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UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

ALTERNATIVE REPORT ON ITALY

PREPARED BY THE (UK) NATIONAL SECULAR SOCIETY

PRE-SESSION TO THE 80TH SESSION

MARCH 2018

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

4 Civil Rights and Freedoms (Article 19)

Authors

1. This reported has been prepared by the UK National Secular Society's ("NSS") President, Keith Porteous Wood and member of NSS Council Josephine Macintosh who has spoken for the NSS at the UN Human Rights Council ("UNHRC"). Mr Porteous Wood worked at the UN Human Rights Council and the Committee on the Rights of the Child to ensure that the Holy See was examined by the Committee, which it had not been for many years, and that the Committee had all necessary information to assist it in compiling its concluding observations¹.

Methodology and general approach

2. The National Secular Society works for the separation of religion and state, and for equal respect for everyone's human rights so that no one is either advantaged or disadvantaged on account of their beliefs. We have been in special consultative status with the United Nations Economic and Social Council since 2016.
3. Our work mentioned above relative to the Holy See and elsewhere, for example with the Anglican Church, has led us to conclude that clerical abuse is much more widespread than is realised and often concealed for decades. This concealment is often assisted by vows of secrecy and aggressive legal action taken by clerical organisations. We are therefore seeking to raise awareness of it and suggest ways in which it can be minimised.
4. We have sought the most reliable and informative data available, and while acknowledging that this may not be definitive, have included corroborating information from differing sources. Self-evidently the absence of official information does not mean the absence of a problem, indeed the opposite is likely to be the case, especially in Italy where the culture of clericalism and the power of the Catholic Church percolates into civil society, blunting the latter's ability to hold the Church to account.
5. We recognise that much abuse (sexual and other violence by adults) against minors is familial and much also occurs in non-ecclesiastical institutional environments. Clearly, credible accusations should be pursued with the full force of the law.
6. We also recognise that abuse in ecclesiastical organisations is not limited to Catholic or Christian organisation but extends across all denominations and religions in varying degrees. The emphasis on abuse in Catholic organisations in this report is a function of the large number of institutions under the aegis of the Catholic Church in the State party and that evidence has been found of abuse on a significant scale.
7. Ecclesiastical organisations are likely to disproportionately attract those intent on such abuse; the religious/spiritual power dynamic provides greater opportunities for perpetrators to abuse and conceal this; furthermore, such organisations can often more easily conceal this abuse, for example through the negotiation of concordats (see below) expressly permitting non-disclosure.

¹ CRC/C/VAT/CO/2, 31 January 2014

8. The purpose of this submission is to create, in the interests of victims of such abuse, a more level playing field so that such institutions do not enjoy privileges which in effect allow much abuse to go unpunished.

OUR CONCERNS

A – The level of clerical abuse of minors

9. There is no definitive official information about the scale of clerical abuse of minors in Italy, however three sources of information are set out in the Appendix that provide an attempt at highlighting the scale.
10. Example 1 (see Appendix) shows an extract from a report from RMIT University (Melbourne, Australia) *Child Sexual Abuse in the Catholic Church: An Interpretive Review of the Literature and Public Inquiry Reports* written by two Catholic academics. They conclude that there “has been the consistent underplaying of the scourge of clerical child abuse by the Catholic Church in Italy”.
11. This report draws attention to serious attitudinal problems in the Vatican which it is reasonable to presume must also prevail in surrounding Italy. An example is “if a priest offended he should repent, and if he repented he should be forgiven and restored to his position. [...] The concern of the Roman Curia officials present at the meeting was to protect the innocent priest because of their belief that many accusations were false. [...] Nor could they appreciate the notion that returning perpetrator priests to ministry involved ‘unacceptable risk’ to children. Because of their wholly legalistic approach, they did not consider the obligations of the Church towards victims. [...] the Congregation for the Doctrine of the Faith, for example, classified child sexual abuse under the label of ‘the more serious offences’, which included offences such as desecrating a host, celebrating Mass with only bread or only wine, and concelebrating Mass with non-Catholic priests [seemingly regarding the former as being of equal severity to the latter two]. The priest was a privileged person under canon law; the victim was not.”
12. Example 2 (Appendix) comes from an Italian organisation seeking to bring paedophile Catholic priests in Italy to justice. It shows 120 definitive convictions against child abusers among the clergy from the last 10 years. They are marked on a map of Italy, indicated by red pins.
13. Example 3 (Appendix) uses statistical information on the incidence of clergy abuse produced in 2009 by the Holy See in evidence to the UN Human Rights Council². It estimated somewhere between 1.5% and 5% of the Catholic clergy has been involved in sexual abuse cases. If this is extrapolated to Italy it would amount to as many as 3,400 cases, but not less than 1,000.
14. It is clear that endemic abuse in ecclesiastical environments is allowed to continue indefinitely and on such a large scale that it is inconceivable that this is not known to others in the institution. The Committee on the Rights of the Child itself wrote in

