

United Nations Convention on the Rights of the Child – supplementary written input to State report

State party: France

Prepared by the (UK) National Secular Society (NGO)
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Coalition members who have expressed the wish to be associated with this report:

SNAP (Survivors Network of those Abused by Priests) <https://www.snapnetwork.org/>

ECA – End Clergy Abuse <https://www.ecaglobal.org/>

Abusés de l'Eglise - Tous ensemble! <https://www.facebook.com/NANCOUTU38/>

l'Association Internationale de la Libre Pensée / International Association of Freethinkers
(in special consultative status with the United Nations Economic and Social Council)
<https://www.internationalfreethought.org/>

Fédération Nationale de la Libre Pensée (France) <https://www.fnlp.fr/>

Recommendations are shown in bold.

Definition: “CCSA” has been used throughout to denote clerical child sexual abuse, including violence and rape.

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A. Summary of report into CCSA

1. A commission appointed by the French Catholic Church called CIASE¹ that reported in 2021 uncovered “massive” CCSA over the last seventy years, estimating 330,000 victims (around 80% male, mainly boys aged 10-13), and concluded that since 1990 sexual violence ... remained at a significant level”. The report describes the hierarchy’s indifference to victims’ suffering and the hierarchy’s sole concern was (and we demonstrate still is) to protect the Church’s reputation.
2. In part, this protection of reputation was achieved by preventing the thousands of perpetrators from facing secular justice, which directly facilitates continuing abuse. Abusers and potential abusers will be emboldened to abuse in the knowledge that they are almost immune from exposure and punishment. The principal mechanism for achieving this was the almost totally observed omertà (despite French law since 2000 requiring disclosure) through intimidation of potential whistle-blowers. We demonstrate the omertà to still be in place.
3. The (unlawful) omertà continues because those at the very top of the Church hierarchy are observing it themselves, so it is reasonable to assume they are imposing it on others, otherwise they themselves would be exposed. For example, the recently resigned most senior French prelate, Cardinal Barbarin, did not disclose the decades-long CCSA - of which he was aware – of a priest who had abused thousands of scouts. A seminarian who broke the omertà was recently dismissed, while the perpetrator, an archbishop, who was convicted of multiple abuse remains unpunished by the Church, sending a clear signal that breaches would not be tolerated.
4. The number of priests estimated by CIASE to have been predators appears, at around 3,000, to be seriously understated, but the magnitude of CCSA can be deduced from the 330,000 victims.

¹ www.ciase.fr

B. Analysis of the report, reaction to it and what needs to be done

5. The report, especially the quantification of victims, was attacked by senior lay Catholics which resulted in the Pope's distancing himself from it, in effect dismissing the report.
6. The single most important and obvious change needed to minimise CCSA would be for the Church itself to require disclosure of suspected CCSA perpetrators to civil authorities, and to enforce this with strict disciplinary sanctions. Yet neither the report nor the hierarchy have called for this. The hierarchy's actions on omertà summarised above show they have no intention of requiring disclosure, quite the reverse.
7. Recent developments cast further doubt of the Church's willingness or ability to take the necessary steps to curtail CCSA. In November 2022 the Church announced that "11 former or serving French bishops have been accused of sexual violence or failing to report abuse cases"² and that it had recently misrepresented bishop Santier's resignation as being on health grounds when it was CCSA-related. The archbishop responsible for the Church's response to CCSA admitted the misrepresentation of Santier's resignation resulted from "serious shortcomings and dysfunctioning at every level"³.
8. It is difficult to conclude other than that this dysfunction is systemic; and two authoritative voices have gone further. The (first female) President of the monks' and nuns' association is on record as saying she has formed the "impression that a number of dioceses were criminal organisations"⁴. Similarly, the former judge who headed CIASE concluded that some abuse cases came close to looking like "a criminal enterprise".⁵
9. For the bishops to require disclosure would cause even greater adverse publicity and would be likely to lead to numerous colleagues being criminally sanctioned. Given this and the foregoing paragraphs, the likelihood of it the hierarchy requiring disclosure of their own volition is minimal.
10. More detail from the 400-page report is shown in Section F.
11. Failure to take this action is likely to lead directly to the continuance of CCSA.
12. The only prospect of forcing disclosure comes through much more concerted action by the state as set out below.

