**(UK) NATIONAL SECULAR SOCIETY
REPORT TO SPECIAL RAPPORTEUR ON SALE & SEXUAL EXPLOITATION OF CHILDREN
FOLLOWING HER STATEMENT “VATICAN MUST STEP UP MEASURES
TO END CHILD ABUSE AFTER POPE’S SECRECY RULING”**

**MARCH 2020**

This report concerns the abuse of minors connected to the Roman Catholic Church.
It should be read in conjunction with our February 2020 report
to the Special Rapporteur on Truth, Justice, Reparations and Non-Recurrence,
which forms the Appendix to this report in a separate document.
We offer some observations about the lifting of the Pontifical Secret and Zero Tolerance
and conclude with a consideration of some positive developments.

Nomenclature

“Victims” and “survivors” have been used interchangeably and
 we hope no offence is taken by anyone preferring one over the other.
In this report, the commonly accepted euphemism of “abuse” is used for the (often criminal) sexual, physical and psychological violence against minors (including rape).
Physical and psychological violence can also be psycho-sexually based.

We have abbreviated the Special Rapporteur’s title to “SRSSEC”

References to the “Convention” are to the Convention on the Rights of the Child.

The Committee for the Rights of the Child is referred to as the “Committee”.

We have underlined or italicised a few passages for emphasis.

**SECTION A - INTRODUCTION**

1. Who are we?
The National Secular Society has worked since its foundation in 1866 for the separation of religion and state, and for equal respect for everyone's human rights so that no one is either advantaged or disadvantaged because of religion or belief. We have been in special consultative status with the United Nations Economic and Social Council since 2016.
2. About the authors and assistance received
This report has been prepared by the UK National Secular Society’s (“**NSS**”) President, Keith Porteous Wood. Mr. Porteous Wood and Vice President Ms. Josephine Macintosh have made numerous representations on clerical abuse to the UN, both verbal and written. We recognise assistance in compiling this report from the International Association of Freethought (which also enjoys ECOSOC status) and its French affiliate, the Fédération Nationale de la Libre Pensée.
3. Background to this report
Having seen the statement of the Special Rapporteur on the Sale and Sexual Exploitation of Children that the *Vatican must step up measures to end child abuse after Pope’s secrecy ruling*[[1]](#footnote-2) and having been invited by the Special Rapporteur on Truth Justice, Reparations and Non recurrence to make a submission on the Catholic Church, we prepared our February report on the abuse of minors connected to Roman Catholic Church[[2]](#footnote-3) jointly for both Special Rapporteurs.
4. That (attached) report forms the Appendix to this report; it is referred to as such. Had we prepared separate reports for each Special Rapporteur, they would have contained much in common.

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**SECTION B – CONCLUSIONS**

1. We welcome attention being paid to the extent of the Holy See’s adherence to the Convention, especially given:
(a) persistent reports about the level and geographical spread of alleged abuse in the Church;

(b) apparent widespread shortfalls in adherence to the Convention relating to abuse, and in particular, given the above; and

(c) previous and current delays in filing periodic reports to the Committee and the near-rejection by the Holy See of the Concluding Observations on the Holy See’s second periodic report to the Committee.

1. While some progress may be possible through the Committee’s response to the periodic reports of state parties where the Church is prevalent, we think it essential to encourage closer dialogue concerning abuse with the Holy See. This should in our opinion be achieved through the Holy See being urged at the highest level to produce its overdue subsequent periodic report.

**SECTION C – RECOMMENDATIONS**

1. We refer to our recommendations shown in the Appendix.
2. We recommend that, as soon as possible, the High Commissioner of Human Rights meets with the Holy See’s representative in Geneva and hands him a letter to the Pope asking for the Holy See to submit the currently overdue Periodic Report to the Committee, pointing out how grossly overdue the previous, second, one was. More detail is shown in the Appendix at para 55. We further suggest that something similar is done in New York with the highest possible ranking UN official.
We assume that the Holy See will at some stage be invited to comment on the validity of its assertion that “The Holy See [does not have] the capacity or legal obligation to impose the above-mentioned principles upon the local Catholic churches and institutions present on the territory of other States and whose activities abide with national laws.” (Para 56).
3. We intend to offer further strategic suggestions at a meeting in Geneva in June kindly suggested by the office of the Special Rapporteur on Truth etc. at which we hope the SRSSEC will be present or represented.

