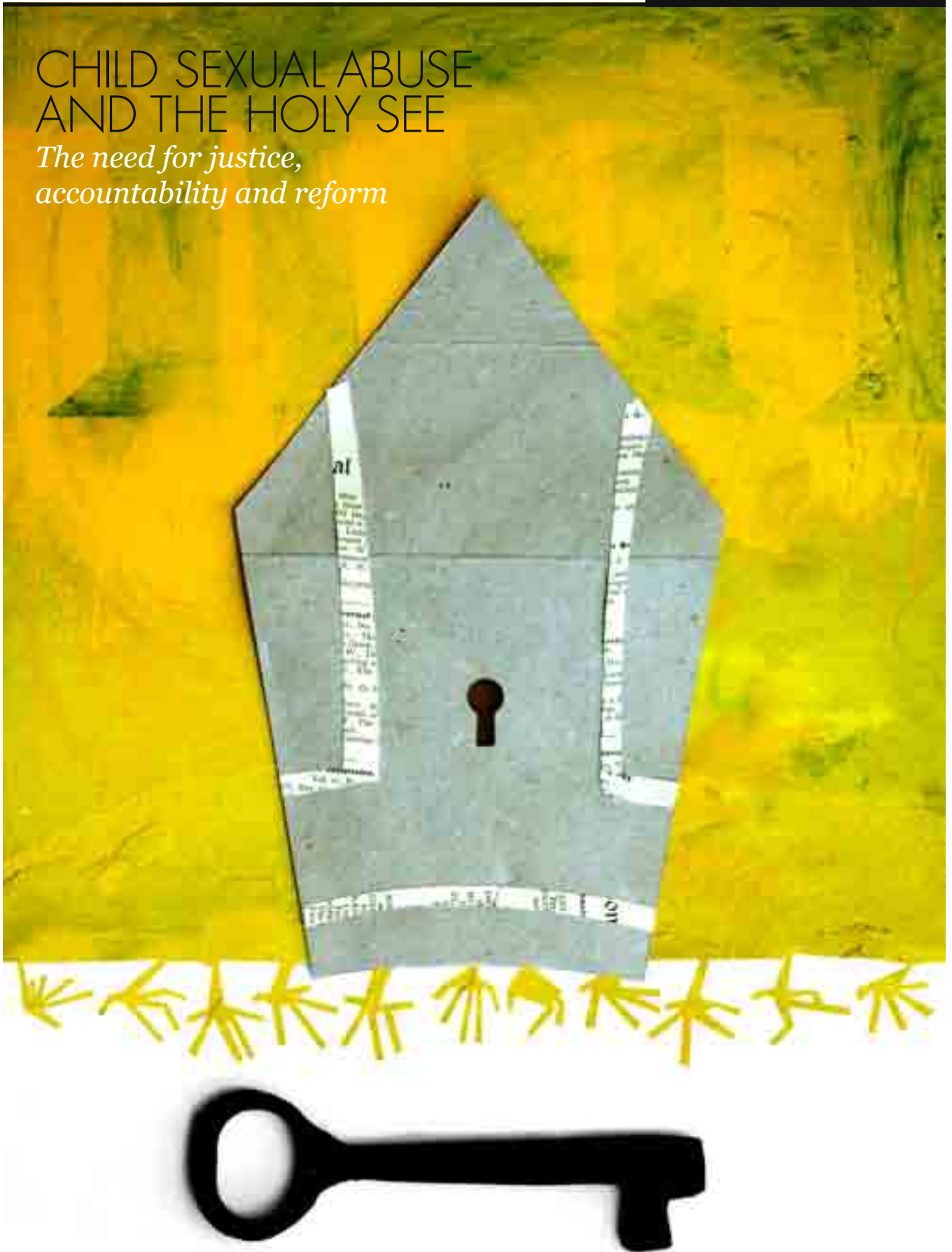


# CHILD SEXUAL ABUSE AND THE HOLY SEE

*The need for justice, accountability and reform*



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## ACKNOWLEDGEMENTS

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# PART I

## THE HOLY SEE UNDER UNITED NATIONS SCRUTINY

## 1. Aim of this report

**The UN Committee on the Rights of the Child is seeking detailed information on sexual violence against children by Catholic clergy around the world, its cover up within the Church and the denial of justice and compensation for victims. The scale of the abuse is huge, affecting countless victims around the world.**

The Holy See is up for review during the UN Committee on the Rights of the Child's (CRC) 65th session on 16 January 2014.<sup>1</sup> In a formal communication with the Holy See in July 2013, the CRC, noting "the recognition by the Holy See of sexual violence against children committed by members of the clergy, brothers and nuns in numerous countries around the world, and given the scale of the abuses...", requested detailed information on all cases of child sexual abuse committed by members of the clergy, brothers and nuns or brought to the attention of the Holy See over the reporting period. This request received significant media attention,<sup>2</sup> but when the Holy See's response to the UN Committee was issued in December 2013,<sup>3</sup> it did not provide the full disclosure sought by the Committee. Despite stating that it considers the Convention on the Rights of the Child as "the most important among the rules of international law",<sup>4</sup> it declined to provide this information, stating that the matter did not fall within its jurisdiction and that it is "not the practice of the Holy See to disclose information on the religious discipline".<sup>5</sup>

At the heart of the CRC's review of the Holy See are the issues of transparency, access to justice for children and protection from violence - issues which CRIN believes are crucial to securing children's status as individuals with rights.

This preliminary global research report maps the scale of child sexual abuse committed by clerics of the Catholic Church and evidence of cover up attempts by the Vatican and Church authorities. It provides an overview of litigation brought by victims of abuse against Catholic clergy seeking remedies for gross violations of their rights. Our aim is to press the Holy See to become more transparent as a State with human rights obligations, and to open it up to further and effective scrutiny by United Nations bodies. We sincerely hope the report will demonstrate solidarity with victims and help to ensure that their voices are heard and acted on by the United Nations as well as the Holy See itself.

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Because the Holy See is now under examination by the UN Committee on the Rights of the Child, this report focuses on clerical abuse in the Catholic Church and Catholic institutions throughout the world. CRIN is well aware that other churches and religious institutions are also implicated in historic and current sexual and physical abuse of children. We aim to expand our research and find additional partners to pursue a broader campaign against child abuse related to religious institutions.

## 2. The Holy See and the Committee on the Rights of the Child

### **Terminology: the “Vatican” and the “Holy See”**

Often incorrectly referred to as “the Vatican”, the Holy See is a separate entity from the Vatican City State. The term “Vatican” was used in ancient times to identify the area on the right bank of the Tiber River in Rome.<sup>6</sup> The Vatican City State was only founded on that territory following the signing and ratification of the Lateran Pacts between the Holy See and Italy in 1929. It is distinct in its nature as a sovereign state from the Holy See.<sup>7</sup> The Holy See is the episcopal see of Rome and dates back to early Christian times. It is recognised in international law as a sovereign entity, headed by the pope, with which diplomatic relations can be maintained; it is considered an extraterritorial authority, which means it is independent of the Vatican territory in Rome.<sup>8</sup> Ambassadors to states and international organisations are officially accredited not to the Vatican City State, but to the Holy See. The Holy See maintains diplomatic relations with 180 sovereign states as well as, for instance, with the European Union.<sup>9</sup>

### **The Holy See at the United Nations**

The Holy See is a non-Member State of the United Nations, having received a standing invitation to participate as an observer in the sessions and the work of the UN General Assembly and maintaining permanent observer missions at the UN Headquarters. This is unique among such religious bodies.<sup>10</sup> It is a full member of some agencies,<sup>11</sup> and a full State participant at major UN conferences with the right to ratify or accede to international treaties and to submit reservations to documents. The Holy See’s status allows it to participate in UN processes when it suits its purposes, but “often removes it from the full accountability expected of Member States”.<sup>12</sup>

### **The Holy See as a State Party to the Convention on the Rights of the Child**

The Holy See signed and ratified the Convention on the Rights of the Child (CRC) on 20 April 1990.<sup>13</sup> It signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC) as well as the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC) in October 2000 and ratified both in October 2001. It has made several reservations and declarations to the Convention (see box):

#### **Reservations:**

a) [The Holy See] interprets the phrase ‘Family planning education and services’ in article 24.2, to mean only those methods of family planning which it considers morally acceptable, that is, the natural methods of family planning.

b) [The Holy See] interprets the articles of the Convention in a way which safeguards the primary and inalienable rights of parents, in particular insofar as these rights concern education (articles 13 and 28), religion (article 14), association with others (article 15) and privacy (article 16).

c) [The Holy See declares] that the application of the Convention be compatible in practice with the particular nature of the Vatican City State and of the sources of its objective law (art. 1, Law of 7 June 1929, n. 11) and, in consideration of its limited extent, with its legislation in the matters of citizenship, access and residence.”

#### **Declarations:**

“The Holy See regards the present Convention as a proper and laudable instrument aimed at protecting the rights and interests of children, who are ‘that precious treasure given to each generation as a challenge to its wisdom and humanity’ (Pope John Paul II, 26 April 1984).

The Holy See recognises that the Convention represents an enactment of principles previously adopted by the United Nations, and once effective as a ratified instrument, will safeguard the rights of the child before as well as after birth, as expressly affirmed in the ‘Declaration of the Rights of the Child’ [Res. 136 (XIV)] and restated in the ninth preambular paragraph of the Convention. The Holy See remains confident that the ninth preambular paragraph will serve as the perspective through which the rest of the Convention will be interpreted, in conformity with article 31 of the Vienna Convention on the Law of Treaties of 23 May 1969.

By acceding to the Convention on the Rights of the Child, the Holy See intends to give renewed expression to its constant concern for the well-being of children and families. In consideration of its singular nature and position, the Holy See, in acceding to this Convention, does not intend to prescind in any way from its specific mission which is of a religious and moral character.”<sup>14</sup>

### First CRC review of the Holy See since 1995

According to Article 44 of the Convention on the Rights of the Child, the CRC requires Member States to submit periodic reports on their compliance with the Convention. Reports are due every five years after Member States' initial report to the Committee.<sup>15</sup> The Holy See submitted its initial report in 1994 and was examined in 1995. The Committee issued Concluding Observations, but at this time did not address clerical child abuse.<sup>16</sup> In spite of its status as a State Party to the Convention and the legal obligations this entails, the Holy See did not submit its next periodic report until 2011, although it was due in 1997.<sup>17</sup>

### The Holy See's second, third and fourth periodic reports

In 2011, the Holy See submitted its second, third and fourth periodic reports, due in 1997, 2002 and 2007 respectively – including information from 1994 to early 2010 – as a consolidated document.<sup>18</sup>

At its pre-sessional working group, held in June 2013, members of the Committee considered information submitted by a number of NGOs including victims' groups and met with their representatives in Geneva. In July 2013, the Committee sent the Holy See a long list of issues focusing predominantly on its handling of child abuse by clerics. "In the light of the recognition by the Holy See of sexual violence against children committed by members of the clergy, brothers and nuns in numerous countries around the world, and given the scale of the abuses", the Vatican was asked to provide detailed information on all cases of child sexual abuse committed by clergy and known to the Church. This included reporting on whether the accused clerics were subsequently removed from further contact with children and which specific legal consequences were implemented, including notifying the police. Also, the Committee asked to be informed about the support and protection which the Church has offered to victims of child abuse and the mechanisms put in place to allow victims to come forward and testify about the suffering they endured.<sup>19</sup>

Nonetheless, in its response to the list of issues, sent in December 2013, the Holy See did not provide the full disclosure sought by the Committee.<sup>20</sup> Despite stating that it considers the Convention on the Rights of the Child as "the most important among the rules of international law",<sup>21</sup> it declined to provide this information, stating that the matter did not fall within its jurisdiction and that it is "not the practice of the Holy See to disclose information on the religious discipline".<sup>22</sup>

## 3. The laws governing the Holy See

The Holy See has a religious legal system based on canon – religious – law.<sup>23</sup> Canon law is the body of officially established rules governing the faith and practice of the members of the Catholic Church. Whereas Catholic canon law was merely found in a collection of official and private documents for many centuries, modern canon law is now codified. The seven books of canon law apply across the entire Catholic Church and therefore to all Catholic faithful as well as its clergy. In that respect, it differs from Vatican State law which only applies within the boundaries of the territory of the Vatican itself.<sup>24</sup> The Code of Canon Law addresses many issues, like family law or property ownership, and its sixth book establishes a penal system which regulates the behaviour of individuals and lists offences.<sup>25</sup>

There are three kinds of penalties which can be imposed upon a person under the Code of Canon Law for the violation of an offence: penances, expiatory penalties, and censures.<sup>26</sup> A penance is "the performance of some work of religious piety, or charity" and is commonly given out in the non-judicial context of confession.<sup>27</sup> Expiatory penalties can include the denial of the use of certain religious titles, offices, rights, privileges or insignia and can deny a person the right to reside within particular territories of the Church. This can be accomplished by denying Catholics membership in certain parishes or dioceses.<sup>28</sup> Censures are the most severe form of punishment, which for clergy can include suspension or removal from religious life and for any Catholic can mean interdiction or excommunication.<sup>29</sup> Even Catholic Penal law does not purport to take the place of criminal law, but canon law and its procedures can, and we believe do obstruct civil or criminal law processes.