² <https://www.france24.com/en/live-news/20221107-french-church-lifts-veil-on-bishops-sexual-abuse-cases>

³ <https://timesofmalta.com/articles/view/french-church-lifts-veil-bishops-sexual-abuse-cases.993062>
(AFP report)

⁴ <https://www.nouvelobs.com/societe/20210221.OBS40468/abus-sexuels-dans-l-eglise-l-indemnisation-des-victimes-toujours-dans-les-limbes.html>

⁵ <https://www.thetablet.co.uk/news/13928/france-faces-hard-hitting-report-on-clerical-sexual-abuse>

C. Compensation and damages

13. A further major concern is the compensation to CCSA victims, which the Committee specifically asked the State party to comment on. The concerns are partly because so few victims have been compensated but also because the sums awarded by the Church are so low - disingenuously justified on the patently false claims that the Church is poor.
14. Practically everywhere in the world CCSA victims can sue the Church in the civil courts. This has been considered impossible in France because the Church and dioceses are not legal entities that can be sued, so victims have considered they had no alternative but to accept the Church's meagre financial "gestures".
15. The CIASE report helpfully questions this inability, suggesting how this could be overcome (for example diocesan organisations – as opposed to dioceses – hold assets and are capable of being sued).
16. CIASE also recommends a legal change to make all Church organisations explicitly open to being sued for damages for CCSA. We endorse this, providing it does not in the process indemnify the Church for CCSA or claims prior to the legislative changes.

D. The almost total failure of the State party to bring CCSA perpetrators to justice and therefore also its failure to protect vulnerable victims

17. It is difficult to overstate the extent to which CCSA victims have been betrayed by arms of the French state in ways that seem irreconcilable with its obligations under the Convention. The State parties' inactions have led to thousands, and more probably tens of thousands, of perpetrators escaping justice, and continuing to abuse and rape minors free from state criminal sanctions or Church ones.
18. One of the most striking examples of the paucity of the justice response is the CIASE report's disclosure that only 214 convictions resulted from the 330,000 victims (and presumably around a million abuse incidents) over seventy years. We cite other examples of responsible media investigations of many bishops who did not deny failing to disclose offences, yet no prosecutions were brought by the civil authorities"
19. The report acknowledges that the justice system has favoured the Church over the victims. We have cited concerns about the role of police, gendarmerie, prosecutors and even courts where, CIASE acknowledges, the bias has been in favour of the Church and perforce of the perpetrators , and consequently against victims.
20. Given the above and startling scale of abuse, and mindful of France's Convention obligations, we could reasonably have expected that the Government or at least one of the houses of the French parliament to have ordered an independent wide-ranging inquiry, such as the Australian Royal Commission. None have. Instead, the Sénat was content with the Church conducting its own inquiry, which *inter alia* avoided the potential embarrassment of an examination of the State's role.
21. The State party's failure to respond from the apex of Government to the Committee's request to include specific details of CCSA in its periodic report, and not to have made any reference to this systemic CCSA whatsoever in its periodic report, seems to follow the same disturbing pattern detailed in the above three subparagraphs. All seem some distance from France's laïcité (secularism) adopted at

the start of the 20th century. A French priest who has sought to aid CCSA victims, and been punished by the Church for doing so, is convinced that the Church is above the law.

22. In our opinion the only way this cycle of CCSA can be broken is for a much more attention to be given to it by the various arms of the state and in particular the justice system.
23. It is essential for the state to employ all applicable laws (details of some so far not employed against CCSA were suggested by CIASE and summarised below). Furthermore it must prosecute wherever warranted so that the Church hierarchy and anyone else aware of suspected CCSA realises that failure to disclose risks a custodial sentence and substantial personal fines. The maximum tariff for one such suggested offence is 7 years' imprisonment and a fine of 100,000 euros, and there is also the possibility of fines for criminal liability of legal entities for which the fines can be up to five times that for natural persons.
24. We hope that the Committee's Concluding Observations will persuade the State party to move in this direction. The obvious starting point for this is for the State to conduct an independent inquiry into the role of all arms of the State in preventing CCSA and to propose changes to reverse the current deficiencies.

