

**(UK) NATIONAL SECULAR SOCIETY  
REPORT SUBMITTED TO SPECIAL RAPPORTEUR ON THE PROMOTION OF  
TRUTH, JUSTICE, REPARATION AND GUARANTEES OF NON-RECURRENCE   
FOLLOWING THE INTERACTIVE DIALOGUE   
DURING THE 42ND SESSION OF THE HRC**

**FEBRUARY 2020**

This report concerns the abuse of minors connected to Roman Catholic Church.   
We provide evidence of the suppression of Truth and the obstruction of Justice and Reparations; consider potential breaches of the UN Convention on the Rights of the Child; suggest systemic causes and propose strategies to minimise recurrence.

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.

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

We have underlined a few passages for emphasis.

Similar concerns about vulnerable adults are not covered.

**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   
   Evidence has emerged over the last twenty years of institutional abuse on a huge scale connected with religious organisations. We have become increasingly concerned that their status as religious organisations has materially increased their ability to:
   1. protect the clerical perpetrators from facing secular criminal justice,
   2. deny their victims/survivors justice, appropriate (if any) compensation and so preventing or delaying appropriate physical and psychological recovery to which they are entitled under Article 39 of the Convention on the Rights of the Child (the Convention).
4. Such abuse is to be found in practically every religion and sect/denomination. We recognise that (a) perpetrators are a minority and most people in such institutions have children’s best interests at heart and (b) institutional abuse also occurs in non-religious settings.
5. Worldwide, Catholic institutions cater for 65 million children[[1]](#footnote-2) and, partly because of this scale, most of the evidence of that abuse that has emerged in religious settings is associated with the Roman Catholic Church (the Church).
6. About the Report   
   For the above reasons, this report focuses on Church-connected abuse by providing evidence of the suppression of Truth and the obstruction of Justice and Reparations; considering potential Convention breaches; suggesting systemic causes and proposing strategies to minimise recurrence.
7. The size and complexity of the Church, and the nature of abuse, allow us only to provide a summary of the problems and solutions. Nevertheless, the text is thoroughly referenced, and we will be pleased to furnish the Special Rapporteur or relevant UN agencies with clarifications and additional information. Much of the content falls under more than one heading – truth, justice, non-recurrence, problems with the Vatican vis-à-vis the Church worldwide Occasionally, key points are deliberately repeated in different sections.  
   Some of our observations are directed towards aspects of the Church’s organisation, and occasionally even its doctrine. We accept unconditionally the freedom of any religious organisation to organise itself and decide doctrine within the law, but that should not prevent us from highlighting matters that could have a bearing on any State Party’s ability to fulfil the Convention.
8. We quote extensively below from the 300 page *Child Sexual Abuse in the Catholic Church: An Interpretive Review of the Literature and Public Inquiry Reports*, compiled by Desmond Cahill and Peter Wilkinson (both Catholic clerics who gave evidence to the Australian abuse Commission), RMIT University, Melbourne, and published in August 2017[[2]](#footnote-3). Numbers below in brackets refer to page numbers in this Report.

We further draw attention to the 2019 report by NGO Child Rights International which includes much information which corroborates material in this Report[[3]](#footnote-4).

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**SECTION B - CONCLUSIONS**

1. We conclude with regret that regarding upholding the Convention, it is hard to find evidence of the Vatican exercising governance, or even being capable of doing so. Of gravest concern is the Vatican’s own secrecy over abuse, the secrecy it imposes on the Church worldwide and its determination not to require reasonable suspicions of abuse (as the CRC “strongly urges”) to be referred “to the relevant law enforcement authorities”.
2. We acknowledge that similar problems exist in other institutions, but these have not yet been revealed elsewhere to be on such a scale, nor indeed protected by inviolable secrecy by virtue of being a sovereign state.
3. The above increases the need in our opinion, for CRC to adopt Mandatory Reporting of abuse in all State Parties.

**SECTION C – RECOMMENDATIONS**

1. **We recommend that those in institutions[[4]](#footnote-5) who know of or suspect child abuse on reasonable grounds who fail to report abuse to external agencies or destroy any relevant evidence should be a criminal offence subject to severe penalties.**
2. **The legal obligation to report must:**a. **include the confessional,** (The Australian abuse Commission was also is adamant that the confessional must not be excluded. More information given under Section E: Evasion of Justice.)  
   b. **never transfer the obligation to report onto victims, for example (as has been attempted in France) as a result of them attaining adulthood or disclosing abuse to the institution**.  
   c**. include legal protection of whistle-blowers.**  
   We suggest the above should be along the lines **advocated by the pressure group MandateNow[[5]](#footnote-6)**
3. It is essential that all aspects of abuse are the subject of criminal offences and that neither they nor Mandatory Reporting are subject to any statute of limitations, or if they must be, it is no less than 50 years.
4. **We recommend that the CRC should seek for reporting of abuse to be introduced or strengthened to the above standard in all State Parties. (In most of the 80% of countries that have some form of reporting, it is generally not thought be to the standard needed.)**
5. **We recommend tha**t **the CRC should also endeavour to have each State Party**, regardless of the state of the reporting law, **demonstrate the extent of referrals of and prosecutions for institutional abuse to assist in assessing the extent to which children are being properly protected**. (MandateNow! and Professor Mathews (below) would be happy to help.)
6. **We recommend that the above should be complemented by education, the mandatory prominent display of notices about abuse and reporting it and information campaigns urging reporting to bodies unconnected with the institutions.**
7. We recommend the above being raised by the CRC with State Parties as standard in the Lists of Issues raised with State Parties.