² Page 10, ‘Criticism of the Holy See over child abuse’, International Humanist and Ethical Union, UN Human Rights Council, 12th Session, 22 September 2009 and 16 March 2010. Available at: <http://www.secularism.org.uk/uploads/criticism-of-the-holy-see-over-child-abuse.pdf>

2014 about large scale abuse in Catholic Church institutions, many of which are in Belgium. It stated in its concluding observations to the Holy See that “[w]ell-known child sexual abusers have been transferred from parish to parish or to other countries in an attempt to cover-up such crimes, a practice documented by numerous national commissions of inquiry” and that “still places children in many countries at high risk of sexual abuse” (full paragraph may be found under Example 3 in the Appendix).³

15. We remain convinced that mandatory reporting – if organised and resourced appropriately – is a valuable, indeed essential, tool to help reduce such endemic abuse. According to Mandate Now, a reputable organisation based in the UK:⁴

“A recent survey of 62 nations involved 33 developed nations, and 29 developing nations. The survey found, overall, that, according to Daro, D, (ed), *World Perspectives on Child Abuse*, 7th ed, International Society for the Prevention of Child Abuse and Neglect, Chicago, 2006, p 26.:
81.8% of the developed nations had some form of mandatory reporting;
78.6% of the developing nations had some form of mandatory reporting;
Combined, 80.3% of the nations participating had some form of mandatory reporting.”

16. While we acknowledge that none of the above information is conclusive, taken jointly we submit it gives sufficient cause for concern for the Committee to seek to request the State party to collect information and make the “best practice” recommendations cited below.

B – There is no obligation on the Catholic Church to report abuse

17. Article 4 of the Lateran Concordat, as modified in 1984, states that “Ecclesiastics are not required to divulge to magistrates or to any other officials in authority any information on persons or matters made known to them through the exercise of their ministry”. More detail is shown in Section B of the Appendix, including a corroborative article from Catholic News.

OUR RECOMMENDATIONS

1. The State party is asked

- a. to provide supplementary and current information on the level of clerical abuse in the State party;
- b. to establish a mechanism for monitoring the level of accusations of clerical abuse in future, including recording the year(s) in which the alleged abuse took place;
- c. to set out what measures the State party is taking to ensure that as many as possible of clerics against whom plausible accusations of abuse of minors have been made are brought to justice; and

³ Para 44(e), CRC/C/VAT/CO/2.

⁴ Mandate Now, ‘Why we exist’. Available at: <http://mandatenow.org.uk/why-we-exist/>

- d. to state what procedural measures the State party is taking to increase the future incidence of successful prosecutions for clerical abuse.

2. The Committee recommends that the State Party:

- a. Where an individual has a position of personal trust towards children and while such children are in their care, the individual has reasonable grounds for knowing or suspecting the commission of physical or sexual abuse or abuse by way of wilful neglect on such children, make it mandatory to report this to the authorities designated to protect children within seven days. If, however, the child is considered to be in danger of harm or significant harm, the matter should immediately be reported to the police. Failure to so report shall constitute a criminal offence for which there should be an appropriately serious penalty.
- b. Take action to make it mandatory, including in clerical environments, for all known and suspected child sexual abusers to be removed from post or from contact with children, and the matter reported urgently to regional or state authorities as described in a. above.
- c. Take appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment, as per article 39 of the Convention on the Rights of the Child. We recommend that this should include appropriate compensation.