E. Omissions from the state party's periodic report relative to the committee's expressed wishes and possibly to convention obligations

25. We regret that the State party disregarded the Committee's request⁶ to include the following information in its sixth periodic report:

" ... Sexual exploitation and abuse:

Please provide information on:

The investigation and prosecution of cases of sexual abuse by clergy members, and punishment imposed on perpetrators; information on the statute of limitations in such cases; redress, including compensation and rehabilitation; and the steps taken to protect children from sexual abuse by clergy members; ..."

26. No references whatsoever were included in the State Party's report concerning sexual abuse by clergy members, despite there being widely available and reliable evidence (examples of which are set out below, for example from the CIASE report referred to in Section 3) of widespread sexual abuse by clergy members, and of others connected to the Church such as lay teachers.
27. . In our opinion the scale and seriousness of these considerably exceeded the threshold of "difficulties ... affecting the degree of fulfilment of the obligations under

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<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsunLt%2fWNn9IUMCa512sTMkwj68WCPiGZEmVJoXEibT3NFjWjzALk%2feL2QSfSY40k3cLbP3KTDnvOzF1%2fGAeeewwFn4X8w6nuFQrXN0o%2b%2fM>

the ... Convention [that] also need to be reported” under article 44.2 of the Convention, even without any request from the Committee.

28. The State party did not note that it had not complied with the Committee’s request nor explain why it chose to disregard it, despite the request being reasonable and clearly of substance.
29. We find it difficult to comprehend what rationale the State Party could have employed to justify not considering that this CCSA required disclosure under the Convention. The level of abuse, and that the abuse was continuing had been published in a report long before the State Party’s submission.
30. **Recommendation. The State Party be invited to explain why it felt it unnecessary to comply with the Committee’s request and make a supplementary State report to include the requested details and other CCSA-related difficulties in fulfilling the Convention. In particular we suggest it should cover the scale of abuse, and the seemingly systemic difficulties of both Church bodies and state bodies (especially those associated with justice) in minimising CCSA. It should make proposals for bringing to justice those suspected thereof using all available statutes, and for justice to be executed without fear or favour.**

(We have deliberately omitted any reference in the above recommendation for a supplementary report to request information from the State party on the inadequacy of compensation, despite it being a serious concern. This is because the Church’s (belated) response was not clear when the State party reported. We have sought below to make practical suggestions as to how concerns over compensation can be overcome.)

F. Report on CCSA in France – more detail and its findings on scale, severity and longevity of abuse, as well analytical material on timelines, geography, ecclesiastical and sociological and legal context.

31. As summarised above, in 2021 a Commission (CIASE⁷), commissioned by the Church, published its findings into CCSA by clergy members, and others connected with the Catholic Church in France since 1950.
32. We congratulate the Commission, chaired by a practising Catholic, on its thoroughness, scholarship and candour. Nevertheless, we have some reservations about the complete independence of the Commission and some of its findings and recommendations, and the omission of findings and recommendations.
33. Scale of CCSA victims, its severity over the 70 years and current levels of CCSA: The estimated quantification by sociologists and a statistician of the number of victims since 1950 came to 330,000 victims of clergy members, and others connected with the Church⁸. And of course the number of abuse incidents will be a

⁷ <https://www.ciase.fr/>

⁸ <https://www.ciase.fr/wordpress/wp-content/uploads/CIASE-Summary-of-the-Final-Report-5-october-2021.pdf> page 9

multiple of this, unlikely to be less than a million. One of the Pope's advisors endorsed the 330,000 calculation.⁹

The report notes that "the prevalence of sexual violence in the Church is higher than in any other sphere of socialisation, other than family and friendship circles".

CIASE describes the level of abuse as "massive"¹⁰ and established that "60% of the victims have experienced what they consider to be strong or very strong disturbances in their emotional and sexual life, less strong but very real in their professional and social life".

