

**SUBMISSION TO
FAMILY AND COMMUNITY DEVELOPMENT
COMMITTEE**

***INQUIRY INTO THE HANDLING OF
CHILD ABUSE BY RELIGIOUS AND
OTHER ORGANISATIONS***

By

**SNAP Australia
Survivors Network of those Abused by Priests**

September 2012

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Submitted separately

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Submitted separately

Covering Letter

SNAP (Survivors Network of those Abused by Priests) congratulates the Victorian Premier Ted Baillieu and the Victorian Government for choosing to put child protection above the protection of powerful organisations and announce an inquiry into the handling of child abuse by religious and other organisations.

We commend the Family and Community Development Committee's efforts to ensure the truth is revealed within the restrictions of the Terms of Reference and in the all too brief timeframe allocated to undertake such an enormous and important job.

We do, however, call on the Committee to recommend this inquiry be handed over to a body with powers greater than those available to a Parliamentary Committee.

SNAP will not provide first hand evidence to this inquiry regarding specific incidents. That comes from personal submissions from SNAP members who are victims, and other victims of child abuse enabled and covered up by religious and other organisations.

SNAP can help this Inquiry by providing a worldwide overview based on decades of work on this issue, helping thousands of abuse victims and their families, exposing dozens of previously hidden predators and lobbying for law reforms which are designed to deliver long term real improvements in child protection, not just the superficial appearance of change.

SNAP would also like to offer the Committee the efforts of SNAP's members worldwide in sourcing any information required to assist this investigation. Our submission aims to provide a snapshot of the type of relevant information which is available.

Details of what is happening in other jurisdictions in the areas of law reform, holding organisations accountable, and investigations, research and statistics are a vital part of properly understanding this issue and making the best possible recommendations to improve child safety in Victoria.

One element in particular the Committee may wish to examine is the submission by the Center for Constitutional Rights (CCR) on behalf of SNAP to the International Criminal Court in The Hague, requesting that senior Catholic Church leaders be held accountable under international law for crimes against humanity, referring specifically to the widespread and systemic rape of children. The ICC is currently considering this submission.

The fact that SNAP's original submission contained 20,000 pages of evidence is testament to the fact that this is not just an aberration by "a few bad apples", but a consistent and self perpetuating pattern of abuse.

The fact that SNAP has just this year added additional evidence of more recent cases to this submission indicates that this is not “a thing of the past” or the fault of the swinging 60s and 70s, as is frequently claimed.

SNAP is happy to make this information, or a summary, or a member of the team working on this issue available to the Committee, via video or teleconference if necessary.

SNAP would also welcome the opportunity for Australian SNAP leaders to address the Committee in person. We are happy to answer questions or provide additional information from personal experience of supporting victims, many of whom are not strong enough or far enough along the path to recovery to make a personal submission, but whose voices still deserve to be heard, or to report on the work of SNAP members worldwide.

Yours sincerely,

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SNAP Australia

SNAP, the Survivors Network of those Abused by Priests, is the oldest and largest support group on earth for clergy abuse victims. SNAP was founded in Chicago in 1988 and has more than 12,000 members worldwide. Despite the word PRIEST in our title, we have members who were molested by religious figures of all denominations (including nuns, rabbis, bishops, and Protestant ministers) and, increasingly, victims who were assaulted in a wide range of institutional settings like summer camps, athletic programs, Boy Scouts, etc.

Our main website is www.SNAPnetwork.org In Australia it is www.SNAPAustralia.org

SNAP is run by survivors for survivors. Most SNAP members and leaders are volunteers who happily give their time to save others from suffering as they have suffered. SNAP provides self help support group meetings, one on one support, and listening, understanding and compassion for those whose lives have been devastated by child sexual abuse.

SNAP also helps survivors to channel their passion to protect other children into efforts to introduce better child protection laws, and into lobbying for greater openness, honesty, and accountability from organisations which pay only lip service to child protection and focus instead on protecting the institution.

Religious and Other Organisations

This inquiry covers religious and other non government organisations. SNAP believes that the methods used by officials at the head of powerful institutions protecting themselves and the interests, reputation and wealth of the organisation at the expense of sexually assaulted children, are very similar no matter the institution.

In SNAP's view all child sexual exploitation by powerful adults is equally heinous, and equally deserving of remedy. Any recommendations made by this committee should apply equally to all organisations, without exception.

SNAP's particular expertise and greatest experience is with religious organisations, especially Judeo Christian religions, most notably the Catholic Church. As a result, SNAP's submission will refer only to religious organisations, but the general principles are equally applicable to any organisation.

In SNAP's view religious organisations of all denominations do require some special attention when investigating child abuse and its coverup, because of the additional and extremely damaging layer of abuse not found in other organisations, namely spiritual abuse.

As well, SNAP's experience leads us to firmly believe that the monarchical structure that some religious organisations hold over their communities, and the immense wealth and social and political standing of these institutions and their leaders, makes the job of uncovering the truth, law enforcement, prosecution, child protection, and recovery for victims, uniquely difficult.

For example many religions operate under an internal legal system of religious laws. Unfortunately, in practice religious officials often use these frequently confusing and self serving laws to usurp the role of secular law enforcement¹. The Catholic Church and its Canon Law are by no means the only example where religious officials encourage the view that they are above or excused from local laws, and that their in-house system should be the one to take action against these crimes. This is especially dangerous in instances when the religious laws hide the truth, protect dangerous predators and enable them to continue to offend, silence victims and whistleblowers, and maintain a façade that children are not in danger when nothing could be further from the truth.

This is a complication unique to religious organisations which provides an additional layer of cover up to be penetrated and removed if children are to be protected.

As well, many religious institutions are successful in convincing communities, even politicians in secular states, that religious customs are somehow sacrosanct and should be treated with a level of respect and secrecy which is

¹ Kamenetsky: Report child abuse to rabbis not police' available at <http://www.jta.org/news/article/2011/07/21/3088644/kamenetsky-report-child-abuse-to-rabbis-not-police> (accessed 19/09/12) See Attachment 1

extraordinarily helpful to those who commit and coverup these crimes. The stridently demanded “sanctity” of the Catholic Church’s confession, and the prohibition against “turning in” a fellow Jew are examples which most readily spring to mind, but the principle applies equally to any religious ceremony or custom which enables criminals to hide their crimes from law enforcement.

In SNAP’s view any organisation which demands to be treated as beyond scrutiny and above the law is a perfect breeding ground for every kind of crime and corruption, up to and including the widespread sexual assault, rape and re-abuse of vulnerable children.

The Catholic Church in particular also hides behind its dubious claims to diplomatic immunity as a state, not just a religion². The Vatican has used such technicalities to protect rapists and those who cover up for child rape from the reach of local law enforcement in the countries in which their crimes were committed³.

This dual status claim was also used recently in Ireland, to thwart requests for information from the Commission of Investigation (Murphy Report), claiming the need to use appropriate diplomatic channels for such requests, despite the fact that the Commission was not a Government body and that such requests were not addressed to The Vatican as a state, but to the Catholic Church as a religion⁴.

Religious institutions are run by men, and as such are subject to the same human failings as any other organisation. Failure to scrutinise them properly is tantamount to giving their human officials carte blanche to commit any crime with impunity. Given this power and enough time, any such institution will eventually attract those who are corrupt or corruptible, and will institutionalise horrendous abuses against those they purport to lead, to serve and to protect.

² International Humanist and Ethical Union (IHEU), ‘Written statement to the United Nations General Assembly Human Rights Council’ (Twelfth Session 28 August, 2009) p.5. See Attachment 2.

³ *Ibid* p.3. See Attachment 2. See also Attachment 3.

⁴ Commission of Investigation, ‘Report into The Catholic Archdiocese of Dublin’ (July 2009) 2.23 & 2.24 See Attachment 3.

The Challenges For An Inquiry Into Child Abuse and Rape

SNAP applauds the decision by the current Victorian Government to no longer ignore the plight of victims of child sexual abuse and finally hold an investigation into this matter.

Victims have been pleading for help for decades to address a systematic denial of justice and to put an end to the callous and routine endangerment of large numbers of children.

However despite widespread support for a Royal Commission, many were stunned to find the investigation has instead been put in the hands of a Parliamentary Committee, and with Terms of Reference considered less than ideal.

Many victims, and others working in this area, fear that this choice indicates the inquiry is intended, by those who determined its form, and those who influenced that decision, to fail.

At least to fail to get to the real truth.

SNAP has every confidence in the competence and good intentions of the Family and Community Development Committee. SNAP is very impressed with the submission guidelines released by the Committee and its obvious desire to support victims who wish to prepare submissions.

But we seriously question whether any Parliamentary Committee, with these Terms of Reference and in the allocated timeframe, is the appropriate vehicle for an in depth investigation into such a broad and difficult subject area.

Particularly when religions are able to mobilise massive legal resources to find loopholes and technicalities. These organisations also benefit from immense power to control and to discourage potential witnesses, and have demonstrated in previous investigations throughout the world so much willingness to corruptly and callously use that power. Many also believe, not without evidence, that religious organisations have so much to lose, so much to hide and so little hesitation in compounding existing crimes with refusal to fully and properly co-operate.

In particular SNAP's concerns centre around the fact that few religious officials, and virtually none in the Catholic Church, ever willingly or fully comply with requests for information from law enforcement or official inquiries such as this one.

Religious officials can and often do provide reams of paper, volumes of documents, boxes of guidelines and protocols. But the truth has to be extracted from them against their will.

According to Tom Doyle, Catholic priest, canon lawyer and expert on child sexual abuse within the Catholic Church,

“The real truth about what has happened and what continues to happen is not found in any reports or so-called audits provided by church sources but in the documents obtained from dioceses and religious orders by victims' attorneys or surrendered in the course of grand jury or similar official investigations.⁵”

The truth of this issue exists in two forms:

Eyewitness accounts, and

Documentary evidence.

Many victims have been denied justice. This inquiry represents the closest they have come to something approximating justice. These represent a sample of victims but by no means will the Committee receive a complete picture of the scale of damage caused, as many, many more victims are unable to overcome the effects of their abuse, unable to find the strength, unable to find the words, unable to ask for help, unable to trust that anyone would actually want to help them, unable to believe they are worth listening to, or just unable to take control of their lives enough to get the submission done in time. Many have never spoken about their abuse and most of those would find it impossible to jump from silence to submission in a few weeks or months. SNAP will provide responses to relevant sections of the submission guide on behalf of the experiences of victims in general, to give those victims a voice.

But there are other eyewitnesses the Committee is very unlikely to hear from.

Most religions will never allow anyone employed by or dependent upon a religion owned or controlled organisation, or part of a conformist religious community to give incriminating evidence to law enforcement or any inquiry. One can only imagine the pressure on such potential whistleblowers to remain silent, to keep secrets, to hide evidence, is enormous. They run the risk of literally losing their livelihood, their social standing, their friends and family, their comforting religious ceremonies, and their sense of identity.

⁵ Thomas P. Doyle, ‘A radical look at today and tomorrow’ address to the Sexual Abuse in the Catholic Church: A Decade of Crisis 2002-2012 Conference at Santa Clara University (May 11, 2012). See Attachment 5.

SNAP knows this from the personal accounts of victims, who are under similar pressure, but also from many people who have expressed the wish that they could reveal what they know, but who are just not strong enough to stand up to the punishment that religious officials and community members inflict for the crime of telling the truth.

The tragedy is that SNAP's experience with Church officials has been a pattern of inability to compel co-operation. Understandable, particularly in light of what they have to lose. If even our current laws were to actually be enforced against church officials, how many would be facing a jail sentence?

The Committee has not been allocated the necessary high level legal expertise required to cross examine church officials who believe themselves untouchable. Not only are such figures used to commanding instant respect and unquestioning acceptance of whatever they may say, it is extraordinarily difficult for those indoctrinated into religion from a young age not to give their evidence undeserved credence, purely because of their exalted position.

A potent recent example of this effect was seen on our screens in the Q&A discussion between Anglican Archbishop Peter Jensen and Catherine Deveney, which resulted in torrents of vicious abuse being hurled at Deveney for no valid reason. This effect was explained by blogger Jane Douglas and by Deveney herself.