## PART II

# MAPPING THE SCALE OF THE ABUSE



## 1. What we mean by “child sexual abuse”

Child sexual abuse<sup>30</sup> is widely defined as an adult using a minor for sexual stimulation. Forms of child sexual abuse include engaging in sexual activities, indecent exposure to a child, grooming a child or production, dissemination or use of pornography involving images of child abuse. While this report broadly refers to sexual violence against children under the age of consent as “sexual abuse”, this collective expression is meant to encompass all forms of rape, sexual violence and molestation and in no way means to diminish the individual victim’s experience.<sup>30</sup> There is simply no appropriate term to describe the personal implications inherent in any form of sexual abuse, including those of the child victim, their family and others involved. The term sexual abuse used throughout this report is therefore used only to summarise the various forms of sexual wrongdoing. Apart from possible physical injury to the child, the psychological effects of sexual abuse of children are huge and known to include anything from depression to post-traumatic stress disorder and anxiety.

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## 2. Uncovering the scale of the abuse

An NGO report submitted to the United Nations Committee on the Rights of the Child earlier this year by the “Centre for Constitutional Rights” on behalf of the “Survivors Network for those Abused by Priests”, lists harrowing examples of the kind of harm done to children by Catholic priests which was subsequently covered up by the Church: a priest who regularly forced sex upon two boys simultaneously; the case of a fifth grader who was molested in the confessional booth; that of another 15-year-old girl who was taken for an abortion by the same priest who had raped and impregnated her; and a priest who offered money to boys in exchange for acts of sadomasochism - the list is extensive.<sup>31</sup>

### A worldwide scandal

Victims all around the world have reported cases of child sexual abuse by Catholic clerics. From Ireland to Kenya, from Colombia to Poland, from the United States to the Philippines - no matter where one turns, it is hard to find a country which has a significant Catholic population and where there have not been serious allegations. And the pattern keeps repeating itself: Catholic priests who misuse their position of authority and regular contact with children.

### Timeline of the revelations

We have been unable to ascertain when the first cases of sexual violence against children by Catholic priests were uncovered. In the light of what has become visible to date, it is fair to suggest that clerical sexual abuse is as old as the Church itself. Allegations of abuse in modern times have been prevalent since at least the 1950s. But such cases have drawn particular media and public attention in the past decade as revelations have grown and become the subject of worldwide academic studies, investigations and litigation.

In 2002, there were large scale revelations in the United States by investigative journalists’ reports that the Archdiocese of Boston had been covering up abuse by priests for years. Although the wider world’s attention turned to the sexual abuse scandal only at this point, alarm bells had been sounding for nearly two decades in many countries. In Lafayette/Louisiana, in 1984, a reverend had admitted to abusing 37 children. In 1989, a case came to light at an orphanage in Newfoundland/Canada. By the mid-1990s, about 40 clerics in Australia faced abuse allegations. In 1994, the Irish government was brought down when it failed to extradite an abusive priest.<sup>32</sup> These revelations were soon followed by a number of official reports, the most prominent of which came from the United States and Ireland.

\* For the purpose of this report, we are referring to the Council of Europe Lanzarote Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, see: <http://conventions.coe.int/Treaty/EN/Treaties/Html/201.htm>

### The importance of research reports

In 2004, the “John Jay Report”, which collated research on the problem of child abuse by Catholic clergy in the **United States**, was conducted by the John Jay College of Criminal Justice. It was commissioned and funded by the US Conference of Catholic Bishops and based on volunteer surveys completed by the Roman Catholic dioceses in the United States. The report stated that a total of 10,667 individuals had accused 4,392 priests of sexually abusing minors between 1950 and 2002 across the United States. It also found that 22.6 per cent of the victims were aged ten or younger, 51 per cent were between the ages of 11 and 14, while 27 per cent were aged 15 to 17.<sup>33</sup>

In **Ireland**, several major reports into allegations of sexual abuse by Irish clergy revealed the scale of abuse and secrecy in the Irish Catholic Church over many decades. These were the result of a range of measures introduced by the Irish government to investigate the extent of child abuse since 1936. The “Commission to Inquire into Child Abuse”, also called the “Ryan Commission” after its chair, Justice Seán Ryan, published the findings of a nine-year investigation in May 2009. The Commission primarily investigated child abuse - both sexual and physical - in Irish institutions for children, so-called “Reformatory and Industrial Schools” operated by Catholic Church orders. The report revealed that sexual abuse was “endemic” and a “culture of self-serving secrecy” reigned in institutions run by 18 religious orders throughout Ireland. More than 2,000 former pupils told the Commission that they had suffered physical and sexual abuse. But the Commission’s findings were never used for criminal prosecutions because the Church successfully sued the commission in 2004 to keep the identities of all of its members secret.<sup>34</sup>

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Later in 2009, the “Report of the Commission of Investigation into the Catholic Archdiocese of Dublin”, chaired by Judge Yvonne Murphy, was released. The “Murphy Report” found that between 1975 and 2004 four Dublin archbishops had effectively turned a blind eye to abuse cases. It concluded that “the Dublin Archdiocese’s preoccupations in dealing with cases of child sexual abuse, at least until the mid-1990s, were the maintenance of secrecy, the avoidance of scandal, the protection of the reputation of the Church, and the preservation of its assets. All other considerations, including the welfare of children and justice for victims, were subordinated to these priorities. The Archdiocese did not implement its own canon law rules and did its best to avoid any application of the law of the State.”<sup>35</sup> After the report was released, all Irish bishops were summoned to the Vatican to appear in person before the pope. Four bishops, who had been named in the report, subsequently handed in their resignations, but the pope accepted only two of them and told the others to remain in post.<sup>36</sup> It was later exposed in a leaked diplomatic cable sent by the US Embassy in Rome in 2010 that the Vatican had been “offended by requests for information from the Murphy Commission, which they saw as an affront to Vatican sovereignty.”<sup>37</sup>

Reports were also commissioned in other countries: in **Belgium**, a Church-commissioned investigation led by a prominent psychiatrist found in September 2010 that sexual abuse of children had reached all parts of Belgium’s Roman Catholic Church, driving at least 13 victims to kill themselves. It listed clerical abuse cases over five decades involving around 500 victims and found that the 1950s to late 1980s had been a period of widespread abuse when priests had unfettered access to children and enjoyed great respect and trust among parents in Belgium, where Catholicism is the majority religion.<sup>38</sup>

In **the Netherlands**, an independent inquiry into more than 200 allegations of sexual abuse of children by priests reported in 2011 that tens of thousands of children had suffered sexual abuse within the Dutch Roman Catholic Church over more than six decades. It identified about 800 “possible perpetrators”.<sup>39</sup>

In **Germany**, the German Bishops’ Conference confirmed in January 2013 that it had called off an academic study and ended cooperation with a criminological research institute which had been investigating sexual abuse cases committed by employees of the Catholic Church, citing a “lack of trust”.<sup>40</sup>

In **Switzerland**, a commission set up by the Swiss Bishops’ Conference in 2002 investigated allegations of abuse involving the Catholic Church. Dozens of people came forward alleging abuse by Catholic priests.<sup>41</sup>

In April 2012, the Victorian Government in **Australia** launched a Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Organisations.<sup>42</sup> In response to the Inquiry, the Catholic Church of Victoria revealed that at least 620 children had been abused by clergy since the 1930s, and insurers of the Catholic Church said they have paid out A\$30 million to about 600 victims of child sexual abuse in Victoria.<sup>43</sup> The final report released in November 2013 revealed that the Catholic Church “trivialised the problem; contributed to abuse not being disclosed, or not being responded to at all prior to 1990; ensured that the Victorian community remained uninformed of the abuse; and ensured that perpetrators were not held accountable with the tragic result being that children continued to be abused by some religious personnel when it could have been avoided”.<sup>44</sup>

In January 2013, a six-member Royal Commission was appointed to investigate Institutional Responses to Child Sexual Abuse in churches and other institutions.<sup>45</sup> In December, the Catholic Archbishop of Brisbane told the Royal Commission of the Church’s “spectacular bungling” and “drastic failure” in dealing with a child sex abuse victim. The Brisbane Archdiocese has had 99 cases of child sex abuse and nine current matters, with \$2.5 million in payments made to victims.<sup>46</sup> An interim report from the Commission is expected to be released by June 2014.<sup>47</sup>

### **Obstruction by the Vatican**

In some countries, such as **Italy**, efforts to uncover the scale of abuse have been obstructed by specific Vatican treaties. It is difficult to obtain reliable statistics for clerical sexual abuse in Italy because the government has a treaty with the Vatican that guarantees areas of immunity to Vatican officials, including bishops and priests. An Italian lawyer for victims of abuse alleged in 2010 that there had been a cover up of clerical abuse in the country and that 130 allegations against priests had been reported in the media in the previous ten years.<sup>48</sup>

In **Australia**, in October 2013, police records revealed that the Catholic Church tried to strike an agreement with New South Wales Police that would have helped shut down investigations into alleged abuse by priests. A senior official with the Catholic Church said that an agreement with the police was in fact operational. According to Greens MP David Shoebridge, “[i]t’s likely that hundreds [of cases], if not more than that were processed through this [agreement], and processed in a way that didn’t protect victims, didn’t assist the police in prosecution for crimes, but protected the good name of the Church and effectively prevented the police from getting the key evidence to prosecute any accused priest”.<sup>49</sup>

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## PART III

# WORLDWIDE EFFORTS TO ESTABLISH ACCOUNTABILITY OF CATHOLIC CLERGY FOR CHILD ABUSE

## 1. Accountability through litigation

Efforts to hold Catholic clerics to account for the sexual abuse of children have been creative and manifold. They have included civil damages claims which have resulted in huge payouts by dioceses to victims; criminal prosecutions of individual clerics; employment law claims against dioceses under the concept of ‘vicarious liability’; and complaints to the Office of the Prosecutor at the International Criminal Court.

Allegations of child abuse that ended in civil or criminal litigation can be found on every continent, but to varying degrees. In North America and Europe in particular, various legal avenues have been pursued to hold the Church accountable for sexual abuse. While some states have been the setting for legal challenges against the Church, examples of litigation in other countries and regions - especially eastern Europe, parts of Asia, the African continent and in some Latin American countries are scarce. The lack of legal challenges in certain parts of the world provides scope for future advocacy and accountability efforts by victims and interest groups.

However, most survivors of sexual abuse by Catholic clergy are unlikely to ever file a criminal or civil complaint. There are two main reasons for this: statutes of limitations - the legally-defined timeframe during which a case can be brought after abuse occurred - often do not take into account the special difficulties for child victims in coming forward during their childhood. Secondly, many survivors are told by their abuser that they are the only victims and as a result, many survivors first have to overcome feelings of isolation before they can come forward.<sup>50</sup>

The next chapter describes legal actions against the Catholic Church, its institutions and individual priests. It is by no means a comprehensive compilation, but rather a collection of cases chosen to shed light on different accountability approaches and to identify the need for further advocacy. Examples from different jurisdictions are employed for illustration purposes.

## 2. Civil claims for damages and settlements

### Compensation for victims

Civil claims for damages for sexual abuse of children by members of the clergy have resulted in compensation judgements as well as in large scale settlements between victims and Catholic dioceses - especially in countries where there have been in-depth studies of abuse. Increased awareness of the scale of the abuse has encouraged growing numbers of victims to come forward and demand compensation. Such lawsuits are generally based on a breach or neglect of duty by the perpetrator - in child sexual abuse cases the duty to “supervise” the child. However, it must be emphasised that compensation settlements have only been secured in a very small minority of the known substantiated cases of clerical abuse.