**SECTION D – Commentary on SRSSEC’s statement of 19 December 2019**

1. We wholeheartedly commend the statement and welcome it as a clear public signal of the UN’s concerns about the Vatican and abuse.
We entirely endorse the actions called for in the statement by the SRSSEC and her description of the harms children suffer from such abuse.
We recognise the importance of grasping the opportunities presented by current news or events, such as the purported lifting of the Pontifical Secret, as “hooks” on which to promote Human Rights-related messages.

**Pontifical Secret**

1. We fear, however, that the Pope’s lifting of the pontifical secret will have little practical effect. This view is given further weight by the absence of any manifestations of practical benefits from the supposed lifting. Our reservations appear to be shared even by the (conservative) Catholic Herald. Given the strategic significance of these reservations, we have set out below key passages from the relevant article by the Herald.
2. **The change to the 'pontifical secret' does less than it appears to do, by Christopher Altieri, December 18, 2019**[[3]](#footnote-4)

*The removal of the secret does not so much open the archives to all comers, as make it more difficult for leaders of local Churches to use Vatican information security policy as an excuse not to cooperate with civil authorities, given the subpoena power of which attorneys can avail themselves in many jurisdictions, “[T]he Pope was giving law enforcement what it could probably already obtain.”*

*[P]laintiffs in civil cases … ought also be able to use the change to obtain necessary documentation more easily.*

*The new law also makes it clear that Church officials cannot put gag orders on complainants, victims and witnesses. “The person who files the report, the person who alleges to have been harmed and the witnesses,” the rescript says at Point 5, “shall not be bound by any obligation of silence with regard to matters involving the case.”*

*If people who heard the news that Pope Francis has abolished the pontifical secret in cases of child sexual abuse, sexual violence, and underage pornography expect the great veil of silence instantly to be lifted, however, and a perfect age of transparency to enter upon ecclesiastical affairs, they are in for a rude awakening. The removal of the pontifical secret neither creates nor heralds conditions for an information free-for-all, or anything like it.*

*[According to] [t]he … secretary of the Pontifical Council for the Interpretation of Legislative Texts, Archbishop Juan Ignacio Arrieta, [the new instruction] “does not mean that unfettered publication by those who are in possession of it is now free and clear.” Its purpose “is to remove in these cases the subjection to what is called the ‘pontifical secret’, bringing the cases back instead, under the ‘level’ of confidentiality duly required to protect the good reputation of the people involved — to the normal ‘official secret’ …, which each pastor or public officeholder is obliged to observe in distinct ways, depending on whether they are subjects who have the right to know about such things, or whether they are rather persons not in possession of any title to have the information.”*

*“Nor does Instruction touch the duty of strict reserve — which may be acquired even outside confession, within the whole ‘extra-sacramental’ forum.”*

*Basically, the change to the law downgrades the level of secrecy under which Church investigations and trials are conducted from the very highest level of secrecy to the normal level of reserve under which all curial business is conducted.*

*When it comes to requests from civil authorities to the Holy See for case files or other information, there are rules and procedures to follow. “There has to be a specific request,” Archbishop Scicluna said, “all the formalities of international law are to be followed.”\* [adding that] the change should facilitate communication, information-sharing, and the sharing of documentation among ecclesiastical and secular authorities.*

*[A] pope could still put anything he wishes under pontifical secret, too. The difference is that, for a good long while, everything related to criminal investigations and trials has been under pontifical secret (unless it wasn’t), and now things related to investigations and trials on sex crimes charges will not be under pontifical secret (unless they’re put under it).*

*The changes in the law are indeed significant, but the Vatican’s own official interpreters carefully admit that the change does less than it appears to do, and much less than the Vatican’s message managers claim. What real, practical difference the change will make at this point, remains to be seen. [END OF EXTRACT]*\* We express reservations in the Appendix para 89 about whether Archbishop Scicluna’s stipulations about formalities are consistent with the Convention.