“...Making you seem ugly and mad is achieved through Jensen appearing the precise personification of elegant rationality and educated white maleness, all the while making vile and even outrageous statements, the import of which slide past the audience because of the persona and relational dynamic Jensen has crafted. It's clever, and Jensen appears to be an expert. I imagine he's been doing it for most of his professional life – and has been lauded for it. Without ever launching a personal attack, Jensen was able to make those watching join him in criticising you for being passionate, articulate, intelligent and a woman. Confronted with a communication style that should have raised little comment, viewers became embarrassed that you even existed, and most of them probably weren't even aware of the sleight of hand being practiced.⁶”

Deveney commented,

“...It did shock me how the creepy 'gentlemen with manners' routine managed to distract people from his hateful poisonous rhetoric and speaking in circles, 'We need to have a conversation about that'. This IS the conversation. Is that code for 'I need to make you agree with me'? How people were not aware of the sinister, softly spoken clear

⁶ “An open letter to Catherine Deveney” <http://puttingheroarin.wordpress.com/2012/09/14/an-open-letter-to-catherine-deveney/> (Accessed 19/09/12)

messenger of hate, inequality and intolerance.⁷”

Compared to the weight of privilege and respect enjoyed by religious officials, many victims’ lives have been so devastated by the lifelong effects of their abuse they are often drug or alcohol addicted, homeless, depressed, suicidal, with many physical and psychological difficulties to overcome, poorly educated, without permanent employment, and may even have minor criminal records. None of these things in any way affect whether or not victims are telling the truth, but this, and an overwhelming difference in resources and access to legal advice, frequently means they are severely disadvantaged in terms of being able to prove the truth of their experience.

Armed with vast experience in skating around the truth, misleading, hedging and avoiding difficult issues, and outright lying (a policy known as mental reservation which will be explained later in this submission), church officials would test the abilities to get to the truth of even the most experienced barristers and judges, far less relatively inexperienced parliamentarians with or without legal training.

The Committee is no doubt also aware how hard it will be to adequately address the mammoth task appointed to it in a ludicrously inadequate time frame. Similar investigations overseas looking only into the coverup of these crimes a single religion, and often only a single diocese, have taken years to properly complete the task. A task made more difficult in many instances by the Catholic Church’s well funded legal attempts to thwart, delay, distract and obstruct progress towards uncovering the truth.

The Murphy Report from Ireland provides one such example,

“...Even though the case was eventually withdrawn by Cardinal Connell, it cost the Commission valuable working time estimated at about four months.⁸”

A task which in Ireland the Vatican’s official representative, or papal nuncio, refused to even acknowledge or respond to. The very same man, Archbishop Giusspe Lazzarotto, now happens to fill the same role here in Australia and can reliably be expected to take the same dismissive attitude towards our laws and parliament. (Note: It has just been announced Archbishop Lazzarotto has been appointed papal nuncio to Israel, which many Israelis consider an insult, given his disgraceful record).

The fact that Catholic officials feel it necessary to publicly and repeatedly express an intention to co-operate with this inquiry, something which is not actually optional, demonstrates that these officials consider themselves above

⁷ ‘Campbell Newman gets cops to heavy Deveney over Twitter comments <http://www.catherinedeveney.com/columns/2012/9/14/campbell-newman-gets-cops-to-heavy-deveney-over-twitter-commme.html> (Accessed 19/09/12)

⁸ Commission of Investigation, ‘Report into The Catholic Archdiocese of Dublin’ (July 2009) 2.35

such investigations and the laws which compel them to comply, and that they would not usually “co-operate”.

The fact that the same officials also claim they have nothing to hide reminds any victims tempted to think these claims represent real change not just “PR change”, that this is also a lie. Victims have personal experiences which disprove the misleading claim to have nothing to hide.

More important is what is missing. This claim to co-operation is not accompanied by an exhortation for all those Catholics who know something about this issue to come forward with their eyewitness testimony or any documentary evidence. Or indeed any offer from those same officials to provide their secret abuse files to the committee. Or to report known but hidden offenders to the police.

SNAP’s experience is that the Catholic Church may pretend to co-operate, but they will not willingly tell the whole truth. How far other religions will differ from the Catholic model is determined by the level of power, control and secrecy wielded by religious officials, whether they are held accountable to anyone but themselves, and the existence, or otherwise, of brave and powerful individuals willing to stand up for what is right over what is expedient.

Experience has shown church officials usually call in high priced lawyers to delay, to distract and to gain technical exemptions and concessions to water down the appalling truth in every possible way. For this inquiry Catholic Church officials have called in the high priced spin doctors and have already begun presenting a distorted version of reality which has little or no relationship to what victims actually experience. Clearly they do not believe this Committee and this Inquiry have enough teeth to dig beneath the surface layer of PR to extract the truth, no matter how much they may wish to do so.

Recommendation:

SNAP recommends the Committee find that a Royal Commission or other structure with the strongest possible powers to compel evidence, expert legal skills to cross examine un co-operative witnesses, and an adequate time frame to investigate and report be set up to finish the task commenced so ably by the Committee.

The Coverup of Child Sexual Assault and Rape

Wherever adults are in positions of absolute and unquestioned authority over children, those children are at risk of being raped, sexually exploited, and suffering other forms of abuse. These horrendous crimes have been with us throughout human history. To assume we can completely eradicate them is misguided.

But we can make it as difficult as possible for these crimes to be committed and covered up, and save many thousands of innocent children from having their lives derailed or destroyed.

Unfortunately as a society we are not currently taking this issue seriously enough. Many people refuse to face this issue at all as it is simply too confronting. But while that may save some adults from discomfort, it pushes the pain onto vulnerable, defenceless children instead. The children who are raped and sexually assaulted because our society is not making every possible effort to prevent known child sex predators from continuing to have unrestricted access to children.

We are endangering children every day that the coverup of past and present child sexual assaults continues, as these crimes go unreported, and offenders go unpunished and remain free to reoffend.

This inquiry is the chance for victims to be heard, for the truth to be revealed and for all of society to face, to some extent, the horror that haunts victims throughout their lives.

This inquiry also represents an important step forward for child protection in Australia, its very existence acknowledging that institutions and those who run them cannot be trusted to put the protection of children first, and must be adequately scrutinised and policed by outside bodies.

And we have seen enough examples across every type of organisation to know that this tendency to protect the institution and its officials above truth, justice or child protection, can be found in any organisation, even, some would say especially, in religious organisations. Indeed, the practice is often referred to as clericalism, after the Catholic Church, the first and most expert exponent of the art of institutional self protection.

An important aspect of clericalism is the immense institutional and internal cultural pressures literally forcing anyone in a position to protect children to ignore what they know or have seen and not cause a problem for the organisation.

The Anglican Archbishop of Canterbury has just released an interim report into a

current internal investigation of the handling of reports of child sexual assault within the Diocese of Chichester which illustrates this almost invisible but very real impediment to justice and child protection.

“...the authorities in the diocese were very slow to recognise what was happening and did not act with the rigour and expedition vital to all safeguarding work. A whole series of investigations and reports across nearly two decades bears witness to a profoundly unhelpful and negative culture in parts of the diocese that led to its failure to take the action needed. Although some of this is “historic” _ a term which is unacceptable to some victims (or “survivors”) for whom the reality of the wounds of abuse are always present _ clergy engaged in behaviours that ought to have raised concerns, and their files contained histories, that should have raised alarm bells in the minds of the senior leadership of the diocese.”

“...There are recent and current examples where parish priests have been reluctant to investigate allegations against, say, youth workers, preferring to give the benefit of the doubt to the alleged perpetrator. There are attitudes still prevalent where the pastoral concerns for the alleged abuser take precedence over the perspective of the abused. It needs to be more clearly understood across the diocese that child abuse cannot be treated simply as a pastoral matter. It cannot be absolved without restitution, nor healed just by prayer. It is illegal and sometimes a symptom of medical illness.⁹”

This poisonous attitude is most clearly demonstrated in the technique of blaming the child victim of non consensual sexual assault for the problem. Seen outside of an institution that practices clericalism, most people can recognise that the victim deserves to be heard and deserves every support, assistance and consideration.

Except when that victim’s suffering threatens the reputation of their church or school or employer or social group or sporting club or political party. The organisation’s leaders carefully plant ideas undermining the claims of victims, suggesting reasons why they are not really victims at all, reasons why they are just trying to hurt the organisation and its members, reasons why victims should be silenced, and reasons why the accused didn’t do anything so very wrong, and is not really dangerous.

The accusatory, dismissive, angry language used to describe such victims, anywhere other than in official media releases, is indicative of the lack of compassion for victims hiding underneath public expressions of regret and announcements of new commitments to child protection.

⁹ ‘Interim Report of the Commissionaries appointed by the Archbishop of Canterbury in relation to a visitation upon the Diocese of Chichester’ (31 August, 2012)
<http://www.archbishopofcanterbury.org/canterbury//data/files/resources/2604/INTERIM-REPORT-OF-THE-COMMISSARIES-APPOINTED-BY-THE-ARCHBISHOP-OF-CANTERBURY-IN-RELATION-TO-A-VISITATION-UPON-THE-DIOCESE-OF-CHICHESTER.pdf>

Such attitudes go some way to explain how otherwise “good” people, people who would never themselves sexually abuse children can still deliberately cover up serious child sex crimes against multiple victims, and allow the reign of terror of these predators to continue and to ruin additional lives. The lives ruined are not important lives. They are by definition “other” and not “one of us”.

This tendency for large numbers of members of an organisation to protect the institution, and not just neglect, but silence, threaten, undermine and even deliberately attack the victims, is the reason why no institution should be trusted to police itself, and why our child protection laws must be strengthened, and must be applied equally to all institutions without exception.

Recommendation:

SNAP calls on the Committee to take this opportunity to provide the children of Australia (as other states are carefully watching the Committee’s work with a view to similar efforts) with world class protection from sexual exploitation. SNAP calls on the committee to recommend a comprehensive review of child protection laws including but not limited to mandatory reporting, statutes of limitation, the criminal offence of child sexual assault and its enforcement, laws of evidence relating to child sexual assault offences, and any laws relating to the deliberate coverup of child sexual assault.

Consistent International Experience of Non Co-operation and Deceit

SNAP understands it is not reasonable to make claims that church officials routinely lie about the coverup of child rape without evidence to back it up. Unfortunately church officials hold most of the evidence and have absolutely no intention of revealing to anyone outside their hierarchy the full extent of their culpability.

The most compelling evidence we can offer lies in the individual testimonies, the personal submissions based on first hand experience of child rape victims. These tell a very different story from the smug, general, non specific reassurance by church officials that everything is just fine, of course they put children's safety first, and yes, they may have made some mistakes in the past, but are doing a much better job now and most victims are pretty happy with how they address this issue.

In addition to these harrowing tales, each one uniquely heartbreaking in its own way, yet with clear patterns of abuse and re-abuse on a systemic basis, is the evidence of past investigations in this and other countries.

SNAP and the CCR (Center for Constitutional Rights) have worked long and hard to prepare a summary of this issue in relation to the Catholic Church for submission to the International Criminal Court in The Hague, requesting investigation and prosecution of high ranking Vatican officials for rape and other forms of sexual violence as crimes against humanity and torture as a crime against humanity.

Excerpts from the Background and Introduction to this submission explain,

In recent years, ongoing revelations of pervasive and serious sexual violence against children and vulnerable adults by priests and others associated with the Catholic church in different parts of the world have demonstrated that the problem is not one of isolated, random sexual assaults by errant priests but is occurring on a widespread and systematic basis throughout the church. In the wake of scandals in Canada, Ireland, the United States and elsewhere, experts and investigators who have carefully studied the issue and the evidence have identified policies and practices that allowed the sexual violence to occur and continue and that furthered the harm to direct victims. One after another, the investigations have found intentional cover-ups and affirmative steps taken that serve to perpetuate the violence and exacerbate the harm. The same or similar practices and policies have been found virtually everywhere that cases of sexual violence have been brought to light – in Australia, Austria, Belgium,

France, Germany, Italy, the Netherlands, and Mexico among others.

...high-level Vatican officials, including Cardinal Joseph Ratzinger, now Pope Benedict XVI, either knew and/or in some cases consciously disregarded information that showed subordinates were committing or about to commit such crimes.

... Time and again church officials have chosen the path of secrecy and protecting their ranks over the safety and physical and mental well-being of children and vulnerable adults, families of victims and their communities.