APPENDIX

This Appendix contains sources of information suggesting a significant problem of clerical sexual abuse against minors.

A – The level of clerical abuse of minors

EXAMPLE 1

Desmond Cahill and Peter Wilkinson, ‘Child Sexual Abuse in the Catholic Church: An Interpretive Review of the Literature and Public Inquiry Reports’, Centre for Global Research School of Global, Urban and Social Studies, RMIT University, Melbourne, August 2017.⁵

Extract from pp. 92-93

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“[...] A constituent element in the many misunderstandings by the authorities of the Holy See has been the consistent underplaying of the scourge of clerical child abuse by the Catholic Church in Italy even though several books have documented the issue to some extent (Agnoli 2011; Andreoli 2010; Cucci & Zollner 2010; Introvigne 2010, Introvigne & Marchesini 2014), including one by an anonymous author in 2010 titled *Il Peccato Nascosto: Lo Scandalo dei Preti Pedofili e I Silenzi della Chiesa* (The Hidden Sin: The Scandal of Paedophile Priests and the Silences of the Church (Anonimo 2010). [...] How serious the issue is in Italy is impossible to say, because there are no reliable sources. Newspaper reports continue to trickle out, as documented on the bishops.accountability website⁶, but there has not yet been a defining set of events to bring Italian public attention to the issue. The Italian Catholic population has always been aware of the sexual peccadilloes of its priests. The

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anonymous author suggests that the clerical sex abuse problem is ‘as numerous as it is unknown’. After documenting five Irish case studies of priests, anonimo documents five Italian cases: Don Ruggero Conti, a 56 year old priest of the Rome archdiocese; Don Giorgio Carli, a priest of the Diocese of Bolzano; Don Mauro Stefanoni of the Diocese of Como; Don Pierino Gelmini, a well-known priest for having founded a community agency to fight drugs; and Don Luciano Alloisio, the administrator of a Salesian institute in Turin.

Regarding residential care, there is no information.”

⁵ Available at: <https://www.rmit.edu.au/content/dam/rmit/documents/news/church-abuse/child-sex-abuse-and-the-catholic-church.pdf>

⁶ Available at: <http://www.bishop-accountability.org>

EXAMPLE 2**The Local, ‘Hundreds of Italian Paedophile Priests Outed in Shocking Map’, 3 March 2016⁷**

“An Italian organization seeking to bring paedophile Catholic priests in Italy to justice has developed a detailed map showing all reported cases from the last 10 years.

The map of Italy below paints a highly disturbing picture.

In the last decade alone, there have been 120 definitive convictions, marked on the map by red pins, against child abusers among the clergy.

Yellow pins mark instances of abuse that have been confirmed by a court, but the perpetrator has not been sentenced, most commonly due to court cases expiring under the statute of limitations.

Black pins mark cases in which foreign priests in Italy, who are under investigation abroad, are being protected by the Vatican.



Cases can be found in all areas of the country.

Photo: L'Abuso

L'Abuso, an Italian association for the victims of paedophilia by priests, collected the figures from court data. But the cases shown on the map are just the tip of the iceberg, the company's chief, Francesco Zanardi, told The Local. “The actual scale of the problem is unknown, and we only have data for the last decade - but it gives an idea of how widespread it is.”

Zanardi hopes the map will help convince Italians of the need to finally bring child abusing clerics through the civil justice system. “The Italian government has a treaty with the Vatican which means priests are not obliged to report child sexual abuse. In other countries that is a serious crime in itself – but in Italy it's just the norm.”

The majority of Church child abuse investigations in Italy are therefore carried out behind a wall of secrecy in the Vatican's ecclesiastical courts.

