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 **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**

**PREPARED IN FEBRUARY 2020**

This report concerns the abuse of minors connected to Roman Catholic Church in France.
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. No offence is intended.
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.
The Roman Catholic Church is referred to as “the Church”.

We have underlined a few passages for emphasis.

Quote from president of the French Conference of Bishops, Eric de Moulins-Beaufort, 2019: *victims had also suffered "silence, neglect, indifference, lack of reaction, or bad decisions or dysfunctions within the Church.”*
(Source shown in report.)

**SECTION A - INTRODUCTION**

1. **Who are we?**This report is submitted jointly by National Secular Society and the International Association of Free Thought (Association Internationale de Libre Pensée (IALP)/Asociación Internacional de Libre Pensamiento). Both organisations enjoy Special Consultative status with the United Nations Economic and Social Council (ECOSOC).
IALP is the international affiliate of the Fédération Nationale de la Libre Pensée.

**About the authors and assistance received**

1. This report has been prepared by Keith Porteous Wood, spokesperson on clerical abuse for IALP and President of (UK) National Secular Society, assisted by the Fédération Nationale de la Libre Pensée’s Dominique Goussot and Catherine le Fur.

**About the Report**

1. This report focuses on Church-connected abuse in France 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.
2. We are restricting the remit of this report to abuse-related matters concerning the (French Catholic) Church and where these impinge on the Vatican.
3. We are not examining the worldwide Church nor seeking to draw global conclusions. These are the subject of the (UK) National Secular Society’s (NSS’s) report to you. Inevitably, some of the observations in the NSS report apply also to France, so need to be repeated.
4. We fully endorse the NSS report and the NSS similarly endorses this report as it contains:
a) important information about apparent infractions of the Convention in France and
(b) a case study on how Mandatory Reporting can be ineffective and how it needs to be reformed to better protect victims, not just in France but in many other State Parties.
5. 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, or problems with the Vatican vis-à-vis the Church worldwide. Occasionally, key points are deliberately repeated in different sections.
6. We accept unconditionally the freedom of any religious organisation to organise itself and decide doctrine within the law. That does not, however, prevent us from highlighting matters that could have a bearing on any State Party’s the ability to fulfil the Convention.

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**Background to this report**

1. Until recently, France appeared to have escaped the international scourge of clerical abuse, but only recently we have learned this to have been concealed. The Church has been supressing reports of abuse and is consequently grossly complicit in abuse continuing unnecessarily.
2. We now know that abuse related to the Catholic Church in France (the Church) was significant. The Church’s and the Vatican’s role in dealing with this abuse, much of it criminal, appears to be in contravention of the Convention on the Rights of the Child.
3. Four recent investigatory processes have combined to demonstrate the above, and the inadequacy of France’s law concerning reporting of abuse. They are: the trials of Cardinal Barbarin (Primate of Gauls and Archbishop of Lyon-Vienne) for non-disclosure of abuse, and of the multiple abuse perpetrator (until recently Father) Bernard Preynat; a Catholic commission on abuse; and a Sénat Inquiry into clerical abuse. All are referred to in more detail below.
4. The internationally-renowned website [www.bishop-accountability.org](http://www.bishop-accountability.org) has also drawn attention to the manifest failures of the French Catholic hierarchy over abuse, identifying many of the same failures as we do, corroborating our findings.[[1]](#footnote-1) We have included some of their material in this report (marked “\*” and found in the footnoted webpage) and are grateful to them for permission to do so.
5. We concentrate on the Church as it is one where accusations of abuse and cover up have been most prevalent in France. Our observations, conclusions and recommendations may also apply to other religious organisations.

**SECTION B - CONCLUSIONS**

1. Evidence in this report demonstrates the (French) Church’s decades-long institutional#:
	1. protection of the Church’s reputation through a cover-up that led to the continuing toleration of criminal abuse of children on a large scale by the Church’s clerics. These children were trusted to its care by parents in the mistaken belief in the Church’s moral probity in its care of children.
	2. allowance of known abuse to continue unchecked, therefore being complicit in the continuing abuse of children that in many cases has ruined their lives and those of their families
	3. failure to report that criminal abuse despite that being in contravention of French criminal law
	4. facilitating perpetrators avoiding justice, in turn enabling abuse to continue
	5. treating victims of Church abuse with contempt, often failing to respond to their complaints
	6. failing to offer victims anything approaching adequate reparations as is their right under the Convention
	7. indifference to a known culture of criminal abuse lasting for decades - despite claiming to be a moral leader of the nation
	8. denial and obfuscation about abuse, even now, demonstrating a failure to take responsibility for it, far less show leadership and exercise governance to minimise or eradicate it in future.

	# We describe this as “institutional” because the abuse was not sporadic or sparsely scattered, it was committed repeatedly over decades with the knowledge of the most senior leaders of the Church and not reported by any one of them, despite criminal law requiring this.