... there are documented cases showing that church officials have gone so far as to obstruct justice and/or destroyed evidence in national legal systems and have consistently engaged in the practice of “priest shifting”, i.e. transferring known offenders to other locations where they continued to have access to children or vulnerable adults and who officials knew continued to commit rape and other acts of sexual violence.

... there are documented cases of bishops and cardinals purposefully misleading their parishioners and communities about offending priests, lying to victims and their families, and indeed blaming victims and/or their families. Whistleblowers have been punished and those who have endeavored to maintain secrecy and protect the institution have been rewarded.

... it is now clear that the actions of such bishops and cardinals conform to, rather than depart from, Vatican policy. In doing so, they have not just kept rape and sexual violence quiet, they have kept it going.

...A report issued by experts in Germany also noted this tendency:
“With regard to the misconduct in question, namely the sexual offences, it must be emphasized that euphemistic, trivialising language was used, which, from the point of view of the experts, often gave no more than an inkling of the complete extent of the offence and its effect on the victim.”²

...Such terminology masks the true extent of the harm such acts cause and the severe pain and suffering associated with the abuse of power, violation of trust and bodily autonomy, as well as the alienation and isolation from family, friends, community, and other sources of support. Especially for children, such acts can separate them from their sense of connection to their family, the spiritual community and foundations through which they are taught to view the world and, indeed, the world itself. One Polish survivor of rape described this dynamic as feeling as though “*we’ve lost our grounding on Earth.*”⁴

...Indeed, the gravity of the harm is such that while we use the term “survivor” where appropriate throughout this communication to acknowledge, affirm and empower those to whom such violence has been done, we do so advisedly. As is tragically demonstrated in the reports and investigations summarized below, many have not survived their

experiences. The reports summarized herein and annexed hereto document tragic cases of suicides and attempted suicides as a result of not only the sexual violence inflicted on the victims but the psychological violence, including the alienation and isolation, inflicted by the Church in the aftermath – the brutality involved in a system that knowingly exposes and subjects children and vulnerable adults to violent acts and then protects the perpetrators while turning its back on and on condemning the victims.

There has been much talk of “reforms” and “zero tolerance” policies by church officials over the past few years. As recent commissions of inquiry and grand jury findings discussed herein demonstrate, sexual violence is still being committed within the church with impunity and the priest-shifting and cover-ups are still happening, also with impunity. There are five recent cases of individual complainants included in this submission – three of whom are taking part on the condition of confidentiality. These cases confirm that the sexual violence is still happening and that the policy and practice of those at the seat of power have not changed. The reforms have been largely cosmetic and have left intact the system of cover-up and secrecy that perpetuates the violence.

... the widespread and systematic nature of the attack on children and vulnerable adults; that high-level Vatican officials, including Joseph Ratzinger, were on notice of the serious crisis facing the Catholic church in relation to sexual violence committed against children and vulnerable adults, the scope and scale of the crimes; and that the Vatican policy and practice was to protect the Church rather than protect the victims.

... many situations where the perpetrator has benefitted from the culture of impunity and may still be a danger to children and vulnerable adults, victims continue to suffer and the systemic cultural of sexual violence continues.

... much of this evidence has come to light through the heroic efforts of survivors, supporters, whistleblowers, lawyers, investigators operating in different places at different times addressing specific situations in different contexts. Eventually, as a result of their efforts and courage, the picture has become clearer as common themes emerged and bishops and cardinals have run out of ways to explain away more and more instances of sexual violence the more the truth continued to slip through the grasp of those who would keep it hidden.

... For many, the fact that the Vatican has had a longstanding policy and practice for dealing with sexual violence by priests in ways that have ensured such violence would continue is as shocking as the magnitude and gravity of the offenses themselves. That church officials would place such little value on the children, vulnerable adults and communities they deliberately exposed and placed at risk will no doubt be difficult to comprehend. But the facts speak for themselves. And, the facts will show that, in effect, those with power in the Vatican have helped foster a culture of rape within the church – a culture that, when left to its own devices, accepts it, condones it and, ultimately, perpetuates it.

... even Amnesty International's recently released yearly human rights report cited the Holy See for the first time and noted that:
[I]ncreasing evidence of widespread child sexual abuse committed by members of the clergy over the past decades, and of the enduring failure of the Catholic Church to address these crimes properly, continued to emerge in various countries. Such failures included not removing alleged perpetrators from their posts pending proper investigations, not cooperating with judicial authorities to bring them to justice and not ensuring proper reparation to victims.⁶

... The full picture of the systemic quality of sexual violence within the Catholic Church has come into clearer view through the work of Commissions of Inquiry, Grand Juries and other governmental bodies that have issued findings after lengthy and comprehensive inquiries. As well, civil litigation, diocesan commissions and non-governmental analyses in different parts of the world have yielded insights and evidence showing clearly the role Vatican officials have played in constructing and maintaining the climate in which rape and sexual violence have continued essentially unchecked for years.

... the vast majority of the priests who committed acts of sexual violence against children and vulnerable adults have faced no punishment or criminal sanction for their actions; many continue to serve, and have privileged access to future victims because of their status as a member of the Catholic clergy. The high-level officials of the Catholic church who failed to prevent and punish these criminal actions, and too often facilitated or encouraged the acts of sexual violence described herein have, to date, enjoyed absolute impunity.

Notes:

¹ Report of the Grand Jury, In Re County Investigating Grand Jury, MISC. NO. 03-00-239, (C. P. Philadelphia, 2003), available at http://www.bishop-accountability.org/reports/2005_09_21_Philly_GrandJury/Grand_Jury_Report.pdf [hereinafter Philly II], at 2-3

² Marion, Westpfahl, Central Points of Appraisal Report, Sexual and Other Physical Assaults by Priests, Deacons and Other Pastoral Workers in the Field of Jurisdiction of the Archdiocese of Munich and Freising Between 1945 and 2009, (2010), at Exec. Summary, 3, available at http://www.bishop-accountability.org/reports/2010_12_02_Westpfahl_Munich_and_Freising_Key_Points_English.pdf [hereinafter Germany report].

³ Karen Terry et al., The Nature and Scope of the Problem of Sexual Abuse of Minors by Priests and Deacons, prepared by John Jay College of Criminal Justice, United States Conference of Catholic Bishops (2004), available at http://www.bishop-accountability.org/reports/2004_02_27_JohnJay_revised/2004_02_27_John_Jay_Main_Report_Optimized.pdf [hereinafter John Jay I].

⁴ Beata Pasek, *Faithful in Pope's Homeland Press Church to Act on Sex Abuse*, STAR TRIBUNE [Poland], 28 Sept. 2003, available at http://www.bishop-accountability.org/news/2003_07_12/2003_09_28_Pasek_FaithfulIn.htm (quoting Wlademar Maziejuk, a 64-year-old farmer and one of a group of villagers who unsuccessfully asked church authorities to reassign an accused priest. Maziejuk went on to say: "The church requires repentance from us, but not from itself.").

⁵ Geoffrey Robertson, The Case Against Vatican Power, NEWSTATESMAN, 8 Sept. 2010, available at <http://www.newstatesman.com/law-and-reform/2010/09/vatican-rights-state-italy>.

⁶ Amnesty International, Annual Report 2011: Vatican (2011), available at <http://www.amnesty.org/en/region/vatican/report-2011>.

The CCR submission to the ICC on behalf of SNAP contains so much relevant and important information an 82 page summary is included as an attachment to this submission. As is the most recent addition, submitted in April this year. (They are both submitted separately from this submission, due to size).

A very brief summary of some of the Australian and international reports follows:

The *Final Report* of the Royal Commission into the New South Wales Police Service found that “A very disturbing picture of neglect, indifference and concealment has emerged during the investigation extending to almost every aspect of the preventative, investigative and prosecution process. Serious deficiencies in the existing structures and procedures for the protection of children by those agencies and institutions responsible for their care have been highlighted, along with an appalling lack of co-ordination of effort or commitment¹⁰.”

Several inquiries into the Catholic Church of the Republic of Ireland have found that the molestation of children in Catholic Boys’ institutions was endemic in the late twentieth century.¹¹ The Commission to Inquire into Child Abuse (referred to as the ‘Ryan Report’)¹², conducted in 1992, found that these Catholic institutions, many run by the Christian Brothers of Ireland, had policies which had actually encouraged the abuse of children, and prevented victims from informing the police¹³. These cases were ‘arranged with a view to minimising the risk of public disclosure and consequent damage to the institution and the congregation. The policy resulted in the protection of the perpetrator¹⁴.’

The Murphy Report¹⁵ was another landmark report conducted by the Government of Ireland, and contained 320 allegations made by children of rape, molestation and sexual assault. The report states that the emphasis ‘was on the avoidance of scandal and the protection of the priest’s reputation rather than the protection of children¹⁶.’ The Report states at section 1.32 that a ‘consequence of the obsessive concern with secrecy and the avoidance of scandal was the failure of successive Archbishops and bishops to report complaints to the Gardaí prior to 1996. The Archbishops, bishops and other officials cannot claim that they did not know that child sexual abuse was a crime. As citizens of the State, they have

¹⁰ Royal Commission into the New South Wales Police Service, *Final Report Volume 1: Corruption* (May, 1997) p.12.

¹¹ Department of Justice and Equality, ‘Report of the Irish Commission to Inquire into Child Abuse’, (May, 2009), 6.18.

¹²*Ibid.*

¹³ Department of Justice and Equality, ‘Report of the Irish Commission to Inquire into Child Abuse’, (May, 2009), 6.20.

¹⁴From the Executive Summary of the Ryan Report investigating the abuse of children in institutions in the state’ www.dublindiocese.ie/sites/default/files/images/ryan%20extract.doc (Accessed 20.8.12)

¹⁵ The Dublin Archdiocese Commission of Investigation, ‘Report into the Catholic Archdiocese of Dublin’ (July, 2009).

¹⁶ The Dublin Archdiocese Commission of Investigation, ‘Report into the Catholic Archdiocese of Dublin’ (July, 2009), 12.44.

the same obligations as all other citizens to uphold the law and report serious crimes to the authorities¹⁷.’

The Murphy Report also investigated the misuse of the concept of ‘mental reservation’ in relation to sexual abuse. The Catholic concept of ‘mental reservation’ was manipulated by priests, and “allows clerics (to) mislead people...without being guilty of lying¹⁸.” Cardinal Desmond Connell stated: “The general teaching about mental reservation is that you are not permitted to tell a lie. On the other hand, you may be put in a position where you have to answer, and there may be circumstances in which you can use an ambiguous expression realising that the person who you are talking to will accept an untrue version of whatever it may be.” The Murphy Report found that the concept of mental reservation was used on several occasions whereby accused priests were able to lie without being found guilty.

Following the success of the Murphy Report, an inquiry into the Catholic Diocese of Cloyne was published in December 2010. As outlined in section 1.15 of the Cloyne Report¹⁹, the Commission’s main task was to consider whether the response of the Church and State authorities to complaints and allegations of clerical child sexual abuse was “adequate or appropriate.” The Commission assessed the Church’s response to complaints using the standards set in their own documents, including *Framework Document*²⁰, and *Our Children, Our Church*²¹. The report found that these documents ‘did not significantly change the procedures set out in the *Framework Document*, and there was no significant change in respect of reporting to state authorities²².”

Furthermore, the Cloyne Report detailed the ‘very poor handling of complaints’ made by victims of sexual abuse. No attempt was made by church authorities to find out anything further about the clerics, and only some of the complaints made by victims of sexual abuse were reported to the authorities²³. In section 1.11 the report states “One of these clerics admitted to abusing at least four children during his early years as a priest. No attempt was made by Church authorities or the Gardai to ascertain if there had been other incidents involving this priest. The Gardai were not told by the diocese of all the admissions made by this priest²⁴.”

The Fern Report²⁵ was another inquiry conducted into the Archdiocese of Ireland. Between 1960 and 1980, the Report found that Bishop Herlihy treated

¹⁷ The Dublin Archdiocese Commission of Investigation, ‘Report into the Catholic Archdiocese of Dublin (July, 2009), 1.32.

¹⁸ 2009. ‘Church Lied without Lying’, *Irish Times*. 17 November.

¹⁹ Commission of Investigation, ‘Report by Commission of Investigation into Catholic Diocese of Cloyne,’ (July, 2011).

²⁰ Irish Episcopal Conference, ‘Framework Document’, (1996).