34. This scale and severity would all be a concern of the Committee even if these abuses were solely historical, but CIASE suggests the contrary: "From 1990 onwards: An increase, or at least the appearance of such, in sexual violence, which remained at a significant level".¹¹
35. CIASE offers some connected factors increasing victims' vulnerability to (Clerical) CSA. Principal among these is vulnerability to CCSA resulting from the Church's unique generations-long connection with families in connection with education and pastoral matters that generate unquestioned trust. No other institution has such a comprehensive unquestioned entrée, although it seems evident that the reduction in adherence, a general reduction in subservience and the publicity surrounding CCSA will have substantially eroded it. CIASE emphasises perpetrators' "hold" over victims, which it describes variously as being "sacramental" (essentially clericalism), "vocational" (that the victim should feel privileged to be "chosen") and finally the ability of the abuser to require secrecy. Holiday camps for the young and new religious communities are also designated as high-risk. Also, perhaps counter-intuitively, CIASE found that "the most Catholic dioceses are those in which the highest numbers of perpetrators ... are reported".¹²
36. We bring these factors to the Committee's attention because as well as going some way to explain the scale of abuse, they justify exceptional measures at prevention, some of which are suggested below.
37. More fundamentally, the Church's failure over decades, possibly centuries, to recognise CCSA and in particular its often life-altering effect on victims, and failure to take corrective action to curtail CCSA, are the largest risk factors.

⁹ <https://www.thetablet.co.uk/news/15352/vatican-postpones-meeting-between-pope-and-head-of-french-abuse-commission>

¹⁰ <https://www.ciase.fr/medias/Ciase-Final-Report-5-october-2021-english-version.pdf> page 24

¹¹ <https://www.la-croix.com/Religion/Abus-sexuels-lEglise-faut-retenir-rapport-Sauve-2021-10-05-1201178972https://www.ciase.fr/medias/Ciase-Final-Report-5-october-2021-english-version.pdf> page 88

¹² <https://www.ciase.fr/medias/Ciase-Final-Report-5-october-2021-english-version.pdf> pp 91, 93, 95 and 121

G. Case study demonstrating Omertà is still in place

38. One of the few prosecutions of a cleric resulted from mainly (but not exclusively) from victims unconnected with the Church making multiple complaints about sexual assaults by Archbishop Nuncio Ventura in Paris's Hotel de Ville, an entirely secular location. In 2020 he was convicted by a Paris court of groping these plaintiffs and (on Church premises) young seminarian Mahé Thouvenel. Ventura was sentenced to a 10-month suspended prison sentence. Thouvenel had been groped several times, once in Mass, and, deeply upset, had reported the abuse. For this he was dismissed, despite there being a chronic shortage of seminarians.
39. That in itself was unfair and unacceptable, but it was very unlikely to have taken place without being sanctioned at a high level. But even if it had been decided at seminary level, the matter was well publicised and there was ample opportunity for those in Church hierarchy, such as Mgr Moulins-Beaufort in charge of the Church's response to CCSA, or the Head of the religious order, to step in to defend him and reverse the decision. That they did not do is consistent with them being content with punishments for breaking the omertà.
40. Thouvenel's defence attorney noted "In this kind of business, it is very difficult to attack the Church."¹³ The Prefect of the newly named Dicastery of the Doctrine of the Faith is aware of this case but has not taken any punitive action against Ventura, who resigned on his 75th birthday, as is customary, but without any Vatican sanction¹⁴.
41. In our opinion this example constitutes evidence of a continuing omertà and impunity of aggressors that can only embolden them to continue abusing. The message the widely publicised incident sends is: "punish the victim or denouncer and protect the aggressor".

H. Recent developments casting doubt on the Church's good faith on CCSA, even now

42. In November 2022 the Church announced that "11 former or serving French bishops have been accused of sexual violence or failing to report abuse cases". In many of these cases of disclosure, the bishops can do so without any possibility of criminal sanction (however clear the case against them) because of the existence of prescription/statutes of limitation which are far too short or should not exist at all.
43. Cardinal archbishop Moulins-Beaufort, responsible for the Church's response to CCSA, admitted and that the Church had recently misrepresented bishop Santier's resignation as being on health grounds when it was CCSA-related. He conceded that the misrepresentation of Santier's resignation resulted from "serious shortcomings and dysfunctioning at every level"¹⁵. Institutionally, it demonstrated that even in the last year the top of the hierarchy was complicit in issuing information on CCSA that

¹³ <https://apnews.com/article/sex-scandals-paris-trials-sexual-assault-france-86899b86f998a7979f893f4cf109d799>

¹⁴ <https://www.liberation.fr/france/2019/12/17/le-nonce-ventura-demissionne-pour-limite-d-age-1769824/>

¹⁵ <https://www.globaltimes.cn/page/202211/1279026.shtml> (AFP report)

was deliberately misleading in an endeavour to protect the reputation of the Church and of one of its bishops.