	Sub paras b - h compound the abuse already suffered by victims at the hands of those connected to the Church.
2. The French Sénat’s regrettable abandonment in autumn 2018 of a parliamentary commission to investigate paedophilia in the Catholic Church seems incomprehensible given the levels of abuse already known then of credible allegations of failure of bishops to report alleged abusers, even though that is an obligation under criminal law.
We can only speculate whether the Sénat considered sufficiently, if at all, the extent to which this abuse and these allegations are consistent with France’s obligations under the Convention. Article 4 (sentence 1): “States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention.” We invite the Sénat to consider/reconsider reinstating a comprehensive State-led inquiry.
3. We also regret that, given the above, there is currently no sufficiently detailed investigation and the nearest to it is a Church Commission, which is not an adequate substitute to one carried out under the auspices of the State. We also have very serious concerns about the Commission and possible compensation/damages scheme, set out below.
4. We acknowledge that abuse problems exist in other institutions, but these have not yet been revealed in France to be on such a scale as in the Church.
5. The above demonstrates the need in our opinion, for France to adopt Mandatory Reporting of abuse, we suggest along the lines advocated by the pressure group MandateNow[[2]](#footnote-2). They also recommend the legal protection of whistle-blowers.

**SECTION C – RECOMMENDATIONS**

1. We hope the UN will encourage France to follow those recommendations below:

***(Directed at the French State to better enable it to conform to its obligations under the Convention):***

1. We recommend that the French state formally investigates the extent of abuse in the Catholic Church and of allegations of current laws on reporting being flouted and takes steps to reduce both. **We suggest that this be achieved in part by a State-funded commission into child sexual abuse in the Church (and possibly other institutions), independent of the institutions themselves. It should have powers of subpoena as well as being able to take evidence under oath and to cross examine witnesses.
We believe that the decision to abandon an earlier investigation could have weakened France’s adherence to Article 4 of the Convention.**
2. **We recommend that French criminal law be strengthened to make it a criminal offence subject to severe penalties, for example a heavy fine, for those in institutions who know of or suspect child abuse on reasonable grounds that fail to report abuse to external authorities or destroy any relevant evidence.**
3. **The legal obligation to report must:**a. **include the confessional**, (The Australian abuse Commission was insistent that the confessional must not be excluded (Please see Section E: Evasion of Justice).
b. **never transfer the obligation to report the abuse to victims, for example (as has been argued in Cardinal Barbarin’s trial) as a result of them attaining adulthood or disclosing abuse to the institution. Nor should the obligation to report be deemed to have been satisfied simply by not having dissuaded a victim to disclose.
c. include legal protection of whistle-blowers.**
We suggest the above should be along the lines **advocated by the pressure group MandateNow**[[3]](#footnote-3)
4. We recommend that abuse-related offences and Mandatory Reporting are made subject to statute of limitations for no less than 50 years.
5. We recommend that, if victims of abuse could be subject of reporting requirements under criminal Article 434, they are exempted.
6. **We recommend that French civil law be examined to ensure adequate punitive damages are permitted in egregious cases of institutional failure to deal correctly and expeditiously with abuse.**
7. We recommend that the Government establish an independent body to hear complaints from abuse victims in the least adversarial manner possible. (Reasons for this and suggestions about its organisation are given in Section E.)
8. We recommend that this body awards victims fair sums of compensation/damages that fully take into account:
	1. the hurt and duration of abuse;
	2. the resultant losses to the victim in:
		1. relationships,
		2. family life,
		3. health and
		4. earning power;
	3. a penalty for any failures of Church in dealing with complaints or in knowingly allowing abuse to continue.
	4. Punitive damages in exceptionally egregious cases (further information in “Evasion of Reparations” below)
9. The entire cost of the compensation/damages must be borne by the Church. If it refuses to pay, the sequestration of its assets should be considered. Nevertheless, it should remain open to the Church to counter-sue perpetrators or any other parties allegedly at fault.
10. We recommend that the French Government should publish statistics at least annually to demonstrate the extent of referrals of abuse to civil authorities and prosecutions for institutional abuse to assist in assessing the extent to which children are being properly protected.
11. We recommend that the above should be complemented by: education; the mandatory prominent display of notices about abuse and reporting it to bodies unconnected with the institutions; and information campaigns urging reporting to bodies unconnected with the institutions.

***(Directed at the hierarchy of the Church):***

1. We recommend that, in order to protect victims, the Church takes much more punitive and effective steps to ensure all those connected with the Church follow the law concerning abuse and reporting of suspected abusers.
We remind the Church that practically every other organisation makes failure to comply with the law in the course of their employment an offence subject to dismissal. It is even more important to require this where minors have been so demonstrably at serious risk of abuse.
We invite the Church to demonstrate good faith relative to survivors by undertaking to implement such disciplinary measures and enforce them without fear or favour, even if this involves a bishop. Where the circumstances merit dismissal but this is not within the power of clerics in France, we urge the Church to undertake to recommend dismissal publicly to the appropriate authority.

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**SECTION D – PREVALENCE OF ABUSE**

1. The Sauvé Commission was set up by the French Catholic bishops’ conference to investigate abuse since 1950. In June 2019 it invited reports from victims of child abuse connected with the Church[[4]](#footnote-4). So far, 4,500 reports have been received. The real number will be higher, as M. Sauvé admits: “I am convinced that the people who have been sexually abused in the last fifty years are far from having heard our appeal. And for those who have heard it, they are far from ready to speak".[[5]](#footnote-5) Indeed. Some victims will be reluctant to re-engage with the Church responsible for their abuse; many victims do not disclose or claim for their abuse for decades as shown below. Nevertheless, the number above is sufficiently high to confirm that levels of abuse are a major concern.
2. As noted in the NSS report. “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.[[6]](#footnote-6)”
This is why a 50 year statute of limitation on abuse cases and their reporting is needed.

