actions overturned on appeal in Rome¹⁰.
- (i) In Mexico, 2012: A request for an investigation brought to the Congregation for the Doctrine of the Faith (CDF) in 1998 was quashed a year later by the current pope emeritus, who was then Cardinal Joseph Ratzinger and head of the CDF. He reopened the inquiry in 2004. Of the seven cases referred to the CDF at the Vatican, all but one involved sexual abuse dating back decades. One case referred to more recent abuse, the Legionaries said¹¹. “[In March 2010], a team of Vatican investigators presented the results of its yearlong inquiry to the communities, seminaries and schools of the [Legionaries of Christ] and its lay order, Regnum Christi”¹². **The results remain secret.**
- (j) Bishop Moreno of Tucson received a letter from the Vatican, dated 31 January 1984: “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 aforementioned files be surrendered to any lawyer or judge whatsoever”¹³.
- (k) “Top Vatican officials — including the future Pope Benedict XVI — did not defrock a priest who molested as many as 200 deaf boys, even though several American bishops repeatedly warned them” - this was in Milwaukee USA in 1996/97, albeit the offences were carried out in 1950-74.

⁷ <http://www.richardsipe.com/Interviews/2011-01-11-LUXEMBURG.htm>

⁸ <http://www.independent.co.uk/news/world/americas/vatican-was-warned-about-paedophile-priests-in-1963-1934064.html> and others

⁹ <http://www.guardian.co.uk/world/2005/apr/24/children.childprotection>

¹⁰ <http://www.guardian.co.uk/world/2011/jan/18/vatican-irish-bishops-child-abuse>

Image of letter <http://graphics8.nytimes.com/packages/pdf/world/Ireland-Catholic-Abuse.pdf>

¹¹ http://www.nytimes.com/2012/05/12/world/europe/vatican-inquiry-reflects-wider-focus-on-legion-of-christ.html?_r=0

¹² <http://www.nytimes.com/2010/03/27/world/europe/27legion.html>

¹³ <http://www.secularism.org.uk/uploads/rome-to-bishop-tucson.doc>; and <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/113/20/PDF/G1111320.pdf?OpenElement> (our written report to the UNCRC in 2011 in which we mentioned this)

One boy was abused “50 or 60 times, starting at age 12”¹⁴.

“Only 20 percent of the 3,000 accused priests whose cases went to the church’s doctrinal office between 2001 and 2010 were given full church trials, and only some of those were defrocked, according to [...] Msgr. Charles J. Scicluna, the chief internal prosecutor at that office. An additional 10 percent were defrocked immediately. 10 percent left voluntarily. But a majority — 60 percent — faced [only] ‘administrative and disciplinary provisions’”¹⁵.

“The pope [...] has emphasized the need to cooperate with civil justice in abuse cases, [but] the correspondence seems to indicate that the Vatican’s insistence on secrecy has often impeded such cooperation”¹⁶.

- (l) “Benedict never acted against the top echelon of cardinals and bishops who had covered up crimes and obstructed justice. After Cardinal Law had fled Boston – just before state troopers arrived bearing subpoenas over claims of child abuse by priests in his archdiocese – he found safe harbour in Benedict’s Vatican. When those anxious to prosecute their abusers asked that the Vatican archives be opened, he kept the files shut”¹⁷.

And Archdiocese officials tried desperately to keep them closed in Boston too¹⁸. Despite the growing scandal, the then Pope (John Paul II) refused Law’s resignation and when he was forced to resign he fled, like a fugitive, to the Vatican. Law remained a member of the Pontifical Council for the Family. Paul II promoted him to head a prestigious Basilica there and he became so senior he officiated in the Pope John Paul II’s funeral. Such treatment appears blatantly to reward the obstruction of justice and the flouting of the Convention.

We invite the Committee to ask the Holy See:

(4) for a public declaration that, where credible accusations have been made, it will release secret files at the Vatican to local secular law enforcement authorities.

(5) to release the Legionaries of Christ Report (see above), and

(6) to provide, as part of its comprehensive reporting obligation, a list of notifications of suspicions of child abuse by clerics, with the countries involved, the period during which offences were alleged, some indication of its scale, dates of referral and response and, in each case, whether the response was to:

(i) do nothing or wait,

(ii) conduct further proceedings locally but without involving secular authorities,

(iii) conduct further proceedings by the CDF but without involving secular authorities or

(iv) permit the involvement of the secular authorities.

¹⁴ American religion specialist quoted in *New York Times*

http://www.nytimes.com/2010/03/25/world/europe/25vatican.html?pagewanted=all&_r=0

¹⁵ http://www.nytimes.com/2010/03/25/world/europe/25vatican.html?pagewanted=all&_r=0

¹⁶ http://www.nytimes.com/2010/03/25/world/europe/25vatican.html?pagewanted=all&_r=0

¹⁷ <http://www.guardian.co.uk/commentisfree/2013/feb/15/pope-benedict-inaction-child-abuse> (Author Jonathan Freedland, Laurence Stern fellowship winner wrote in 2013)

¹⁸ <http://www.guardian.co.uk/profile/jonathanfreedland>

¹⁸ http://www.boston.com/globe/spotlight/abuse/stories3/112302_files.htm

In cases where resolutions (i) - (iii) were chosen, i.e. not to involve secular authorities, the Holy See should be further requested to indicate whether, on reconsideration, the information should have been released to secular justice authorities, and if it still does not consider it should have been, the justification for this.

About the National Secular Society

The National Secular Society is Britain's only national organisation working exclusively towards a secular society. Founded in 1866, we campaign for the separation of religion and state and promote secularism as the best means to create a society in which people of all religions or none can live together fairly and cohesively. The NSS sees secularism – the position that the state should be separate from religion – as an essential element in promoting equality between all citizens.

The Society seeks to help create a just global society in which Human Rights are upheld and the equality of all people of all religions and none is seen as the guiding principle of action. It also operates internationally.

Contact information:

National Secular Society
25 Red Lion Square
London, WC1R 4RL

Tel: +44 (0)20 7404 3126
Email: enquiries@secularism.org.uk