44. Taken together with the omertà case study above, these developments leave no room for any confidence in the hierarchy's willingness or ability to deal honestly or effectively with CCSA, even now.

I. The role of the state

45. Even more disturbing than the shortcomings in the Church's response to CCSA is the State Party's role in combating such abuse. Abuses against these 330,000 victims since 1950, (and we imagine around a million abuses – presumably all criminal acts), have resulted in just 214 convictions¹⁶ of which there were only "15 were recorded for the period from 1970 to 1990"¹⁷. As CIASE acknowledges, the paucity of convictions arises from "the Church's greater capacity to influence the course of justice, or even to juries showing greater tolerance towards clerics. The higher number of acquittals in criminal cases in "Christian" [more religiously observant] dioceses could be read in this manner"¹⁸. This raises fundamental questions about the effectiveness and even the motivations of the police and prosecutors from the lowest to the highest level.
46. We have similar concerns about the lack of police and prosecutorial reaction to the French news agency Mediapart, in collaboration with the television station France 2, finding credible evidence that twenty-five Bishops had failed to report abuse, in defiance of the Law¹⁹, or of the widely reported case of priest Roger Mattasoli, the ruined family of three generations and the role played in this by the Bishops of Beauvais.²⁰ We have found no evidence of any police investigations or prosecutions, raising the unpalatable question of whether the bishops are in practice subject to the law, which since 2000 has required the reporting inter alia of abuse of children.

J. The need for a much more comprehensive use of available civil and criminal law in relation to CCSA crimes, failure to report and compensation for CCSA.

47. The Church is offering victims a "gesture" of compensation on the disingenuous pretext of it being poor, but we understand it to be a wealthy institution with very substantial financial assets and real estate. We understand that the diocese (not archdiocese) of Lyon, for example, has around a hundred million euros in cash reserves and hundreds of millions of euros worth of property. The amounts of compensation offered so far are a fraction of what is reasonable: €8,000 to €60,000

¹⁶ <https://www.ciase.fr/medias/Ciase-Final-Report-5-october-2021-english-version.pdf> page 98

¹⁷ <https://www.ciase.fr/medias/Ciase-Final-Report-5-october-2021-english-version.pdf> page 191

¹⁸ <https://www.ciase.fr/medias/Ciase-Final-Report-5-october-2021-english-version.pdf> page 97

¹⁹ <https://www.mediapart.fr/journal/france/200317/vingt-cinq-eveques-ont-couvert-des-abus-sexuels>

²⁰ <https://www.la-croix.com/Religion/Catholicisme/Pedophilie-derriere-lassassinat-dun-pretre-lOise-serie-dysfonctionnements-2019-12-12-1201066098> Jacques Benoit-Gonnin (Beauvais) in 2010

for most survivors, with a third receiving less than €8,000. We believe the levels should be a minimum of €100,000 to €500,000 where there has been actual harm.

