



General Assembly

Distr.
GENERAL

A/HRC/12/NGO/25
8 September 2009

ENGLISH ONLY

HUMAN RIGHTS COUNCIL
Twelfth session
Agenda item 4

HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S ATTENTION

**Written statement* submitted by the International Humanist and Ethical Union (IHEU),
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 August 2009]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Child Abuse and the Holy See

Background

1. In 1990 the Holy See acceded to the UN Convention on the Rights of the Child (CRC), agreeing to take a number of initiatives to protect children¹. However, its accession was made subject to several important reservations based on its status as a church which crucially undermined its accountability – even though it was acceding as a state². In 1994 the Holy See submitted its initial report to the CRC, about which the CRC expressed five areas of concern³ including, crucially:

“10. In the spirit of the final document of the World Conference on Human Rights, the Committee wishes to encourage the State party to consider reviewing its reservations to the Convention with a view to withdrawing them.”⁴

Extent and effects of the abuse

2. The Church is faced with huge numbers of victims of child abuse worldwide⁵ extending over decades. In the USA alone, nearly US\$3 billion has been paid out in compensation. Even in Ireland with a population of only 5 million, more than Euros 1 billion has been paid out (of which only 10% has been borne by the Church).⁶

3. Evidence submitted to the UN in 2003 sets out typical consequences in later life for abused children⁷: Post Traumatic Stress Disorder, vulnerability to further re-victimisation, difficulties with interpersonal relationships, materially increased risk of self-harm or suicide⁸, aggravated by persistent denials of responsibility by Church authorities, as discussed below.

The Church's reaction to the scandal

5. Several characteristics typify the cases that have reached the public domain.

i. Victims have been accused of lying, even in the face of strong evidence to the contrary. (“One must not give scandal to the church” is ingrained in every priest.)

ii In most cases, sometimes over many years, local dioceses have failed to inform the civil authorities and have covered up allegations, whether or not they believe their instructions from the Holy See require this. Moreover, dioceses have moved alleged abusers from one location to another, resulting in repetition of the abuse⁹.

¹ http://www.unicef.org/crc/index_30208.html gives a list of nine

² Holy See Report, 1994, 2.

³ <http://www.unhcr.org/refworld/pdfid/3ae6aec910.pdf>

⁴ <http://www.catholicsforchoice.org/topics/other/documents/2002rightsofthechildshadowreport.pdf> and <http://www.unhcr.org/refworld/publisher.CRC.,VAT.3ae6aec910.0.html>

⁵ http://en.wikipedia.org/wiki/Roman_Catholic_sex_abuse_cases_by_country

⁶ <http://www.timesonline.co.uk/tol/comment/faith/article6354966.ece>

⁷ <http://www.oneinfour.org/services/campaigning%20and%20public%20awareness/sexualexploitation/>

⁸ <http://www.independent.ie/national-news/courts/child-abuse-led-man-to-take-own-life-inquest-hears-1853900.html>

⁹ example: Diocese of Dallas: http://www.richardsipe.com/reports/sipe_report.htm#DIOCESE%20OF%20DALLAS

iii. Although many clerics from all levels have resigned, mostly involuntarily, others have tried to face it out. One who had papal support was Bernard Law, Archbishop of Boston¹⁰, who was forced to resign when he was proved to have systematically covered up abuse in 2002. He still enjoys papal support as archpriest of a papal basilica in Rome and he is still a cardinal.

iv. The Church has frequently suggested that the problem was minor, has blamed other, unconnected factors, or claimed that it did not know the true extent of the problem. It has also claimed that it was ignorant of the nature of child abusers or of their recidivist tendencies known by the church since at least the 1960s.¹¹ Apologies are rare; a general admission of the Church's culpability has yet to be seen.

v. Every possible step has been taken by the Church to minimise both criminal sanctions and the amount of compensation it paid to victims. "Gagging" clauses are routinely imposed as part of settlements of cases¹².

