

21 September 2012

The Family and Community Development Committee

Inquiry into the Handling of Child Abuse by Religious and other Organisations

Parliament of Victoria

Spring St

East Melbourne – VIC 3002

Dear Committee Members,

I am a resident of New South Wales however the information I am providing below is relevant to your Inquiry. It appears that religious organisations use religious laws as an excuse to cover up crimes against children. There is a need for new legislation to make it an offence to withhold information regarding crimes against children regardless of any religious law such as confession sacrament secrecy.

Documents published recently appear to prove that covering up child sexual abuse allegations has been a Vatican policy for decades. In other words, several Popes (including the current one) and their closest officials seem to have willingly and knowingly authorised the cover up of crimes against children by not contacting police on multiple occasions. The documents are included in a book published six months ago in Mexico which is focused in the case of Father Marcial Maciel, founder of a powerful Catholic religious order and found to have molested under-age seminarians, fathered several children with at least two women, engaged in drug addiction, and misappropriated funds, as admitted by the Vatican after Father Maciel's death.

The book was written by three co-authors: one former priest from Father Maciel's religious order, one former diocesan priest and one academic, all Mexican like Father Maciel. The authors allege that they obtained copies of the documents from Vatican insiders.

The documents, if authentic, are evidence that the Holy See:

- Has received multiple written pedophilia allegations over several decades against Father Marcial Maciel and avoided contacting police on every occasion from the 1940s up to this century, effectively covering up the pedophilia allegations. Keep in mind this is the case of just one priest, with the potential for the same situation to be repeated on the few thousand of priests accused of pedophilia over the last several decades around the world.
- Has been aware of child sexual abuse allegations against Father Maciel for several decades yet has consistently denied any knowledge of such allegations until 10 years before his

death. Even during the last 10 years of his life the Vatican never referred Father Maciel to police.

- Has lied on multiple occasions when stating to politicians and journalists from many countries that it takes pedophilia allegations very seriously and that it does not engage in cover ups.
- Gives priority to its religious laws instead of common law when dealing with crimes against children. In particular, when a Catholic priest uses the confession sacrament to disclose a crime against a child the Catholic Church firmly believes that confession sacrament secrecy authorises it to avoid the police when dealing with pedophilia crimes.
- Has behaved as a rogue organisation with a huge systemic failure to protect children for decades, and that behaviour comes from the top.

Please find attached one of the documents from the book. The others can be found here:

<http://www.lavoluntaddenosaber.com/>

and then click on “Descargas” (translation: “Downloads”).

The book contains 212 documents, roughly 30% in Spanish, 30% in Italian, 30% in English, and 10% in Latin, with translations and discussions in Spanish. Translation into English may be important in order to understand the magnitude of the situation.

As an example of how confession sacrament secrecy is used in Australia to cover up crimes against children, I quote from one of the attachments to this submission: “A former Catholic priest in Queensland, Australia, went to confession more than 1,500 times to admit sexually abusing boys. He was told to go home and pray. In a 2003 affidavit, then 68-year-old Michael Joseph McArdle, who was jailed for six years in October of that year, claimed to have made confession about his paedophile activities to about 30 priests over a 25-year period.”

I ask the Committee Members to recommend to the Victorian Government the following:

- Outline the policy implications for Victorian law-enforcement of the evidence from the documents.
- Follow the leadership of the Irish Government and prepare legislation to make it an indictable offence to withhold information regarding crimes against children and vulnerable adults regardless of any other consideration such as confession sacrament secrecy or any other religious law, in response to the fact that the Vatican’s leaders and top officials appear to have personally covered up child sexual abuse crimes over several decades.
- Instigate an Australia-wide Royal Commission to:
 - Investigate how religious bodies handle child sexual abuse allegations; particularly how they appear to prefer to apply religious laws over common law when faced with such allegations.

- Request the Vatican to hand over all documents in its custody regarding pedophilia allegations involving priests during their time in Australia.
- Engage an international consulting firm in order to conduct a global comparative study of the number of prosecutions, convictions and financial compensations regarding child sexual abuse crimes by non-lay members of the main religious bodies since World War II. The Catholic Church appears to account for an extremely high percentage of cases around the world over the last few decades.
- Create a “Fit and Proper Test” for religious organisations authorised to enter public schools;
- Hold a referendum on whether or not to end scripture classes in public schools.
- Pay more attention to the views of the proportion of the Australian population that considers itself as non-religious. This rising demographic now accounts for 22.3% of Australians according to the 2011 Census.

Yours sincerely

Aldo Bayona

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