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

**Suppression of truth**

1. Public support for the State’s/Sénat’s comprehensive investigation of paedophilia in the Catholic Church was extraordinarily high: 90% of respondents and even 85% of Catholic respondents, emphasising the pressing need for an independent investigation with power.[[7]](#footnote-7) And this preceded the huge publicity surrounding the Cardinal Barbarin and Preynat trials which would surely have raised these percentages even further. Yet in autumn 2018 the Sénat abandoned a detailed commission of inquiry, despite widely publicised knowledge of wholesale abuse having been concealed by the Church. The Sénat seemingly failed to consider adequately whether the decision weakens France’s adherence to the Convention. The abandonment was also a further betrayal of victims; they had been betrayed by their abusers and few if any have been decently dealt with by the Church responsible for that abuse.
2. The initiative by the bishops’ conference of the French Catholic Church to set up the Sauvé Commission to investigate abuse is not remotely an acceptable substitute for the Sénat Commission, for reasons which include the following:
	1. No inquiry into abuse could be fair or acceptable unless it is survivor/victim centred, which this is not.
	2. Many survivors/victims will be reluctant to complain to the Church that was responsible for their abuse, and that has already demonstrated its callous indifference (and/or hostility) to the survivors/victims. Further, the hierarchy has almost totally failed to accept responsibility or culpability for the truth of its heinous moral and criminal failures. Victims would be much more likely to respond to an independent inquiry unconnected to the Church.
	3. Many survivors/victims will also be reluctant to complain to the Church because of concern about the Church’s ulterior motives, for example the extent to which information they are asked to give without the assistance of lawyers might be used to resist or minimise a civil or even criminal claim.
	4. A survivor who identified himself solely as “Michel” has declined to give his full name when criticising the Church Commission.[[8]](#footnote-8) This confirms that some victims fear the Church-connected logging of abuse and settlement process, and that this could threaten their freedom to speak out about the truth on abuse.
	5. As shown elsewhere in this report, the Church has demonstrated a criminally reckless disregard both for victims (almost exclusively children of worshippers at their own Church) and bringing suspected perpetrators to justice. That same Church will also have dictated the Commission’s terms of reference, chosen the personnel and retained at least some control.
3. We direct no criticism at those in the Commission, but questions need to be asked about its suitability:
	1. Who nominated those in the Commission and whether the most independent possible people were chosen?
	2. How autonomously can they operate? (churches have a history of investigating themselves and being shown later to have manipulated the outcome materially in their favour[[9]](#footnote-9)).
	3. How can we be as confident of the conclusions of the Church-nominated commission as of conclusions drawn up by an entirely independent body?
	4. What safeguards are in place to ensure that data collected could not be used to victims’ disadvantage in their claims? (Please see reference to “Michel” in d) below.)
4. It would be far more satisfactory, especially to victims, if an inquiry into Church abuse was arranged by those completely unconnected with the Church (preferably the State) and in consultation with survivors/victims to:
	* 1. set the terms of reference and detailed procedures,
		2. appoint the supervisory team and directly or indirectly the staff
		3. collate the results and conclusions and
		4. ensure those making claims receive appropriate treatment