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1. The paramountcy of secular Mandatory Reporting is echoed in a statement issued in 2020 by Survivors Network of those Abused by Priests (SNAP), we understand the largest survivors’ network in the world: “But we are not relying on promises from church officials any more: we will spread the message that we are not relying on those church officials to win this battle, and we will draw attention to the work that has been done by secular law enforcement officials worldwide. We will call for survivors to come forward to secular law enforcement and join us in our call for secular involvement.”[[6]](#footnote-7)
2. We commend the work of Prof Ben Matthews[[7]](#footnote-8) who is a world expert on Mandatory Reporting. He has already developed an evidence base to demonstrate its efficacy in protecting children from abuse. He is already helping the CRC and the Council of Europe.

**SECTION D – PREVALENCE OF ABUSE AND MODUS OPERANDI**

1. Even devoting the entirety of a submission of this size to the prevalence of abuse in the Church would only permit the broadest overview.
2. Cahill concludes that around 7.9% of Catholic diocesan priests have credible accusations of abuse made against them in Australia (178) and from surveys around the world considers that this is representative. In some religious orders the proportion of abusers reaches 20% (175), despite the prevalence of abuse in dioceses being higher than in orders. Abuse by females and of females is much less prevalent.
3. 66-97% of victims in male-staffed institutions[[8]](#footnote-9) are males according to the Australian Commission, slightly lower according to Cahill (171). “The risk factor for boys was quite high, and it was extremely high for children in Catholic residential care” … “The probability also increased if the child was in the pastoral care of a psychosexually immature, poorly prepared priest, unable to deal adequately with his sexual desires, his exercise of power and his obligations to chastity and celibacy. The greater the contact with the Catholic Church and its male functionaries, the greater the risk for the child.”(181) The next largest religious group in Australia was the Anglicans, where the preponderance of boy victims was similar.
4. We expect the prevalence of abuse to become much more evident with the 45 further US states considering Grand Jury investigations, the growing awareness of abuse in South America (e.g. 34 Chilean bishops offered their resignations to the pope over abuse). “[E]xperts consider [that] some African[[9]](#footnote-10) and Asian churches [are in] denial about clerical sex abuse [which] is still rampant”[[10]](#footnote-11)
5. The Australian abuse Commission’s case studies revealed that **it took “more than 30 years in 59 per cent of the claims” for victims to claim after the abuse occurred, and on average 33 years[[11]](#footnote-12). This is key to: (a) needing at least 50 years (and preferably no) statutes of limitation on abuse cases any assessment of the level of abuse** and (b) the practical impossibility of ascertaining current levels of abuse.
6. Evidence has emerged of organised networks within the Church lasting decades “shar[ing] patterns of behaviour … exhibited by groups including crooked police and the Mafia”[[12]](#footnote-13), conspiring to support and protect abusers, as well as providing victims and intelligence about them. This was in Australia, but on the south coast of England a similar conspiracy appears to have straddled denominations (Catholic and Anglican).[[13]](#footnote-14)
7. The abuse of nuns is a massive scandal yet to be uncovered, so significant it is materially reducing their number[[14]](#footnote-15). A report of abuse of nuns by priests in 22 countries was shelved by the Vatican 25 years ago.[[15]](#footnote-16) Concerns are only now re-emerging.[[16]](#footnote-17)

**SECTION E – TRUTH, JUSTICE, REPARATION AND NON-RECURRENCE**

**The Suppression of truth**

1. As alluded to above, the Holy See’s 2nd Periodic Report[[17]](#footnote-18) to the CRC was due in 1997 but not filed until 2011[[18]](#footnote-19), and even then, only after sustained calls for it to do so were made at the Human Rights Council. This deprived the CRC of the opportunity to consider for fourteen years “details on the principal obstacles encountered” as laid down in the CRC guidelines[[19]](#footnote-20). Mostly before the Report was filed, nearly US$ 4  billion had been paid out in abuse settlements[[20]](#footnote-21) and over 20 US dioceses and religious orders have filed for bankruptcy because of abuse claims.[[21]](#footnote-22) There were over 1,500 newspaper articles about sexual abuse in the RCC between 2002 and 2009. In 2002 this was predominantly about the USA, but in 2009 the focus was much more on countries in Europe.[[22]](#footnote-23) Yet the Holy See’s Report devoted only one paragraph to what it described as “sexual abuse at the local level” and while describing it as “serious”, gave no inkling of the quantitative or geographical scale of that abuse.
2. In 2019 “An Associated Press analysis found more than 900 clergy members accused of child sexual abuse who were missing from lists released by the [US] dioceses and religious orders where they served.”[[23]](#footnote-24)
3. An indication of the scale of reported financial irregularities at the Vatican was reported by the *Wall Street Journal* in 2016: “Cardinal George Pell, …. hired PricewaterhouseCoopers to undertake a comprehensive audit of the Vatican’s finances [and] found a total of €1.4 billion ‘tucked away’ off the books”[[24]](#footnote-25).
4. “A confidential report from the Vatican’s anti-corruption authority [in 2019] shows that the Secretariat of State has used about $725 million, most of which came from the pope’s charity fund, in off-books operations.”[[25]](#footnote-26)

