

SURVIVORS VOICE Europe

Response to the submission by the Holy See December 16th 2013.

We would like the members of the committee to know that since the pre-sessional meeting with you we have been inundated with letters and messages from desperate survivors of clergy abuse from all over the World who, on hearing of this initiative by the UN CRC, have seen a glimmer of hope in their struggle against their abusers in the church. We cannot send all of those pleas to you, but we are documenting them all and will make them available on a web page and indeed to you if necessary.

What we do want you to understand is that after years of being dismissed, rejected, and further abused in their fight, many of these survivors of the worst betrayal of body and trust are depending on you to shine a spotlight on these crimes, safeguard future generations of children, and help them find some justice.

We trust you will not fail them.

Survivors Voice Europe represents hundreds of courageous survivors of child sexual abuse. It has become clear throughout our research of the response of the Holy See (“HS”) to various allegations in many

countries that, the Holy See's position has been diametrically opposed to accepted safeguarding practice.

The committee has already heard evidence from NGOs in relation to the HS's breaches of various articles of the convention and we do not propose to repeat them here.

At no point has the Holy See been willing to be open and honest about the extent of the abuse they have discovered within their organisation. They have hidden the statistics from us, from lawyers around the world, from police and civil authorities and now from the UNCRC.

The tactic of the Holy See appears to have been :-

- 1) To enforce secrecy via the 1962 Crimen document and subsequent reassertions by 3 separate Popes of the necessity for secrecy (2001, 2010, and 2013);
- 2) To impose ludicrously feeble penalties on offending priests;
- 3) To fail to report pedophiles to the police and civil authorities;
- 4) To challenge law suits vigorously;
- 5) To protect priests against whom allegations are made (and thereby expose future children to the risk of sexual abuse from priests who in the civil legal system be imprisoned);
- 6) To refuse to disclose the details of the size of the problem or how the Holy See has tackled it since 1990.

Please note that the recent announcement by the Pope in December 2013 of an inquiry is a cynical attempt to persuade the UNCRC that it will now finally take action.

We urge the committee not to be distracted by the Holy See's plea for "one last chance". The Holy See has not demonstrated at any time since 1990 that it is serious

about child safeguarding. We can supply detailed evidence to support these assertions if required.

Please make no mistake - as you read this summary somewhere in the world a child is being sexually abused by a catholic priest. The Holy See's failure to control their priests is causing children to be abused by priests today.

We recommend the committee to require the Holy See to take the following action :-

1) To issue a decree to bishops and all orders to ensure that the UNCRC takes precedence over canon law and that canon law is amended accordingly and to issue a decree to reverse the incompatible elements of the 1962 crimen decree, the 2001 apostolic letter and the 2010 gravioribus decree.

2) To instruct the HS to publicly instruct all dioceses and orders :

a) to instigate child protection measures that require without exception that credible allegations of abuse are immediately reported to secular enforcement agencies, and to post notices in all establishments giving contact details of external child support agencies, and to undertake this process using independent staff

b) to make the failure to report to secular enforcement authorities reasonable suspicion of abuse by other priests or religious a disciplinary offence which, without exception, leads to dismissal.

3) to forbid the HS from destroying any files or records relating to suspected abuse (including those relating to canonical trial).

4) To require the HS to produce an accurate list of priests and religious moved to different countries or dioceses as a result of concerns about abuse of minors since it's accession to the convention, showing names, dates, countries, and in each case the measures taken (if any) to ensure they were prohibited from having access to minors.

5) To require the HS to submit a report on all dioceses and orders declaring bankruptcy or creditor protection, quantifying the extent to which abuse victim compensation has been reduced by this and whether the HS will make up this shortfall and if not why not.

6) To require the HS to initiate a program for educating children about their rights under the Convention and optional protocols.

7) To require background checks and psychological assessments by independent specialists before admitting clergy to positions of contact with children and vulnerable adults.

We strongly recommend the UNCRC to appoint a permanent special investigation panel and team to investigate breaches of the UNCRC by the HS on this subject. This panel is to have power to require the production of evidence whether written or oral from any priest or religious controlled by the HS. The panel is to report it's findings to the committee every 6 months for the committee to assess appropriate action. This panel is also to make recommendations to the committee on how the HS should deal with compensating and assisting survivors of priest and religious abuse.

It may be worth adding that the committee may now understand and be willing to assist with the referral of Joseph Ratzinger (and others working in the Vatican's

Congregation of the Doctrine of the Faith) to the international criminal court in respect of complicity with cover ups which have allowed priests and religious to continue abusing unchallenged by their own organisation.