Factors contributing to concealment

6. The most prevalent common characteristic of the thousands of cases of child abuse that have come to light is secrecy at every level, whether "bought" as part of a settlement¹³, of one priest reporting another¹⁴, or – as in Ireland – shameless and widely-publicised attempts made by religious institutions, apparently without censure and possibly with support from highest authorities in the Church¹⁵, to obstruct the publication of reports about wholesale abuse.¹⁶

Apparent contraventions of UNCRC

7. The relevant articles are:

Article 3: (In all actions concerning children . . . the best interests of the child shall be a primary consideration.)

Article 19: 1. (protect the child,... including sexual abuse... effective procedures for the establishment of . . . forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.)

Article 34: (States Parties undertake to protect the child from all forms of ... sexual abuse.)

Article 44(1) (Reporting)

¹⁰ http://www.bostonphoenix.com/boston/news_features/top/features/documents/01847611.htm

¹¹ example: <http://news.bbc.co.uk/1/hi/uk/2548081.stm> although it has treatment centres for child-abusing priests (Richard Sipe at http://www.richardsipe.com/reports/sipe_report.htm#FOURTH%20PHASE

¹² <http://www.timesonline.co.uk/tol/comment/faith/article6354966.ece>

¹³ <http://writ.news.findlaw.com/hamilton/20040108.html>

¹⁴ <http://www.nytimes.com/1992/03/13/opinion/priestly-silence-on-pedophilia.html>

¹⁵ <http://www.guardian.co.uk/world/2005/apr/24/children.childprotection> - the remark of Archbishop Bertone

¹⁶ <http://www.independent.ie/opinion/analysis/when-justice-for-all-means-anything-but-1286290.html>

Article 44(2) (Reporting difficulties... affecting... fulfilment of... obligations under the ... Convention.)

8. The Holy See, alone among the founding signatories, contravenes article 44(1) of the CRC by submitting no quinquennial reports. This omission has only been remarked upon, as far as we are aware, in the Catholics for Choice Shadow Report (*op.cit.*) and by the Irish charity One in Four¹⁷. The CRC publishes agreements for late submissions for State Parties, but none are recorded for the Holy See¹⁸ suggesting that no commitments have been made to make amends.

9. The CRC requested the Holy See to withdraw all its reservations to the Convention, including the exclusion of the Vatican City (the only geographical territory under the jurisdiction of the Holy See) from its agreement under reservation (c)¹⁹, but it has failed to do so. The Holy See cannot escape its responsibility in cases of child abuse by priests elsewhere, given its claim to be “the highest organ of government of the Catholic Church”, and that it does not seek any reservation from the Convention in this respect²⁰.

10. The Holy See’s initial report, submitted in 1994, referred to child abuse only in the context of the family, although the Pope²¹ told US bishops in 1992:

“You are faced with two levels of responsibility: in relation to the clerics through whom scandal [of clergy sexual abuse of children] comes and their innocent victims, but also in relation to the whole of society systematically threatened by the scandal A great effort is needed . . .”

¹⁷ <http://www.oneinfour.org/services/campaigning%20and%20public%20awareness/sexualexploitation/>

¹⁸ <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.51.2.pdf>

¹⁹ “D. Suggestions and recommendations

“10. In the spirit of the final document of the World Conference on Human Rights, the Committee wishes to encourage the State party to consider reviewing its reservations to the Convention with a view to withdrawing them.

“11. In view of the moral influence wielded by the Holy See and the national Catholic Churches, the Committee recommends that efforts for the promotion and protection of the rights provided for in the Convention be pursued and strengthened. In that regard, the Committee wishes to underline the importance of wide dissemination of the principles of the Convention and its translation into languages spoken throughout the world, and recommends to the State party to continue to play an active role to that end.

“12. The Committee emphasizes the need for professionals and voluntary workers involved in the education and protection of children to receive adequate training and education, taking into account the principles set forth in the Convention. The Committee also recommends that the Convention be included in the curricula of Catholic schools. In this respect, it is the view of the Committee that the teaching methods used in schools should reflect the spirit and philosophy of the Convention and the aims of education laid down in its articles 28 and 29.