***Evasion of Justice***

1. According to a highly credible article published in 2017 in the respected National Catholic Reporter website, written by a Catholic and former Reuters correspondent[[10]](#footnote-10), “A hard-hitting French television investigation has accused 25 Catholic bishops of protecting 32 accused clerical sex abusers in France over the past half century and often transferring them to other parishes or even other countries when they were singled out for sexual abuse of minors. … Of the 25 bishops it accuses, five are still in office: Lyon's Barbarin; Archbishop Jean-Luc Bouilleret of Besançon; Bishop Marc Aillet of Bayonne; Bishop Yves Le Saux of Le Mans; and Bishop Bernard Fellay, head of the Society of St. Pius X [based in Switzerland but with some activities in France]. … The inquiry found 339 victims, 228 of whom were under 15 at the time of the abuse. Only 165 of their cases were eventually reported to justice authorities. … the inquiry found that 16 of the 32 alleged abusers were accused after 2000, the year the bishops' conference decided to tighten its abuse guidelines and require that abusive priests be turned over to the authorities.”
The Church declined to take part in the television programme, but we have seen no claim from it that the accusations are incorrect. More detail is given by Mediapart[[11]](#footnote-11)and in English by a website recognising its nomination in 2018 for an Investigative Reporting Award[[12]](#footnote-12) as well as in a book, *La Mécanique du Silence* by J C Lattès.
2. And we are almost certain that the above list of bishops failing to report as the criminal law requires is incomplete. A priest named Matassoli allegedly died in 2019 in France by the actions of a young man who the priest had allegedly abused. The young man’s father had been abused by the same priest and his grandfather had committed suicide when he learned about this. The young man reportedly has mental problems.
This article alleges that the Bishop of Bayeux and his two predecessors had not reported the abuse by Matassoli as they were required to do under the law.[[13]](#footnote-13) Had they done so, it is likely many of these tragedies would have been avoided. Crucially, none of the three bishops appears on the list of 25 bishops referred to above.
3. France’s law on the requirement of citizens to report serious crimes became mandatory in France on 1 Jan 2002 under Article 434-3, but in practice it often fails to protect victims of Church abuse while perpetrators are rarely prosecuted. This is because the Church, seemingly as a matter of practice, perhaps even secret policy, does not follow this law and has been allowed to act with Mafia-style impunity[[14]](#footnote-14).
4. It is inconceivable that Cardinal Barbarin did not know that the law required him to report abuse and that failing to do so was a criminal misdemeanour. As recently as 2018, Bishop Andre Fort (bishop of Orleans from 2002 to 2010) was convicted of failure to report. Section D details accusations made on TV and online in 2017 of 25 French bishops referred to above, which included Barbarin himself, who had not reported abuse.
5. As the most senior Catholic cleric in France, it was not only Cardinal Barbarin’s duty to follow the law, but instruct all clerics, lay staff and volunteers to do likewise - as it would be for the head of any law-abiding organisation to require of their staff. He seemingly did not do so, and we can only hope he did not give instructions that the law not be followed; but if he did so he would not be the first Catholic prelate to do so. The Committee for the Rights of the Child strongly criticised the Holy See in 2014 over “priests who have been congratulated for refusing to denounce child abusers, as shown in the letter addressed by Cardinal Castrillon Hojos to Bishop [of Bayeux-Lisieux] Pierre Pican in 2001”[[15]](#footnote-15). Pican was later convicted of failure to report.[[16]](#footnote-16)
6. Yet when there were complaints about Preynat’s abuse, Barbarin did not inquire of French lawyers about this abuse which took place on French soil, but asked the Prefect of the Congregation of the Faith, who surely knew less about French law than did Barbarin or the Church’s lawyers. It does not reflect well on Barbarin’s likely motives that he sought advice from the Prefect of the Congregation of the Doctrine of Faith, surely knowing the requirements of French criminal law. This behaviour was more consistent with his believing that Vatican law (or convenience) should prevail on French soil over French law.
7. According to the Church’s disturbing arguments in the Barbarin case detailed below, victims - rather than Church officials - become liable to report abuse (providing they have capacity to do so). If the Church’s/their lawyers’ disturbing interpretation of the law is correct, this means that, under French law, victims of abuse become criminally liable for failing to report their own abuse. If this is correct, we recommend the law be changed.
8. Above, we recommend Mandatory Reporting (MR) of *institutional* abuse of minors. The importance cannot be overstated of not making any exemption for disclosures in the Confessional[[17]](#footnote-17). The footnotes give a typical argument for an exemption[[18]](#footnote-18) and powerful arguments for no exemption.[[19]](#footnote-19)
Effective and actively enforced criminal sanctions for non-compliance (including the destruction of relevant records) is also important. Reinhard Marx, head of the German Bishops’ conference admitted "The files that documented these horrible acts and could name those responsible were destroyed or not created at all." This also happened in Australia.[[20]](#footnote-20) There seems no reason to suppose that did not happen in France.
9. Victims have already complained about the Church’s proposed failure to admit responsibility when making payments to victims under its payment scheme, which raises alarm about the extent to which recipients may be losing legal rights by participating in this scheme. We examine the financial implications of this in “Reparations” below. This failure to admit responsibility, i.e. an evasion of truth, comes despite the president of the French Conference of Bishops, Eric de Moulins-Beaufort, acknowledging that the victims had also suffered "silence, neglect, indifference, lack of reaction, or bad decisions or dysfunctions within the Church."

**Evasion of** **Reparations**

Inadequate level

1. The sums envisaged to be paid to victims by the Church under its proposed scheme are derisory and insulting. “A source at the CEF said the sums being discussed were in the thousands of euros.” If the basis of compensation/damages for abuse victims is as we advocate in the recommendations above, this could never be less than tens of thousands of euros and in most cases, it should be in the hundreds of thousands of euros.
2. We recommend that punitive damages are incorporated into the civil law (and into the Church’s compensation scheme) in cases of abuse where the institution’s actions have been especially egregious, as appears to be the case over many victims of the Church. Juries in the USA and Canada have awarded additional, punitive, damages. The RC Church in Canada paid punitive damages of $Can 500,000 to abuse victim MacLeod[[21]](#footnote-21) in damages totalling over $Can 2,500,000. His reaction was: “My whole focus was to establish punitives as a method to forestall any more sex abuse, [and] setting this precedent I think will do that.”
3. The basis of the punitive damages awarded to Mr MacLeod (which echo Church abuse victims’ experiences in France) were in the words of the victim’s lawyers:
	1. secretly moving perpetrators elsewhere to avoid scandal
	2. neglect[ing] to document offences
	3. the abusing institution being “grossly negligent” by putting children in harm’s way
	4. there was no reconciliation with victims
	5. there was a betrayal of trust in the community
4. Richard Scorer is head of the abuse team at Slater & Gordon, a leading firm of solicitors dealing with abuse and is the lawyer for more victims than any other solicitor in abuse inquiry in England & Wales, IICSA[[22]](#footnote-22) He has told us that “Where churches set up compensation schemes this is always done to reduce the compensation it would otherwise have to pay and generally to reduce damaging publicity.”
5. The Church cannot even bring itself to consider all that pain and loss, proposing preposterously a one-size-fits-all (small) lump sum “We are considering a single, lump sum because how do we quantify the pain?" Bishop Pascal Delannoy, the bishop of Saint-Denis in charge of the compensation think tank told La Croix.[[23]](#footnote-23) Richard Scorer reacted to this dismissively: “Pay-out levels are far too low to reflect victims’ often ruined lives. The compensation/damages should be commensurate with the medical, emotional and financial damage [victims] have sustained.”
6. Francois Devaux, president of the abuse victims’ association La Parole Libérée, responsible for the private prosecution of Barbarin for non-disclosure, seems similarly sceptical. He referred to the “colossal financial impact”[[24]](#footnote-24) of such abuse and believes the fact that Church’s proposed compensation scheme is being rushed out before the Commission reports on the thousands of victims complaints are analysed raises questions “about the fundamental intent and benevolence of such an approach”.
Victims are to be paid whatever the Church cares to bestow on them, without any independent endorsement.
7. Most unsatisfactory of all from the perspective of victims is that compensation is not going to be based on what is independently regarded as a fair compensation/damages but limited to what happens to contributed voluntarily into an endowment fund that is being established: “Those paying into the fund would be bishops, any members of the Church who wanted to contribute -- and those priests, still alive, who had committed the abuse.”[[25]](#footnote-25) “The amount of the pay-outs to be made will be determined at a meeting in April [2020], conference chairman Eric de Moulins-Beaufort, the archbishop of Reims, told reporters.”[[26]](#footnote-26)
8. The amount of compensation/damages envisaged seems likely to be so inadequate it adds insult to injury. The bishops regard it as a “gesture”[[27]](#footnote-27); victims will believe it beneath contempt. It does not display any intention to properly compensate the victims for the damage and losses. The scheme is most likely an attempt to deflect criticism by giving the false impression to the public that the Church is compensating its victims. This would be wrong on both counts. It isn’t reparation/damages and the Church centrally is not bearing the cost.