### United States

Several dioceses in the United States have been at the forefront of civil settlements over child abuse cases. These cases have resulted in large payouts to victims and their families. The Associated Press estimates that the settlements of sexual abuse cases from 1950 to 2007 total more than \$2 billion.<sup>51</sup> BishopAccountability, an online information platform on the abuse scandal in the US, puts the figure at more than \$3 billion up to 2012.<sup>52</sup> Settlements involving 5,679 people alleging sexual abuse by Catholic clergy were documented in the US by BishopAccountability up to 2009. But these victims only represent one third of the 15,235 allegations that US bishops say they have received, and only five per cent of the 100,000 US victims estimated in a 1993 study.<sup>53</sup>

The Dioceses of Portland in Oregon, Tucson in Arizona, Spokane in Washington, Davenport in Iowa, Fairbanks in Arkansas, San Diego in California, Wilmington in North Carolina and Milwaukee in Wisconsin have all filed for bankruptcy as a result of compensation paid to victims.<sup>54</sup> By far the biggest payout in the Church’s sexual abuse scandal was made by the nation’s largest Catholic Archdiocese - that of Los Angeles - which settled its clerical sexual abuse cases for \$660 million in 2007.<sup>55</sup> Recently, in March 2013, the Archdiocese of Los Angeles, its former leader and a former priest agreed to further pay a total of nearly \$10 million to settle four child sexual abuse cases brought against them.<sup>56</sup> Another American archdiocese which has been particularly affected by settlements is the Archdiocese of Boston. In September 2003, it agreed to pay \$85 million to settle more than 500 civil suits accusing priests of sexual abuse and Church officials of concealment.<sup>57</sup> Subsequently, the Archdiocese of Boston announced plans to sell a large part of its headquarters complex, including the archbishop’s ornate residence, for more than \$100 million to allow the archdiocese to pay off loans it had raised to finance its sexual abuse settlements.<sup>58</sup>

### The problem with settlements

There is an inherent problem with the idea of settlements in that there is generally no admission of wrongdoing. This means that perpetrators can prevent their crimes from becoming public, avoid trials and circumvent the disclosure of internal documents. This was the case in the latest settlement made by the Archdiocese of Los Angeles (described above), which was approved by a judge in early 2013. The case was settled before it went to trial and as part of the settlement, none of the parties admitted any wrongdoing.<sup>59</sup>

### Alternative paths to compensation

In addition, compensation has been awarded to victims by criminal courts in many parts of the world. In a large number of cases, compensation was granted by the courts following a criminal conviction of the abusive priest or by way of a civil lawsuit parallel to criminal proceedings. In an example from the Diocese of Maitland-Newcastle, part of the Archdiocese of Sydney - denounced by some as the “epicentre of Catholic clerical sexual abuse in Australia”<sup>60</sup> because of several priests with extensive abuse records - one Father and convicted abuser, Vincent Ryan, was ordered to pay \$6 million in compensation to his victims in 2010 - the largest payout yet by the Catholic Church in Australia.<sup>61</sup>

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Compensation has also been awarded to victims through non-legal processes, such as by church commissions and mediation bodies. In front of an arbitration commission - a body assigned to achieve settlement between disputing parties - of the Belgian parliament, for example, the Belgian Catholic Church agreed to compensate victims of abuse. By July 2013, the commission had conciliated 168 cases of abuse and administered a total of €850,000 in compensation.<sup>62</sup> In 2011, the German Bishops' Conference announced a standardised compensation of €5,000 to be paid to all victims of clerical abuse by the German Catholic Church.<sup>63</sup>

## 3. Criminal prosecutions and limitation periods

### Individual accountability

Criminal prosecutions of clerics who abuse children have been widely used to hold individual perpetrators accountable for their crimes. However, victims have had to overcome many obstacles in filing criminal complaints, from limitation periods to active institutional attempts to prevent prosecutions. The following examples provide an overview of countries where there have been a considerable number of criminal prosecutions of Catholic priests for sexual violence against children.

#### United States

- A former secretary for clergy of the Archdiocese of Philadelphia, Monsignor William Lynn, in July 2012 became the first high-ranking Church official in the United States to be convicted of failing to protect children from the possibility of abuse. As the official in charge of handling abuse complaints in the archdiocese, he had reassigned known abusers to new parishes instead of preventing any further contact with children. He was sentenced to three to six years' imprisonment.<sup>64</sup>
- Soon after, in September 2012, Robert W. Finn, a bishop in Kansas was found guilty of failing to report suspected child abuse, becoming the first American bishop in the decades-long sexual abuse scandal to be convicted of shielding an abusive priest. He was sentenced to two years' probation for failing to report a priest who had taken hundreds of pornographic pictures involving the abuse of young girls.<sup>65</sup>
- Other convictions in the United States include the sentencing of a priest, James R. Porter, to 18 to 20 years in prison in 1993 for inflicting sexual abuse on over 20 children in the 1960s in Massachusetts.<sup>66</sup>
- Another priest, the Rev. Edward A. Pipala, who pleaded guilty to having sexually abused members of a parish boys' club from 1983 to 1991 was sentenced to eight years in prison in 1994, the maximum sentence allowed under a plea agreement worked out with the United States Attorney's office.<sup>67</sup>
- A retired priest, the Rev. Louis E. Miller, at the centre of the sexual abuse scandal in the Louisville Archdiocese in Kentucky was sentenced to the maximum of 20 years in prison for decades of sexual misconduct against children in 2003.<sup>68</sup>
- A defrocked priest, Paul R. Shanley, who had been at the centre of the sexual abuse crisis in the Catholic Church in Boston was sentenced to 12 to 15 years' imprisonment in 2010 for raping a boy over several years in the church where he served as pastor.<sup>69</sup>

### France

A number of priests have been sentenced for rape and sexual assault of children in France across the Archdiocese of Paris, the Diocese of Meaux, the Archdiocese of Rouen, the Diocese of Evreux and the Archdiocese of Besançon.<sup>70</sup> Among other cases,

- A French priest, François Lefort, was sentenced to eight years in prison for abuse while working as a doctor in an orphanage in Senegal.<sup>71</sup>
- A Canadian priest, Denis Vadeboncoeur, was sentenced to 12 years' imprisonment for rape and sexual abuse of a minor between 1989 and 1992. The priest had previously been sentenced for similar offences in Canada. Despite the fact that the local bishop knew about his previous sentence, he was appointed as a priest in France where he abused a boy. The bishop was heard as a witness but was not charged himself for concealment.<sup>72</sup>
- A priest, René Bissey, received an 18-year sentence for abuse and rape of 12 children between 1985 and 1996. This was the first time that the Church was accused of having concealed abuse and the local bishop was sentenced.<sup>73</sup>
- Henri le Bras, a priest who abused a boy between 1995 and 1998, was sentenced to 10 years' imprisonment which marked the first abuse case in France in which the Church joined the action as "partie civile" along with the victim in support of his claim against the priest who had abused him.<sup>74</sup>

### Germany

There have been many allegations of child abuse made against Catholic priests in Germany. Several clerics have been convicted and received prison sentences. In 2010, the German media reported that more than 94 clerics and laymen had so far been investigated over sexual abuse allegations since 1995, but that only 30 had actually been prosecuted because of statutes of limitations.<sup>76</sup> The Catholic Church in Germany then set up a sexual abuse hotline and received 8,500 calls in the space of just two years. The line has now been shut down.<sup>77</sup>

## When a priest in the Midlands was accused of child abuse, the English Catholic Church did not hinder him from escaping to the US

### United Kingdom

Numerous clerics have been convicted and imprisoned for sexually abusing children across the United Kingdom Archdioceses of Southwark, Cardiff, Middlesbrough and Birmingham.

- Priest William Manahan was convicted of abusing boys in his private Catholic preparatory school during the 1970s<sup>78</sup>. A former Benedictine monk, Paul Couch who had taught at the same school was sentenced to ten years and nine months for a number of sexual offences.<sup>79</sup>
- The former principal of St. William's School owned by the Diocese of Middlesbrough, James Carragher, was jailed for 14 years in 2004 for abusing boys in his care over a 20-year period.<sup>80</sup>
- Father Alexander Bede Walsh was sentenced to 22 years in prison in 2012 for serious sexual offences against boys. He was alleged to have used religion to control his victims.<sup>81</sup>
- When a priest in the Midlands, James Robinson, was accused of child abuse, the English Catholic Church did not hinder him from escaping to the United States, although the allegations against him were known, and continuously paid him up to £800 subsistence per month. He remained free for over 20 years until he was extradited to the United Kingdom to face charges and received a 21-year prison sentence for multiple sexual offences against children.<sup>82</sup>

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## Belgium

Clerics have been convicted of sexual abuse of minors and received prison sentences of up to 30 years throughout the Belgian Archdiocese of Mechelen-Brussels. Among other cases,

- André Vanderlyn, a priest in Brussels, was arrested in 1997 on charges of rape of a minor and later confessed to seven other cases of rape between 1968 and 1997.<sup>83</sup>
- In 2000, André Louis, a former parish priest from Namur was sentenced to 30 years' imprisonment for the rape of 26 children over a long period of time.<sup>84</sup>
- A priest known only as Jef V.d.O was convicted in 2003 for the rape of three boys, who had been abused since 1982.<sup>85</sup>
- In Bruges, a Brother Luc D. was sentenced to 10 years' imprisonment in 2005 for the sexual abuse of 20 mentally disabled children over a period of 16 years.<sup>86</sup>
- In 2008, Robert Borremans, a parish priest was sentenced to five years in prison for sexually abusing a boy from 1994 to 2001 and was removed from priesthood or "defrocked" as a consequence after having previously been convicted of indecent exposure.<sup>87</sup>
- In 2009, a priest Bruno Vos was sentenced to seven years' imprisonment for sexually abusing four minors and possession of pornography involving images of child abuse.<sup>88</sup>

## Italy

As previously mentioned, it is difficult to obtain statistics for clerical sexual abuse in Italy because the Italian government's treaty with the Vatican guarantees areas of immunity from prosecution to Vatican officials, including bishops and priests. An Italian lawyer who investigated 130 cases of clerical sexual abuse in Italy in the last ten years found that none of these cases had been taken to the police by the local bishop.<sup>89</sup>

- Pierino Gelmini, a former priest, was charged with sexual abuse in 2010. He was alleged to have abused 12 young people at a drug rehabilitation centre which he founded.
- In the Archdiocese of Venice, 67 former pupils of the Antonio Provolo Institute for the Deaf in Verona accused 24 priests, brothers and lay religious men of sexual abuse and corporal punishment.<sup>90</sup>

## Spain

- In May 2013: Investigations began into an alleged case of sexual abuse by the director of a seminary in Castellón and of a school belonging to the diocese of Segorbe-Castellón. His name has not been publicly disclosed. In this case, the victim was not under 18; but reports of abuse within this diocese emerged in 2010. The then abusive priest, who belongs to the Carmelite Order, was never publicly named. He was transferred to northern Spain and banned from being along with children. The diocese passed on details of the suspected case to the Public Prosecutor's Office of the Valencia regional High Court, but so far no charges are known to have been brought. Though it is not clear if the alleged victims of abuse were children.<sup>91</sup>
- In December 2013: Catholic priest, Florencia Garces, aged 70, is arrested in December 2013 and charged with five crimes, including sexual abuse.<sup>92</sup>
- In June 2013, Manuel Ortiz, a Franciscan priest, was set to stand trial over physical and sexual abuse of residents at a care home for people with disabilities in Córdoba. Another Franciscan priest has also been charged with abuse, as have a number of lay workers. Abuse at the centre first emerged mid-2010. According to media reports, this was first Catholic abuse case to become public in Spain.<sup>93</sup>
- A Catholic priest, Pere Barceló, is facing criminal charges for sexually abusing three women when they were children in the late 1990s, which could lead to a prison term of up to 18 years. The Church allegedly covered up the complaint, and reprimanded the boy who witnessed the abuse of one of the girls. It was not until 2011 that the Church finally launched an internal investigation, and in 2013 expelled the priest.<sup>94</sup>

## Australia

In Australia, allegations of child sexual abuse surfaced in the Catholic Church during the late 1990s and early 2000s. Research suggests there have been over 100 cases of Catholic priests charged with sexual offences against children, as well as others involving non-custodial sentences and inconclusive proceedings<sup>95</sup>, and several government inquiries have been launched to investigate the Church's handling of child sexual abuse cases. Prominent cases and key findings include:

