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*International Association of Free Thought*

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**UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD**

**ASSOCIATION INTERNATIONALE DE LIBRE PENSEE**

**ALTERNATIVE REPORT ON FRANCE**

**LIST OF ISSUES PRIOR TO REPORTING FOR THE 88TH SESSION**

**JULY 2020**

THERE IS NO TABLE OF CONTENTS AS ALL MATERIAL RELATES TO CLUSTER 4.

**4. Civil Rights and Freedoms (Article 19)**

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The following points and questions relate to financial settlements for Child Sex Abuse (CSA) that occurred in Catholic Church settings in France. We assume it is not necessary to make the case that the consequences of such abuse are, in many cases, life-destroying.

The principal conclusion of our research is that very few, if any, victims of CSA that occurred in Catholic Church settings in France received compensation from the Church that anywhere near matched victims’ suffering and losses, which appears to be a *prima facie* breach of Article 39 of the Convention about adequate reparations. In our opinion, this inequity arises from the enormous disparity in power between the victims and the Catholic hierarchy. Many victims accept the Church’s teaching that priests are “ontologically change[d] by ordination”[[1]](#footnote-1), so revere priests and consider they should be unquestioningly obeyed. On the other hand, many victims will, often as a result of their abuse, be less assertive and may be impecunious - reducing their access to professional advice.

The Church’s procedures, through which the compensation is potentially available, offer the minimum compensation possible. Even more disturbing and potentially damaging to victims is that the compensation routinely accepted by them deprives them of the rights to claim in the civil courts, where they would normally receive a greater sum. Acceptance also deprives victims of the right to complain to civil authorities about crimes to which they have been subjected. The norm is that they can only receive the compensation if they accept these onerous conditions, generally without independent legal advice.

Victims are also sworn to silence about the crimes, the perpetrator(s) and the settlement. This generally means the perpetrators escape justice and punishment, and remain free, which enables the Church to move them to places where there is no knowledge of their crimes, and where their opportunities to reoffend are even greater.

We recognise that the Committee may be hesitant to become involved in, or express opinions about, the internal operations of the Church and financial arrangements that it makes freely with victims, or even the evasion of any such. For reasons of justice, preventing re-offending and apparent shortfalls in conforming to Article 39 however, we hope that the Committee will examine the evidence offered in this alternative report.

Our own investigations have shown the Catholic Church in France (and admittedly many other countries) to be: preoccupied with protecting fellow bishops and clerics; avoiding encounters with victims; avoiding compensation as much as possible or at least minimising it; and almost entirely ignoring the hurt and damage caused.

We also remind the Committee that while most of the Church’s statements on CSA emanate from bishops or their conference, little is heard or known publically about religious orders. While the Australian Royal Commission found that “7 per cent [of Catholic priests] were alleged perpetrators” the percentage in religious orders was as high as 40.4 per cent, with the numerous Christian Brothers at 22.0 percent.[[2]](#footnote-2) They operate autonomously.

We recognise that alterations may be proposed to the Church’s current arrangements for compensation by the Sauvé Commission, but it has no executive power, nor remit to blame. The Church will decide which of its recommendations to accept, also when and how to implement them.

Below are examples of the Church’s unacceptable attitude to compensating victims, mainly drawn from France.

1. Even Bishop of Reims, Eric de Moulins-Beaufort, charged with dealing with the CSA crisis in the Church “recognize[s] the ‘aggression suffered’ but also the ‘silence, neglect, indifference, lack of reaction, bad decisions or dysfunctions within the Church’, … referring to "lacks of various orders within the Church".[[3]](#footnote-3)
2. “[The sum payable] is "neither compensation that depends on the justice of our country or the canonical justice, nor a reparation, "explained Eric de Moulins-Beaufort.” “The bishops chose to pay a single sum, which does not vary from one victim to another. ‘We are considering a single, lump sum because how do we quantify the pain?" Bishop Pascal Delannoy, the bishop of Saint-Denis in charge of the compensation think tank, told *La Croix.* "The word ’responsibility’ of the Church does not appear, it bothers me a lot," Jean-Luc Souveton told AFP.  
     
   It is beyond unacceptable that the bishops seek a “one size fits all” approach to reparations, the sums of which will be minimal, failing to recognise the Church’s systemic negligence and failure to follow the law. It is saying in effect to victims “we cannot be bothered to investigate how much you have suffered and how much we are at fault, indeed we admit to no fault.”
3. "Dioceses cannot, legally and financially, pay for themselves. That is why the question is being asked to finance the gesture with donations"[[4]](#footnote-4)   
   “It is not yet known the amount of the amount paid, the CEF has simply specified that the allowances will be allocated from a specific endowment fund.”[[5]](#footnote-5)   
   The endowment fund will be funded "with funding to bishops, guilty priests when they are alive, and the faithful who will come to help us," said the president of the French Conference of Bishops, Bishop Eric de Moulins-Beaufort. “Not everyone is willing to pay. *Le Parisien* collected the testimonies of Parisian parishioners, and many expressed their astonishment. ‘It's not up to us to pay, it's not our fault, it would be too easy!’ a woman of faith told the newspaper. ‘It is up to the Church itself, which is rich, to take responsibility.’"[[6]](#footnote-6)  
     
   The fixed sum is to be largely determined by the generosity of others to pay, which means victims will be sold short. Yet the Church, whose fault nearly all of this is, is abnegating responsibility and pleading poverty. Our researches suggest there is no justification whatsoever for this disingenuous claim. Even if the Church were poor, it would have a legal and moral responsibility to pay its debts and obligations.