48. CIASE sets out in pp 281-289 of its final report (English version)²¹ a variety of legal approaches that have not been employed in respect of CCSA but which it thinks could and should be. A summary of these is given below in italics, but pp 281-9 should be read in their entirety to give a more complete picture:
49. It has been widely believed that there is no possibility of more realistic sums being recovered by victims through the courts from the Church in France largely because neither the Church itself, the dioceses or the parishes have a legal persona capable of being sued. CIASE challenges this assumption, pointing out for example that "... many legal entities within the Catholic Church are recognised by French law: diocesan organisations, congregations, official or non-official organisations and foundations, etc." We understand diocesan organisations, for example, hold considerable assets.
50. **Recommendation, as CIASE also recommends, that the law be amended as necessary so that "... all the legal entities within the Church should be able to be held criminally and civilly liable for the misconduct of its components, ministers or members." ... "The juridical liability of the Church can also extend to the juridical liability of natural persons in positions of authority within the Church, foremost among whom are bishops and major superiors of congregations. In short, the notion of the Catholic Church's juridical liability should be understood as the responsibility of the legal and natural persons who constitute it."**²²
51. *CIASE points out that the only conviction of bishops (just two) for failure to report has been brought under "Articles 434-1 and 434-3 of the [French] Criminal Code. Article 434-1 makes it an offence, punishable by a maximum of three years' imprisonment and a fine of 45,000 euros, not to inform the judicial or administrative authorities 'of a crime whose effects can still be prevented or limited, or whose perpetrators are likely to commit new crimes which could be prevented'.*
52. *It then notes that "Broader in scope is the obligation under Article 223-6 of the [French] Criminal Code 333 which severely sanctions the failure to prevent 'either a crime or misdemeanour against the physical integrity of a person' or the failure to provide assistance to a person in danger, when this danger is imminent and constant. This is sanctioned even more severely if the person is under 15 years of age: the maximum penalties here are 7 years' imprisonment and a fine of 100,000 euros."*
53. *Also that "... the [French] Criminal Code provides for the criminal liability of legal entities for offences committed in their name by their representatives or bodies operating under the authority of the former (Article 121-2 of the Criminal Code), with fines in principle five times higher than the maximum amount set for natural persons*

²¹ <https://www.ciase.fr/medias/Ciase-Final-Report-5-october-2021-english-version.pdf>

²² <https://www.ciase.fr/medias/Ciase-Final-Report-5-october-2021-english-version.pdf> pages 282 and 283

(Article 131-38 of the [French] Criminal Code), and specific penalties for crimes or misdemeanours (Article 131-9 of the [French] Criminal Code)."

54. *"The CIASE considers that, even in the absence of relevant case law, it is very likely that the Church's vicarious liability could be engaged on the grounds of the master-servant relationship between a principal and its agent.*
55. CIASE warns the Church: "The Church must take note of this legal situation. It must also realise that, in all events, it is possible, even probable, that the legislator will intervene to draw the consequences of the trauma of sexual violence committed in society as a whole, and consequently implement compensation mechanisms which will weigh on the institutions and communities in which the harm occurred."
56. **Recommendation: The State Party be asked to respond in detail to all the legal points made in pp 281-289 of the CIASE final report (English version)²³, a summary of which appears above, requesting that it states whether it will:**
- a) **make the legislative changes proposed on obstacles to just compensation and on criminal matters, and**
 - b) **encourage prosecutors to employ the more serious offences against suspected CCSA perpetrators and those failing to report, and also against Church bodies for institutional and systemic failures.**
57. N.B. There may be potential avenues for the recovery of damages and compensation even without legislation, so it is essential that new legislation on compensation does not also have the effect of closing these off by a blanket indemnity for the Church against claims for damages and compensation in respect of CCSA or claims made before the legislation is enacted.
58. **Recommendation: In the light of the evidence above, we urge the Committee to request the State party to institute an independent inquiry into the clerical abuse of minors similar to the Australian Royal Commission²⁴ with judicial powers of discovery and to take evidence on oath that answers the questions posed by the Committee and examines:**
- a) **the extent of compliance with the law of all church (including lay) personnel in respect of abuse and reporting, and, to the extent that it falls short, to ascertain the causes, propose corrective measures, and launch prosecutions where possible.**
In particular, we seek a review of the law the French Supreme Court's interpretation of which enabled the overturning of the conviction of Cardinal Barbarin for failure to report abuse of a multiple abuser which abuse the Cardinal admitted knowing of²⁵. We do not consider that a requirement that

²³ <https://www.ciase.fr/medias/Ciase-Final-Report-5-october-2021-english-version.pdf>

²⁴ <https://www.childabuseroyalcommission.gov.au/>

²⁵ https://www.lemonde.fr/societe/article/2021/04/14/la-cour-de-cassation-encadre-l-obligation-de-denonciation-d-atteintes-sexuelles-sur-mineurs_6076774_3224.html

third parties who suspected CCSA should be relieved of their legal obligation to report when the victim reaches adulthood and is of sound mind.