Evasion of liability

1. Despite the level of criminality that has been exposed and the Church’s immense wealth, the Church is refusing even to admit any liability. As well as adverse financial and legal implications, admissions of responsibility are vital to victims’ psychological recovery and achieving closure; they need for justice to be seen to be done. The Church’s “But any money paid was designed neither as compensation that would be determined by a court or by canonical justice, nor as reparation” fails to satisfy victims’ needs. This evasion – this “ex gratia” attitude – constitutes a further example of Church’s actions over abuse being self-serving and generally with little, if any, consideration for the adverse impact on victims.
2. Le Parisien collected the testimonies of Parisian parishioners, and many expressed their astonishment. One told the newspaper "It's not up to us to pay, it's not our fault, it would be too easy!" “It is up to the Church itself, which is rich, to take responsibility."[[28]](#footnote-28) This is a common and understandable reaction, which we endorse.

Foregoing of rights

1. Richard Scorer warns that church settlement schemes are “often made subject to conditions that are contrary to victims’ interests. This could include non-disclosure and foregoing the right to take legal action.” We do not yet know the terms, but these will need to be examined with great care.
2. The proposed timing of payments could deny some victims the possibility of legal action: “They would prioritise paying victims of abuse where the offences happened too long ago to be prosecuted. Victims whose cases could still be prosecuted would receive payments at a later date.”[[29]](#footnote-29) An obvious and alarming consequence of this, that it seems difficult to believe has not occurred to the Church, is that some victims whose cases could still be prosecuted will miss the deadline for that prosecution while waiting for compensation.
3. We note above in the “Evasion of Justice” subsection that victims may be unwittingly foregoing rights and financial remedies by accepting money from the Church under their settlement scheme. Consequently, we believe that the financial aspects of this exploitative scheme are highly unlikely to be in victims’ interests[[30]](#footnote-30) to the point that we would dissuade any victim from participating in the scheme without having taken independent legal advice.

Compensation just a Public Relations ploy rather than being an attempt to benefit victims

1. The bishops describe the payment as being to “help bishops reconcile with victims”[[31]](#footnote-31). Yet again it is about easing their pain and totally ignoring the pain they have inflicted on victims.
2. The Church is clearly signalling that it shows no contrition nor intends to shoulder any financial burden for its decades of negligence in not reporting abuse, which is also a criminal offence and has directly enabled abuse to continue. This would not be acceptable even if the Church were in dire financial straits. But the opposite is the case; it has billions of euros of cash, investments and property that should be being applied towards paying fair settlements to mitigate this damage the Church has caused.

The Convention

1. This failure to offer adequate compensation/damages has serious implications for France’s compliance with the Convention. Article 39 requires it to “take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation, or abuse ….”. The Church’s proposals fall a long way short of that. We recommend that France require the Church to fund fair victim compensation/damages, preferably determined by an independent body.

**Non -recurrence**

1. It could not be more telling that the Church has not even pretended to offer some new direction of activity to suggest that anything will change for the better.
2. The Church hierarchy has not, and not even promised, to require every bishop to report all known abusers to the police on pain of their forced resignation being automatically proposed to the Pope.
3. Most revealing of all, the bishops have brazenly sent a discouraging, bordering on intimidating, deterrent to potential whistle-blowers. Barbarin and 11 other bishops removed[[32]](#footnote-32) high-profile victims’ advocate, Fr Pierre Vignon, from the interdiocesan ecclesiastical tribunal on which he had served for 25 years and was a judge.

