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UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

ALTERNATIVE REPORT ON BELGIUM

PREPARED BY THE (UK) NATIONAL SECULAR SOCIETY

PRE-SESSION TO THE 80TH SESSION

MARCH 2018

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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 United Nations Human Rights Council ("UNHRC"). Mr Porteous Wood worked at the UNHRC and the Committee of 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 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 Belgium where the culture of clericalism and the power of the Catholic Church pervades civil society, blunting the latter's ability to hold the Church to account. This alternative report's Appendix includes evidence of a report on abuse by a Belgian Cardinal that uncovered only 30 cases in ten years, while other reports, such as the momentous Adriaenssens Commission Report into Sexual Abuse in the Context of Personal Relations, Belgium (2010)², showed that this amount was much higher (Dr Adriaenssens's report documents 300 abuses and prior to that there had been 500 complaints).
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 organisations 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.

¹ CRC/C/VAT/CO/2, 31 January 2014

² Dr Peter Adriaenssens, Adriaenssens Commission Report into Sexual Abuse in the Context of Personal Relations (Verslag activiteiten Commissie voor de behandeling van klachten wegens seksueel misbruik in een pastorale relatie), 10 September 2010.

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 due to their secrecy and special position in society.
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 that allow much abuse to go unpunished.

OUR CONCERNS

9. Deep concerns were expressed about the high level of sexual abuse in Belgium by the Committee in Abuse and Neglect in 2010 for the third and fourth periodic reports cycle.³ No specific mention was made, however, in either that report or the State Party's report in 2017 about abuse arising in connection with the Catholic Church or any religious body.
10. This is despite such abuse having been reported, even according to an Independent Inquiry of the Catholic Bishops of Belgium, the Adriaenssens Commission Report⁴. Even before the Commission's work was prematurely curtailed, over 500 people complained. Dr Adriaenssens reportedly said: "We saw how priests, called up by the commission and asked to help seek the truth, were willing to set up the list of 10, 15, 20 victims they abused during boarding school while the commission knew only of one".⁵
11. While most of the abuse complaints related to the 1950s to 1980s, Dr Adriaenssens stated that nothing indicates that the proportion of paedophiles has declined.⁶
12. Dr Adriaenssens documented cases of abuse occurring in almost every diocese in the country and in virtually every school run by the church. He said: "We can say that no part of the country escapes sexual abuse of minors by one or several [church] members".⁷
13. According to the New York Times, "The commission decided to stop its work after the Belgian police confiscated its documents in a series of high-profile raids on church property in June in search of proof of sexual abuse or of a cover-up."⁸ The Commission issued a preliminary report in 2010, but after the seizure was ruled to be unlawful, the Commission completed a finalised report in 2011. According to RMIT (see Example 1 in the Appendix) it extends to 37 pages and includes 124 personal

³ Committee in Abuse and Neglect, Concluding Observations, 18 June 2010. paras 48 and 49.

⁴ Dr Peter Adriaenssens, Adriaenssens Commission Report into Sexual Abuse in the Context of Personal Relations (Verslag activiteiten Commissie voor de behandeling van klachten wegens seksueel misbruik in een pastorale relatie), 10 September 2010

⁵ BBC News, "Belgium church abuse detailed by Adriaenssens report", 10 September 2010. Available at: <http://www.bbc.co.uk/news/world-europe-11260290>

⁶ Stephen Castle, "Pervasive Abuse Found in Belgian Church", New York Times, 9 September 2010. Available at: <http://www.nytimes.com/2010/09/11/world/europe/11belgium.html>

⁷ Ian Traynor, "Belgian child abuse report exposes Catholic clergy", The Guardian, 10 September 2010. Available at: <https://www.theguardian.com/world/2010/sep/10/belgium-child-abuse-catholic-church>

⁸ Stephen Castle, "Pervasive Abuse Found in Belgian Church", New York Times, 9 September 2010. Available at: <http://www.nytimes.com/2010/09/11/world/europe/11belgium.html>

accounts. We have been unable to locate a copy of this report but the earlier 200-page report (in Flemish), showing over 100 pages of victims' testimonies is available.⁹ We will endeavour to have it translated on request.

14. The Catholic clergy is particularly problematic when it comes to child abuse, with somewhere between 1.5% and 5% of the clergy being estimated to have been involved in sexual abuse cases.¹⁰
15. Further evidence of the absence of reporting is to be found in a report by the Belgian official body Belgian Healthcare Knowledge Centre, especially at pages 15 and 42.¹¹ The report concludes that mandatory reporting of child abuse is ineffective, but this is largely based on perceived difficulties in grossly under-funded experience in the USA. We strongly reject the defeatist assertion, which is not in children's best interests, that because of evidence (taking this at face value) that it has not worked in one country, where problems including underfunding are acknowledged, it cannot work in Belgium or by implication in any country.
16. This particularly relates to ecclesiastical environments where endemic abuse is allowed to continue indefinitely and on such a large scale that it is inconceivable that this is no known to others in the institution. The Committee on the Rights of the Child itself wrote in 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).¹²
17. 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:

“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.”¹³
18. 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

⁹ D-02 Adriaenssens Report Original Belgium [sic], Document Cloud upload. Available at: <http://www.documentcloud.org/documents/243734-2-adriaenssens-report-original.html>

¹⁰ See Example 2 of Appendix.