- In November 2013, former Catholic priest Gerald Ridsdale, who has spent most of the past 20 years in prison for sexual offences against 40 children in western Victoria between 1961 and 1987, pleaded guilty to 30 new offences against 14 victims. He is due to be sentenced.<sup>96</sup>
- Former Catholic priest Michael Glennon was convicted five times of sexually abusing 15 children in cases spanning 25 years. He was serving a minimum 10 and a half year sentence when he died in a Victorian prison in January 2014.<sup>97</sup>
- In 2011, Christian Brother Robert Best was convicted of 27 sexual offences committed against 11 boys in Ballarat, Box Hill and Geelong in Victoria over 20 years, and was sentenced to 14 years and nine months' imprisonment.<sup>98</sup>
- In 2010, Christian Brother Gerard Byrnes pleaded guilty to 44 sexual abuse charges involving 13 girls aged nine or 10 at a Catholic school in Toowoomba, Queensland, including 10 counts of raping a child under 12, and was sentenced to 10 years' imprisonment. He was the school's designated "child protection officer".<sup>99</sup>
- In December 2013, former Catholic priest Finian Egan was sentenced to four years' imprisonment for indecent assault and rape committed against three girls aged 10 to 17 in a Catholic boarding school in Sydney between 1961 and 1987. The Catholic Church had allowed him to continue working for five decades despite complaints made by victims.<sup>100</sup>

(In Australia) Research suggests there have been over 100 cases of Catholic priests charged with sexual offences against children, as well as others involving non-custodial sentences and inconclusive proceedings

- There have been several criminal charges, convictions, settlements and victims' compensation payments related to sexual abuse by Catholic priests at Salesian College, Rupertswood in Victoria, including:
  - In 2013, former priest and vice principal David Rapson was sentenced to 13 years' imprisonment for the sexual abuse of eight boys during the 1970s.<sup>101</sup>
  - In 2013, former priest and principal Frank Klep pleaded guilty to sexually assaulting 14 boys during the 1970s and 1980s. Prosecutors withdrew another 22 charges against him. He had previously been twice convicted of indecently assaulting boys and sentenced to imprisonment for three months in 1994 and five years and 10 months in 2005, and had travelled to Samoa to teach students despite new abuse allegations. He faces a pre-sentence hearing in April.<sup>102</sup>
  - In 2013, former priest and principal Julian Fox was charged with 10 offences relating to assaults against students between 1976 and 1985, including buggery, indecent assault and common law assault. He had previously moved to Fiji and then Rome following abuse accusations. He is scheduled to face court proceedings in 2014.<sup>103</sup>

### Argentina

Most convictions of clerics for child sexual abuse in Latin America appear to have been reported in Argentina.

- In 1994, the Vatican ordered an investigation into reports of abuse by an Argentinian archbishop against children, but investigations were dropped following a visit by John Paul II.
- In 2004, a priest Luis Eduardo Sierra was sentenced to just under eight years' imprisonment for repeated aggravated sexual abuse of three altar boys. But he did not go to prison and instead was placed under house arrest with an ankle monitor.<sup>104</sup>
- The first priest to be imprisoned for abuse in Argentina, Mario Napoleón Sasso, was sentenced in 2007 to 17 years for abusing five girls aged 11 to 13 between 2002 and 2003 in the community soup kitchen which he ran. The case also revealed alleged concealment by two other priests who knew about the priest's abusive history, which had first been reported in 1994.<sup>105</sup>
- Also in 2007, a priest Juan Antonio Mercau, was sentenced to 14 years in prison for corrupting and sexually abusing minors.<sup>106</sup>
- In 2012, a priest Estanislao Chomin, was sentenced to four years' imprisonment for abusing a four-year-old girl in 2003 and was held under house arrest on account of his age (72 at the time of sentencing).<sup>107</sup>
- In 2009, Julio César Grassi was sentenced to 15 years' imprisonment for the corruption and sexual abuse of minors in 1996 while working at the Happy Children's Foundation. The sentence was upheld in September 2013 by the Buenos Aires Supreme Court.<sup>108</sup>
- Also in 2009, Edgardo Gabriel Storni, a former archbishop, was sentenced to eight years' imprisonment, the minimum term, for sexually abusing a child in 1992. The sentence was served under house arrest on account of his age (70 at the time of sentencing). In 2011, the Criminal Chamber of the Province of Santa Fe ordered the annulment of the judgement. A book describing the abuse provoked more victims to come forward. A fellow priest who had given evidence against the archbishop received death threats from other priests and was forced to retract his evidence.<sup>109</sup>

### Chile

In a number of Chilean cases, priests were removed from office by the Church itself after allegations arose, but were not reported to civil authorities for prosecution. In 2008, the Catholic Church in Chile confirmed that there had been 20 alleged or confirmed cases of child abuse by priests, but we have not been able to confirm whether all of these went to court.<sup>110</sup>

- José Antonio Aguirre, a priest, was convicted in 2003 of sexually abusing nine children between 1998 and 2002.<sup>111</sup>
- In 2011, a priest Ricardo Muñoz Quintero was sentenced to 10 years' imprisonment for sexual exploitation of children, having paid teenagers for sex in motels, and for possessing child abuse images.<sup>112</sup>
- In 2002, bishop Francisco José Cox Huneeus, was ordered by the Church to retreat from pastoral life for "inappropriate behaviour" and made to go into seclusion in a German monastery.<sup>113</sup>
- In 2011, a priest Fernando Karadima was investigated by the Holy See for the alleged abuse of three boys and found guilty. Because of his age at the time (81), he was ordered to "retire into a life of prayer and penitence" or face dismissal from the clergy.<sup>114</sup>

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In a number of Chilean cases, priests were removed from office by the Church itself after allegations arose, but were not reported to civil authorities for prosecution

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### Prosecution does not necessarily prevent further abuse

Even in countries where criminal prosecutions have been pursued, this has not always succeeded in preventing offenders from abusing again. We have found reports of several cases in which priests were reassigned to work with children after their criminal sentence for sexual abuse of children had expired and went on to abuse children again, two of them in Germany. In the Archdiocese of Munich and Freising, one case was mishandled while Joseph Ratzinger (the future Pope Benedict XVI) was Archbishop of Munich. A Father who had already been convicted of sexual abuse was sent to Munich by Ratzinger to undergo therapy. Despite his record, he was reassigned to work in the area of pastoral care where he abused again. In June 1986, he was convicted of sexually abusing minors, fined DM4,000 and given an 18-month suspended sentence. Nonetheless, he continued to serve as a priest in a variety of parishes in Bavaria, Germany.<sup>115</sup> In the Diocese of Regensburg, a parish priest was convicted of sexually abusing minors in 2008; he had previously been convicted, sentenced to prison and ordered to pay damages for multiple abuse of a minor in 2000.<sup>116</sup>

We have found reports of several cases in which priests were reassigned to work with children after their criminal sentence for sexual abuse of children had expired

### Extension of limitation periods

Many cases have been barred from making it to court by limitation periods on criminal prosecutions and civil claims. In order to improve protection of the rights of victims of child abuse, some countries have adjusted and extended their laws on limitation periods. Germany extended its civil and criminal limitation periods through legislation in 2013.<sup>117</sup> Several legislatures in the United States have also considered bills to extend limitation periods in relation to sexual abuse, including Ohio<sup>118</sup>, Indiana<sup>119</sup>, Florida<sup>120</sup> and California<sup>121</sup>.

Courts in the UK, meanwhile, have reinterpreted the law on limitation periods for civil claims, allowing victims of sexual abuse to bring claims beyond the previous deadline for filing

a case. Prior to 2008, a civil claim for damages for personal injury caused by sexual assault had to be filed within six years of the last act of abuse<sup>122</sup>, but since a House of Lords ruling that year, the basic limitation period is three years, but this period can be extended where the injury is sufficiently serious to justify proceedings.<sup>123</sup> The courts, therefore, now have discretion to hear civil cases on sexual abuse that they were previously barred from considering.

## 4. Legal challenges to Catholic Church institutions for abuse by individual priests

In various instances of child sexual abuse worldwide, victims have sought to hold Church institutions, especially dioceses and teaching institutes, liable for abuse by individual priests. In some countries, liability was argued under the concept of vicarious liability, i.e. the employment nature of clerics' affiliation with the Church.

The Supreme Court of **Canada** ruled in 2004 that the Canadian Catholic Church was responsible under this concept for sexual abuse by its priests. In *Doe v. Bennett*, a priest abuse case in Newfoundland, the court held that the Church was responsible because of the power and authority over parishioners that the Church afforded to its priests.<sup>124</sup> The decision has since been applied to further abuse cases by the Supreme Court of Newfoundland and Labrador.<sup>125</sup>

In the **United Kingdom**, the Supreme Court recently ruled twice in favour of vicarious liability of dioceses for crimes committed by priests and nuns. Commentators have suggested these judgements are ground-breaking as they broaden the traditional vicarious liability of organisations, which had so far mostly been confined to the employer-employee relationship, to include relationships "akin to employment".<sup>126</sup>

- In 2012, a Catholic teaching institute was held liable for alleged physical and sexual abuse of 170 former pupils at a former boys' school in Yorkshire. The De La Salle Brotherhood, which provided most of the school staff, was found vicariously liable for a £8 million compensation claim along with the Diocese of Middlesbrough, which owned the school, for the torts committed by a priest.<sup>127</sup>
- Similarly, in a subsequent 2013 judgement, the Supreme Court refused the Diocese of Portsmouth permission to appeal a decision by the Court of Appeal<sup>128</sup> which had held that the diocese was vicariously liable and so had a duty to compensate a young girl for alleged beatings inflicted by a nun and sexual abuse perpetrated by a priest in the 1970s – if the facts of the abuse were established.<sup>129</sup>

**Lord Phillips, UK Supreme Court Judgment,  
21 November 2012:**

“Living cloistered on the school premises were vulnerable boys. They were triply vulnerable. They were vulnerable because they were children in a school; they were vulnerable because they were virtually prisoners in the school; and they were vulnerable because their personal histories made it even less likely that if they attempted to disclose what was happening to them they would be believed. The brother teachers were placed in the school to care for the educational and religious needs of these pupils. Abusing the boys in their care was diametrically opposed to those objectives but, paradoxically, that very fact was one of the factors that provided the necessary close connection between the abuse and the relationship between the brothers and the Institute that gives rise to vicarious liability on the part of the latter.

[...] This is not a borderline case. It is one where it is fair, just and reasonable, by reason of the satisfaction of the relevant criteria, for the Institute to share with the Middlesbrough Defendants vicarious liability for the abuse committed by the brothers.”<sup>130</sup>

In April 2013, for the first time in **Argentina**, a diocese was held accountable for abuse by an individual priest and ordered to pay \$155,000 in reparations for the rape of a 15-year-old boy in 2002 by a priest, who had died of AIDS in 2005.<sup>131</sup>

In the first case of its kind in **Colombia**, a court ordered a diocese in 2011 to pay two child victims reparations for abuse suffered at the hands of a priest who was sentenced to 18 years’ imprisonment, but the diocese refused saying it should not be held accountable for the actions of individual priests. It also alleged that it would have to sell some of its land in order to be able to compensate the victims.<sup>132</sup>

Conversely, in a challenge against the institution of the Vatican itself in a case in Oregon, **United States**, in 2012 based on employment law, no liability was established. The lawsuit, filed in 2002, claimed that the Holy See was liable for transferring an abusive priest from Ireland to Chicago and then to Portland, Oregon, even though the Church knew that he had a history of sexual abuse. The lawsuit sought to show that all priests are employees of the Vatican, in that the Holy See is the composite of the authority, jurisdiction and sovereignty vested in the pope and his delegated advisers to direct the worldwide Roman Catholic Church. Yet, the judge ruled that the facts of the case did not establish an employer-employee relationship.<sup>133</sup>

## 5. Submission to the Office of the Prosecutor at the International Criminal Court

In September 2011, in an attempt to spur prosecutions of high-ranking Catholic leaders for sheltering abusive priests, a survivor-led support group for victims of sexual abuse by members of the clergy, the Survivors Network of those Abused by Priests (SNAP), formally urged the prosecutor at the International Criminal Court (ICC) to investigate the Holy See for crimes against humanity. Represented by lawyers from the human rights organisation Center for Constitutional Rights (CCR), SNAP filed a detailed complaint charging that Vatican officials tolerated and enabled the systematic and widespread concealment of sexual violence around the world. Together with the complaint, more than 22,000 pages of evidence of the crimes committed by Catholic clergy against children and vulnerable adults were submitted.<sup>134</sup>

The complaint named Pope Benedict XVI, partly in his former role as leader of the Vatican’s Congregation for the Doctrine of the Faith, which since 2001 had responsibility for overseeing abuse cases, Cardinal William Levada, who at the time of the submission headed that office, Cardinal Angelo Sodano, who was the Vatican Secretary of State under Pope John Paul II, and Cardinal Tarcisio Bertone, who then held that post, alleging their criminal responsibility under the concept of superior responsibility as well as for their individual roles in aiding and abetting these crimes.