**The Evasion of Justice**

1. Above, we recommend Mandatory Reporting (MR) of institutional abuse of minors. It cannot be overstated that there must be no exemption for disclosures in the Confessional[[26]](#footnote-27). Here is a typical argument for an exemption [[27]](#footnote-28) and powerful arguments for no exemption.[[28]](#footnote-29) Also important are effective and actively enforced criminal sanctions for non-compliance, including for the destruction of relevant records.
2. Destruction of incriminating files on abuse is commonplace. Even Cardinal Marx, the archbishop of Munich and president of the German Bishops' Conference, has admitted "Files that could have documented the terrible deeds and named those responsible were destroyed or not even created" in defiance of “stipulated processes and procedures”.[[29]](#footnote-30)
3. The Church, right up to the present Pontificate, is still shielding perpetrators of abuse from secular justice, even to extent of moving them out of the country where they were about to face trial (and where the witnesses necessary to a fair trial remain located) to the security of the Vatican from which extradition is then refused.  
   For example, there were multiple allegations of abuse of minors in the Dominican Republic against Polish citizen Archbishop Wesolowski, former papal nuncio to the Dominican Republic. According to the *Daily Telegraph* in 2015 “the Vatican was criticised for secretly bringing Wesolowski to Rome when the allegations first emerged in 2013, and for refusing to accede to extradition requests from the Dominican Republic and Poland.”[[30]](#footnote-31)
4. In 2002 the *Irish Examiner* reported that in Boston Mass, USA “State troopers delivered the cardinal's [Bernard Law’s] subpoena last Friday the same day he set off for the Vatican. Massachusetts Attorney General Thomas Reilly … accused the Boston archdiocese of employing "every tool and manoeuvre" to impede his investigation into paedophile priests, despite church officials' public pledges of co-operation.” Law never returned to Boston to face charges and remained a fugitive in the Vatican with the at least tacit approval of Popes John Paul II, Benedict XVI and Francis; he was even promoted after his flight to Rome.[[31]](#footnote-32)
5. The Church openly campaigns against legal changes that would improve the justice for abuse victim/survivors and reparation settlements. That it does so repeatedly suggests that the Vatican does not disapprove, and/or is powerless to stop it. According to the *New York Times*, “the Catholic Church spent millions of dollars trying to fight”[[32]](#footnote-33) [New York] “state’s new Child Victim/survivors Act”[[33]](#footnote-34) He described as “toxic” the look-back window (temporary lifting of the statute of limitations) for victims’ claims that would otherwise have been time barred.[[34]](#footnote-35) Cardinal Dolan wanted instead a measure that would pay far less to victims that “avoids ‘breaking’ the Roman Catholic Church”. Yet the archdiocese of New York’s net assets in 2017 totalled $720 million and has real estate, probably held by other legal entities, valued at $2.1 billion.[[35]](#footnote-36) If he considers that abuse settlements could exhaust assets of this magnitude, the number of claimants he anticipates must be alarmingly greater than hitherto assumed. Despite the Church’s efforts, the Act was passed in 2019 and enabled many more victim/survivors claim compensation for abuse they had suffered.
6. Similarly, “Bishops' lobbying groups are fighting efforts to liberalise statutes of limitations, e.g. “... in the District of Columbia, Maryland, and Iowa.” Marci Hamilton, a professor at the Cardozo School of Law in New York who studies statutes of limitations said in 2015. "It is the bishops who have blocked any kind of meaningful reform. …"The bishops and the pope have a lot of explaining to do as to why it would be in their mission to keep all of these victim/survivors from seeking justice."[[36]](#footnote-37)
7. A grand jury in Pennsylvania, USA uncovered at least 1,000 victims in 2018. 45 further US states are seeking to replicate a similar process.[[37]](#footnote-38) They concluded “But all [the victims] were brushed aside, in every part of the state, by church leaders who preferred to protect the abusers and their institution above all.”[[38]](#footnote-39)
8. Archbishop Ignatius Suharyo of Jakarta was quoted in the Jakarta Post in 2019[[39]](#footnote-40) that even if there were cases of sexual abuse, the cases should be settled away from the court. “If there are [cases of sexual abuse], they should be resolved in the best way possible. They should not be settled through the police,” he said.
9. Papal comments on the administration of justice relative to abuse give the impression of greater sympathy for alleged perpetrators than for victim/survivors. In 2010, Pope Benedict criticised as “deplorable” a “police raid on Catholic Church property in Belgium as part of a sex abuse investigation”, effectively calling for the Church to be above the law. The Brussels prosecutor said it “followed a string of accusations ‘denouncing abuse of minors committed by a certain number of Church figures’”[[40]](#footnote-41). The Church even went to the appeal court to protect its files and won. This prompted an investigator who had worked on the files to reveal “harrowing details of some 300 cases of alleged sexual abuse by … clergy in nearly every diocese, and 13 alleged victims had committed suicide.”[[41]](#footnote-42)
10. On a question of financial justice in Ireland, “Michael Woods, as education minister, made a controversial deal with 18 religious orders, limiting their redress payments to €128m, disastrous from the perspective of the Irish people and state as the total bill now exceeds €1.2bn.”[[42]](#footnote-43) “When asked if Cardinal Sodano mentioned that [€128m] controversial scheme when he raised the possibility of a second one covering abuse by priests, [Minister Dermot] Ahern said that he [Sodano] was aware of everything.” "He was fully briefed," Mr Ahern said. [[43]](#footnote-44)
11. The Magdalene Laundries, largely run by the Church, mainly in Ireland, were according to paragraphs 37 and 38 of the Concluding Observations on the Holy See’s second periodic report where “Girls placed in these institutions were forced to work in slavery like conditions and were often subject to inhuman, cruel and degrading treatment as well as to physical and sexual abuse”. Ireland was asked to “Conduct an internal investigation into the conduct of religious personnel working in the Magdalene laundries in Ireland …”
12. Also referring to the Laundries, the “recommendations made by the Committee against Torture in 2011 (CAT/C/IRL/CO/1 para. 11) require Ireland to prosecute and punish the perpetrators with penalties commensurate with the gravity of the offences committed.” It is evident from a letter from the UN to diplomats for Ireland dated 21 May 2019[[44]](#footnote-45) that even by then and despite repeated requests, the requisite thorough investigation and criminal proceedings had not been instigated.   
    We cannot find any evidence of an investigation being carried out by the Church, or of the Vatican requesting one.
13. Concordats may dictate that legal proceedings related to clerical abuse cases are conducted, and any resultant incarceration served, in a more lenient manner for a clerical accused/offender. (Cahill 36) This, and other treaties that favour the Vatican, many kept secret from the populations they adversely affect and not necessarily the product of a democratic process, are dealt with at length in ConcordatWatch[[45]](#footnote-46) Obstacles to disclosure can derive from concordats between the Holy See and (generally Catholic) states as set out in the ConcordatWatch website. We understand that under canon law “diocesan secret archives [are to be] destroyed after ten years or on the death of the priest”. [Cahill 33 and 36]