²¹ The Irish Missionary Union, ‘Our Children, Our Church: Child Protection Policies and Procedures for the Catholic Church in Ireland’, (2005).

²² Commission of Investigation, ‘Report by Commission of Investigation into Catholic Diocese of Cloyne,’ (July, 2011).

²³ *Ibid*.

²⁴ Commission of Investigation, ‘Report by Commission of Investigation into Catholic Diocese of Cloyne,’ (July, 2011). Section 1.11

²⁵ Ferns Inquiry to the Minister for Health and Children, ‘The Ferns Report’, (October, 2005).

child sexual abuse by priests exclusively as a moral problem. It was discovered that Bishop Herlihy transferred priests against whom allegations had been made, to a different post or diocese for a period of time before being returned to their former position. The report was also highly critical of the failure of the Garda Siochana to properly investigate incidents which had been reported to authorities²⁶.

Scandals of sexual abuse in the Catholic Church also rocked Germany and Belgium. Although no official report was conducted, a German inquiry into a Jesuit order discovered that fifty priests had abused approximately two hundred children in their school care. Further, in Belgium the Adriaenessen Report²⁷ found that the abuse was at its worst in the 1960s when it was 'so extensive that it was going on in almost every diocese and at every Church-run boarding school²⁸.' Adriaenessen documented the cases of abuse occurring in nearly every Belgian diocese, stating "We can say that no part of the country escapes sexual abuse of minors by one or several [church] members²⁹."

Reports conducted in Canada following numerous complaints regarding sexual abuse of children by the Catholic Church also found it to be a systematic problem. The Winter Commission Report³⁰, published in 1990 found that the relationship that was established between offender and victim involved an abuse of power and a betrayal of trust in which the victim was unable to give informed consent for participating in sexual acts³¹. The report found that the sexual abuse had a highly adverse impact on the young victims, in many cases resulting in suicide. Despite making some recommendations, not all were adopted, and in 2001 it was revealed that a Montreal Catholic school had become known amongst locals for being a place of regular sexual abuse. Rather than alert authorities, priests offered compensation payments to victims. The Report recommended that the Church must accept full responsibility, and that convicted priests never to return to parishes without full disclosure to community and never placed in contact with children³².

Various reports and inquiries undertaken in the United States also revealed an endemic problem of clerical sexual abuse. The 'Nature and Scope of the Problem of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States' was an inquiry conducted by the John Jay College of Criminal Justice.' The John Jay Report found that between 1950 and 2002 a total of

²⁶ 'Appendix' <http://www.bishop-accountability.org/reports/2005_10_Ferns/ferns_9_0_appendix.pdf> (Accessed 25.8.12)

²⁷ Commission on Church-related Sexual Abuse Complaints, 'Adriaenessen Report', (September, 1998).

²⁸ Traynor, Ian (2010) 'Belgian child abuse report exposes Catholic clergy,' *The Guardian*, 10 September

²⁹ *Ibid.*

³⁰ Commission of Enquiry into the Sexual Abuse of Children by Members of the Clergy, 'Winter Commission Report' (1990)

³¹ Commission of Enquiry into the Sexual Abuse of Children by Members of the Clergy, 'Winter Commission Report' (1990) p.135

³² *Ibid.*

10,667 individuals had made allegations of being sexually abused by a priest³³. Of these, the dioceses had been able to substantiate 6,700 accusations against 4,392 priests in the United States³⁴. The John Jay Report identified the following issues: failure by the hierarchy to grasp the seriousness of the problem; overemphasis on the need to avoid a scandal; use of unqualified treatment centres; and insufficient accountability³⁵.

It should be noted that some of the reports, including Adriaenessen and John Jay are examples of self reporting by catholic bishops, and as such should be regarded as significantly understating the problem. It has been noted by abuse tracking organization Bishop Accountability that in those cases where the dioceses have been forced to open their records, the rates of credible abuse allegations and the number of credibly abused priests are found to be much higher than reported by bishops in the John Jay report.

The Grand Jury Report was released in September 2003 by local citizens into the Archdiocese of Philadelphia. Akin to the inquiries conducted in Ireland and the United States, the Report found that the sexual abuse of children by priests had been 'known, tolerated, and hidden by high church officials, up to and including the Cardinal himself.' The Report stated 'Our investigation uncovered evidence that over the past thirty-five years more than 120 priests serving in the Archdiocese of Philadelphia had been accused of sexually abusing hundreds of adolescents and younger children, and that, with rare exceptions, the Archdiocese did not report these accusations to public authorities.'³⁶

Furthermore, the Report stated: "We find that despite identified risks, these Archdiocesan managers continued and/or established policies that made the protection of the Church from "scandal" more important than the protection of children from sexual predators. These policies were followed, even at the cost of giving priests who had not only been accused of, but in many cases admitted to, sexually assaulting children, access to untold thousands of additional innocent children. We find that Archdiocesan managers as a whole acted not to prevent the sexual abuse of children by priests but to prevent the discovery that such abuse had occurred."³⁷

In January 2011 a further Grand Jury Report was released. The Report found that the 'abuse was known, tolerated, and hidden by high church officials³⁸'. The Report stated that 'the previous grand jury was frustrated that it could not charge either the abusers or their protectors in the church, because the successful cover-up of the abuse resulted in the expiration of the statute of limitations. The present grand jury is frustrated to report that much has not change. The rapist

³³ John Jay College of Criminal Justice *The Nature and Scope of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States 1950-2002*, (February, 2004)

³⁴ John Jay College of Criminal Justice *The Nature and Scope of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States 1950-2002*, (February, 2004) p.26.

³⁵ 'Internal survey of child sexual abuse by Roman Catholic clergy', <<http://www.religioustolerance.org>> (Accessed 25.8.12)

³⁶ Lynne Abraham, In the Court of Common Pleas, 'Report of the Grand Jury' (September, 2003) p.2

³⁷ Lynne Abraham, In the Court of Common Pleas, 'Report of the Grand Jury' (September, 2003) p.3

³⁸ Renee Hughes, 'Final Grand Jury Report on the Sexual Abuse of Minors by Clergy' (2011) p.1.

priests we accuse were well known to the Secretary of Clergy, but he cloaked their conduct and put them in place to do it again. The procedures implemented by the Archdiocese to help victims are in fact designed to help the abusers, and the Archdiocese itself. Worst of all, apparent abusers—dozens of them, we believe—remain on duty in the Archdiocese, today, with open access to new young prey.³⁹”

The Lord Nolan Report, published in 2001 in the United Kingdom, proved to be crucial in highlighting the endemic nature of clerical abuse and recommending arrangements to prevent future abuse within the Catholic Church in England and Wales.⁴⁰ The report resulted in the establishment of the Catholic Office for the Protection of Children and Vulnerable Adults (COPCA) by the Catholic Church in England and Wales. COPCA has significantly addressed the issues raised in the report. The Nolan Report also proposed a National Child Protection Unit (Recommendation 11) for the purpose of advising the Conference of Bishops and the Conference of Religious on child protection policies.

The Cumberlege Report, which assessed the implementation of the Nolan Report’s recommendations, found that: “A great deal has been achieved in remarkably short time to implement the Nolan recommendations and raise the profile of child protection on local agendas⁴¹.”

The Deetman Commission⁴² was an inquiry founded by the Dutch Catholic Church in 2010 into the clergy and other Roman Catholic Church employees in the Netherlands following widespread reports of sexual abuse in the church. The Commission found one in five vulnerable children had been molested, a rate twice that found in other countries. In its report, the commission found that the number of victims who grew up in church institutions to be between 10,000 and 20,000⁴³. The Report states “Bishops and other church authorities were not ignorant of the problem abuse. Moreover, in the view of the Commission of Inquiry, in many cases they failed to take adequate action and paid to little attention to victims.⁴⁴”

³⁹ Lynne Abraham, In the Court of Common Pleas, ‘Report of the Grand Jury’ (September, 2003) p.1.

⁴⁰ ‘The Nolan Report’ (2001), 1.3, available at <http://www.cathcom.org/mysharedaccounts/cumberlege/finalnolan1.htm>

⁴¹The Cumberlege Commission, ‘Safeguarding with Confidence: Keeping Children and Vulnerable Adults Safe in the Catholic Church’, (July, 2007), 2.2

⁴² Report of the Deetman Commission’ http://www.onderzoekrkn.nl/fileadmin/commissiedeetman/data/downloads/eindrapport/20111216/Samenvatting_eindrapport_Engelstalig.pdf (Accessed 22.8.12)

⁴³*Ibid.*

⁴⁴ *Ibid.*

A final point on this topic was made by Pam Spees of the CCR who reviewed this information for inclusion in SNAP's submission to this Committee, while travelling to and from her work with the ICC in The Hague. Pam notes in an email to SNAP that,

"...there were three grand jury reports in Philadelphia and I think the point to be made about that is that it takes that long and intensive an investigation of the church authorities to be able to arrive at the truth. It took the Philly grand jury years of asking questions over and over again of Bevilaqua and others to be able to catch them in the web of lies they were forced to spin."

Responses to Questions raised in the Submission Guide

The most important evidence regarding these questions must come direct from those on the receiving end of the coverup by religious organisations – the victims themselves.

Many brave victims are preparing individual submissions about those experiences. Many are telling their whole story in writing for the first time.

SNAP is concerned the Committee not take church documents and submissions at face value without supporting evidence.

There is a huge difference between church documents designed for the purposes of PR, which are full of vague but laudable expressions of desire to help victims, deliver justice and protect children, and the reality of how these organisations routinely re-abuse victims of criminal abuse by their colleagues, how they obstruct justice in order to protect rapists, and how they still callously endanger children.

When assessing church documents submitted to this Inquiry, SNAP requests the Committee look for any sign of concrete actions rather than non specific and non committal intentions.

Church officials can fill volumes with protocols, guidelines and processes. Whether they actually implement any of these needs to be independently assessed by the Committee and not accepted solely based on earnest assurances by those making such claims.

Accountability does not refer to the production of policy statements or pledges of changes in the system. Accountability is demonstrated, and only demonstrated, by changes in the outcomes. In other words, priests who have abused are removed immediately and permanently; bishops and leaders who have failed to report abuse and abusers are removed immediately and permanently; law and public officials who have not vigorously pursued abuse complaints are removed immediately and permanently; victims who have not been administered to with health and counseling needs, just compensation and justice needs, and general compassion and acceptance are now granted all these attentions. These are all quantifiable outcomes that should be presented as evidence of accountability fulfillment.

Certain churches, especially the Church of England, are taking more concrete actions in some areas, despite some truly appalling coverups in the past. But these isolated efforts are the result of enlightened individuals with sufficient power to stand up against the institutional inertia towards self protection. In the absence of those individuals there would be little progress.

In other secretive, totalitarian and oppressive hierarchies, officials do not tolerate any deviation from the standard pattern of denial, excuses, obfuscation, reassurance and refusal to act.

Responses to Child Abuse – Victim Experiences

SNAP's contribution to these questions is not so much evidence as the summary of our experience with a range of different victims, and an attempt to honour and give voice to those victims who did not survive their horrific experiences, or who are not otherwise able to speak for themselves.

Discouragement of reporting

In the not too distant past Australia responded appallingly to victims of child abuse. Not just the institutions themselves, but also police, the justice system and other responsible adults were more likely to refuse to believe disclosures and to dismiss or even punish those who spoke up about abuse.

There were exceptions, but they were forced to fight hard against the tendency to coverup, and they were rarely found in religious organisations.

Individuals within certain religious organisations were often guilty of abhorrent cruelty and viciousness towards victims, far beyond the societal norm of neglect, disbelief, and turning a blind eye. Shockingly, it is quite common to hear of victims who experienced additional, or even worse abuse as a result of disclosure.

Older victims, those in their sixties and beyond, endured under an expectation that you had absolutely no choice but to suffer in silence. Such things were simply not talked about. This leads those seeking to minimise the problem to claim there was a sudden, aberrant spike in abuse cases from the 1960's onwards.

It is impossible to know how many of these and previous generations died without ever seeing justice, acknowledgement or healing. And how much suffering and dysfunction was passed on through their families in the generations that followed.

But the overall pattern, seen across the experiences of many, many victims, suggests that organisations and their officials were and still are quite prepared to exploit and add to the damage already suffered by victims in order to protect their reputation and assets from the consequences of the abuse they enable and conceal.