⁷ Available at: <https://www.thelocal.it/20160303/hundreds-of-italian-paedophile-priests-outed-in-shocking-map>

Once found guilty by a Vatican court, most abusive priests do not end up not being defrocked and incarcerated. Instead, they are sent to a new diocese where abuse can occur again.

This process was even actively encouraged by the institution itself when Cardinal Joseph Ratzinger sent a letter to all bishops in 2001 encouraging them only to report suspected abuse cases to the Vatican's courts on pain of excommunication. Ratzinger became Pope Benedict XVI four years later before resigning in 2013.

But Italians are becoming more critical of the Church's efforts to deal with paedophilia internally, thanks to notable media coverage of the problem.

Firstly, the ongoing investigation into Vatican finance chief George Pell, who is still working for the Church despite reams of evidence suggesting he covered up years of abuse while working as a priest in the Australian state of Victoria.

Secondly, Sunday's Oscar success of the film 'Spotlight', which scooped two awards for Best Film and Best Screenplay. The film tells the story of how a team of reporters working for the Boston Globe first exposed endemic child abuse in America in 2003.

"I'm pleased that ongoing investigation into Cardinal Pell and the recent success of Spotlight have the Italian media talking more about the issue, but a lot more needs to be done," Zanardi said, adding that he doubted Pope Francis would do anything to change the laws surrounding the reporting of abuse.

Since becoming pontiff in 2013, Jorge Mario Bergoglio has tried to improve the Catholic Church's image, but critics say he has failed to address the problem of child abuse sufficiently and has not done enough to create a dialogue with victims.

"It's ridiculous really," added Zanardi.

"We've known about child abuse in the Catholic Church for 15 years and it's time to face up to it. The Church needs to be forced to take its child abusers to civil courts – but if that happens it will be a miracle, no pun intended."

EXAMPLE 3

At the 12th Session of the UN Human Rights Council⁸, the International Humanist and Ethical Union drew attention to widespread abuse of minors by Catholic clerics and accused the Holy See of "widespread attempts to cover up cases of alleged child abuse perpetrated by members of its clergy and religious orders"⁹.

The speaker was Keith Porteous Wood, a co-author of this report.

The Holy See representative to the UN in Geneva issued a statement as a right of reply to the above which read, in part:

⁸ Dates: 14 September to 2 October 2009.

⁹ pp. 2-9, 'Criticism of the Holy See over child abuse', International Humanist and Ethical Union, UN Human Rights Council 12th Session, 22 September 2009 and 16 March 2010. Available at: <http://www.secularism.org.uk/uploads/unhrc-holy-see-pack.pdf>

“From available research we now know that in the last fifty years somewhere between 1.5% and 5% of the Catholic clergy has been involved in sexual abuse cases.”¹⁰

According to one source there are around 68,000 priests and male religious in Italy. 5% of this equates to 3,400. Even 1.5% of it equates to over 1,000.

B – There is no obligation on the Catholic Church to report abuse

Concordat Watch (sources noted on the webpage¹¹)

In May 2012, the Italian Bishops' Conference (CEI) said in its child protection guidelines¹² that under Articles 2.1 and 4.4 of this concordat its priests have no obligation to report suspected abuse to the police.

Per the Lateran Concordat as modified in 1984:

“Article 4.

Ecclesiastics are not required to divulge to magistrates or to any other officials in authority any information on persons or matters made known to them through the exercise of their ministry”

The above is corroborated below:

Carol Glatz, “No mandatory reporting in Italian norms for handling abuse allegations”, Catholic News Service, 4 April 2014¹³

“ROME (CNS) – The Italian bishops' conference encouraged its members to cooperate with civil authorities in cases of clerical sexual abuse, **but said the bishops have no legal obligation to report abuse allegations to the police or other civil authorities.** [*Emphasis added*]

In addition, the new Italian church norms say the bishops “are exonerated” from releasing to the state documents in their possession or information connected with abuse cases.

Because a bishop is not a public official and is not charged with duties of “public service, he does not have the juridical obligation – save for a moral duty to contribute to the common good – to report to civil judicial authorities news he has received concerning illicit matters” of sex abuse, the guidelines said.