1. We explore further in the Appendix starting at para 55 the extent to which many of the Pope’s policy initiatives in this area are motivated by a desire to secure positive publicity, rather than to bring about significant improvements.

**Zero Tolerance**

1. We also welcome the SRSSEC’s setting out in the statement her definition of “zero tolerance”: “immediately dismiss[ing] those found to have abused children.” The importance of making the definition clear cannot be overstated.
2. As recently as last year, however, the Church hierarchy has surreptitiously diluted the criterion for Zero Tolerance, where, according to the Managing Editor of CruxNow, defrocking[[4]](#footnote-5) is optional.

Key extracts of the CruxNow article “*After abuse summit, does ‘zero tolerance’ have a future?*” from February 2019 claiming this are shown below:

START OF EXTRACT

*Yet there is a sense that for this giant step forward, there has also been a significant step backward: “Zero tolerance” - a buzzword since the scandal exploded in Boston in 2002 - no longer means priests who abuse minors will be defrocked even after one incident of abuse.*

*This policy was stated in its most succinct form by St. John Paul II, when he called every U.S. cardinal to the Vatican in April 2002 in the fallout of the revelations of abuse and cover-up exposed in the Boston Globe that year: “People need to know that there is no place in the priesthood and religious life for those who would harm the young.”*

*This is in contrast to removal from active ministry, when a priest does not have a pastoral assignment - and often is told not to even present himself as a priest in public - but is still, technically, a cleric.*

*In the countries hardest hit by the sexual abuse crisis in the late 20th century - including the United States and Ireland - the families of victims were told an abusing priest was going to be removed from ministry, only later to find out he was serving as a priest in another location.*

*This is why most victims support groups - including the Ending Clergy Abuse advocacy group, which had a large contingent in Rome - have insisted abusive priests should be removed from the priesthood.*

*From the beginning of the meeting, the Vatican showed it was resisting this policy.*

*Point 15 called on the Church to “observe the traditional principle of proportionality of punishment with respect to the crime committed,” and added “that priests and bishops guilty of sexual abuse of minors leave the public ministry.” It didn’t mention defrocking.*

*All of this creates a danger that the Vatican is more concerned about protecting the rights of abusive priests than protecting those who have been abused.*

*The Vatican abuse summit has done a lot of good in convincing Church leaders that sexual abuse is a global problem, and it would be a horrible irony if the first real outcome was throwing zero tolerance out the window.* END OF EXTRACT