This has not changed even though today victims are not so comprehensively blocked from reporting and finding assistance with healing as they were in the past. Any improvements, it must be noted, result from greater accountability and openness forced on institutions by the efforts of brave, pioneering victims and a

recent willingness of media organisations to report such previously ignored information.

This improvement has not been supported or encouraged by the organisations themselves and has been achieved despite their best efforts to prevent greater openness and accountability.

It is quite possible that certain religions or sects, especially those exhibiting cult like features, may still be powerful enough to impose a ruthless, absolute ban on reporting.

Organisations such as police and the courts have also been forced to improve, but still have further work to do to provide an environment that is anything other than daunting, harmful and unnecessarily traumatic, and which more often than not completely fails victims, and denies them justice. It should be noted that some victims come out of such experiences braver and stronger and with a clearer purpose, but the justice system must aim not to punish victims more effectively than it does the criminals who prey on them.

Discouragement of reporting includes church personnel advising vulnerable, often unsupported victims of the possible, and possibly exaggerated, negative aspects of reporting, while completely ignoring the positive aspects of seeking recovery. Victims are also effectively discouraged by manipulation of their families and friends to pressure them not to report, and by social isolation, abuse and reprisals inflicted upon victims by religious communities. These attacks can be extremely vicious and can cost victims everything they hold dear.

Religious organisations employ slick public relations strategies that minimise prevent publicity about victims seeking justice and finding healing. Maybe this explains their resistance to requests for published lists of known offenders, and why so many victims report receiving threats of negative consequences if they reveal details of settlements. Might this also explain their lack of any genuine public calls for victims to come forward and seek help.

Delay in reporting

It is extremely common for victims not to report for years, even decades after the abuse stops or after they reach adulthood. Some never report at all. Mostly this is due to fear, but it is a range of fears that weigh on victims and prevent them seeking justice and healing.

Current generations are being raised to be more resistant to religious guilt and thus be less likely to be pressured into blaming themselves for the crimes committed against them, and into absorbing their pain in silence, believing they deserve to suffer. And incidentally, less likely to be manipulated into exploitative situations where they feel they have no choice but to submit to abuse.

But it is not just guilt and a lack of self esteem or self care that prevents reporting for so long. The knowledge they will not be believed or supported is very

undermining and debilitating, and if such fears are realised, can even threaten survival.

Families and communities can knowingly or unwittingly contribute to the delay of reporting. Many victims wait until their parents are dead before they disclose, either to save beloved family members from embarrassment, pain or guilt, or because they know their families will put the interests of the church before their own right to recover, and pressure them into silence.

Others are taught not to speak of such issues and simply do not know how to broach such a painful and embarrassing topic, or feel too fragile to deal with the pain that will be brought to the surface by disclosure.

Other victims feel they cannot disclose, until a crisis, often a direct result of their abuse, for example their children reaching the same age as they were when first abused, forces the issue to the surface and demands resolution.

In some cases the disclosure comes about as a result of a positive event. The victims feel stable enough or supported enough to finally face their pain.

Response to disclosure

Stories of the cruelty of the responses meted out to damaged, fragile and innocent victims is one of the most heartbreaking aspects of this issue. This is often the point where victims are most vulnerable and their ability to trust and even to survive can be permanently erased at a stroke.

SNAP has heard victims stories of responses ranging from beatings, rape, and other forms of victimisation by colleagues of the original rapist, to parents who slap a little boy on the face for saying such terrible things about Father, and then send him back for another sleepover at the rectory, to those who meet with the pretence of sympathy and understanding, but are manipulated, deceived and betrayed.

Lies, threats and intimidation of victims and their families are so common as to be standard practice.

One thing SNAP has never heard from victims is a tale of understanding, sympathetic listening and acknowledgement, and effective and immediate action.

Investigations

One of the most common features of stories of investigations is the habit of informing victims there have been no previous cases against a particular offender when this is simply not true. This claim is used to dismiss or discourage requests for action, and to give the erroneous impression the abuse is a one off and not an ongoing problem.

Bishops and provincials can also arbitrarily dismiss any investigation results they do not feel inclined to support. This is accompanied by stories of the same investigation leading to different results for different victims, once again for no obvious reason.

Other common problems are investigations refusing to accept any additional information from victims beyond the results of a first meeting, when they are often overwhelmed by the trauma of the situation, especially having to disclose to a colleague and likely supporter of their abuser.

Many investigations also cease if the accused denies the allegations, something extremely common for this type of offender, and which bears little relationship to the guilt or innocence of the accused. The fact that an offender may already have other accusations or even convictions does not prevent a denial stopping an investigation.

Accusations against a Melbourne Catholic investigator tipping off accused priests about secret police investigations so that they could destroy evidence are unfortunately not unique. The Bishop Finn case currently in the press in the US features tampering with and destroying evidence and delaying reporting, and has led to an historic conviction.

Reporting to police

SNAP has not heard from any victims who were encouraged to go to the police, or whose abuse was reported to the police by church officials, but has heard from many victims where the opposite was the case. There has been improvement in the level of reporting to the police by victims, but this is the result of efforts by organisations like Broken Rites and SNAP to ensure victims know of their legal right to report and are informed enough not to be misled by church officials.

In the past many victims knew or were led to believe their reports of abuse would not be investigated by police. This has improved significantly, but it is by no means certain every case is investigated as fully as the evidence warrants, or as it would be if a different organisation was involved, especially in cases of coverup of these crimes by church officials.

Consequences for the Perpetrator

This is another area where victims' experiences are particularly disheartening and tragic. A majority of victims must learn how to deal with the fact that their perpetrator will never be held accountable in any way for their crimes, in many cases hundreds or even thousands of individual crimes.

Many are moved to different parishes, different states and different countries, escape all consequences and manage to retire and die still a respected and celebrated member of a privileged religious elite. In many cases this geographic solution enables a continuation of their crimes, and the creation of new victims.

Churches hide evidence, obstruct investigations and delay, delay, delay in the hope statutes of limitations, or the death of the offender or the victims will make the problem go away.

Many hit the jackpot with technical legal defences and loopholes that deny victims justice. Others are able to be held accountable but only for a fraction of their actual victims and a fraction of their actual offences. Sentences for these dangerous recidivist offenders are often token at best.

Some escape the legal system but are restricted in their ministry, but often those restrictions are neither communicated nor enforced, and provide no protection against re-offending.

It is rare but not impossible for an offender to be permanently removed from ministry, the most stringent consequence offered by religious organisations. While it is important these predators be denied the perfect disguise offered by a clerical uniform, the assumption that this is an extreme or sufficient measure often simply allows dangerous criminals to walk free to find a new role that offers a different form of privileged and unquestioned access to children.

Support

Consistent with the other aspects of their treatment at the hands of churches, victims generally do not receive adequate or appropriate support.

Firstly, even having to approach the organisation to blame for their abuse (as they perceive it) harms and discourages many victims. The lack of sympathy or understanding from employees dealing with victims is often also extremely harmful and discouraging.

As a general principle SNAP recommends support services be paid for by but not provided by churches. There are simply too many examples of resentful, defensive, unhelpful staff doing more harm than good.

Another disturbing aspect often seen is the failure to offer help to known victims. The only victims who receive any help are those able to make a fuss, cause a problem and demand something be done.

Basic humanity would suggest that every victim needs and deserves help to recover, including acknowledgement of their suffering. Religions often use the excuse of respecting victims' privacy to account for their refusal to help any but those who are able to demand it. This raises the question of whether those most in need of help are missing out on assistance to recover because of the severity of their damage.

Compensation

Victims often find the fact their damage is reduced to a financial figure insulting and degrading. They also resent being dismissed as money hungry, when the

reliance on money alone as reparation is usually an indication of the inappropriateness of the church response.

Any figure is inadequate as nothing can ever repair the damage done or replace what was stolen, but sensitivity in dealings with victims could help this issue. Unfortunately this is uniformly lacking, particularly as the use of aggressive lawyers to minimise the financial cost to churches makes the whole process as damaging as possible.

Most victims are far more interested in ensuring the offender faces consequences and is prevented from re-offending, and in a genuine acknowledgement of their suffering. Unfortunately churches are loath to deliver on these important issues.

However a large number of victims are also seriously impoverished as a direct result of their abuse and churches certainly seem to exploit this fact. The effect is to strip victims of their rights of redress for as little outlay as possible. Those in particular financial need are even easier to buy off, and are very likely to explain their desperation in the hope of compassion and generosity. They are usually disappointed, and as many victims' lives are chaotic and reactive, are not well placed to manage money without support. In a very short time most are worse off than before and with no future prospect of assistance.

SNAP believes a reliance on financial lump sum payments is often unhelpful and recommends a range of support services offered by organisations independent of the church where the abuse occurred be the minimum standard of assistance. In particular ongoing counseling without arbitrary limits should be offered to all victims, without any unnecessary barriers to access.

Mandatory Reporting

An appalling amount of child abuse seen in this country and around the world is a direct result of the reluctance of religious and other organisations to report or take action against known abusers within their organisations.

This is problematic as it relies on officials within these organisations recognising the need to act and actually taking action.

Evidence, particularly from official investigations of the coverup of child abuse in religions, demonstrates an extreme reluctance or inability to properly address this issue without outside scrutiny. This is coupled with a strong desire to be seen to be doing the right thing, making the situation even more dangerous for children.

Holding officials and organisations legally responsible for ensuring abuse is not covered up, not swept under the carpet and not allowed to continue is an obvious answer. So obvious it is hard to imagine what possible excuse could be offered to argue against ensuring this measure is properly implemented.

Experience shows these organisations are not seriously committed to child protection, despite countless claims that they put children first. Experience also shows these organisations do not necessarily implement their own processes and protocols, or assess their effectiveness against clear objectives.

Recommendation:

SNAP recommends the Committee call for a clear and absolute requirement that all organisations, without exception, be responsible for mandatory reporting to police of any known or suspected child abuse, including historic secret files. SNAP also recommends the Committee call for regular independent review for those organisations with an historic record of poor performance in this area.

Religious Laws and Practices

Religious laws have no place whatsoever in relation to the criminal abuse of children and should never be used or allowed to be used to replace, usurp or obstruct local secular laws.

Secular criminal laws must be clearly understood to take priority over religious customs and laws, without exception.

The “sanctity of the confessional” is a religious custom and it is self serving to argue it serves any role in child protection. Rather it is far more likely to function to protect offenders and endanger children.

If this exception to our laws is demanded by one religion, why should other religious customs endangering or harming children such as the criminal genital mutilation of girls not be given a similar exception.

Whether or not a majority of citizens or politicians hold allegiance to a particular set of religious beliefs does not affect whether or not it is a valid reason to endanger children.

Recommendation:

SNAP recommends that the Committee call for no exceptions to secular criminal laws relating to child abuse for religious laws, customs, practices or sacraments.

Working with children checks

The unique and unquestioned respect and trusted access to children and vulnerable adults enjoyed by all religious, regardless of whether their role normally involves working with children requires all religious personnel should undergo working with children checks. For example many religious are given unsupervised access to children in their own homes, and other situations that would normally be unavailable to other adults.

In addition, consideration should be given to the large number of child sexual offenders who are helped to escape the consequences of their crimes through technical legal defences and other loopholes. Because they have avoided conviction, known and serial offenders may not register as a danger to children on a working with children check. This represents a significant gap in child protection which needs to be addressed.

Recommendation:

SNAP recommends the working with children checks be applied to all religious personnel, regardless of whether their primary role involves regular access to children.

SNAP also recommends the consideration of a suitable mechanism to ensure those offenders who have escaped conviction on technicalities and through legal loopholes, but have credible accusations against them, particularly multiple accusations, are flagged by working with children checks and not allowed access to children.

Potential New Laws

The large numbers of offenders who escape the consequences of their crimes and are enabled to continue to offend under the protection of religious organisations and in the disguise of a “holy” and therefore “trustworthy” man or woman is an ongoing child protection issue.

Recommendation:

SNAP recommends a comprehensive review of child protection laws to identify issues that lead to known and serial offenders remaining free to offend, and also identify suggested changes to increase reporting and conviction rates, and therefore overall child protection.