**SECTION F – THE CHURCH IN FRANCE**

1. In 2020, the criminal conviction of France's most senior Roman Catholic cleric, Cardinal Philippe Barbarin, for failure to disclose his knowledge of the serial sexual abuse by (then Father) Bernard Preynat was overturned on appeal. The abuse could hardly be more serious. Preynat is likely to be sentenced to at least eight years in prison for the abuse of at least 75 boy scouts over decades including two cases of rape. Yet the true number must be many more as “Preynat testified that while working as their scout chaplain, he abused up to two boys ‘almost every weekend’ from 1970 to 1990 and as many as four or five a week when he led one-week scout camps.”[[33]](#footnote-33) He was berated for paedophilia by a bishop as early as 1960[[34]](#footnote-34).
2. Nor could the cover up be more complete. Barbarin was made aware[[35]](#footnote-35) of the priest's attacks in the 2000s and summoned him in 2010 for a change of assignment. The Court of Appeal found that the cardinal archbishop knew enough, then, to denounce Preynat. The acquittal therefore was not because the court had not been convinced that he had failed to report the abuse, but that the case had been brought too late. Indeed, the appeal court deemed it “seriously objectionable” that it was not until 2015 that the priest was removed from office[[36]](#footnote-36)
3. As one report puts it, "a succession of cardinals[[37]](#footnote-37) in charge of the Lyon archdiocese from 1978 to 2019… [Renard, Decourtray, Balland, Billé and Barbarin] had turned a blind eye to the paedophile's offending". Numerous other clerics must have been aware of it. The criminal law required reporting to external authorities from 2002, and the bishops’ conference abuse guidelines had done so from 2000. Failure to do so directly resulted in many more victims being sexually assaulted and/or raped. Preynat himself confirmed this: “Had the Church side-lined me earlier, I would have stopped earlier”.[[38]](#footnote-38)
4. And that was just one case we know about. The Barbarin case turns out to be just one of many. As shown in more detail in Section D, an inquiry found that 25 Catholic bishops (of whom five are still in office) were credibly accused in 2017 of protecting 32 accused clerical sex abusers in France over the past half century and often transferring them to other parishes or even to other countries when they were accused of sexual abuse of minors. “The inquiry found 339 victims, 228 of whom were under 15 at the time of the abuse. Only 165 of their cases were eventually reported to justice authorities. Of the alleged abusers, 28 were transferred to another parish or to a foreign country once accusations against them surfaced, it said. Significantly, the inquiry found that 16 of the 32 alleged abusers were accused after 2000, the year the bishops' conference decided to tighten its abuse guidelines and require that abusive priests be turned over to the authorities.”[[39]](#footnote-39)

Fraternal loyalty leading to institutional dysfunction and failure to protect children from abuse

1. The phrase “Fraternal loyalty” is one used ironically by Bishop Accountability.\* The bishops’ conference (CEF) remained and remains silent about the documented complicity of its own members over these wholesale allegations of episcopal criminality. It, for example, failed to issue any public rebuke of convicted bishop Fort or of Barbarin’s failure to remove and report Preynat.\*
2. We find the above evidence impossible to reconcile with the former CEF President’s denial that there has been a ‘conscious’ cover-up[[40]](#footnote-40)\*
3. The underlying cause of this institutional dysfunction appear to us to be:
	1. Fear of media reaction, and particularly the adverse consequences that this might provoke for the reputation of the Church. This was attested to by Preynat at his trial and confirmed by a victim: “‘I was warned by the hierarchy of the impact these acts could have in the media,’ Preynat said.” The victim added: “This trial shows that supervisors in the hierarchy were aware. We can see there was a lid over the diocese,”[[41]](#footnote-41)
	2. A disingenuously claimed ignorance of the hugely adverse effect on victims, bordering on seeking to paint the Church in the role of victim. Given the evidence presented in this report, many will be affronted by Barbarin’s assertion during his trial that “I cannot see clearly what I am guilty of."
	Similarly, the bishops conference’ statement of 9 November 2019 claimed that “Until a few years ago, the impact of sexual abuse by an adult against a minor was not really understood.[[42]](#footnote-42)
	This lacks credibility and is also disingenuous. The evidence suggests the bishops did not care in the slightest for the victims; had they done so it would have been easy enough for them to inquire of those assaulted or raped.

A much more plausible explanation would be that the hierarchy actively resisted victims’ attempts to inform them. This is borne out by the documentary style film *By the Grace of God* about Preynat’s victims and their attempts to make Barbarin come to terms with his failure to report Preynat. It includes several scenes in which victims seeking to complain and describe Preynat’s abuse to Barbarin are ignored and/or rebuffed. Similarly, Preynat also testified that Cardinal Decourtray (Barbarin’s predecessor 1981-1994) “seemed uninterested in finding out exactly how much damage the priest had done during two decades of abuse. ‘I told him that it was a long story, the drama of my life,’ Preynat said. ‘He made a movement with his arm so that I wouldn’t tell him the facts.’”

After Decourtray ,but before Barbarin, were cardinals Balland and Billé. They were no better. Nor was Barbarin. He relied for his “defence” on claiming not to know the precise facts\* of Preynat’s decades of admitted abuse. Yet Article 434-1 simply requires “having knowledge of a felony”. Barbarin’s attorneys claimed he should not be an “expiatory victim” held responsible for the failings of the entire Catholic Church. It should not have meant, however, that Barbarin should be excused on this basis for (as the prosecution argued) his failure to report abuse he knew of in the Church in France which he then led.