The guidelines are the first national norms published by the Italian bishops' conference for dealing with the sexual abuse of minors by priests. The guidelines were published on the conference website March 28 after being approved by the bishops in January.

¹⁰ Page 10, point 3. *Ibid.*

¹¹ Available at: http://concordatwatch.eu/showtopic.php?org_id=878&kb_header_id=39221

¹² Available at:

http://banchedati.chiesacattolica.it/chiesa_cattolica_italiana/news_e_mediacycenter/00030389_Abusi_sessuali_ecco_le_Linee_guida.html

¹³ <http://www.catholicnews.com/services/englishnews/2014/no-mandatory-reporting-in-italian-norms-for-handling-abuse-allegations.cfm>

The directives, running about five pages, said the “sad and serious phenomenon of the sexual abuse of minors by priests calls for a renewed commitment by the church, which is called to face the issue with a spirit of justice, in line with the present guidelines,” it said.

“The bishop who receives a complaint of abuse must always be available to listen to the victim and his or her family members,” the norms said, assuring them that the case will be dealt with justly, offering them spiritual and psychological support and respecting the victim's freedom to take “judicial action.”

The bishops promised greater attention would be given to exchanging information when candidates for priestly or religious life are transferred from one seminary to another or from one diocese or religious institute to another. It did not suggest the same kind of information exchange taking place in the case of the transfer of already ordained men.

“The bishop will treat his priests like a father and a brother,” the norms said, “taking care of their permanent formation and in such a way that they may appreciate and respect chastity and celibacy.”

The guidelines said that during any canonical investigation, the bishop has the right to do whatever he deems necessary to avoid the risk of possible further abuse. “The simple transfer of the priest generally ends up being inadequate” as a response, the norms said, unless “substantially changing his duties” involves a transfer.

“It is important the bishop cooperate with civil authorities” when they are in the process of conducting a criminal investigation or trial, the norms said. However, “the bishops are exonerated from the obligation to turn in or show documents concerning what they knew or that are in their possession” because of provisions in the Lateran Pacts, a formal treaty between Italy and the Holy See.

The agreement between the two states, signed in 1929 and modified in 1984, says Italy recognizes the “full freedom of the Catholic Church to carry out its pastoral, educational and charitable mission” and ministry, and respects its jurisdiction in church matters. The pact also stipulates that, because of the special nature of their ministry, church ministers do not have to provide any information to state judges or authorities.

Judicial authorities may ask for information about what canonical procedures have been carried out, but they cannot order such documents or the bishops' complete archives to be “shown or sequestered.” However, the norms said, bishops can volunteer to communicate individual bits of information.

The guidelines also stated that the Holy See and the Italian bishops' conference as a whole hold “no responsibility, direct or indirect, for eventual cases of abuse.”

The guidelines were drafted after the Vatican's doctrinal congregation mandated that bishops in every nation and region have clear and coordinated procedures for protecting children, assisting victims of abuse, dealing with accused priests, training clergy and cooperating with civil authorities.

The Italian bishops had submitted brief guidelines to the doctrinal congregation in 2012. The congregation made a number of suggestions and changes, which are reflected in the final norms, the Italian bishops said.

Describing sexual abuse of minors as “a crime prosecuted by civil law,” the doctrinal congregation said bishops should follow local laws when they require reporting cases of sexual abuse to police.

The Vatican has insisted that church law requires bishops and religious superiors to obey local laws on reporting suspected crimes; however, it also has said that where reporting is not mandatory and the victim does not want to go to the police, the victim’s wishes must be respected.

Some countries have stricter norms, for example, “in cases where there is a justified suspicion” of abuse, the bishops of Switzerland said the church should go to the police, “unless the victim or his representative objects.”

However, they added, if there appears to be an “immediate danger” of a church employee sexually abusing a child again, the police must be informed.

Cardinal Sean P. O'Malley of Boston, a member of the new Pontifical Commission for the Protection of Minors, which Pope Francis established, said one task facing the commission is to make recommendations regarding church officials' cooperation with the civil authorities.”

REPORT END