Responding to Offenders and Alleged Offenders

The problem of alleged offenders unable to be convicted due to legal technicalities and loopholes is a significant issue, particularly since conviction rates are extremely low and offenders are likely to keep offending throughout their lifetime and to each attack large numbers of victims.

At present religious organisations must simply be trusted to do the right thing in regard to these offenders, when evidence suggests this trust is misplaced. In addition, where offenders are defrocked or voluntarily laicized religious organisations wash their hands of the problem and the offender simply walks off into the sunset with no-one the wiser about his criminal activities or the fact he is a danger to children.

See Recommendation above re potential new laws to address this important issue.

Data, Privacy and Public Interest

The current system deliberately keeps parents in the dark about known and serial offenders, when this knowledge could ensure they take simple protective measures to guard against this danger to their children. The fact that some people may panic about child sex offenders in their community is not a reason to foist these offenders on unsuspecting communities without effective means to prevent their access to children. Much of the panic reported in the media could be seen as a reaction to being kept in the dark and unknowingly exposed to danger.

A serial child sex offender's right to privacy is surely subordinate to the danger to children of them remaining free in the community and being assisted to re-offend by the disguise of anonymity.

A child sex offender can only hurt children if given unsupervised access to them. A child sex offender will only be given unsupervised access to children if no-one knows he is a danger to children.

And instead of a panicky focus on a single high profile offender, communities will be aware of the dozens of offenders already living amongst them and react sensibly to the threat.

Recommendation:

SNAP recommends the safety of children be put before the privacy of criminal child sex offenders, and that a sensible widespread system of keeping parents informed is a practical way to manage, rather than refuse to face, the danger to children from these offenders.

Prevention

Any prevention programs will help but it is important the existence of such programs is seen as an adjunct to and not a substitute for effective laws and independent scrutiny of child protection issues in religious organisations.

Relationships with external bodies

Religious organisations which enable and cover up child sexual abuse throughout the world have a history of non co-operation with law enforcement investigations.

This issue must negatively impact child protection and justice for victims.

It is worthwhile considering whether it is more effective to build more co-operative relationships, or increase powers to compel compliance, or educate police and prosecutors to understand the types of information hidden by religious organisations and how to extract it effectively.

Relationships between victims support groups, such as SNAP, and religious organisations tend to be adversarial rather than co-operative. SNAP and other victim support groups would prefer to work co-operatively with religious organisations to help victims, but this is not possible while religious organisations are still so focused on preventing openness and accountability, denying justice to victims and sacrificing children to protect the institution.

In addition, religious officials refuse to listen to the first hand knowledge and experience of victims, either individuals or support groups, preferring to claim self appointed expert status on this issue while living in denial, and despite ample admissions and independent proof they have got this issue completely wrong time after time after time.

SNAP believes the current hierarchy of many religions are fundamentally unsuited to dealing with this issue intelligently and humanely. We look forward to the time when new blood sees this issue with more compassionate eyes, when victims are respected, acknowledged, and welcomed to contribute to the solution, rather than vilified as the problem.

Summary of Recommendations

Recommendation 1:

SNAP recommends the Committee find that a Royal Commission or other structure with the strongest possible powers to compel evidence, expert legal skills to cross examine un co-operative witnesses, and an adequate time frame to investigate and report be set up to finish the task commenced so ably by the Committee.

Recommendation 2:

SNAP calls on the Committee to take this opportunity to provide the children of Australia (as other states are carefully watching the Committee's work with a view to similar efforts) with world class protection from sexual exploitation. SNAP calls on the committee to recommend a comprehensive review of child protection laws including but not limited to mandatory reporting, statutes of limitation, the criminal offence of child sexual assault and its enforcement, laws of evidence relating to child sexual assault offences, and any laws relating to the deliberate coverup of child sexual assault.

Recommendation 3:

SNAP recommends the Committee call for a clear and absolute requirement that all organisations, without exception, be responsible for mandatory reporting to police of any known or suspected child abuse, including historic secret files. SNAP also recommends the Committee call for regular independent review for those organisations with an historic record of poor performance in this area.

Recommendation 4:

SNAP recommends that the Committee call for no exceptions to secular criminal laws relating to child abuse for religious laws, customs, practices or sacraments.

Recommendation 5:

SNAP recommends the working with children checks be applied to all religious personnel, regardless of whether their primary role involves regular access to children.

SNAP also recommends the consideration of a suitable mechanism to ensure those offenders who have escaped conviction on technicalities and through legal loopholes, but have credible accusations against them, particularly multiple accusations, are flagged by working with children checks and not allowed access to children.

Recommendation 6:

SNAP recommends a comprehensive review of child protection laws to identify issues that lead to known and serial offenders remaining free to offend, and also identify suggested changes to increase reporting and conviction rates, and therefore overall child protection.

Recommendation 7:

SNAP recommends the safety of children be put before the privacy of criminal child sex offenders, and that a sensible widespread system of keeping parents informed is a practical way to manage, rather than refuse to face the danger to children from these offenders.

Attachments

Attachment 1

Use of religious laws, customs, sacraments and ceremonies to hide child sexual abuse from law enforcement

Attachment 2

Child abuse and the holy see – report to the UN

Attachment 3

Vatican record of cover up of child abuse and rape by priests and other catholic religious, and hiding abusive religious from law enforcement (as at 2008)

Attachment 4

Excerpt from Commission of Investigation Report into the Catholic Archdiocese of Dublin, July 2009 (The Murphy Report)

Attachment 5

‘A radical look at today and tomorrow’ address by Tom Doyle to the Sexual Abuse in the Catholic Church: A Decade of Crisis 2002-2012 Conference at Santa Clara University, May 11, 2012.

Attachment 1

Use of religious laws, customs, sacraments and ceremonies to hide child sexual abuse from law enforcement and thereby endanger children

a) Rabbi demands abuse not be reported to police

Kamenetsky: Report child abuse to rabbis, not police

July 21, 2011

(JTA) -- A leading American Orthodox rabbi, Shmuel Kamenetsky, said that child abuse should be reported to rabbis, not police.

Kamenetsky, the vice president of Agudath Israel of America's Supreme Council of Rabbinic Sages, said in a speech July 12 in Brooklyn that the sexual abuse of a child should be reported to a rabbi, who would then determine if the police should be called. He made the speech as a search was being conducted for an 8-year-old Brooklyn boy, Leiby Kletzky, whose dismembered body was found the following day in a dumpster and in the apartment of Levi Aron.

Aron was indicted Wednesday in the boy's murder.

A recording of the Kamenetsky speech in Flatbush first appeared July 17 on the Failed Messiah [blog](#). Kamenetsky was repeating Agudath Israel of America's official policy banning Jews from reporting child sexual abuse to police, according to the blog.

A representative of the Shomrim, a volunteer civilian patrol in New York, told the New York Daily News that his organization keeps a list of alleged child molesters whom they have not reported to the police. The New York Jewish Week reported that it is possible that Aron may have been known to some in the haredi Orthodox community, but that they did not report him to the police.

"We call upon Agudath Israel of America's leadership to immediately retract these dangerous statements [by Kamenetsky]," Survivors for Justice, an advocacy, educational and support organization for survivors of sexual abuse and their families from the Orthodox world, said in a statement. □

Source: <http://www.jta.org/news/article/2011/07/21/3088644/kamenetsky-report-child-abuse-to-rabbis-not-police> (accessed 19/09/12)

b) And an Australian priest confessing to a fellow paedophile, who he can be sure will not report him to the police.

Catholic Church depravity: more damning evidence surfaces

BY BARRY DUKE – JUNE 8, 2012

POSTED IN: CATHOLIC CHURCH, GAY, GLOBAL CATHOLIC ABUSE SCANDAL, OH NO! NOT AGAIN!, RELIGION AND CRIME, RELIGIOUS CHILD ABUSE, THE FREETHINKER, YOU COULDN'T MAKE IT UP



Serial abuser Frank Klep, right, was appointed 'spiritual' adviser to a fellow paedophile priest, Victor Rubeo

A CATHOLIC priest, charged in 2005 with 28 counts of indecent assault and one of buggery, had earlier been appointed “spiritual advisor” to a fellow priest charged with multiple child sex offences.

According to this report, in 1994 the then Vicar-General of the Melbourne archdiocese, Gerald Cudmore, oversaw the appointment of Father Frank Klep as spiritual director to Father Victor Rubeo after child sex abuse allegations about Rubeo were first reported to the archdiocese.

At that time, Klep had been charged by police with child sex offences. He was convicted of indecent assault in December 1994. Despite his conviction, Klep continued to act as Rubeo’s spiritual adviser during 1995.

Since the 1980s, Klep had been the subject of repeated child sex abuse complaints from parents of students attending the Salesian order’s school at Rupertswood in Melbourne’s outer north-west. He was sentenced to perform community service for his 1994 conviction and sent to Samoa by the Salesian

order in 1998, when it became clear he was to be charged with more child sex offences.

Klep was deported from Samoa in 2004 and charged with numerous child sex charges on his return to Melbourne. He was jailed for five years and 10 months in 2006.

After a complaint had been made against him, Rubeo offered to resign as a priest in 1994 but this was rejected by the archdiocese, which took no action against him until August 1996, when police began investigating a sexual abuse complaint about him lodged by a woman.

Although he denied the woman's claim, Rubeo admitted to police a few instances of abuse against Tony Hersbach and his twin brother, Will, dating back to the 1960s.

In October 1996, Rubeo pleaded guilty to one charge of indecent assault against each of the Hersbach twins in the Ringwood Magistrates Court and received a two-year good behaviour bond without conviction.

Rubeo died of natural causes in December last year on the day he was due to face a committal hearing in the Melbourne Magistrates Court after being charged with 30 fresh child sex offences. He was 78.

The twin who had been abused by Rubeo for eight years, from the age of 11, was Tony Hersbach. He only discovered Klep's appointment in 2010, and was "amazed" that senior church leaders thought it appropriate to have a convicted paedophile advising another child-abusing priest. He said:

It makes you wonder what they talked about, doesn't it?

Meanwhile, it has come to light in the US that paedophile priests had been given "golden handshakes" by Cardinal Timothy Dolan after they had been accused of sexually abusing minors.

Dolan, of New York, authorised payments of as much as \$20,000 to the kiddy-fiddlers as an incentive for them to agree to dismissal from the priesthood when he was the archbishop of Milwaukee.

Dolan lied to reporters when he initially dismissed news of the payments as

False, preposterous and unjust.

But a document unearthed during bankruptcy proceedings for the Archdiocese of Milwaukee and made public by victims' advocates reveals that the archdiocese did make such payments to multiple accused priests to encourage them to seek dismissal, thereby allowing the church to remove them from the payroll.

Dolan had described at least one payment to Franklyn Becker — who had been

accused of abusing 10 minors — as “an act of charity” to help the priest “pay for health insurance”.

Dolan, by the way, is now on a crusade against “immorality” in New York in the form of same sex marriage, which he has described as “unjust,” “immoral,” and “unnatural”. As New York was preparing marriage equality in June, Dolan thundered:

This is a very violation of what we consider natural law that’s embedded in every man and woman and we’re really worried as Americans that it’s going to be detrimental to the common good. We still worry about the detrimental effect upon society, upon culture, and certainly upon our individual churches.

Source: <http://freethinker.co.uk/2012/06/08/catholic-church-depravity-more-damning-evidence-surfaces/> (accessed 19/09/12)

Attachment 2

Child abuse and the holy see – report to the UN

UNITED NATIONS

A

General Assembly

Distr. GENERAL

A/HRC/12/NGO/25 8 September 2009

ENGLISH ONLY

HUMAN RIGHTS COUNCIL

Twelfth session Agenda item 4

HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S ATTENTION

Written statement* submitted by the International Humanist and Ethical Union (IHEU), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 August 2009]

* This written statement is issued, unedited, in the language(s) received from the submitting non- governmental organization(s).