¹¹ KCE, 'How to improve the detection of child abuse in Belgium', 2016. Available at: https://kce.fgov.be/sites/default/files/atoms/files/KCE_269_Child_abuse_in_Belgium_0.pdf

¹² Para 44(e), CRC/C/VAT/CO/2.

¹³ Mandate Now, 'Why we exist'. Available at: <http://mandatenow.org.uk/why-we-exist/>

the State party to collect information and make the “best practice” recommendations cited below.

OUR RECOMMENDATIONS

1. The State party is asked

- a. to submit the finalised report published in September 2011 of the Independent Inquiry of the Catholic Bishops of Belgium, the Adriaenssens Commission Report into Sexual Abuse in the Context of Personal Relations, Belgium;
- b. to provide supplementary and current information on the level of clerical abuse in Belgium, including those identified by the Centre for Arbitration and related diocesan centres in the Catholic Church in Belgium;
- c. 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;
- d. to indicate what action, if any, it has taken to assist the completion of the work of the Commission which was interrupted in its work, given the serious nature of its incomplete findings;
- e. what measures it is taking to ensure that as many as possible of those individuals against whom there are plausible accusations are brought to justice;
- f. what procedural measures it is taking to increase the future incidence of successful prosecutions for clerical abuse; and
- g. to report on the compensation scheme for victims and provide details of the total compensation paid by the Centre for Arbitration and the number of victims receiving compensation (including those receiving no compensation) in bands of Euros 5,000.

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

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 2017.¹⁴

Extract from page 86:

[...] Cardinal Godfried Danneels responded by establishing the Belgian Church Commission on Sexual Abuse in 1998, which, however, dealt with only 30 cases in ten years. The watershed moment came in 2010, when a nephew of the Bishop of Bruges stated publicly that his uncle had abused him from age 5 to 19. He had been asking for mediation for 15 years but nothing had happened. The bishop resigned in April 2010 in a blaze of publicity, and within four weeks, 475 notifications of child sexual abuse had been made to the Church Commission – 100 victims asked for their cases to be referred to the police, while others wanted it all to be handled confidentially. The trigger had been pulled.

The Belgian bishops went into a state of shock. They participated in ‘psychoeducation’ sessions. In particular, they were shocked by the neurobiological consequences of trauma, affecting the victims’ intellectual and emotional functioning. As part of their response, the bishops reframed their Church Commission on Sexual Abuse, appointing as its head Professor Peter Adriaenssens, director of the Confidential Child Abuse and Neglect Centre at the Catholic University of Leuven. The Adriaenssens Commission began its work late in April 2010, but this was brought to an abrupt halt on 24 June 2010, with the seizure of Catholic Church documents by the Belgian police, which deeply upset the Church authorities. Eventually the Belgian High Court declared that the seizure was illegal. In the meantime, the Commission finalised its incomplete report (37 pages in length, together with 124 personal accounts), which was published in September 2011.

Following recommendations of the Belgian Parliamentary Special Commission (March 2011), the Catholic Church in Belgium established the Centre for Arbitration to oversee redress, and centres for reporting and support were also established in each of the ten dioceses. By 2012, about 900+ cases had been reported to the Centre for Arbitration and the 10 diocesan centres. Eighty per cent of victims are male, and for some unknown reason, many more are from Flanders than Wallonia. The priest perpetrators are dead in 90 per cent of the cases dealt with by the Centre for Arbitration, and the compensation amount paid to victims on average is about 25,000 euros.

¹⁴ Available at: <https://www.rmit.edu.au/content/dam/rmit/documents/news/church-abuse/child-sex-abuse-and-the-catholic-church.pdf>

EXAMPLE 2

Statistical information on the incidence of clergy abuse produced in 2009¹⁵ by the Holy See in evidence to the UN Human Rights Council estimated somewhere between 1.5% and 5% of the Catholic clergy has been involved in sexual abuse cases.

EXAMPLE 4**Committee on the Rights of the Child, Concluding Observations, CRC/C/VAT/CO/2**

Extract from paragraph 44(e):

“Well-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. The practice of offenders’ mobility, which has allowed many priests to remain in contact with children and to continue to abuse them, still places children in many countries at high risk of sexual abuse, as dozens of child sexual offenders are reported to be still in contact with children”

REPORT END

¹⁵ 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>