“13. The Committee recommends that the position of the Holy See with regard to the relationship between articles 5 and 12 of the Convention be clarified. In this respect, it wishes to recall its view that the rights and prerogatives of the parents may not undermine the rights of the child as recognized by the Convention, especially the right of the child to express his or her own views and that his or her views be given due weight.

“14. It also recommends that the spirit of the Convention and the principles set forth therein, in particular the principles of non-discrimination, of the best interests of the child and of respect for the views of the child, be fully taken into account in the conduct of all the activities of the Holy See and of the various Church institutions and organizations dealing with the rights of the child.”

²⁰ [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.3.Add.27.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.3.Add.27.En?OpenDocument) (Extracted 12 August 2009)

²¹ John Paul II, Letter to U.S. Bishops, June 11, 1993, Origins 23, no. 7 (July 1, 1993): 102–103

The Holy See is therefore in breach of Article 44(2) of the CRC in its failure to report these cases.

The Holy See's dual status

12. The Holy See is recognised at the UN as a state through its geographical base in the Vatican City. It sends out ambassadors and makes treaties (“concordats”) with foreign powers²². At the same time it claims a need to exercise its mission in full freedom, and to be able to deal with any interlocutor, whether a government or an international organization.²³

13. Because of the Church's long history and influence, UN institutions have failed to subject such claims to critical examination, so much so that the Holy See has been allowed to escape the same level of scrutiny under the CRC as is applied to other State Parties.

Conclusion and Recommendations

14. The Holy See has been complicit in widespread attempts to cover up cases of alleged child abuse perpetrated by members of its clergy.

15. We urge the Holy See to recognise its responsibilities and honour its commitments to the CRC and to instruct all dioceses to report all cases of alleged child abuse to civil authorities, at least where required to do so by law.

As an institution which claims to have “the highest moral authority”, it can do no less.

16. We would recommend that the UNCRC committee formally request the Holy See to:

1. Clear the backlog of its reports to the UNCRC and state that these should specifically include full compliance with Article 44(2), without reservation by the Holy See – that is, full disclose of child abuse cases;
2. Open up to UNCRC workers and others working in child welfare all its archives in Vatican City State and in States parties concerning any matters relating to known or suspected child abuse;
3. Make available for interview officials with any knowledge of these matters;
4. Issue instructions overriding all others, including in Canon Law, that all Church officials are required to communicate knowledge or suspicions of child abuse to UNCRC officials, and to civil authorities under local laws, which have become known to the Holy See since it became a signatory of the Convention.

17. We also urge the UNCRC to use its powers to investigate, or invite other UN agencies to investigate, the Holy See's non-compliance with the CRC in respect of child abuse by its personnel, its failure to report such abuse to CRC, the conduct of cases submitted to CDF, its reservations on accession to the treaty, the role of internal regulations including Canon Law in

²² for examples see www.concordatwatch.eu

²³ <http://www.unhcr.org/refworld/pdfid/3ae6af7f4.pdf>

impeding child protection, and the role of insurance contracts in possible breaches of the Convention.

These investigations should be completed and publicly reported within five years.

Filename: A-HRC-12-NGO25-E-item4
Directory: H:\@DPU\Human Rights Council\12th session\@NGO
written statements\Item 4
Template: G:\MACRO\OFFI2000\Cover Pages\E.dot
Title: 0312788
Subject:
Author: IN
Keywords: E/CN.4/2003/L.8
Comments: Final
Creation Date: 9/7/2009 6:40:00 PM
Change Number: 4
Last Saved On: 9/7/2009 6:50:00 PM
Last Saved By: bremont
Total Editing Time: 12 Minutes
Last Printed On: 9/8/2009 11:44:00 AM
As of Last Complete Printing
Number of Pages: 6
Number of Words: 2'426 (approx.)
Number of Characters: 12'301 (approx.)