Lawyers for the victims equated the abuse with rape, sexual violence and torture, which are considered crimes against humanity in the Rome Statute – the international treaty that sets out the Court’s mandate. The complaint also accused Vatican officials of creating policies that perpetuated the damage and of therefore engaging in an attack against a civilian population.<sup>135</sup>

The case faced several hurdles from the outset as, for example, the Holy See is not a Member State of the Court and therefore the prosecutor at the ICC does not have automatic jurisdiction. However, the complaint listed allegations of abuse in countries around the world, many of which do recognise the Court’s jurisdiction. Lawyers for CCR argued that no other national entity existed which could prosecute high-level Vatican officials for failing to protect children. At that point, the prosecutor at the ICC had already received more than 9,000 independent proposals for inquiries into various crimes since 2002 when the Court was created as the world’s only permanent international criminal tribunal, and has never opened a formal investigation based solely on such a request.<sup>136</sup>

In June 2013, the prosecutor rejected the request on the basis of lack of jurisdiction, adding that it could only investigate “the most serious crimes of concern to the international community as a whole, namely genocide, crimes against humanity and war crimes” and that some of the allegations in the complaint fell outside this remit. In addition, the case did not appear to meet the Court’s limitation period as it may only prosecute crimes committed after it was constituted in July 2002. Even though the cases submitted by CCR on behalf of the victims involved mostly recent allegations, some of the supporting material pre-dated 2002.

Nonetheless, the Office of the Prosecutor replied that “the decision not to proceed may be reconsidered in the light of new facts or information” in the future and suggested that the cases could be brought to “appropriate national or international authorities”. Many observers had anticipated this outcome, but the plaintiffs still rated their submission worthwhile as it had motivated abuse victims from more than 70 countries to step forward after hearing about the case being taken to the International Criminal Court and enabled them to gain a “whole different understanding of what happened to them and how it relates to the church.”<sup>137</sup>

**Quote from the Submission to the ICC:**

“For many, the fact that the Vatican has had a longstanding policy and practice for dealing with sexual violence by priests in ways that have ensured such violence would continue is as shocking as the magnitude and gravity of the offenses themselves. That church officials would place such little value on the children, vulnerable adults and communities they deliberately exposed and placed at risk will no doubt be difficult to comprehend. But the facts speak for themselves. And, the facts will show that, in effect, those with power in the Vatican have helped foster a culture of rape within the church – a culture that, when left to its own devices, accepts it, condones it and, ultimately, perpetuates it.”<sup>138</sup>



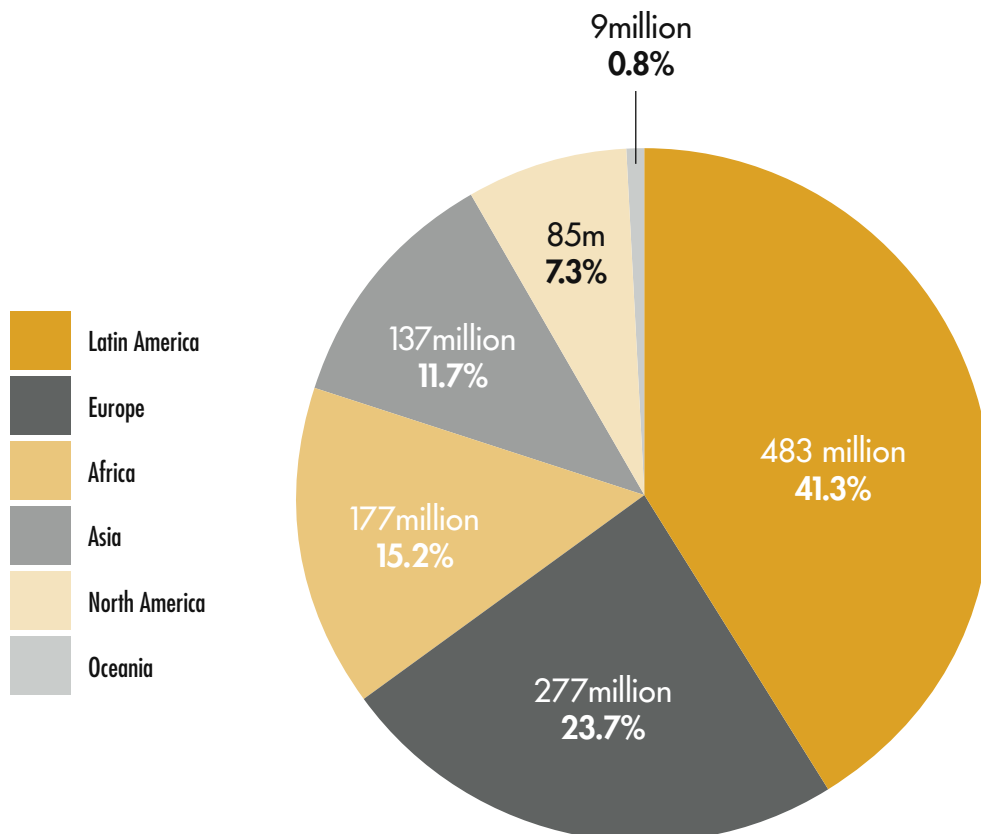
## 6. The geographical distribution of Catholics around the globe

By 2010, the global Catholic population had risen to 1.2 billion, according to Vatican figures. Research suggests that the number of Catholics around the globe has more than tripled in the last century as a result of the rapid rise of the world's overall population. Catholics now comprise about 50 per cent of all Christians worldwide and 16 per cent of the total global population.

While the share of Catholics vis-a-vis the worldwide population has stayed relatively stable over the last century, the geographical distribution of Catholics around the globe has changed significantly. Whereas the proportion of Catholics living in Europe has declined, numbers in the global south have risen significantly. The African continent has seen the biggest growth in Catholic congregations in recent years.

Catholics now comprise 16% of the total global population

Map of Catholicism by population percentage:  
Source: Wikipedia<sup>139</sup>

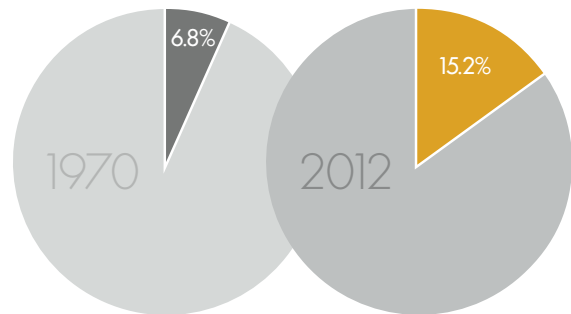




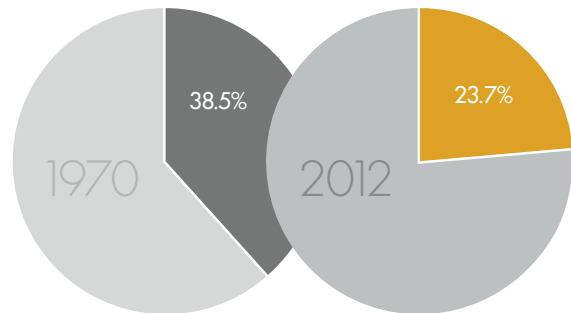
A comparison of the relevant estimates in 1910 with those in 2010 emphasises this phenomenon. In 1910, Europe was home to about two thirds of all Catholics, and nearly nine in ten lived either in Europe or Latin America. By 2010, in contrast, only about a quarter of all Catholics were in Europe. The largest share, around 40 per cent, lived in Latin America and the Caribbean. Rapid growth has occurred in sub-Saharan Africa, which today is home to about 171 million Catholics, up from an estimated one million (less than one per cent) in 1910. There has also been rapid growth in the vast Asia Pacific region, where 131 million Catholics now live, up from only 14 million a century ago. North America's share of the global Catholic population has increased more slowly, from about 15 million in 1910 to 89 million in 2010. Figures in the Middle East and North Africa have stayed relatively unchanged and the region today is home to less than one per cent of Catholics, about the same as in 1910.<sup>140</sup>

Comparative diagram of development of Catholicism in Africa and Europe :  
Source: BBC<sup>142</sup>

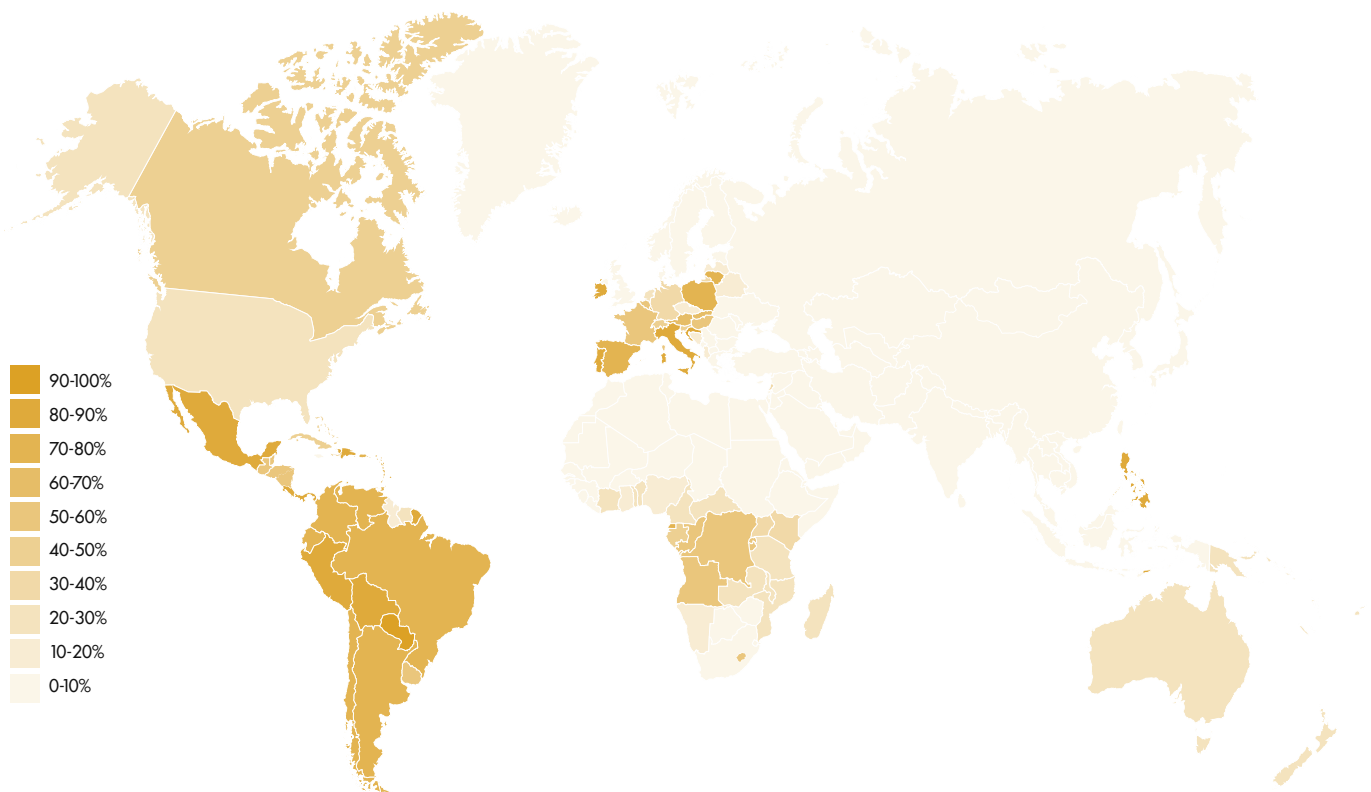
**Africa: biggest increase**  
% of Catholics in the world



**Europe: biggest decrease**



Map of Catholics per continent:  
Source: BBC<sup>141</sup>



Of the ten countries in the world with the highest number of Catholics, Brazil boasts the largest Catholic population of all, with recent figures as high as 150 million. Next up are Mexico, the Philippines, the United States and Italy - the country with the most Catholics in Europe. Other countries within this group of ten include Colombia and Poland. In Africa, the Democratic Republic of Congo has the biggest Catholic population, ranking ninth in the world with almost 36 million.