**The Evasion of** **Reparations**

1. Victims were deprived of compensation through the improper diversion of funds and declaration of bankruptcy, according to Bloomberg “[The] Catholic Church in US shields $2bn in assets to limit abuse pay-outs” “Dioceses are aggressively moving and reclassifying holdings to shrink the value of their bankruptcy estates.” “In Santa Fe archdiocese, “the 375 victims will each get roughly $65,000, about one-fifth of the $300,000 they would get if the arch­diocese hadn’t taken $176 million off its ledger.” “Church leaders see bankruptcy as an attractive solution because it provides a controlled process for settling many lawsuits while holding on to as many assets as possible. Another benefit is secrecy. Lawsuits and trials lead to testimony and publicity. Bankruptcy ensures a quieter mass settlement that forces an end to existing lawsuits and blocks new ones. … [US] Dioceses have gone this route more than 20 times since 2004, when the Archdiocese of Portland, Oregon declared itself insolvent.”[[46]](#footnote-47)
2. According to the *New York Times*, corroborated elsewhere, Archbishop Dolan of Milwaukee “requested permission from the Vatican to move nearly $57 million into a cemetery trust fund to protect the assets from victim/survivors of clergy sexual abuse who were demanding compensation.” His “2007 letter to the Vatican … explains that by transferring the assets, “I foresee an improved protection of these funds from any legal claim and liability.”[[47]](#footnote-48) The Vatican approved the transfer in full knowledge of this. The earliest media reference to this appears to be the *Daily News (New York)* 13 February 2011[[48]](#footnote-49) “And when the Archdiocese of St. Paul and Minneapolis filed for bankruptcy, its case dragged on for nearly four years, during which it was accused of hiding more than $1 billion in assets, including hastily painting over signs at cemeteries to conceal ownership”[[49]](#footnote-50). (Cardinal Dolan denies this.) We note that he was promoted to Archbishop of New York in 2009 and became a cardinal in 2012.
3. Around 2012, Portsmouth diocese in England pursued legal action to completely remove itself from so-called “vicarious” liability for abuse carried out by those connected with it. It lost at the High Court and Appeal Court[[50]](#footnote-51) and, in effect, the Supreme Court,[[51]](#footnote-52) which by declining to hear the case prevented the Appeal ruling being overturned. Portsmouth was supported by Middlesbrough, another wealthy diocese subject to numerous abuse claims. Had the case not been contested hotly, victims of Church-related abuse could have been deprived of compensation (potentially a breach of Article 39) throughout England & Wales, whose most senior Catholic (Cardinal Vincent Nichols) took no action to curtail such legal proceedings, nor did the Vatican.  
   (In 2019, the Cardinal Archbishop was criticised by the England & Wales abuse Inquiry: an archdiocese press release “defend[ed] the reputation of the Church rather than fully acknowledge the possibility of its shortcomings … and abuse … could have been stopped much earlier if the Archdiocese had not been driven by a determination to protect the reputation of the Church. In doing so, it sealed the fate of many victims whose trust was placed in these abusers. The plight of victims was ignored or swept under the carpet, allowing the perpetrators to carry on abusing, often for many years”[[52]](#footnote-53))
4. Despite the enormity of the Church’s wealth, it insures itself against abuse settlements. Consequently, settlements with victims are conducted in a commercially adversarial way with a view to avoid or minimise settlements with (normally vulnerable and poor) victims. Some describe this as worse than the abuse for which they are attempting to claim. We know some insurance companies are closely connected with the Church, making them a commercial and legal front behind which the Church can distance itself from any ruthless tactics, which we understand to be the norm.
5. The “Bishops' lobbying groups are fighting efforts to liberalise statutes of limitations”, is one of several examples from the Evasion of Justice Section of blatant manoeuvres to limit Article 39 reparations that are committed without shame or censure, even from Bishops’ conferences or the Vatican. Given how openly and routinely this is done, we can only assume that it is with the approval of the hierarchy of the Church.

**SECTION F – HOLY SEE AND WORLDWIDE CHURCH AT UNITED NATIONS**

1. Geoffrey Robertson QC, formerly a distinguished jurist member of the UN Justice Council, considers the Holy See to be in breach of CRC Articles 3(1), 19(1), 19(2) and 34.[[53]](#footnote-54)
2. The UNHRC, CRC and Committee Against Torture relative to the Church, including our work in this area.  
   Our work includes endeavours at the UNHRC 2009-2013 to encourage the Holy See to file its long-overdue second periodic report to the Committee for the Rights of the Child (CRC) so it could be examined by that Committee. After it had been filed, we submitted evidence to the CRC to assist it in compiling its concluding observations[[54]](#footnote-55). A partial video of its oral evidence to the CRC is here [[55]](#footnote-56) and a complete unofficial transcript is here[[56]](#footnote-57). We have submitted numerous alternative reports for other State parties all over the world to assist the CRC’s work, particularly in the field of clerical abuse of minors, not restricted to that associated with the Church.  
   On 7 January 2019 we reminded the two key clerics responsible for organising the Pope’s brief conference about clerical abuse in February 2019 (for the chairs of Bishops conferences around the world) that the Holy See’s third periodic report to the CRC was overdue. It was due on 1 September 2017[[57]](#footnote-58); but at the time of writing this report (January 2020) still hasn’t been submitted.
3. This is especially concerning as:  
   (i) key recommendations contained in the CRC’s Concluding Observations (COs) on the second periodic report have not been complied with. We draw attention to two sub paragraphs of those COs as particularly concerning examples:  
   Paragraph 44 (b) “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; and  
   (c) Ensure a transparent sharing of all archives which can be used to hold the abusers accountable …”,   
   (ii) In September 2014, the Holy See published its “Comments of the Holy See on the Concluding Observations of the Committee on the Rights of the Child”. Part of paragraph 3 reads: “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.”
4. While we acknowledge the foregoing describes the Holy See’s actions (or, more accurately, what it declines to do), we struggle to reconcile its assertion of lack of legal obligation with:   
   (A) the obligation in the Convention. Article 4 (sentence 1) reads: “States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention.”   
   (B) the Holy See’s own assertion about its control over the Church in its initial report to the Committee[[58]](#footnote-59) “As the highest organ of government of the Catholic Church, the Holy See is recognized as a sovereign subject of international law.” and  
   (C) the reality of control the Vatican exercises over the worldwide Church when it wishes to exercise it, for example in convening the chairs of bishops conferences to the Vatican, as it did with the February 2019 abuse summit and in 2001 imposing in the decree *Sacramentorum Sanctitatis Tutela[[59]](#footnote-60)* obligations over the treatment of allegations of abuse, in effect centralising that treatment in the Vatican and for all files to be sent there. Further examples are offered in Section G.
5. Another part of Paragraph 3 of the Holy See’s comments to the CRC referred to above reads: “The Holy See, in accordance with the rules of international law, is aware that attempting to implement the CRC in the territory of other States could constitute a violation of the principle of non-interference in the internal affairs of States.” Yet the above decree is an example of the Vatican potentially impeding State parties from conforming to the Convention over abuse. In effect the Vatican has required key files the State party needs to conform to be deposited with the Vatican. Similarly, other information or personnel needed to give evidence are not always made available because of the exercise of religious secrecy and/or diplomatic immunity[[60]](#footnote-61). We can share evidence on this we have lodged with the Independent Inquiry on Child Sexual Abuse in England and Wales.
6. At the September 2019 session of the HRC we expressed our concerns in a written report[[61]](#footnote-62) and oral statement[[62]](#footnote-63).