Survivors Voice Europe

18th December 2013

OBSERVATIONS ON THE HOLY SEE RESPONSE TO THE CRC LIST OF ISSUES.

by David Greenwood (Solicitor and legal adviser to Survivors Voice Europe)

The Holy See's ("HS") forward

The HS appears to be saying that it is the central organ for the Catholic Church, but is only responsible for enforcing the convention when it relates to acts taking place in the Vatican City only.

The Holy See's attempt to distance itself from responsibility for compliance with the convention beyond the Vatican City is entirely at odds with the fact that the HS's Congregation of the Doctrine of the Faith ("CDF"), headed by Joseph Ratzinger for many years, was responsible for enforcing the 1962 "Crimen" document. This central document recognises that priests should be punished for committing grave sex crimes against minors and establishes a secret system for dealing with offending priests. Enforcement began at ground level by diocesan Bishops worldwide and was overseen by the CDF which is one of the pillars of the HS. This means that constitutionally and legally the HS cannot escape its responsibilities under the convention. If the committee

requires further source documentation on this issue we will ensure its provision.

It is clear that the Holy See gained entry to the UN in 1964 in order to have influence over much more than the 0.2 sq miles of Rome. The Holy See influences a whole range of global treaties and conventions as set out in resolution 314 of session 58. The Holy See cannot now seek to restrict the application of the convention on the rights of the child to a tiny geographical sphere. Please see http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/58/314&Lang=E

Curiously also the HS suggests in the final line of paragraph 5 of the forward that prosecution of offences comes under the jurisdiction of the states concerned. If this really is the HS position in reality why would bishops still seek to rely on the 1962 Crimen document and the De Delictis gravioribus document of 2001 and the re-statement by the Pope that canon law governs these crimes (Papal letter 11.07.13). In reality canon law requires secrecy from any person complaining about abuse. This secrecy operates to prevent police and civil authorities from investigating and prosecuting priests and clergy workers.

Page 4 para 7 of the response

The disingenuous attempt to restrict the HS's responsibility under the UNCRC to the Vatican City fails to reflect the HS's self-professed governance of Catholics worldwide.

Page 4 para 8 of the response

The HS at this paragraph is in fact asserting its control over its priests (“...visible society founded on ...discipline and governance by its internal legal system, namely canon law”). This is at odds with distancing itself from any control over those outside the Vatican City.

Page 5 paragraph 8

The HS has omitted from the end of this paragraph the fact that the HS expects priests, bishops and its followers to observe canon law which requires secrecy thereby avoiding national laws.

Page 5 para 9

Under canon law the penalties for offences of child sexual abuse are not prison but are only minor, ranging up to ex-communication from the faith at worst. This fosters a climate in which priests can feel immune to meaningful sanction if they are caught abusing children.

Page 6 para 1

One view of the position is that the HS sends out its agents (priests) to do its work. They may be working outside the Vatican City but the HS is still responsible for their actions. For example if the UK government sent officials out to Africa who abused children on a widespread and systematic basis and were not prosecuted by UK authorities the UN could and should hold the UK responsible under the convention.

Page 7 para 8

For all the above reasons it is impossible for the HS to argue that its responsibility for complying the UNCRC is confined to the Vatican City alone.

Page 8 final para

I would pose the question what has the HS been doing between 1990 and 2013 on implementing the CRC ?

Page 19

Overall the HS has failed to answer these questions. The HS cannot reconcile canon law provisions on child abuse and the terms of the UNCRC and should be required to leave the convention or have some serious sanction applied.

Despite this “window dressing” response the HS still has not implemented a mandatory requirement to inform the police in every case reported to it. Sadly bishops can still protect their priests through their secret process.

SUE COX - ENGLAND
TON LEERSCHOOL - NETHERLANDS

We would also like to draw the committee’s attention to the attached letter sent to us from Helen McGonigle, a Lawyer and a survivor of Brendan Smyth. Her letter, and her observations of the way in which appalling abuses of children are dealt with deserves to stand alone as an example of the crass disregard for even the basic rights of children who came into contact with

their priests. It also demonstrates the failure of the hierarchy to deal with Smyth, even after several serious complaints about his abuses.

We would also like to add the attached comments sent to us from our Australian Survivor colleagues.

Sue Cox

Survivors Voice Europe.

December 18th 2013.