Chart of 10 countries with the most Catholics worldwide:  
Source: Pew Research Forum<sup>143</sup>

<i>Countries</i>	<b>ESTIMATED 2010 CATHOLIC POPULATION</b>	<b>PERCENTAGE OF POPULATION THAT IS CATHOLIC, 2010</b>	<b>PERCENTAGE OF WORLD CATHOLIC POPULATION, 2010</b>
Brazil	126,750,000	65.0%	11.7%
Mexico	96,450,000	85.0	8.9
Philippines	75,570,000	81.0	7.0
United States	75,380,000	24.3	7.0
Italy	49,170,000	81.2	4.6
Colombia	38,100,000	82.3	3.5
France	37,930,000	60.4	3.5
Poland	35,310,000	92.2	3.3
Spain	34,670,000	75.2	3.2
Democratic Republic of the Congo	31,210,000	47.3	2.9
<b>World Total</b>	<b>1,078,790,000</b>	<b>15.6</b>	<b>100.0</b>

Population estimates are rounded to the ten thousands. Percentages are calculated from unrounded numbers.  
Figures may not add exactly due to rounding.  
Pew Research Centre

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Brazil boasts the largest Catholic population of all, with recent figures as high as 150 million  
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## 7. Lack of redress in Eastern Europe and the Global South

### Eastern Europe

In spite of the scandals which have erupted over clerical child abuse elsewhere, in **Poland**, which has the highest proportion of practising Catholics in Europe (bar Malta), very little information about sexual abuse of children by clerics has come to light. Cases do emerge, and priests are occasionally found guilty in the courts, but the Church has not paid any compensation to victims. Confrontation with the powerful Catholic Church in Poland, where over 33 million Catholics live, is scarce – to the degree that the first Polish victims' support group only formally registered in May 2013. Victims face hostility and disbelief when they tell their stories. The Church refuses to take responsibility as an institution and priests have exhibited a sense of impunity.<sup>144</sup>

Reports revealed in October 2013 that 27 Polish priests have been tried for sexual abuse since 2001, with most cases ending in a suspended prison term – indicating a general leniency towards the Church in Poland.<sup>145</sup> Allegations, including against several Polish archbishops - some of whom were forced to resign as a result - have emerged over the years for actively being involved in child abuse or for being aware that priests in their dioceses were sexually abusing minors.<sup>146</sup> Victims' testimonies, published in a book in 2013, suggest that abuse in Poland is widespread and well-hidden. But although the different Polish dioceses must have information on the numbers of formal complaints they receive, the Polish Church publishes no statistics and recently fended off written requests for information by investigative journalists.<sup>147</sup> Poland's Catholic Church says that it will not pay compensation to victims of sexual abuse by priests because it believes that the responsibility for compensation lies with the perpetrator. A 200,000 zloty (\$64,000) claim made by a victim against a Polish parish and local church authorities may now be taken to court, in what would be the first case of its kind in Poland.<sup>148</sup>

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Many perpetrators still enjoy impunity from the law in the countries where in fact the most Catholics live

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In other countries across Eastern Europe, where Catholic populations are much smaller than in Poland, some clerics have been convicted of abuse. In **Croatia**, several priests have been criminally charged with child abuse; the first Catholic priest to be sentenced to prison for child sexual abuse in Croatia was convicted in 2007.<sup>149</sup> Some prosecutions have also been reported in the **Czech Republic**<sup>150</sup> and **Slovenia**.<sup>151</sup> In some Eastern European countries, priests have been removed from service by the Holy See itself, as has been the case in **Lithuania**, but no prosecutions have been initiated.<sup>152</sup>

Analysis of efforts to achieve accountability for child sexual abuse by clergy reveals a significant discrepancy: even though allegations of child sexual abuse by Catholic priests have been raised in many countries of the Global South like Brazil, the Philippines, Mexico, Colombia or the Democratic Republic of Congo and also in Eastern Europe, especially in Poland, legal challenges of priests for sexual abuse of children are hard to find in these countries. Although some victims in these largely Catholic countries have been encouraged by recent advocacy work by victims' groups as well as media reports to speak out about abuse suffered at the hands of Catholic clerics, many maintain silence. As a result, many perpetrators still enjoy impunity from the law.

### Latin America

**Brazil**, a country that is home to about 125 million Catholics, has notably seen very few prosecutions of Catholic clerics for sexual abuse of children - even though allegations have been widespread and led to investigations by the Vatican itself.

Media reports indicate that a Vatican commission visited the country to investigate reports of a 70 per cent leap in the number of priests involved in cases of sexual misbehaviour. According to extracts from the Vatican commission's report, which were published in a Brazilian magazine, ten per cent of Brazil's priests - some 1,700 clerics - were involved in cases of sexual misconduct. The study was also said to have found that in the three years up to 2005, at least 200 Brazilian priests had been referred to church psychological institutions following cases involving child sexual abuse. Ten clerics were in jail and a further 40 were on the run from the law. One noteworthy case was that of a Father who was jailed for 14 years and eight months in 2005 for sexually abusing two boys, one of them a five-year-old. The priest's diary, obtained by police in Sao Paulo, contained many details of his abuse practices.<sup>153</sup> Further allegations against priests have been raised again and again since the above Vatican study,<sup>154</sup> but accountability efforts are still scarce.

**Bolivia**, with its estimated 95 per cent Catholic population,<sup>155</sup> shares similarities with Brazil in respect of the lack of accountability for clerical child abuse. Only a few prosecutions have been recorded, such as a 15-year jail sentence handed down to a priest in 2011 for abusing and corrupting 12 children at a boarding school<sup>156</sup> or a 22-year sentence of a priest in 2010 for raping 17 children in a rural boarding school.<sup>157</sup>

In **Peru**, where in September 2013 a priest was dismissed as auxiliary bishop in the Diocese of Ayacucho, an Andean region in southern Peru, after he was accused of having sexual relations with minors. The attorney general's office has said that it is investigating and will announce actions soon.<sup>158</sup>

In **Colombia**, a country where 90 per cent of the 48 million inhabitants are considered Catholic, the Catholic Church only very recently acknowledged the problem of child sexual abuse by clergy. In October 2013, a Colombian cardinal encouraged abuse victims to report abusive priests to civil authorities to face criminal prosecution. He said: "Unfortunately in Colombia there is a lack of knowledge on the rights of children and young people, and in regards to sexual abuse cases, that is something truly lamentable."<sup>159</sup> It was reported only a month earlier, when a former cleric-turned-congressman was accused of raping a 13-year-old boy, that the Episcopal Conference of Colombia, with 8,000 priests under its charge, does not maintain a record of how many of its priests have faced allegations of abuse.<sup>160</sup>

National human rights groups in **Mexico** have criticised the widespread immunity for clerics connected with child sexual abuse. These groups recently announced the launch of an initiative to hold the Mexican government to account for failing to investigate widespread reports of sexual abuse of minors in Catholic institutions by reporting to the Committee on the Rights of the Child in time for Mexico's upcoming review, as it is accused of collusion with the Mexican Catholic Church. The Survivors Network of those Abused by Priests has identified at least 65 priests in Mexico involved in sexual offences, none of whom have been held to account.<sup>161</sup>

## Asia

**The Philippines** is the biggest predominantly Catholic country in Asia and the country with the third largest Catholic population in the world. Estimates from 2013 indicate that 77 million Filipinos are Catholic.<sup>162</sup> A 2004 report by the non-governmental groups Catholics for Free Choice and Likhaan<sup>163</sup> stated that no priest accused of sexual abuse in the Philippines has been successfully prosecuted. The report lists examples of child sexual abuse allegations against Catholic clerics in the Philippines. According to the report, most members of the clergy accused of sexual abuse settled cases outside court, were acquitted or moved to other parishes by their bishops.<sup>164</sup> In addition, priests with pending court cases were quietly reinstated to pastoral duties.

In 2002, the Catholic hierarchy in the Philippines apologised for the reported sexual abuse, including child sexual abuse by at least 200 priests over the past 20 years. An archbishop and former head of the Bishops' Conference said 200 out of the approximately 7,000 priests in the country might have committed "sexual misconduct" including child abuse.<sup>165</sup> The country's bishops then introduced guidelines in 2003 on how to deal with offences by the clergy.

In 2013, allegations of Catholic priests sexually abusing children persisted. According to a missionary priest who has been working with children in the Philippines for the past four decades, Catholic bishops in the Philippines are covering up "rampant sexual abuse of children by the clergy". He considers the fact that clerical sexual abuse cases in the Philippines are not exposed as "a big problem". "We have these bishops who have been covering up so much of this abuse, and we know that it is still going on," said Fr. Shay Cullen, an Irish priest and founder of the People's Recovery Empowerment Development Assistance Foundation who has also been nominated for the Nobel Peace Prize three times.

In an attempt to explain the Church's policies, the Secretary General of the Catholic Bishops' Conference of the Philippines told media sources that there continues to be a clear Church policy of reporting clerical sexual abuse cases to the Vatican and not to civil authorities.<sup>166</sup> Critical Catholic lawyers in the Philippines challenge the Church's handling of child abuse allegations involving accused priests and claim that the Catholic Church in the Philippines is "absolutely not" doing enough to protect children. Katrina Legarda, Director of the National Child Protection Unit Network, the country's largest child safety group, says that 14 years after the first criminal case against a priest for child sexual abuse – the defendant was acquitted for lack of evidence in 1999 – priests in the Philippines still get transferred or are forced into retirement after child abuse allegations.<sup>167</sup>

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## The Catholic Archbishop of Durban said in a BBC interview that he had dealt with cases of child sex abuse, which were handled by the church internally, and not referred to the police

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### Africa

In recent years, reports have also drawn attention to sexual abuse of children by priests in the **Democratic Republic of Congo**, the country with the biggest Catholic population on the African continent,<sup>168</sup> but we were unable to find any relevant legal challenges of priests.

However, reports of child abuse by clergy have emerged in many of the DRC's neighbouring or nearby countries and a number of priests have been charged and prosecuted. For example, in **Tanzania** in 2011, four priests of the Catholic Rosminian order, who ran a boarding school, were alleged to have repeatedly physically and sexually abused young boys at the school in the 1950s-70s. In March 2013, a group of former students of the school filed a compensation claim at a civil court in Leicester in the United Kingdom against the Catholic Rosminian order.<sup>169</sup>

In **Uganda**, the Archbishop of Kampala in 2013 acknowledged several cases of child abuse, including sexual abuse, committed by Catholic brothers at a boarding school, apologised to victims and set up a commission of inquiry to investigate the claims.<sup>170</sup> A Father in the Nebbi Diocese in Uganda, was sentenced to 10 years in prison for abusing a 15-year-old housemaid at the parish and infecting her with HIV.<sup>171</sup>

Many cases of child sexual abuse by Catholic priests have been reported in **Kenya**, but police and Church authorities failed to investigate many of the allegations.<sup>172</sup> An Italian priest, who had previously run a Catholic shelter for homeless children in Brazil, was charged in 2009 with sexually abusing young boys for years and allowing visiting foreigners to exploit children – he was then working as a missionary in **Mozambique** despite the allegations.<sup>173</sup>

In **Zimbabwe**, child sexual abuse involving the Catholic Church has also been reported.<sup>174</sup> In 2013, an Australian man was seeking legal redress after allegedly being abused in the mid-1980s by a Jesuit priest at a school in Zimbabwe. The priest had pleaded guilty in 1997 to abusing three boys on separate occasions and had previously been imprisoned in England for three years.<sup>175</sup>

In Senegal, a French priest was sentenced in 2005 to eight years' imprisonment and fined €134,000 for sexual assault, rape and attempted bribery involving six children under 15.<sup>176</sup> In Burkina Faso, allegations by a former priest against other clerics were reported in 2010.<sup>177</sup>

In South Africa, a German Catholic priest was on trial in September 2013 for allegedly sexually assaulting four boys during a church camp near Johannesburg in 2008. He also faces extradition to Germany for child abuse offences committed there prior to travelling to South Africa.<sup>178</sup> Yet, also in South Africa, many other cases of child sexual abuse by clerics were not investigated further and those responsible were not tried in court despite church officials' knowledge of allegations against them. In March 2013, the Catholic Archbishop of Durban said in a BBC interview that he had dealt with cases of child sexual abuse which were handled by the Church internally and not referred to the police.<sup>179</sup> Already in 2002, he told the BBC that there were a dozen cases of child sexual abuse involving Catholic priests in different parts of South Africa that had taken place many years ago.<sup>180</sup> The head of the Southern African Catholic Bishops' Conference stated that there had been around 40 cases of child sexual abuse within the Church over a period of 14 years since 1996 which had been reported to authorities on the African continent.<sup>181</sup> An archbishop said abuse of children was so widespread that there was an urgent need for knowledge and understanding of what caused an abuser to harm children, "particularly when a perpetrator has himself been a victim of abuse".<sup>182</sup>

## PART IV

# THE HOLY SEE'S COVER-UPS AND LACK OF TRANSPARENCY

## 1. Parish transfers of abusive priests or the “geographical cure”

### “Relocate, forget, sweep under the rug”

The abuse of children by Catholic clerics was facilitated by a certain insidious practice: where allegations of sexual abuse of children were made, the priests involved would often simply be transferred to another parish or sent on missionary assignments abroad where they remained in close and unscrutinised contact with children and where their past was not known. This practice, often morbidly referred to as the “geographical cure”, was meant to “relocate, forget, sweep under the rug” cases of child abuse in order to protect the institution.<sup>183</sup> Some bishops chose this method of ridding themselves and their parishes of abusive priests instead of forcing them to retire, removing them permanently from the priesthood - and contact with children - or reporting allegations to the civil authorities, including the police.