**SECTION G – CONCERNS: HOLY SEE, VATICAN AND VATICAN CITY STATE**

1. We emphasise that it was under Francis’s pontificacy that the Holy See asserted to the CRC (as detailed in Section F) 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 …..” The Vatican failed even to claim that it would use its best endeavours under Article 4 of the Convention to do so by instructing the institutions it manifestly governs. (More detail in Section F).
2. Examples of that governance include the imposition and administration of canon law, the appointment of bishops and cardinals, defrocking of clergy, issuing of Papal edicts/decrees, ad limina visits, pontifical visitations, as well as the summoning of cardinals, nuncios and heads of national bishops’ conferences to the Vatican.
3. Contrary to the above assertion, in 2018 Pope Francis exercised his “capacity … to impose [on] the local Catholic churches”, but in a way that was – on the face of it – inimical to the Convention. He directed the American Bishops conference to “delay voting on a package of corrective measures”[[63]](#footnote-64) on abuse.
4. According to ABC news “on the eve of the Vatican's landmark summit into the protection of minors” (in February 2019) “the Pope chose to denounce … those who criticise [the Church] "without love" … are … friends, cousins and relatives of the devil, and this is wrong.’”[[64]](#footnote-65)  
   We are not alone in considering this greatest of insults directed by the Pope to complainants as discouraging abuse reporting even to the Church. The “without love” qualification is bizarre. Those most justified in criticising the Church are those abused by the Church and most wounded by its cover ups, and failure to bring perpetrators to justice or fairly compensate victims. They may well no longer love the Church, if they ever did.
5. Francis claims to abhor clericalism, but the above denouncement seems to be an example of clericalism in an extreme form. Francis is expressing irritation about being the subject of complaints rather than expressing concern about the substance of the complaints and their cause. He appears to be casting himself in the role of victim, concerned only with the Church and regarding victims of abuse as irritating collateral damage.
6. This denouncement gives the clearest insight yet into Francis’s attitude to victims, and explains why his 2019 motu proprio *On the protection of minors and vulnerable persons[[65]](#footnote-66)* so deliberately seeks to keep criticism “in house” rather than – as the UN sought – being reported to “to the relevant law enforcement authorities”.
7. The report continued: “The Holy See claims they expect the Church [around the world] to follow the law in their countries; this calls that into question.” Indeed, it is inconceivable that the Pope was unaware of the wholesale flouting of the criminal law for decades by those connected with the Church (including at the highest levels) both for the abuse and failure to report it. We have found, for example, no evidence of Francis disciplining any cleric in France for failure to follow Mandatory Reporting laws.
8. The Pope also refused to accept Cardinal Barbarin’s resignation[[66]](#footnote-67) for failing to report (as is mandatory) the admitted wholesale abuser ex Fr Bernard Preynat, although the case may have been brought too late or be found to be wanting on other technicalities. Surely the standard expected by the Pope of the most senior Catholic leader in France should be higher than that he may have managed to escape criminal conviction.
9. According to an article on a presentation in 2020 in Pennsylvania by Catholic in-house abuse expert Prof Fr Zollner (also referred to in Sections H and I) “Although the Vatican has universal oversight of the Catholic Church, it is woefully understaffed to respond to cases of clergy sexual abuse, with only a staff of about 18 people who ‘don't have the infrastructure or the training to deal with the reported incidents that have come in’.”[[67]](#footnote-68) Given the billions of Vatican assets not even recorded in its books referred to below, this seems to remain a deliberate and revealing choice. “Reported incidents” should of course be referred to relevant law enforcement authorities in the relevant country.
10. Cardinal Groer, Archbishop of Vienna is believed to have abused 2,000 young males and died a cardinal despite knowledge of this abuse. He was succeeded by Cardinal Schönborn who gave a lecture at Vienna University in 2019 on clerical abuse, especially by Groer. Below in italics are excerpts from a published report of the lecture[[68]](#footnote-69) (emphasis added) which appears to demonstrate a most unfortunate attitude to abuse at the head of the Church:

*Clerical abuse victims were especially terrified of breaking their silence, as they were often told by their priest perpetrators that it would be a grave sin to disclose the abuse.*