Background

Child Abuse and the Holy See

1. In 1990 the Holy See acceded to the UN Convention on the Rights of the Child (CRC), agreeing to take a number of initiatives to protect children¹. However, its accession was made subject to several important reservations based on its status as a church which crucially undermined its accountability – even though it was acceding as a state². In 1994 the Holy See submitted its initial report to the CRC, about which the CRC expressed five areas of concern³ including, crucially:

“10. In the spirit of the final document of the World Conference on Human Rights, the Committee wishes to encourage the State party to consider reviewing its reservations to the Convention with a view to withdrawing them.”⁴

Extent and effects of the abuse

2. The Church is faced with huge numbers of victims of child abuse worldwides extending over decades. In the USA alone, nearly US\$3 billion has been paid out in compensation. Even in Ireland with a population of only 5 million, more than Euros 1 billion has been paid out (of which only 10% has been borne by the Church).⁶

3. Evidence submitted to the UN in 2003 sets out typical consequences in later life for

abused children⁷: Post Traumatic Stress Disorder, vulnerability to further re-victimisation, difficulties with interpersonal relationships, materially increased risk of self-harm or suicides, aggravated by persistent denials of responsibility by Church authorities, as discussed below.

The Church's reaction to the scandal

5.

Several characteristics typify the cases that have reached the public domain.

- i. Victims have been accused of lying, even in the face of strong evidence to the contrary. (“One must not give scandal to the church” is ingrained in every priest.)
- ii In most cases, sometimes over many years, local dioceses have failed to inform the civil authorities and have covered up allegations, whether or not they believe their instructions from the Holy See require this. Moreover, dioceses have moved alleged abusers from one location to another, resulting in repetition of the abuse⁹.
- iii. Although many clerics from all levels have resigned, mostly involuntarily, others have tried to face it out. One who had papal support was Bernard Law, Archbishop of Boston¹⁰, who was forced to resign when he was proved to have systematically covered up abuse in 2002. He still enjoys papal support as archpriest of a papal basilica in Rome and he is still a cardinal.
- iv. The Church has frequently suggested that the problem was minor, has blamed other, unconnected factors, or claimed that it did not know the true extent of the problem. It has also claimed that it was ignorant of the nature of child abusers or of their recidivist tendencies known by the church since at least the 1960s.¹¹ Apologies are rare; a general admission of the Church's culpability has yet to be seen.
- v. Every possible step has been taken by the Church to minimise both criminal sanctions and the amount of compensation it paid to victims. “Gagging” clauses are routinely imposed as part of settlements of cases¹².

Factors contributing to concealment

6. The most prevalent common characteristic of the thousands of cases of child abuse that have come to light is secrecy at every level, whether “bought” as part of a settlement¹³, of one priest reporting another¹⁴, or – as in Ireland – shameless and widely-publicised attempts made by religious institutions, apparently without censure and possibly with support from highest authorities in the Church¹⁵, to obstruct the publication of reports about wholesale abuse.¹⁶

Apparent contraventions of UNCRC

7. The relevant articles are:

Article 3: (In all actions concerning children . . . the best interests of the child shall be a primary consideration.)

Article 19: 1. (protect the child,... including sexual abuse... effective procedures for the establishment of . . . forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment

described heretofore, and, as appropriate, for judicial involvement.)

Article 34: (States Parties undertake to protect the child from all forms of ... sexual abuse.) Article 44(1) (Reporting)

Article 44(2) (Reporting difficulties... affecting... fulfilment of... obligations under the ... Convention.)

8. The Holy See, alone among the founding signatories, contravenes article 44(1) of the CRC by submitting no quinquennial reports. This omission has only been remarked upon, as far as we are aware, in the Catholics for Choice Shadow Report (*op.cit.*) and by the Irish charity One in Four¹⁷. The CRC publishes agreements for late submissions for State Parties, but none are recorded for the Holy See¹⁸ suggesting that no commitments have been made to make amends.

9. The CRC requested the Holy See to withdraw all its reservations to the Convention, including the exclusion of the Vatican City (the only geographical territory under the jurisdiction of the Holy See) from its agreement under reservation (c)¹⁹, but it has failed to do so. The Holy See cannot escape its responsibility in cases of child abuse by priests elsewhere, given its claim to be “the highest organ of government of the Catholic Church”, and that it does not seek any reservation from the Convention in this respect²⁰.

10. The Holy See’s initial report, submitted in 1994, referred to child abuse only in the context of the family, although the Pope²¹ told US bishops in 1992: “You are faced with two levels of responsibility: in relation to the clerics through whom scandal [of clergy sexual abuse of children] comes and their innocent victims, but also in relation to the whole of society systematically threatened by the scandal A great effort is needed”

The Holy See is therefore in breach of Article 44(2) of the CRC in its failure to report these cases.

The Holy See’s dual status

12. The Holy See is recognised at the UN as a state through its geographical base in the Vatican City. It sends out ambassadors and makes treaties (“concordats”) with foreign powers²². At the same time it claims a need to exercise its mission in full freedom, and to be able to deal with any interlocutor, whether a government or an international organization.²³

13. Because of the Church’s long history and influence, UN institutions have failed to subject such claims to critical examination, so much so that the Holy See has been allowed to escape the same level of scrutiny under the CRC as is applied to other State Parties.

Conclusion and Recommendations

14. The Holy See has been complicit in widespread attempts to cover up cases of alleged child abuse perpetrated by members of its clergy.

15. We urge the Holy See to recognise its responsibilities and honour its commitments to the CRC and to instruct all dioceses to report all cases of alleged child abuse to civil authorities, at least where required to do so by law.

As an institution which claims to have “the highest moral authority”, it can do no less.

16. We would recommend that the UNCRC committee formally request the Holy See to:

1. Clear the backlog of its reports to the UNCRC and state that these should specifically include full compliance with Article 44(2), without reservation by the Holy See – that is, full disclosure of child abuse cases;
2. Open up to UNCRC workers and others working in child welfare all its archives in Vatican City State and in States parties concerning any matters relating to known or suspected child abuse;
3. Make available for interview officials with any knowledge of these matters;
4. Issue instructions overriding all others, including in Canon Law, that all Church officials are required to communicate knowledge or suspicions of child abuse to UNCRC officials, and to civil authorities under local laws, which have become known to the Holy See since it became a signatory of the Convention.

17. We also urge the UNCRC to use its powers to investigate, or invite other UN agencies to investigate, the Holy See’s non-compliance with the CRC in respect of child abuse by its personnel, its failure to report such abuse to CRC, the conduct of cases submitted to CDF, its reservations on accession to the treaty, the role of internal regulations including Canon Law in impeding child protection, and the role of insurance contracts in possible breaches of the Convention.

These investigations should be completed and publicly reported within five years.

Notes:

¹ http://www.unicef.org/crc/index_30208.html gives a list of nine

² Holy See Report, 1994, 2.

³ <http://www.unhcr.org/refworld/pdfid/3ae6aec910.pdf>

⁴ <http://www.catholicsforchoice.org/topics/other/documents/2002rightsofthechildshadowreport.pdf> and http://www.unhcr.org/refworld/publisher_CRC..VAT.3ae6aec910.0.html

⁵ http://en.wikipedia.org/wiki/Roman_Catholic_sex_abuse_cases_by_country

⁶ <http://www.timesonline.co.uk/tol/comment/faith/article6354966.ece>

⁷ <http://www.oneinfour.org/services/campaigning%20and%20public%20awareness/sexualexploitation/>

⁸ <http://www.independent.ie/national-news/courts/child-abuse-led-man-to-take-own-life-inquest-hears-1853900.html>

⁹ example: Diocese of Dallas:

http://www.richardsipe.com/reports/sipe_report.htm#DIOCESE%20OF%20DALLAS

¹⁰ http://www.bostonphoenix.com/boston/news_features/top/features/documents/01847611.htm

¹¹ example: <http://news.bbc.co.uk/1/hi/uk/2548081.stm> although it has treatment centres for child-abusing priests (Richard Sipe at

http://www.richardsipe.com/reports/sipe_report.htm#FOURTH%20PHASE

¹² <http://www.timesonline.co.uk/tol/comment/faith/article6354966.ece>

¹³ <http://writ.news.findlaw.com/hamilton/20040108.html>

¹⁴ <http://www.nytimes.com/1992/03/13/opinion/priestly-silence-on-pedophilia.html>

¹⁵ <http://www.guardian.co.uk/world/2005/apr/24/children.childprotection> - the remark of Archbishop Bertone

¹⁶ <http://www.independent.ie/opinion/analysis/when-justice-for-all-means-anything-but-1286290.html>

¹⁷ <http://www.oneinfour.org/services/campaigning%20and%20public%20awareness/sexualexploitation/>

¹⁸ <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.51.2.pdf>

¹⁹ “D. Suggestions and recommendations

“10. In the spirit of the final document of the World Conference on Human Rights, the Committee wishes to encourage the State party to consider reviewing its reservations to the Convention with a view to withdrawing them. “11. In view of the moral influence wielded by the Holy See and the national Catholic Churches, the Committee recommends that efforts for the promotion and protection of the rights provided for in the Convention be pursued and strengthened. In that regard, the Committee wishes to underline the importance of wide dissemination of the principles of the Convention and its translation into languages spoken throughout the world, and recommends to the State party to continue to play an active role to that end.

“12. The Committee emphasizes the need for professionals and voluntary workers involved in the education and protection of children to receive adequate training and education, taking into account the principles set forth in the Convention. The Committee also recommends that the Convention be included in the curricula of Catholic schools. In this respect, it is the view of the Committee that the teaching methods used in schools should reflect the spirit and philosophy of the Convention and the aims of education laid down in its articles 28 and 29.

“13. The Committee recommends that the position of the Holy See with regard to the relationship between articles 5 and 12 of the Convention be clarified. In this respect, it wishes to recall its view that the rights and prerogatives of the parents may not undermine the rights of the child as recognized by the Convention, especially the right of the child to express his or her own views and that his or her views be given due weight. “14. It also recommends that the spirit of the Convention and the principles set forth therein, in particular the principles of non-discrimination, of the best interests of the child and of respect for the views of the child, be fully taken into account in the conduct of all the activities of the Holy See and of the various Church institutions and organizations dealing with the rights of the child.”

²⁰ [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.3.Add.27.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.3.Add.27.En?OpenDocument) (Extracted 12 August 2009)

²¹ John Paul II, Letter to U.S. Bishops, June 11, 1993, *Origins* 23, no. 7 (July 1, 1993): 102–103

²² for examples see www.concordatwatch.eu

²³ <http://www.unhcr.org/refworld/pdfid/3ae6af74.pdf>

Attachment 3

Vatican record of cover up of child abuse and rape by priests and other catholic religious, and hiding abusive religious from law enforcement (as at 2008)

Letter to President, United Nations General Assembly

April 14, 2008

SNAP □ Survivors Network of those Abused By Priests □ 700 N. Green Street, Suite 504, Chicago, Illinois 60622 □ 312-455-1499

H.E. Srgjan Kerim □ President □ United Nations General Assembly □ 760 United Nations Plaza □ New York, NY 10017

Dear Mr. President Srgjan Kerim:

As survivors of childhood sexual abuse inflicted by Catholic clergypriests, we must speak out about Pope Benedict's upcoming visit to the General Assembly. Under his leadership in the Vatican for the last 27 years – as Pope and formerly as head of the Congregation of the Doctrine of the Faith – thousands of predator priests have raped, sodomized and sexually brutalized thousands of children around the globe. The countless church officials who kept silent about the crimes – or actively concealed them – didn't lose their jobs or even face a reprimand. In some cases, the Vatican promoted them. In the United States, bishops developed new policies in 2002 in response to public pressure, but the old mindset and behaviors allowing children to be victimized continues.

Pope Benedict has treated pedophile priests as sinners in need of forgiveness rather than violent criminals who prey on the vulnerable. He's enabled serial predators to cross international borders to escape criminal prosecution and allowed many to continue in ministry with children. He's defrocked some priests, but more often he has refused to take action, resulting in the sexual victimization of even more children. He's exhibited gross irresponsibility and open disregard for the United Nations Convention on the Rights of the Child, which states that children have the right to be protected from abuse and exploitation.

As a signatory to the Convention, the pope recognizes that the Holy See is the "highest organ of government of the Catholic Church and a sovereign subject of international law." He also agreed to comply with all provisions of the Convention and uphold the basic human rights of children under the institutional care of the Catholic Church around the world.

The Holy See has not been in compliance with the Convention for 14 years,

failing to meet UN reporting requirements since 1994. Even in 1994, the Holy See gave only a partial submission and failed to acknowledge any cases of clergy sexual abuse and its juridical handling of these cases. Yet, the Vatican and the Pope continue to claim the prestige that comes from support of the Convention and its endorsement by United Nations member states.