### An endless list

The list of priest parish transfers shows bewildering patterns such as the regular transfer of priests from European or North American countries to African or Latin American states, perhaps in the hope that this would make the scandal “disappear”. In an example from Germany, the Jesuit order conceded that upon discovery of an abuse scandal involving several teachers at two Catholic schools run by the order, it provided help to these teachers to emigrate to South America.<sup>184</sup>

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Where allegations of sexual abuse of children was raised, the priests involved in the allegations would often simply be transferred to another parish

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Several investigations have found ample evidence of this practice and have identified many of the individual priests involved in transfers.<sup>185</sup> In April 2010, an investigative media study spanning 21 countries in six continents found 30 case studies of priests accused of sexual abuse who had been transferred or moved abroad, in some cases in order to escape police investigations. Many were then again able to access children in another country, and some abused again.<sup>186</sup> A priest who admitted to abuse in Los Angeles went to the Philippines, where he received cheques from US church officials who advised him not to reveal their source. A priest in Canada was convicted of sexual abuse and then moved to France, where he was convicted of abuse again in 2005. Another priest was moved back and forth between Ireland and England, despite having been identified as a child sexual abuser. A Reverend from Massachusetts who had been accused of sexual abuse by at least three minors in the Boston area went on to work with Kayapo Indian children in Brazil for over 30 years. A Father who in 2006 pleaded no contest to assaulting a 15-year-old girl in Florida was moved to India, then to Italy. Several Indian priests who molested young girls in the United States were transferred back to India and continued to work in their home dioceses there.<sup>187</sup>

An investigation by Australian authorities showed that the Catholic Church transferred abusive priests from diocese to diocese – sometimes shipping them across the Tasman Sea to New Zealand and vice versa.<sup>188</sup>

### Church acknowledgement

A former Benedictine monk and critic of this transfer policy said “the pattern is if a priest gets into trouble and it’s close to becoming a scandal or if the law might get involved, they send them to the missions abroad. [...] Anything to avoid a scandal.”<sup>189</sup>

Some bishops have acknowledged this transfer practice and have responded to criticism by suggesting that the hierarchy was unaware until recent years of the danger of transferring priests from one parish to another. Cardinal Roger Mahony of the Los Angeles Archdiocese, reacting to a federal investigation into his handling of the crisis in his parish, said: “We have said repeatedly that [...] our understanding of this problem and the way it’s dealt with today evolved, and that in those years ago, decades ago, people didn’t realise how serious this was, and so, rather than pulling people out of ministry directly and fully, they were moved.”<sup>190</sup>

## 2. The Holy See's contradictory responses to child abuse

“Nowhere in any of these documents does it say anything about helping the victims... [the] Pope... could tomorrow get up and say: ‘Here’s the policy: full disclosure to the civil authorities, absolute isolation and dismissal of any accused and proven and convicted cleric, complete openness and transparency... stop all barriers to legal process and completely cooperate with the civil authorities everywhere.’ He could do that.”

Father Tom Doyle,  
“Crimen Sollicitationis: An interpretation”, 2006<sup>191</sup>

## MARCH 1962

### Event:

A confidential order under the title of “On the Manner of Proceeding in Cases of the Crime of Solicitation” is issued by the Holy Office, bearing the seal of Pope John XXIII. The letter, addressed to senior clerics worldwide, codifies procedures to be followed in cases where clerics have been accused of sexual abuse.<sup>192</sup>

### Analysis:

The document contains instructions to conceal cases of sexual abuse and threatens those who would speak out about the inquiries with excommunication.<sup>171</sup> Section 11 stipulates a “code of silence”: “more than usual care and concern must be shown that they be treated with the utmost confidentiality, and that, once decided and the decision executed, they be covered by permanent silence.” The code discourages the disclosure of information to the civil authorities. It was published in Latin only and was to be kept absolutely confidential.



## 1983

### Event:

The Code of Canon Law is revised.<sup>194</sup> The revisions reinforce the condemnation of sexual abuse of minors by members of the clergy.

### Analysis:

The reforms make dismissal the most severe penalty for the sexual abuse of minors, but only “if the case warrants it”. It also sets a short five-year statute of limitations within which abuse cases could be challenged. Dismissed perpetrators are left free to commit further abuse, only outside the Holy See’s remit. The number of clerics who have been dismissed as a result of being charged with the sexual abuse of a minor is still unknown. Bishops who sought to penalise and dismiss abusive priests continued to be daunted by a long-winded bureaucratic and canonical legal process, with contradictory laws and overlapping jurisdictions in Rome, according to Church documents and interviews with bishops and canon lawyers. In spite of the reform of canon law, bishops were still sending off their files on abuse cases to various Vatican entities.<sup>195</sup>

## 1996

### Event:

Archbishops in the US complain about Fr Lawrence Murphy to the Vatican’s Congregation for the Doctrine of the Faith Office (CDF), the internal investigation and contact point for child abuse allegations led by the future Pope Benedict. Fr Murphy, who died in 1998, was suspected of having sexually abused 200 boys at St John’s School for the Deaf in St Francis, Wisconsin, between 1950 and 1974.

### Analysis:

In March 2010, documents emerged suggesting that Cardinal Ratzinger, before he became pope, failed to respond to the complaint by the United States archbishops. One of Fr Lawrence Murphy’s alleged victims told the BBC that the pope had known about the accusations for years yet failed to take action.<sup>196</sup> Moreover, for the two decades that he was in charge of that office, the future pope failed to act even as the cases undermined the Church’s credibility in the United States, Australia, Ireland and elsewhere.<sup>197</sup> In spite of his knowledge of the scale of the clerical child sexual abuse scandal due to his previous deployment as head of the internal investigation office, cover-ups continued during Pope Benedict’s papacy.<sup>198</sup>

## APRIL 2001

### Event:

‘Sacramentorum sanctitatis tutela’ is promulgated by Pope John Paul II.<sup>199</sup> The new canon law replaces the Crimen sollicitationis. The abuse of a minor is now a delictum gravior, a “graver offence”. The Congregation for the Doctrine of the Faith is given sole responsibility for investigating cases of child sexual abuse.

### Analysis:

Clerics are bound by canon law to immediately refer any cases where there is a “semblance of truth” to the CDF. There is no suggestion that clerics are required to immediately report cases to the civil authorities. The laws remain silent on penalties for bishops and clerics who mishandle abuse claims.

## APRIL 2003

### Event:

The Pontifical Academy for Life Experts Conference takes place under the title of “Abuse of Children and Young People by Catholic Priests and Religious [sic]”. Eight non-Catholic psychiatric experts were invited to speak to almost all Vatican dioceses’ representatives.<sup>200</sup> The experts encourage the CDF to gather data and develop a database on child sexual abuse committed by members of its clergy. The panel of experts identifies factors which contribute to clerical abuse: failure by the hierarchy to grasp the seriousness of the problem, overemphasis on the need to avoid a scandal, use of inadequate treatment centres, a misguided willingness to forgive and insufficient accountability.<sup>201</sup>

### Analysis:

Vatican officials asked: “How can one avoid a situation in which men with paedophile tendencies are able to hide behind a celibate life?” Studies have shown that “there is no evidence to suggest that Catholic clergy enter clerical life...with the purpose of gaining access to children to abuse them”.<sup>202</sup> The root of the issue is still being misconstrued by the Vatican. As of 2013, the Vatican has failed to produce a comprehensive database of sexual abuse cases.

## 2004

### Event:

Sexual abuse and the Catholic Church: Scientific and Legal Perspectives” is published by the Vatican as a result of the 2003 conference.<sup>203</sup> It states that “there is no place for primitive defensive tactics like denial, sublimation or outright disregard of the problem wherever it exists. Disclosure of abuse to the competent ecclesiastical and civil authorities should be encouraged”.

### Analysis:

There is still no provision in canon law requiring bishops to immediately refer any case of suspected child sexual abuse to the civil authorities.

## APRIL 2010

### Event:

The Vatican releases new procedures for handling alleged cases of sexual abuse by priests. The “Guide to Understanding Basic CDF Procedures concerning Sexual Abuse Allegations” summarises the procedures governing investigations by the Congregation for the Doctrine of the Faith into allegations of sexual abuse by clergy members. It instructs that “civil law concerning reporting of crimes to the appropriate authorities should always be followed.” The CDF guidelines provide for interim measures meant to ensure the safety of others during civil authorities’ investigations or legal proceedings: “During the preliminary stage and until the case is concluded, the bishop may impose precautionary measures to safeguard the community, including the victims. Indeed, the local bishop always retains power to protect children by restricting the activities of any priest in his diocese. This is part of his ordinary authority, which he is encouraged to exercise to whatever extent is necessary to ensure that children do not come to harm, and this power can be exercised at the bishop’s discretion before, during and after any canonical proceeding.” In addition, the guidelines outline a multi-tiered system of enforcement and appeals, including local bishops, the CDF, and the pope himself.<sup>204</sup>

### Analysis:

The internal Holy See penal process for clerics still states that “should the cleric be judged guilty... penal processes can condemn a cleric to a number of canonical penalties, the most serious of which is dismissal from the clerical state.” The worst penalty under canon law still leaves the perpetrator free to harm other children. There remains no consideration for the welfare of the victims and no penalties for clerics who mishandle abuse claims. It is stated that “the question of damages can also be treated directly during these procedures.” Yet, the amount in compensation received by victims from the Holy See itself is still zero.