*“I also experienced [those making accusations of clerical abuse being denounced as liars] during my controversy with* ***Cardinal (Angelo) Sodano (the former Secretary of State from 1991-2006); who literally said – to my face – ‘Victims? That is what you say!’” Two months later, [Schönborn] had been called to Rome and, in Sodano’s and Pope Benedict’s presence, had had to apologise to the Pope for criticising Sodano, he recalled.*** *[Schönborn] said “****Certain people in the Vatican lied” They had vilified the victims in order to protect the Church.***

1. We draw attention to the underlined passage. Cardinal Sodano only recently retired aged over 90 as Dean of Cardinals. We believe him to have been one of the, even possibly the, most powerful men in the Vatican over the last three decades. He was appointed Vatican Secretary of State in 1991 until his resignation in December 2019 as Dean of the College of Cardinals, seemingly without a blemish on his record. “As John Paul II’s secretary of state, he pressured Cardinal Joseph Ratzinger, the future Pope Benedict” not to speak out about Cardinal Groer in 1995 and to abort an abuse case against Marcial Maciel in 1998[[69]](#footnote-70).
2. Several newspapers have reported a suggestion by then Vatican secretary of state Cardinal Angelo Sodano in November 2003 to former president Mary McAleese of an agreement with Ireland that it would not access church documents” on clerical abuse. “[Sodano] wanted to protect Vatican and diocesan archives”[[70]](#footnote-71). This followed ten years of revelations about wholesale abuse in Church-run institutions in Ireland and the instigation of the Ferns and Ryan reports into some of them. And “Cardinal Sodano, in private discussion with [Minister Dermot Ahearn] at the Vatican in November 2004, suggested Ireland might indemnify the Catholic Church against legal actions for compensation by clerical child sexual-abuse survivors”. This was in the context of the compilation of the Ferns Inquiry[[71]](#footnote-72) and the Ryan Commission[[72]](#footnote-73), both of which later revealed significant abuse for which the Church was largely responsible.[[73]](#footnote-74)  
   A further reference to Cardinal Sodano also appears in Section E: Evasion of Justice.
3. In our opinion, Cardinal Sodano’s actions relative to abuse described in this report go beyond failure to uphold the Convention, rather actively breaching it. Sodano’s retaining such a powerful position for so long and the Pope’s unwillingness to embrace the obligations of the Convention (as we demonstrate) together prompt us to ask whether there is a systematic and deliberate disregard of the Convention at the highest level relative to abuse.
4. Many of the examples given in this report, including the “of €1.4 billion ‘tucked away’ off the books” and the suspension of the accountants investigating these huge anomalies[[74]](#footnote-75) suggest that the Vatican may be ungovernable.
5. None of the Pope’s initiatives on abuse (while useful from a public relations perspective) appear to have been successful in advancing adherence to the Convention to any significant extent. This raises uncomfortable questions about the extent of his intentions. Examples include his Commission for Child Protection, which has achieved very little, if anything. Victim member Peter Saunders resigned from it in disillusionment largely, he informed us, because the Pope took no interest in it and rarely if ever attended. The only other victim member also resigned similarly disillusioned, and also complained that the Commission’s recommendation of a tribunal to discipline bishops [in effect, another failed initiative] had not been set up[[75]](#footnote-76).  
   Similarly, the new canon law / motu proprio to require church officials to report abuse or cover-ups to the Vatican[[76]](#footnote-77)[[77]](#footnote-78) of which “victims’ advocates say the church can no longer be trusted to police itself, which is exactly what the new law demands”.[[78]](#footnote-79) And also the edict lifting of the pontifical secret on abuse, which according to the Catholic Herald[[79]](#footnote-80) “does less than it appears to do”. Both received popular acclaim but remain contrary to the spirit of CRC Concluding Observation on the 2nd periodic report para 44: “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” and “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”. Concerns over both are reflected in this New York Times article[[80]](#footnote-81). There is still no obligation to share archives nor report abuse to secular authorities.
6. In 2018 the Pope accused abuse victims of falsely accusing a bishop that Francis knew to be an abuser[[81]](#footnote-82) [[82]](#footnote-83). The respected Bishop Accountability website says of the Pope’s 1992-2013 tenure as a top executive in Argentina’s largest diocese “that Bergoglio’s [later to become Pope Francis’s] implication, that he handled no abusive priests, is implausible”. Examples are given.[[83]](#footnote-84) In 2017 the Pope was accused of “reduc[ing] sanctions against some paedophile priests.[[84]](#footnote-85)
7. At Mexico’s Legionaries of Christ, abuse was endemic and its founder Marcial Maciel has been described as the most notorious paedophile “175 minors were victims of abuse by 33 priests in the order”.
8. Even worse from a child protection perspective was the role of the Vatican. Maciel was shielded from accusations by John Paul II, perhaps because of Macial’s prolific fund-raising abilities. Eventually, the Vatican under Benedict XVI took over administration of the Legionaries and below in italics are extracts from an AP report in January 2020[[85]](#footnote-86), even criticising the current Pope and an unprecedented criticism of the Vatican by a nuncio:

*But more importantly, it has called into question the Vatican reform itself: The papal envoy who ran the Legion starting in 2010 learned about the case nearly a decade ago and refused to punish or even investigate the priest or the superiors who covered up his crimes, many of whom are still in power and ministry today.*

*Salazar, whose story has made headlines in Mexico, goes further: “There’s only one position, to be on the side of the violated children,” not a religious order that has among its priests “villains, delinquents, rapists, accomplices and victimizers.”*

*Even the Vatican’s ambassador to Mexico, Monsignor Franco Coppola, broke the Holy See’s tradition of diplomatic discretion to publicly criticize the Legion’s handling of the case and call for the Vatican to investigate the “web of cover-up” behind it. That too was remarkable, given that the Vatican itself has been implicated in the Maciel cover-up.*

*But Martínez had friends, chief among them Maciel, who it turns out had sexually abused him. Martínez was one of nearly a dozen Legion priests who were childhood victims of the founder and went onto molest other minors, a multi-generational chain of abuse that the Legion acknowledged last month.*

1. Worse still is that Pope Benedict’s envoy was allegedly complicit in offering money to a victim to perjure himself in a trial in order to protect a Legionary abuser from justice.[[86]](#footnote-87)
2. The influence of the Vatican on surrounding Italy appears not to be conducive to the latter’s conformity to the Convention relative to abuse, as set out in the next paragraph.