* 1. A total indifference by the hierarchy to the suffering of victims and which the Church’s inaction directly allowed to continue, contributed to by clericalism. This recent bishops’ statement makes no reference to these repeated criminal acts which they criminally concealed. Nor to the wholesale abuse being a betrayal of the children and of their parents who had placed them in the Church’s care, in a mistaken trust in the Church’s moral authority.
	2. The implication of the statement is that until a “few years ago”, deliberately vague, the bishops thought/assumed these criminal acts were benign, yet that is completely inconsistent with the secrecy imposed by abusers on victims often on pain of some terrible deprivation or punishment including the threat of eternal damnation.[[43]](#footnote-43)
	3. A belief in the hierarchy’s sovereign-like immunity from the law also borne of clericalism, bolstered by knowledge of the Church’s record of unpunished criminality demonstrated in this report. Victims are not the only ones to question whether the law is applied as rigorously to clerics, especially senior clerics, as it is to others.

**SECTION G – CONCERNS: HOLY SEE, relative only to France**

1. The Pope met Barbarin publicly in 2016 when the Preynat accusations surfaced and this was widely interpreted as lending him support that would discourage any legal action. The public prosecutor would not instigate a prosecution leaving victims to have to bring a private prosecution, and the prosecutor opposed this too . That there has been one guilty verdict demonstrates that there was a case to answer.
2. A key witness, the then Prefect of the Congregation of the Doctrine of Faith, was subpoenaed to testify at Barbarin’s trial. However, the Vatican refused to allow this on grounds of diplomatic immunity[[44]](#footnote-44). Whether or not this was the intention, this could have scuppered the trial, which would have saved the Church a great deal of adverse publicity.
3. The Pope refused to accept Cardinal Barbarin’s resignation after his conviction[[45]](#footnote-45) for having failed to denounce Preynat, which the evidence confirms, albeit 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, so far, to escape criminal conviction (the case is not yet complete).