1. Adherence to this recently diluted definition is likely, in our opinion, to seriously undermine conformity to the Convention. Allowing abusers to remain part of the Church, rather than dismissing them, materially increases the likelihood of them abusing again. Clerics’ connection with the Church provides many more opportunities for abuse.[[5]](#footnote-6)
2. The Church justifies the retention of abusers – often ostensibly stripped of the right to public ministry – on the grounds of proportionality, for example if the victim is just short of their 18th birthday. Proportionality, decided by the Church without recourse to the victim, only seems to benefit the alleged abuser without thought for the impact on the victim.
3. Such leniency is in our view in contravention of the spirit (at least) of the Convention, because:
	1. The abuse is a criminal act and such a policy endorsed at the highest level of the Church appears to set the Holy See’s acceptable standard over suspected abusers within its ranks to tolerate violations of criminal law. This would seem unacceptable for any organisation, far less one that had ratified the Convention.
	2. Although not officially stated, the failure to dismiss abusers will almost certainly mean that the Church will not report them to the secular authorities[[6]](#footnote-7) which runs counter to the Committee’s concluding observations set out in Appendix para 52.
	3. Failure to disclose the abuse is likely to be indicative of a reluctance of the Church to volunteer the reparations to which victims are entitled under the Convention.
	4. This silence and any failure to report send the signal to other abusers in the Church that abuse is tolerated. It could even form the basis for other abusers claiming to be victimised if not treated with similar leniency.
	5. Were abuse always reported, and confirmed abusers always dismissed, this would send a powerful deterrent signal.
	6. This silence increases the likelihood that accusations made by victims will be denied, casting the victims as dissembling or being vexatious,
	7. The truth about the abuse is unlikely to be made public, sparing those responsible for the alleged abuse from scrutiny and reputational damage and from calls for more wide-ranging inquiries that might uncover systemic abuse and the covert moving of abusers elsewhere.
	8. Where abusers would have been convicted had they been reported:
		1. abusers escape punishment;
		2. abusers escape a criminal record, which will mean easier access to future employment that could include access to children, putting children unnecessarily at increased risk of being abused[[7]](#footnote-8);
		3. similarly, the escape of abusers from conviction and punishment will compound victims’ perception of being abused and hinder them coming to terms with their abuse; and
		4. this demonstrates the Church’s priority is to protect abusers at the expense of their victims.
	9. In practice, the supposed removal from public ministry is frequently a subterfuge to mollify complainants. When the immediate scandal has died down, the offender is moved to public ministry to a place where their abuse is unknown, normally without any warning that they should not be allowed access to children. Predictably, many reoffend.[[8]](#footnote-9)
	10. Overall, this dilution of zero tolerance appears inimical to Truth, Justice, Reparations and Non-Recurrence.
4. One of the most extreme examples of failure to dismiss a wholesale abuser was Bernard Preynat, who abused for around four decades with the Church’s knowledge. Four French cardinals are implicated in this.[[9]](#footnote-10)

**SECTION I – SOME POSITIVE DEVELOPMENTS**

1. We refer to positive developments set out in the Appendix.
2. At the end of February 2020, the Vatican announced an anti-abuse task force. We wish it well and recognise some of the members of the task force as already doing their best in this area. However, we draw to your attention that one of the task force is Fr Federico Lombardi. He was appointed in 2006 to lead the Holy See Press Office, which he left in 2016 as Director Emeritus. A 2019 article in Crux Now describes him as being “linked to abuse during Benedict XVI's pontificate”.[[10]](#footnote-11)
3. The editor of CruxNow announced the task force under the unpromising headline of ‘Tale of Two Cities’ or ‘Remembrance of Things Past’? He concluded: “plenty of alleged Vatican reforms are promising in theory, disappointing in practice. As always, the proof will be in the doing rather than the billing.”

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1. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25444&LangID=E> [↑](#footnote-ref-2)
2. <https://www.secularism.org.uk/uploads/specrapppromotiontruthetcdraft8.docx> and attached [↑](#footnote-ref-3)
3. <https://catholicherald.co.uk/the-change-to-the-pontifical-secret-does-less-than-it-appears-to-do-2/> [↑](#footnote-ref-4)
4. <https://cruxnow.com/february-abuse-summit/2019/02/after-abuse-summit-does-zero-tolerance-have-a-future/> [↑](#footnote-ref-5)
5. <https://www.cbsnews.com/news/pope-francis-admits-catholic-church-realized-sex-abuse-problem-a-bit-late/> [↑](#footnote-ref-6)
6. <https://www.childabuseroyalcommission.gov.au/religious-institutions> [↑](#footnote-ref-7)
7. <https://apnews.com/197c6234838f420ab693517fb49a215e> [↑](#footnote-ref-8)
8. <https://www.vox.com/2018/9/4/17767744/catholic-child-clerical-sex-abuse-priest-pope-francis-crisis-explained> [↑](#footnote-ref-9)
9. <https://novenanews.com/cardinal-barbarin-blames-prosecution-persecution/> [↑](#footnote-ref-10)
10. <https://international.la-croix.com/news/father-federico-lombardi-a-wise-elder-to-lead-the-debates/9302> [↑](#footnote-ref-11)