**SECTION H – CONCERNS: THE CHURCH WORLDWIDE**

1. The Committee for the Rights of the Child has expressed concern about “numerous cases of children having been sexually abused by religious personnel” in the Church in Italy … “and the low number of investigations and criminal prosecutions”.[[87]](#footnote-88) The *New York Times* suggests a major contributory factor is“The Vatican … [with its] Italian advisers in an essentially Italian bureaucracy, in the heart of Italy … hushes everything up”.[[88]](#footnote-89)
2. Only passing mention is made in this report of France as it is the subject of a separate report to the Special Rapporteur. We concluded that France’s adherence to the Convention is being undermined by:
   1. The Sénat apparently resiling on a state-run investigation into abuse in the Church, which appears to be substantial
   2. The mandatory reporting law and statutes of limitation being inadequate to protect abuse victims. This has been illustrated in the trial of France’s most senior cleric, Cardinal Barbarin
   3. The Church hierarchy routinely failing to report abuse, despite this being mandatory, and
   4. Compensation/damages for abuse victims being proposed by the Church are wholly inadequate

The report gives more detail and proposes recommendations.

1. The Church has tens of thousands of entities ranging from parishes, dioceses, archdioceses, and the numerous orders, movements and sub-components such as abbeys, and the many elements of the Vatican. This fragmentation is exploited with the effect of limiting the assets available to abuse victims. Sometimes this is manipulated deliberately as in the example of Milwaukee and bankruptcies, both in Evasion of Justice section. Even within one State Party, or the Vatican, we have never heard of any part of the Church that has funds (and most are wealthy) ever stepping in to make up any compensation of which victims have been deprived. This is far from the compliance with the Convention that should be expected.
2. There are so many Orders that appear to be autonomous and not supervised relative to abuse or not required to conform to civil or criminal law from which they appear sometimes to be almost immune. Per Cahill (141) “the proliferation of religious orders has been a problem for the Church at various times … [especially] the proliferation of Catholic religious orders across the world in the nineteenth and twentieth centuries. One aspect of this was that there were significant abuse problems in some religious orders.”
3. The autonomy of these Orders appears to shield them from liabilities. We see no evidence of any authority, including in the Vatican, encouraging, far less instructing, them to act in accordance with the Convention relative to such liabilities. Similarly, from Ireland, “Religious groups still owe €1.3 billion for institutional child abuse”[[89]](#footnote-90) and “Ageing orders have land and property worth billions of euro” … “In the wake of the 2009 Ryan report, the government asked the congregations to increase their contribution to half of the estimated final cost, but to date the amount being offered is well short of that. The congregations have offered a further €350 million – about €270 million short of what the Government believes they should pay.”[[90]](#footnote-91) The dwindling congregations have massive funds they do not need but refuse to contribute appropriately to abuse settlements. No one in the Church seems able or willing to require them to do so. Indeed, reference is made in Section E to Sodano being fully aware of this ruse.
4. There is a major abuse problem with many “new movements”. According to an article About Cardinal Archbishop Schönborn’s lecture in the University of Vienna in 2019[[91]](#footnote-92) (text in italics): *It was “both shattering and confusing” that so many founders of the new movements had turned out to be clerical sexual abusers. … Here again, many of the movements were “closed institutions”, which facilitated abuse, he pointed out. For him, his predecessor Cardinal Groër, the late Marcial Maciel, founder of the Legionaries of Christ, the late Dominican Fr Marie-Dominique Philippe, founder of the Community of St John, Gérard Criossant, founder of the Community of the Beatitudes and the Chilean priest and Fr Fernando Karadima had all been examples of “guru personalities” who had been influential in the spiritual formation and careers of dozens of priests and of several bishops. (*These concerns are echoed by Cahill (147))
5. This problem is exacerbated by religious orders not being constituted to control “their” congregations or abbeys, each of which are autonomous[[92]](#footnote-93). This is still further compounded by the oaths of allegiance typically being to the well-being of fellow brothers rather than those who they serve, for example children.
6. We have observed that vulnerable adults and children who have difficulty in communicating are targeted by abusers. We are aware of examples in Milwaukee, Argentina and Italy.[[93]](#footnote-94)[[94]](#footnote-95) We have also been told that pupils at St Benedict School in London who benefited from scholarships were much more likely to be abused.[[95]](#footnote-96)
7. Clericalism (with the claimed ontological change on ordination), the psychosexual immaturity of so many male clerics remain major factors in continuing abuse of minors. (Cahill 213) and echoed by Prof Dr Zollner (Section G). He criticised “clericalism, in which clergy are shown excessive deference and a presumption of moral superiority. It as an attitude of being "above the law" and "no one can tell me what to do; I can take whatever I want". Maybe the more senior the cleric is, the greater the problem. Zollner referred to senior leadership in the church around the world as “The untouchables [who] have become the target of criticism. The level of trust is below zero, and this is devastating for an institution based on trust and faith."[[96]](#footnote-97)
8. Around 20-50% of priests or male religious are homosexual (and as noted above 70-85% of victims are males). While “homosexual orientation is not directly correlated with the sexual abuse of children but is a significant risk factor in those priests and brothers who have not satisfactorily resolved their sexual identity in a mature, adult manner” (Cahill 251). Catholic doctrine of course regards homosexuality as intrinsically disordered” (Cahill 227) “The moral theology textbooks since at least the twelfth century have maintained the distinction between mortal sins ‘in accordance with nature’ (fornication, adultery, incest, rape and abduction), because they maintain the possibility of procreation, and mortal sins ‘contrary to nature’ (masturbation, sodomy, homosexuality, fellatio, cunnilingus, bestiality), which were considered as a greater violation of the moral order because they pervert the potential for procreation.” (Cahill 380)
9. If rape is regarded as less sinful than the generally victimless and, given the above, seemingly commonplace, homosexuality and presumably masturbation, it may go some way to explain why rape and other sexual violation of others appears to be so widespread. We of course recognise that the Church’s doctrine and how it regulates itself are entirely its own business.
10. The above problems are not restricted to orders or movements, they apply to dioceses and archdioceses too.