**SECTION H – CONCERNS: SOME POSITIVE DEVELOPMENTS**

1. We commend those responsible for the private prosecution of Cardinal Barbarin and others for their failure to report abuse, whatever the outcome. It initiated an unprecedented national debate on abuse in the Church. Unfortunately however, even this appears to have failed, so far at least, to persuade bishops to follow the law of the land on reporting suspected perpetrators.
2. 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.[[46]](#footnote-46) This was decided in the Vatican rather than France and it remains to be seen, however, whether this marks a blanket change in policy.
3. The most positive aspect of all the publicity over widespread clerical abuse for so long is that it has educated parents about the risks to which their children are exposed in Church-connected activities. This will have taught parents to warn children about abuse and to inform their parents of any problems which occur. No longer will parents automatically distrust their children making accusations. END
1. <http://origin.bishop-accountability.org/bishops/summit/#France> [↑](#footnote-ref-1)
2. www.mandatenow.org.uk/ [↑](#footnote-ref-2)
3. [www.mandatenow.org.uk/](http://www.mandatenow.org.uk/) [↑](#footnote-ref-3)
4. <https://www.lemonde.fr/societe/article/2020/02/08/abus-sexuel-dans-l-eglise-a-la-commission-sauve-nous-apprenons-tout-des-victimes_6028864_3224.html> [↑](#footnote-ref-4)
5. <http://www.leparisien.fr/societe/pedophilie-dans-l-eglise-deja-4500-temoignages-recus-par-la-commission-sauve-12-02-2020-8258541.php> [↑](#footnote-ref-5)
6. <https://www.childabuseroyalcommission.gov.au/sites/default/files/gender_of_claimants_by_catholic_church_authority_type.pdf> [↑](#footnote-ref-6)
7. <https://www.lci.fr/societe/sondage-pedophile-pres-de-9-catholiques-sur-10-veulent-une-commission-d-enquete-pour-lutter-contre-la-pedophilie-dans-l-eglise-2100869.html> [↑](#footnote-ref-7)
8. <https://www.thelocal.fr/20191109/french-bishops-vote-to-give-payouts-to-sex-abuse-victims> [↑](#footnote-ref-8)
9. <https://www.usnews.com/news/us/articles/2019-11-21/ap-catholic-church-boards-reviewing-sex-abuse-fail-victims> (RC, USA) and <https://www.bbc.co.uk/news/uk-44565414> (Anglican) [↑](#footnote-ref-9)
10. <https://www.ncronline.org/news/accountability/french-tv-inquiry-accuses-25-bishops-abuse-cover-ups> [↑](#footnote-ref-10)
11. <https://www.mediapart.fr/journal/france/220517/le-nombre-d-eveques-ayant-couvert-des-abus-sexuels-passe-27?page_article=1> [↑](#footnote-ref-11)
12. <https://www.europeanpressprize.com/article/sex-abuse-scandal-french-catholic-church/> [↑](#footnote-ref-12)
13. <https://www.thetablet.co.uk/news/12296/murdered-priest-had-abused-father-and-son> [↑](#footnote-ref-13)
14. <https://www.smh.com.au/national/victoria/study-identifies-16-child-sex-abuse-rings-in-victorian-catholic-church-20200215-p54158.html> [↑](#footnote-ref-14)
15. UN doc CRC/C/VAT/CO/2 para 43(d) [↑](#footnote-ref-15)
16. <https://www.theguardian.com/world/2001/sep/05/stuartjeffries> [↑](#footnote-ref-16)
17. The Church seeks exemption of the Confessional from MR, but we are happy to provide a justification of there being no exemption the considered conclusion of the Australian Royal Commission, and that recommendation has been passed into Australian law <https://www.theepochtimes.com/australian-states-agree-on-mandatory-reporting-laws-for-child-abuse-revealed-during-confession_3161170.html> [↑](#footnote-ref-17)
18. <https://www.theguardian.com/australia-news/2020/jan/16/queensland-archbishop-opposes-planned-law-to-compel-priests-to-report-child-sexual-abuse> [↑](#footnote-ref-18)
19. <https://www.secularism.org.uk/opinion/2018/06/the-seal-of-the-confessional-and-child-abuse-a-religious-privilege-too-far> and <https://www.abc.net.au/news/2020-01-18/catholic-church-mandatory-reporting-child-abuse/11876130> [↑](#footnote-ref-19)
20. <https://www.dw.com/en/catholic-cardinal-marx-says-files-on-child-abusers-destroyed/a-47656178> [↑](#footnote-ref-20)
21. <https://www.cuminggillespie.com/news/blog/record-punitive-damage-award-in-sex-abuse-case-against-catholic-church/> [↑](#footnote-ref-21)
22. <https://www.slatergordon.co.uk/our-experts/richard-scorer/> [↑](#footnote-ref-22)
23. <https://www.thelocal.fr/20191109/french-bishops-vote-to-give-payouts-to-sex-abuse-victims> [↑](#footnote-ref-23)
24. <https://metro.co.uk/2019/11/09/payouts-catholic-church-child-sex-abuse-victims-approved-french-bishops-11071260/> [↑](#footnote-ref-24)
25. <https://www.france24.com/en/20191109-french-bishops-approve-payouts-for-sex-abuse-victims-1> [↑](#footnote-ref-25)
26. <https://www.thelocal.fr/20191109/french-bishops-vote-to-give-payouts-to-sex-abuse-victims> [↑](#footnote-ref-26)
27. <https://www.euronews.com/2019/02/22/france-s-bishops-agree-compensation-sex-abuse-victims-n974376> [↑](#footnote-ref-27)
28. <https://www.thelocal.fr/20191109/french-bishops-vote-to-give-payouts-to-sex-abuse-victims> [↑](#footnote-ref-28)
29. <https://www.msn.com/en-us/news/world/french-bishops-approve-payouts-for-sex-abuse-victims/ar-BBWwbev> [↑](#footnote-ref-29)
30. <https://www.thelocal.fr/20191109/french-bishops-vote-to-give-payouts-to-sex-abuse-victims> [↑](#footnote-ref-30)
31. <https://www.dw.com/en/france-catholic-church-to-compensate-abuse-victims/a-51184169> [↑](#footnote-ref-31)
32. <https://www.lyoncapitale.fr/actualite/apres-sa-lettre-contre-barbarin-le-pere-vignon-sanctionne-par-l-eglise/> [↑](#footnote-ref-32)
33. <https://cruxnow.com/church-in-europe/2020/01/french-trial-exposes-how-church-covered-for-predator-priest/> [↑](#footnote-ref-33)
34. <https://apnews.com/1e2e059fc1008bc1d2f532e4cfc447c2> [↑](#footnote-ref-34)
35. <http://mrbesttech.com/2020/01/30/cardinal-barbarin-released-on-appeal-for-non-reporting-of-sexual-assaults-on-minors/> [↑](#footnote-ref-35)
36. <https://www.nytimes.com/2020/01/30/world/europe/cardinal-abuse-franc.html> [↑](#footnote-ref-36)
37. <https://novenanews.com/french-bishop-gobilliard-lyon-sacramental-seal-pedophile-preynat-confession/> [↑](#footnote-ref-37)
38. <https://apnews.com/1e2e059fc1008bc1d2f532e4cfc447c2> [↑](#footnote-ref-38)
39. <https://www.ncronline.org/news/accountability/french-tv-inquiry-accuses-25-bishops-abuse-cover-ups> [↑](#footnote-ref-39)
40. <https://international.la-croix.com/news/dont-be-afraid-to-examine-the-past-french-bishop-says/8554> [↑](#footnote-ref-40)
41. <https://cruxnow.com/church-in-europe/2020/01/french-trial-exposes-how-church-covered-for-predator-priest/> [↑](#footnote-ref-41)
42. [www.eglise.catholique.fr/conference-des-eveques-de-france/textes-et-declarations/488082-lutte-contre-pedophilie-avancees-de-lassemblee-pleniere-eveques-de-france-de-novembre-2019](http://www.eglise.catholique.fr/conference-des-eveques-de-france/textes-et-declarations/488082-lutte-contre-pedophilie-avancees-de-lassemblee-pleniere-eveques-de-france-de-novembre-2019) [↑](#footnote-ref-42)
43. [https://apnews.com/8d0245fd14924dbdb1c2d28366efb896/%27Weaponization-of-faith%27:-Examples-from-clergy-abuse-report](https://apnews.com/8d0245fd14924dbdb1c2d28366efb896/%27Weaponization-of-faith%27%3A-Examples-from-clergy-abuse-report) (from USA rather than France) [↑](#footnote-ref-43)
44. <https://www.thetablet.co.uk/news/10900/vatican-cites-immunity-to-refuse-ladaria-appearance-in-french-court> [↑](#footnote-ref-44)
45. <https://www.theguardian.com/world/2019/mar/19/cardinal-philippe-barbarin-says-pope-has-refused-his-resignation> [↑](#footnote-ref-45)
46. <https://www.thetablet.co.uk/news/11853/analysis-does-the-lifting-of-immunity-in-france-mark-a-shift-in-the-vatican-s-handling-of-abuse-> [↑](#footnote-ref-46)