SUGGESTED QUESTIONS (These are expressed as if made by the Committee.)

1. Would the state party list claims for civil damages

over the last seven years for CSA in religious settings showing:

* 1. The body awarding civil damages and the date of the award
  2. Nature and scale of abuse and the approximate years it occurred;
  3. Names, positions and affiliations (e.g. church, diocese, order. location) of claimed aggressors;
  4. Sums awarded, and
  5. Where no sums awarded, the reasons therefor.

We request an accompanying commentary on the conclusions drawn from this data and especially actions proposed.  
  
An award that stood out, admittedly in 2001, was just 1 Franc[[7]](#footnote-7) per child for rape of 11 boys and was made against the bishop for outright refusal to disclose his knowledge of this. Nevertheless, passing it off as “symbolic” and “what [the victims] had claimed” (surely not their suggestion) if anything compounds yet further the abuse and indeed worthlessness victims must have felt from the awarding of this derisory sum.

1. Would the state party endeavour to establish similar information, either from the Catholic Church, victims’ groups (example[[8]](#footnote-8)) or from victims, in respect of complaints and claims made to the Church. Additionally, we would also like to be informed in each of these cases:
   1. The body and officials dealing with the case or awarding the compensation,
   2. Whether or not the award was the result of an ecclesiastical trial,
   3. Any undertakings that were required (and whether in writing) particularly on confidentiality about the alleged aggressors and the amount awarded,
   4. What sum, if any, was awarded
   5. What the sum was described as and, if known, the basis of calculation,
   6. Whether the victim had, or was advised to secure, independent legal advice.

We request an accompanying commentary on the conclusions drawn from this data and especially actions proposed.

1. Would the state party review the prescription period for civil claims concerning CSA and increase it materially, from the current 5 years under Article 2224 of the Civil Code[[9]](#footnote-9), bearing in mind that the average interval between abuse and claim found in the Australian Royal Commission Inquiry was 33 years.
2. Would the state party please consider once more establishing a Parliamentary or Judicial Commission of Inquiry into CSA in religious (and possibly other) settings with full powers of summons and discovery with evidence being given under oath.  
     
   We believe that the evidence of evasion of justice in respect of CSA in Church settings and inappropriately low compensation are sufficient to justify this.
3. Would the State Party consider facilitating the creation of an independent body to hear the cases of those claiming CSA in religious settings in as non-confrontational manner as possible to determine whether compensation is due and what level would be appropriate.   
   If the State Party does not favour such an approach we would welcome alternative suggestions as to how such problems with justice and compensation can be overcome.  
     
   We believe that religious bodies have not shown sufficient willingness or even-handedness to perform this role. Such a body or bodies and the compensation they award would have to be funded by the religious entities, but remain entirely independent of them.

We note something similar called for by Victims’ group La Parole Libérée[[10]](#footnote-10), which carries a letter of endorsement by child and adolescent psychiatrist Catherine Bonnet who served on the Pope’s Commission for the Protection of Minors:  
*“It is necessary to think about the creation of an authority outside the diocese and the bishop that, competent to ensure the best care for the victim. A multi-disciplinary commission (composed of medical, legal, religious and even state actors) would guarantee neutrality, competence and efficiency for the overall care of victims, regardless of the case.*”  
La Parole Libérée are happy for their report to be sent to the Committee but point out it was prepared in 2017 and has not been updated.

1. The Committee is concerned to further understand the effectiveness of safeguarding in the State Party, generally but also in religious settings. Could the State party please provide information on:
   * 1. Whether there is a policy that no child should be alone with an adult, whether this applies to religious settings, how it is enforced, whether are ways in which enforcement could be strengthened, and if so how
     2. Age-appropriate teaching on safeguarding; whether are ways in which this could be made more effective and enforcement could be strengthened, and if so how   
          