**SECTION I – SOME POSITIVE DEVELOPMENTS**

1. We are pleased to see attempts at reform initiated by Archbishop Charles Scicluna and Prof Hans Zollner, president of the Centre for Child Protection at the Pontifical Gregorian University, who co-organised the Pope’s international conference in 2019[[97]](#footnote-98).
2. We also await practical positive examples of lifting of the pontifical secret, announced in December, before welcoming this widely lauded measure. We are, however, troubled by a statement attributed to the Archbishop that “there has to be a specific request, and that all the formalities of international law are to be followed”[[98]](#footnote-99) This seems a long way short of a simple request to the relevant Nuncio which is all that should be necessary under the Convention.  
   Yet an attempt, reported in February 2019, by the England & Wales abuse Inquiry to do this with a criminally enforceable order (which should not have been necessary) failed to elicit a response and legal proceedings were being considered. Leading abuse lawyer Richard Scorer commented “It is absolutely outrageous that the papal nuncio seeks to hide behind diplomatic immunity to avoid giving information to the inquiry. Yet again it shows the Vatican stalling and covering up scandal and gives the lie to their claims of change.”[[99]](#footnote-100) The nuncio has since retired without any replacement being announced.[[100]](#footnote-101)
3. We were pleased at the breaking of precedent at the lifting of diplomatic immunity for Archbishop Luigi Ventura, the French nuncio, who had been accused of multiple sexual assaults against other males.[[101]](#footnote-102) It remains to be seen, however, whether this marks a blanket change in policy.
4. We welcome the first removal of a cardinal’s rank for alleged serious disciplinary and potentially criminal offences (Theodore McCarrick)[[102]](#footnote-103), although are concerned about the delay in the publication by the Pope of a long-promised report into this.[[103]](#footnote-104)[[104]](#footnote-105) It should deal with his alleged questionable donations exceeding $1 Million[[105]](#footnote-106). McCarrick’s secretary described him as “manipulative” and the “foremost fundraiser in the whole Church”. This was probably why he escaped censure for so long, as was the case for Maciel (para 72).
5. We acknowledge a great deal has been done by the Church in some countries to introduce safeguarding procedures. We do not know, however, how comprehensively this has been adopted throughout the world. Safeguarding procedures cannot in our view be effective unless their leadership is entirely independent, and reporting is only directed to an entirely independent and external agent. We have observed this being resisted.
6. The relentless publicity about Church abuse and the cover-up, the protection of perpetrators and the mistreatment of survivors has raised children’s and parents’ awareness about abuse and grooming. This will also have reduced the imbalance of power between children and clerics and made the latter aware of a much greater chance than previously of parents believing their children’s complaints and the abuse being reported.
7. We are delighted that the UN have met victims in Geneva and hope that this will assist their quest to obtain justice from the Vatican.[[106]](#footnote-107)

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2. <https://www.rmit.edu.au/content/dam/rmit/documents/news/church-abuse/child-sex-abuse-and-the-catholic-church.pdf> [↑](#footnote-ref-3)
3. <https://static1.squarespace.com/static/5afadb22e17ba3eddf90c02f/t/5c6b0bdf4e17b62748302439/1550519267630/hs_final_2.pdf> [↑](#footnote-ref-4)
4. e.g. in education, health care, sports and religious organisations, vulnerable adult and transport services [↑](#footnote-ref-5)
5. [www.mandatenow.org.uk/](http://www.mandatenow.org.uk/) [↑](#footnote-ref-6)
6. General email sent out 5 February 2020 [↑](#footnote-ref-7)
7. <https://staff.qut.edu.au/staff/b.mathews> [↑](#footnote-ref-8)
8. <https://www.childabuseroyalcommission.gov.au/sites/default/files/gender_of_claimants_by_catholic_church_authority_type.pdf> [↑](#footnote-ref-9)
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16. <https://www.nytimes.com/2019/02/06/world/europe/pope-francis-sexual-abuse-nuns.html> [↑](#footnote-ref-17)
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19. <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsr1ZWeb%2bRuDNd9qD0ICL6ikRB2cfJhMR51%2f10eGSYFCtruq1Ql9a7QWVRO8Mi60ohmvtNns63WFivVgw0QS1DEV6PEpaEhUn8f6sDrt5BApQ> [↑](#footnote-ref-20)
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21. <https://www.nytimes.com/2019/09/26/nyregion/sexual-abuse-rochester-diocese-catholic.html> [↑](#footnote-ref-22)
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34. <https://www.nbcnews.com/news/us-news/catholic-cardinal-says-any-new-ny-law-abuse-victims-should-n953966> [↑](#footnote-ref-35)
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37. <https://eu.usatoday.com/story/news/politics/2018/12/17/josh-shapiro-more-horrors-coming-catholic-clergy-abuse-scandal/2329159002/> [↑](#footnote-ref-38)
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39. <https://www.thejakartapost.com/news/2019/12/26/bishops-council-denies-knowledge-of-alleged-sexual-abuse-in-indonesian-catholic-church.html> [↑](#footnote-ref-40)
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41. <https://www.bbc.co.uk/news/world-europe-11260290> [↑](#footnote-ref-42)
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    <https://www.secularism.org.uk/uploads/holy-see-pack-unhrc.pdf> [↑](#footnote-ref-55)
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