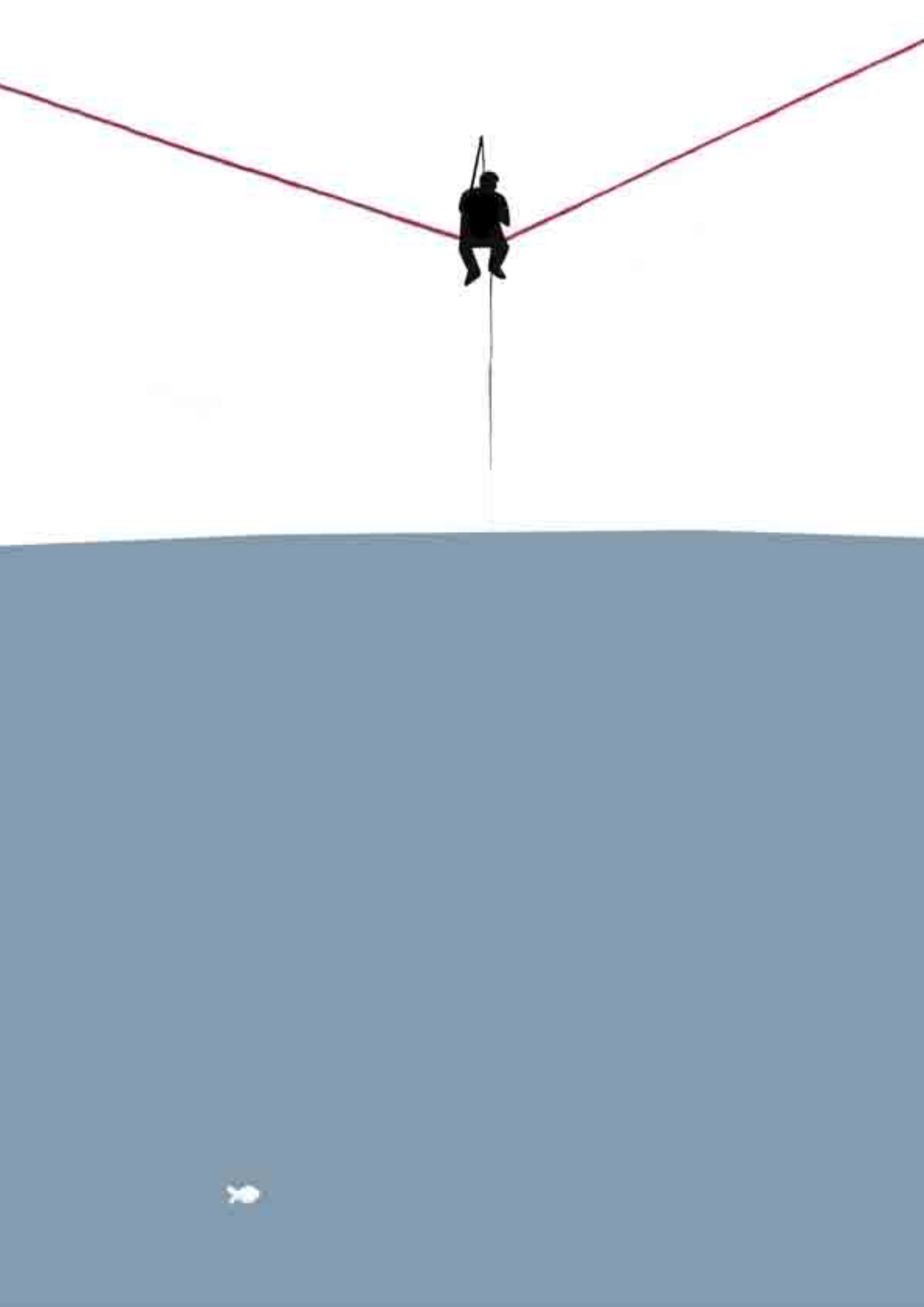
## MARCH 2010

### Event:

Pope Benedict issues an apology, in the form of a pastoral letter, to victims of clerical sexual abuse in Ireland. In addressing the Catholic Church in the country, he says: “The task you now face is to address the problem of abuse that has occurred within the Irish Catholic community, and to do so with courage and determination. ... In order to recover from this grievous wound, the Church in Ireland must first acknowledge before the Lord and before others the serious sins committed against defenceless children.”<sup>205</sup>

### Analysis:

This apology only extended to victims in Ireland and the pope did not issue similar apologies in other countries and thus did not acknowledge the thousands of victims elsewhere. Pope Benedict did not call for any disciplinary action or acknowledge the Holy See’s own responsibility - especially as since 2001 the ‘motu proprio’ had been giving the CDF responsibility to deal with and judge serious crimes such as child sexual abuse themselves.<sup>206</sup>



## MAY 2011

### Event:

The Vatican issues a letter to all bishops “To assist Episcopal Conferences in developing Guidelines for dealing with cases of sexual abuse of minors perpetrated by clerics”.<sup>207</sup> These new internal guidelines are meant to prevent further abuse by clerics by ordering bishops across the world to follow tough guidelines for dealing with abusive priests.

### Analysis:

The letter leaves autonomy with bishops and fails to put in place any sanctions on the bishops who oversee those clerics, should they fail to follow through with the recommendations. Bishops are told only to report cases to the secular authorities if it is “without prejudice to the sacramental internal forum”. In the handling of individual cases, the letter specifically elevates the judgement of bishops over civilian review mechanisms that were introduced in some countries, including the United States and Ireland. In its effort to make sure bishops retain their independence, the Holy See risks perpetuating a pattern whereby Church officials prioritise the protection of their priests over the well-being of their parishioners with few repercussions.<sup>208</sup>

## SEPTEMBER 2011

### Event:

The Holy See submits its second periodic report to the UN Committee on the Rights of the Child.<sup>209</sup>

### Analysis:

The submission contains insufficient information on the many cases of child sexual abuse worldwide.

## FEBRUARY 2012

### Event:

The Vatican holds a summit in Rome on how the Catholic Church should tackle the sexual abuse of children by priests. It aims to produce guidelines on tackling abusive priests and helping police to prosecute clerical crime. Bishops from over 100 countries and 32 heads of religious orders engage in four days of discussions.

### Analysis:

Only one victim – a woman from Ireland – was invited to attend the summit, no other victims or rights groups were able to take part. The summit was denounced by victims’ groups as just another Vatican “PR exercise”.<sup>210</sup>

## APRIL 2013

### Event:

The new Pope Francis issues a statement urging Bishop Mueller, head of the CDF, to “act decisively as far as cases of sexual abuse are concerned, promoting, above all, measures to protect minors, help for those who have suffered such violence in the past (and) the necessary procedures against those who are guilty”.<sup>211</sup>

### Analysis:

The statement is vague and does not require action which could be measured in statistical terms. Of all the cases dealt with by the CDF, it remains entirely unclear how many were referred to the civil authorities.

## JULY 2013

### Event:

Pope Francis issues a new papal decree which includes a broader definition of the category of “crimes against minors”.<sup>212</sup>

### Analysis:

The updated legislation is only applicable to the circa 5,000 clergy and lay people who live and work in Vatican City. It differs from canon law which covers the universal Catholic Church.

## NOVEMBER 2013

### Event:

The Holy See is due to respond on 1 November to the list of issues raised by the CRC following the Holy See’s report to the Committee.<sup>213</sup> But the Holy See responds almost one month late and its response, dated 27 November, is only published online on 3 December. The questions include whether priests, nuns and monks guilty of sexual crimes have been allowed to remain in contact with children, what legal action has been taken against them, whether the Church has required clergy to report abuse to secular authorities and whether complainants have been silenced.

### Analysis:

The Holy See did not provide satisfactory answers to the questions raised by the Committee. In particular, the issue most relevant to this report, no. 11, which dealt with the child sexual abuse scandal,<sup>214</sup> was mostly ignored as the Holy See refused to provide the requested full disclosure of information on all cases of alleged sexual abuse of children by priests, nuns and monks. In its vague response, the Holy See claimed that it is in fact “separate and distinct” from the Roman Catholic Church and only bears responsibility for what happens inside Vatican City, thus blaming local governments for the lack of prevention and redress for abuse by priests and others associated with the Church around the world. Yet, as shown above, the Holy See does actually follow a string of strict policies regarding internal reporting and oversight. It furthermore asserted that it was not its practice to disclose information about the religious discipline of clergy unless specifically requested to do so by the authorities in the country where they were serving. It stressed that it had changed the criteria for choosing priests and revised Church law to ensure clergy were properly disciplined.<sup>215</sup>

## DECEMBER 2013

### Event:

It is announced that the Vatican will launch a “special committee” to improve measures to protect children against sexual abuse within the Church. This comes after a series of closed-door meetings between Pope Francis and a special commission of eight cardinals in which the Vatican’s troubled administration was discussed. The commission of experts is mandated to “study these issues and bring concrete recommendations” to the pope and the Vatican.<sup>216</sup>

### Analysis:

This is a step in the right direction and shows that the new pope is willing to confront the administrative problems faced by the Catholic Church. But the committee should be open to engaging with civil society by making its measures transparent. It should also consider strengthening the Holy See’s policies on cooperation with civil legal authorities and on handing over cases to the police and prosecution services.

### 3. Need for genuine change of Holy See policies

Today, the abuse crisis is still raging in the Catholic heartland of Europe as well as in many other countries dominated by Catholicism.<sup>217</sup> Even though the Holy See has shown increasing recognition of the seriousness and scale of clerical sexual abuse of children, this has not as yet resulted in clear action to ensure that allegations of child abuse are reported to and investigated by competent civil authorities and there is no impunity for perpetrators, including of historic abuse. There is a void when it comes to the Holy See enforcing its revised laws and reforms. Even in 2013 – years into the abuse scandal – Holy See reforms were still vague. There are no guidelines dealing directly with ensuring the welfare of the victim and many serious cases are still dealt with by the Congregation of the Doctrine of the Faith and not sent to the civil judicial authorities.

Whether the Vatican's responses are about self-preservation or whether they are just being misconstrued, the outcome still highlights the Vatican's historic inability to deal with the issue effectively. There is no transparent and decisive system with which to deal with the problem on a global scale across the entire Holy See. Transparency, in the form of full disclosure to external judicial authorities, is the bridge between intention and achievement. The Vatican should choose full disclosure of information over self-preservation.

The Catholic Church is against violence. It stands for the inherent dignity and worth of all human beings. Yet, child sexual abuse cases have not been addressed sufficiently for decades. Reports of a systemic change of Vatican policy under Pope Francis regarding human rights provide a promising outlook on his papacy.<sup>218</sup>

PART V

WHAT YOU CAN DO



**As mentioned earlier, the aim of this report is to bring information together to give a global picture of the scale of sexual abuse against children in the Catholic Church across the world. This is a preliminary report and we will be publishing an updated version after the Holy See review by the Committee on the Rights of the Child. The updated version will also contain a set of recommendations to different actors. In the meantime:**

### **1. Contribute to the research:**

We are inviting people to contact us with feedback on the report and further information. We want to hear from you if:

- You can verify or challenge any of the information in the report with information from existing court cases.
- Have information on additional court cases. This preliminary report cites a number of court cases from around the world either against individual clerics or the Church itself. We are aware that this is very small snapshot of legal challenges. We are looking to build a case law database on this issue that lawyers, victims and support groups can use as a free resource.

CRIN works in Arabic, English, French, Russian and Spanish.

### **2. Connect with others:**

You can join our global directory of children's rights advocates. Email us at [info@crin.org](mailto:info@crin.org) to be included in the campaign network we are putting together.

- We are building a network of activists, NGOs, victim support groups and others - please let us know whether you would like to be part of this network.
- If you are a lawyer who has worked on similar cases, or would like to, please contact us so that we can include your name and contact details in our network of legal professionals.
- You can also support each other by using some fantastic blogs set up by victims and support groups, which we have listed in a campaigns toolkit that you can find on our website: [www.crin.org](http://www.crin.org)

### **Before the session**

- **Get on twitter:** Pope Francis has an official twitter account with over 3,000,000 followers. Interestingly, the account only follows eight people. Similarly, the Vatican News twitter account has over 180,000 followers and doesn't follow anyone at all.

Let's tell them what's really going on. Tweet @Pontifex\_In and @news\_va\_en up to, during and after the UN's January review, and use and follow #HolySeeConfess. The toolkit includes some example tweets.

- **Get a group together and watch the session on a big screen:** A group of NGOs live stream UN treaty body sessions (including the Committee on the Rights of the Child) via a webcast: <http://www.treatybodywebcast.org/>.

The Committee is due to release its concluding observations (summary of discussions with the State and the Committee's recommendations) on the Holy See's review on 5 February. There will be more ways for people to get involved in the campaign once those concluding observations are out. Keep an eye on our website, and follow #HolySeeConfess on twitter for updates.

# ENDNOTES

- 1 [http://tbineternet.ohchr.org/\\_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=851&Lang=en](http://tbineternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=851&Lang=en)
- 2 See e.g.: <http://www.economist.com/blogs/erasmus/2013/07/vatican-and-un>; <http://www.telegraph.co.uk/news/worldnews/europe/vaticancityandholyysee/10170080/UN-tells-Vatican-to-hand-over-details-of-child-sex-abuse-cases.html>; [http://www.huffingtonpost.com/alison-winfeld-burns/at-the-vatican-noir\\_b\\_3571143.html](http://www.huffingtonpost.com/alison-winfeld-burns/at-the-vatican-noir_b_3571143.html)
- 3
- 4 Written replies page 1, [http://tbineternet.ohchr.org/\\_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=851&Lang=en](http://tbineternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=851&Lang=en)
- 5 Written replies page 18, [http://tbineternet.ohchr.org/\\_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=851&Lang=en](http://tbineternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=851&Lang=en)
- 6 <http://www.vaticanstate.va/content/vaticanstate/en/stato-e-governo/storia.html>
- 7 <http://www.vaticanstate.va/content/vaticanstate/en/stato-e-governo/note-general/origini-e-natura.html>; <http://www.aloha.net/~mikesch/treaty.htm>
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- 10 <http://www.un.org/en/members/nonmembers.shtml>; <http://www.holyseemission.org/about/index.aspx>
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