        Also, in respect of religious organisations generally, the Catholic Church in particular - to include diocesan and religious orders:
     3. The extent and effectiveness of any chains of command in communicating safeguarding requirements and exercising control over safeguarding
     4. The extent of autonomy within these organisations (e.g. individual monasteries) and the implications of that autonomy for safeguarding.  
        (The England and Wales Inquiry has found almost all Benedictine monasteries operated as individual fiefdoms, ignoring Benedictine and Catholic-wide safeguarding edicts and abuse was rife.[[11]](#footnote-11))
     5. The extent of independence of those operating safeguarding roles and an assessment of its effectiveness and the rules in place to ensure and continually monitor this
     6. What rules there are for the prominent display of notices in every religious setting inviting those with safeguarding concerns to report them to organisations entirely outside the religious body at any level.
     7. What procedures there are for ensuring such displays are made and maintained, and what checks have been made to ensure they are functioning effectively.
2. The Committee is concerned about the Catholic Church’s initial proposals that compensation to CSA victims should be symbolic, and amount to a single minimal arbitrary sum for each victim. This is reportedly regardless of the extent of their abuse or loss, partly justified by a senior bishops’ conference spokesperson on the purported grounds that “The French Church is poor and we have to watch every penny”.  
   The State Party is invited to establish the wealth of the Church at current values, rather than historic costs, excluding places of worship and administrative and accommodation buildings and equipment in active use. A major component of that wealth could be that of religious orders, many of whom own substantial buildings acquired when there were many more monks and nuns than now. It is not clear the extent to which the ultimate ownership of the property of these orders operating overseas, for example of Bon Secours Sisters/Sœurs of Tuam in Ireland, whose headquarters are in central Paris vests in the French headquarters.  
   Furthermore, much more needs be known about the legal entities holding Church assets and the extent to which, if at all, any have legal call on any other. Are, for example, individual monasteries legal entities or all owned by their Order? This could be important if CSA claims against one monastery exceeded its assets, but the Order centrally or as a whole had sufficient funds.
3. Would the State party consider whether settlements adequately reflect:

a) The hurt and duration of abuse;

b) The resultant losses to the victim in:

* + 1. Relationships,
    2. Family life,
    3. Health and
    4. Earning power expected in a life without such abuse

c) The cost of past, present and future therapy

d) A penalty for any failures of Church in dealing with complaints or  
in knowingly allowing abuse to continue, and

e) Punitive damages in exceptionally egregious cases

To the extent that the State Party does not accept this suggestion, the Committee invites the State party to propose changes to enable more equitable settlements.

1. <https://www.vatican.va/roman_curia/congregations/cclergy/documents/rc_con_cclergy_doc_18061996_intr_en.html> [↑](#footnote-ref-1)
2. <https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_volume_16_religious_institutions_book_1.pdf> [↑](#footnote-ref-2)
3. <https://www.lexpress.fr/actualite/societe/religion/les-eveques-votent-une-somme-forfaitaire-pour-les-victimes-des-pretres-pedophiles_2106366.html> [↑](#footnote-ref-3)
4. <https://www.lexpress.fr/actualite/societe/abus-sexuels-les-catholiques-prets-a-participer-a-l-indemnisation-des-victimes_2105806.html> [↑](#footnote-ref-4)
5. [www.lefigaro.fr/actualite-france/les-questions-que-pose-l-indemnisation-des-victimes-de-pretres-pedophiles-20191110](http://www.lefigaro.fr/actualite-france/les-questions-que-pose-l-indemnisation-des-victimes-de-pretres-pedophiles-20191110) [↑](#footnote-ref-5)
6. [www.lefigaro.fr/actualite-france/les-questions-que-pose-l-indemnisation-des-victimes-de-pretres-pedophiles-20191110](http://www.lefigaro.fr/actualite-france/les-questions-que-pose-l-indemnisation-des-victimes-de-pretres-pedophiles-20191110) [↑](#footnote-ref-6)
7. “The bishop was also ordered by the Caen Correctional Court (west) to pay a symbolic franc of damages to each of the four civil parties, a sum in line with what they had claimed.” This concerned Bishop Pierre Pican of Bayeux (France) in 2001 in respect of the rape of four children which he had failed to report. <https://www.lorientlejour.com/article/349534/Un_eveque_condamne_avec_sursis__-_pour_non-denonciation_de_crimes_sexuels.html> [↑](#footnote-ref-7)
8. <https://www.paroisse-singapour.com/wp-content/uploads/2019/01/Projet-de-r%C3%A9forme-de-lEglise-sur-la-prise-en-charge-des-victimes-dactes-de-p%C3%A9dophilie-commis-par-des-clercs-1.pdf> [↑](#footnote-ref-8)
9. <https://www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=44CBD928D29302F2147CCC098557B112.tplgfr27s_2?idArticle=LEGIARTI000019017112&cidTexte=LEGITEXT000006070721&categorieLien=id&dateTexte=> [↑](#footnote-ref-9)
10. <https://www.paroisse-singapour.com/wp-content/uploads/2019/01/Projet-de-r%C3%A9forme-de-lEglise-sur-la-prise-en-charge-des-victimes-dactes-de-p%C3%A9dophilie-commis-par-des-clercs-1.pdf> [↑](#footnote-ref-10)
11. <https://www.iicsa.org.uk/document/roman-catholic-church-ebc-case-study-ealing-abbey-and-st-benedicts-school-investigation> [↑](#footnote-ref-11)