- b) the extent to which reasonable accusations of clerical abuse have not been followed up by the police and/or prosecuting authorities, the reasons therefor and how this can be remedied in future.
- c) the adequacy of the law, especially:
- d) prescription (statutes of limitation) and the extent to which these could be extended or eliminated in victims' interests, subject always to there being no convictions without sufficient evidence to satisfy the required level of proof
- e) mandatory reporting in addition to the current requirements, for example considering the Australian model²⁶, which imposes reporting mandatory reporting obligations on prescribed personnel working within institutions involving minors and vulnerable adults.

Crucially, the Australian model:

- i. includes protection against detriment for these mandated reporters reporting known and suspected child sexual abuse in good faith.
- ii. requires mandated reporters to report any known and suspected child abuse, not only that occurring in their own institution.
- f) for the exclusion of any exceptions to the requirement to report for the confessional to be specifically stated and enforced
- g) whether new provisions could be enacted to release victims from any undertakings not to disclose their abuse, to allow them to initiate criminal action and, if their settlements are manifestly unfair, initiate civil actions
- h) the scope for criminal prosecutions and for these to be pursued in respect of CCSA without any favouritism.

K. Further legal points on improvements and possible obstructions to disclosure of CCSA

59. CIASE made recommendations regarding the protocols on CCSA reporting between the Church and State justice, which we understand were instigated by the State, but have not yet been widely adopted by the Church:

CIASE recommendations Nos 29 and 42 are connected:

Recommendation N° 29: Generalise protocols between the prosecutor's office and the diocese: these must include commitments from the diocese to transfer all reported incidents to the prosecutor and from the prosecutor's office to conduct inquiries rapidly.

Recommendation N° 42: Emphasise to all bishops, the advantages of having protocols in place, for instance the protocol of 5 September 2019 agreed between the archbishop and the public prosecutor of Paris or that agreed in 2020 in the

²⁶ <https://www.iicsa.org.uk/document/professor-ben-mathews-model-law-mandatory-reporting-child-sexual-abuse-england-and-wales>

jurisdiction of Grenoble Court of Appeal with regard to the reporting of any sexual offence of which the archbishop is made aware and the transmission of information concerning legal actions filed further to the said reporting of the offence.

60. **Recommendation: that the State party analyse the effectiveness of these protocols and the extent to which the Church has observed them. If they are believed to have helped to improve the disclosure of CCSA, to press the Church hierarchy to ensure that all dioceses, religious orders and religious congregations adopt them.**
A review should be conducted annually and made public assessing the extent of co-operation and compliance of each diocese, religious order and religious congregation.
(We added religious congregations because they are autonomous, rather than being under the hierarchical control of the religious orders of which they form part.)
61. The scale of CCSA, the Church's demonstrable inability to minimise it and the unique hold over victims described above, justify in our opinion exceptional measures aimed at protecting victims:
62. **Recommendation: that the State party introduce legislation to require those in charge of all dioceses, religious orders and religious congregations to make an annual declaration under oath that to the best of their knowledge all reasonable suspicions of CCSA in their body that are not beyond the statutes of limitation have been reported to the civil authorities. There should be criminal sanctions for making a declaration that is proved to have been made falsely, or failure to declare. We offer no comment about whether such a provision should be introduced beyond the Catholic Church, other than to observe that CCSA has been found in practically every denomination or religion.**
63. CIASE has expressed in a section of its report headed "State Justice Kept to One Side" concerns about the process and delays in bringing suspected CCSA to the attention of the state justice system²⁷:
- "... The Council for Canonical Affairs of the CEF having specified, in its directives, that 'prior to informing the administrative or judicial authorities, the bishop must make sure of the plausibility of the facts', reporting the abuse to the judicial authorities was, at best, delayed, and at worst, abandoned. This position has not been without consequences for the timing of the referral to the state justice system and the collection of evidence, especially since, in the case of *delicta graviora* [*a grave crime*], CEF directives stipulate that the suspect must be informed and received by the bishop, which is not always appropriate in the light of a subsequent criminal investigation."
64. **Recommendation: that the Ministry of Justice formally inform the Church that information about suspected CCSA must be formally reported to the civil**

²⁷ <https://www.ciase.fr/medias/Ciase-Final-Report-5-october-2021-english-version.pdf> pages 220-221, 327-329

authorities within [say] one week of reasonable suspicions having been raised of someone abusing children and this must not be delayed by any parallel administrative or judicial procedure in the Church.