Among the Holy See's violations of the Convention:

1. Circumventing the reporting of child sex crimes to civil authorities and international law enforcement. A 2001 canon law directive from the Holy See, *Sacramentorum sanctitatis tutela*, requires that all criminal evidence of sex crimes against children by clergy be reported directly to the Vatican's Congregation for the Doctrine of the Faith, which reports directly to the Pope. Through this directive, the Pope and/or his staff are aware of prosecutable evidence of global sex crimes by clergy, effectively circumventing reporting to civil authorities around the world, including international law enforcement agencies. (<http://www.bishop-accountability.org/resources/resource-files/churchdocs/SacramentorumAndNormaeEnglish.htm>)

2. Evidence suggests that the Holy See, through its vast network of diplomats and diplomatic personnel, have misused the diplomatic immunity of its officials to conceal information of child sex crimes by clergy, including international transport of documents containing direct criminal evidence of crimes by members of the clergy against children. (Auxiliary Bishop A. James Quinn of Cleveland suggested to church leaders in 1990 a way of hiding records of abusive priests in the Vatican embassy, which has diplomatic immunity: "If there's something you really don't want people to see you might send it off to the Apostolic Delegate, because they have immunity to protect something that is potentially dangerous," Quinn said. News report link: [http://www.mcgillbroadcast.com/news-archive/~A/America_General/\(2002-05-31\)-bishop_Caught_on_Tape_Suggesting.html](http://www.mcgillbroadcast.com/news-archive/~A/America_General/(2002-05-31)-bishop_Caught_on_Tape_Suggesting.html))

3. The widespread practice of bishops around the world is to secretly transfer known pedophile clergy across international boundaries without reporting to state criminal authorities for the purposes of thwarting criminal prosecution. (See attachment)

4. Church and court records in both civil and criminal cases show that repeatedly predator priests have taken children across national boundaries and assaulted. In few instances have church authorities willingly shared information about these crimes with appropriate criminal authorities in either nation. (See: US Dept of Justice, United States Attorney Release, 2 Nov 2007, Announcing charges against Jesuit Father Donald McGuire for transporting a child across international boundaries for the purpose of sexual abuse.)

Because of these violations, and others, we urge the United Nations to launch a full-scale investigation into the perpetuation of the sexual abuse of children within the Catholic Church. It is an affront to human dignity that Pope Benedict enables the criminal sexual assault of children by priests while claiming to be a holy and divinely commissioned Vicar of Christ and supreme spokesman for God. In his speech to UN leaders, he will likely voice concern for human rights violations committed by others, yet fail to take responsibility for his culpability in the rape of children in the Catholic Church.

Who We Are

Each of us signing this letter was sexually violated as a child by a Catholic priest. We know firsthand the crippling, lifelong impact of child rape by clergy. For most of us, the abuse could have been prevented. Church officials often knew about our predators' histories of sexual abuse, but refused to intervene. Instead, they shuttled the pedophiles from parish to parish where other children were brutalized. In some cases, the predators were given sanctuary in foreign lands, where they were permitted to work with children. The impact of the sexual abuse was so devastating that many of those children later committed suicide. Some of the priests, on the other hand, went on to become bishops.

We are leaders of SNAP, Survivors Network of those Abused by Priests, the world's largest, oldest and most active support group for women and men sexually abused by religious authority figures. Our nonsectarian, nonprofit organization formed 20 years ago. □ When the church refused to help us or protect other children, we turned to one another for healing support and to break the silence about clergy sexual abuse. Today, the vast majority of our 8,000 members and support groups are in North America, with individual members from every continent on the planet.

Track Record of Pope Benedict XVI

Prior to being elected in 2005, Pope Benedict XVI was known as Cardinal Joseph Ratzinger and served as the head of the Congregation for the Doctrine for the Faith since 1981. As one of Pope John Paul's most trusted advisors, Cardinal Ratzinger's department was assigned to deal with allegations of child sexual abuse by priests. In that role, the cardinal was privy to details about abuse allegations against priests and the horrors of the sexual violence inflicted on children.

Cardinal Ratzinger reacted by minimizing or denying the abuse, shifting the blame away from the predator priests and the church officials who shielded them, pointing fingers at the child victims and their families, and attacking the media for reporting the clergy crimes and cover-ups by church officials. When the clergy sexual abuse crisis exploded in the United States in 2002, Cardinal Ratzinger blamed the scandals on an "intentional, manipulated...desire to discredit the church" () by the media. While he has

stated publicly that child abuse is wrong, he has privately fostered a church environment where predator priests continue to thrive.

In several documented cases of clergy sexual abuse submitted to Cardinal Ratzinger's department, he ignored the reports. In other cases, he took years to complete investigations, which were conducted in secrecy with no assurance of fairness, objectivity or a commitment to justice. One of the most notorious cases is that of the late Father Marciel Maciel Degollado, the founder of a religious order known as the Legion of Christ. In 1998, Cardinal Ratzinger's department received a report in which dozens of minors, including nine former seminarians, said the priest sexually abused them. The cardinal sat on the charges for years. Then two years ago, after much public outcry, he "invited" the priest to a live a life of penance. The cardinal refused to hold a church trial, strip the priest of his clerical status or impose any serious discipline.

Sadly, in our 20-year history we have not witnessed few cases in which church leaders acted appropriately in removing predator priests and assisting victims unless forced to do so by external sources. Church authorities often only act – and then minimally – in an effort to control bad publicity brought about because victims have spoken out, police and prosecutors have arrested predators or journalists have exposed the atrocities. Unfortunately, for most victims of clergy abuse, justice is never realized. Most predator priests are never arrested or spend time in prison, according to a study conducted by the John Jay College of Criminal Law.

Affirmation of the Rights of the Child

In September 1990, the Holy See acceded to the United Nations Convention on the Rights of the Child. In doing so, church officials agreed to protect and promote the rights of children around the world. But since then, endless news stories and court records have documented the prevalence of the sexual abuse of children by priests. In some dioceses, roughly 10 percent of the priests were predators. The United States Conference of Catholic Bishops said in a report that at least 4 percent of U.S. priests abused children between 1950 and 2004. At least 25 percent of the friars at St. Anthony Seminary in the Los Angeles Archdiocese were child molesters, according to a study commissioned by the Franciscan religious order running the school, which has since closed.

In spite of the scale of the problem, the Vatican hasn't cracked down in any meaningful way and, in fact, continues to facilitate predator priests' access to children. Yet, Catholic officials, including Pope Benedict, speak out about human rights concerns for children facing starvation, violations of child labor laws, children in war zones, refugee children, children denied access to education and other issues impacting children.

We have painfully learned that priests across the globe have been sexually abusing children for centuries. Catholic Church law instructs bishops to

keep secret any allegations against priests. In 1962, the Vatican sent a letter to bishops instructing them on how to handle abuse allegations. The document, *Crimen Sollicitationis* (“The Crime of Soliciting”), was created in response to priests making sexual advances to children in confessional booths. The directives said that no one, not even the victim or parents of a victim, were permitted to disclose the abuse publicly under pain of excommunication. The mandate captured the harmful mindset of the Vatican that continues to this day.

In 2001, Pope John Paul II issued a new law – *Sacramentorum sanctitatis tutela* – for dealing with allegations of child sexual abuse by priests. Bishops around the world were directed to report allegations of sexual abuse by priests to Cardinal Ratzinger’s department. They were also instructed not to take further action without direction from Cardinal Ratzinger. To many these steps furthered the culture of secrecy within the church regarding predator priests.

Even with the intense public spotlight on the U.S. scandals since 2002, the Vatican acted minimally to stop the colossal epidemic of child sexual abuse by clergy around the globe. Pope Benedict has repeatedly blamed the media for the scandals. He’s minimized the numbers of predators and refused to defrock many known serial clergy child molesters.

While many church leaders were aware of priests sexually abusing children, few reported the crimes to police. In fact, on occasions when priests were being questioned or investigated, church leaders pressured civil authorities not to file criminal charges. Church officials continue to put concern for their reputations above the safety of children. Even more astounding is that they treat victims of predator priests as enemies of the church rather than crime victims in need of compassion, support and justice. Victims who come forward are courageous and motivated by a desire to heal and protect other children. They are civil servants who are passionate about public safety.

We’ve enclosed an attachment citing a few of the many egregious actions by church leaders who enabled predator priests as well as examples of priests who evaded civil authorities. We ask that you not allow Pope Benedict or the Catholic Church to continue its flagrant violations of the United Nations Convention on the Rights of the Child. We urge you to act on behalf of the vulnerable Catholic children across the globe by escalating pressure on the Vatican through a United Nations investigation. Allowing predator priests to flourish under the guise of moral authority is heinous and must be stopped. The Vatican and Pope Benedict have demonstrated that the church is unwilling and unable to police itself, or enact strict measures of accountability among its leadership. Therefore, we implore you to please intercede on behalf of innocent children.

Sincerely and respectfully,

Barbara A. Blaine David Clohessy Peter Isely □SNAP President SNAP
National Director SNAP Midwest Director □312 399 4747 314 566 9790
414 429 7259

cc: □Secretary-General Ban Ki-moon □United Nations

Dr. Asha-Rose Migiro □Deputy Secretary-General □United Nations

Louise Arbour □United Nations High Commissioner for Human Rights

Ms. Melita Gabric □Minister Plenipotentiary □(Human Rights, Gender,
Dialogue among Civilizations, Third Committee)

Attachment: Apr 14, 2008 □Letter to H.E. Srgjan Kerim President United
Nations General Assembly □Examples of church leaders enabling criminal
priests and priests evading prosecution:

Cardinal Roger Mahony of the Los Angeles Archdiocese: His subterfuge on clergy sexual abuse is extensive. In one case, he refused to disclose the whereabouts of a Filipino priest accused of raping and impregnating Rita Miller, a teenager. In another case, an aide of Mahony's tipped off Father Nicholas Aguilar that he was about to be arrested in time for the priest to flee to Mexico to escape prosecution. "The archdiocese facilitated his flight," Los Angeles prosecutor Janice Maurizi told the Dallas Morning News (Feb. 1, 2006).

Cardinal Oscar Rodriguez of Honduras: He's forcefully advocated against reporting predator priests to law enforcement. "For me, it would be a tragedy to reduce the role of a pastor to that of a cop," he said in 2002 as the U.S. scandals exploded." We are totally different, and I'd be prepared to go to jail rather than harm one of my priests. We must not forget that we are pastors, not agents of the FBI or CIA." Rodriguez has condemned journalists covering the scandal, likening them to Hitler and describing them as obsessed. (DMN Feb1, 2006)

Bishop Angel San Casimiro of Costa Rica: He met with the mother of a victim of Father Enrique Vasquez, whom the bishop told the Dallas Morning News (Feb. 1, 2006) admitted that he had molested the boy. Even so, the bishop urged the mother not to go to police, imploring her to be "a good Christian." The bishop then allowed Father Vásquez to cross international boundaries, traveling in Europe, Africa and the United States as a missionary.

Father Joseph Henn: Although indicted on charges of sexually abusing children in Arizona, he was permitted to reside comfortably in Rome, just outside Vatican walls, for several years while U.S. civil authorities battled to have him extradited. During this time church leaders allowed him to live comfortably in Rome.(DMN Aug 1, 2006)

Father James Tully: He lives in Vicenza with a religious order known as the Xaverian Missionary Fathers. In 1992, he pleaded "no contest" to criminal charges involving giving alcohol to minors and inappropriate touching. In 2004, when additional allegations were made against Tully,

church leaders transferred him out of the country to Rome, rather than have him face his accusers. (DMN Sep 12, 2004 and please see Hand-outs.)

Father Barry Bossa: He pleaded guilty in 1974 to sexually abusing a 12-year-old boy. Even with knowledge of the conviction, church leaders allowed Bossa to be ordained a priest afterward. Almost immediately, Bossa continued his behavior of abusing boys and additional criminal charges were brought against him in 2003. He fled the country and moved into the religious community of the Pallottines, just outside of the Vatican. (DMN Sep 12, 2004)

Father Frank Klep: Although facing at least five separate charges of criminal sexual abuse of children in Australia, Klep was found working with children in Samoa in 2006. His religious community, the Salesians of Don Bosco, insisted that Klep had no contact or ministry with children, but the Dallas Morning News photographed Klep with children between the ages of 6 and 12. In 1994, Klep was convicted of abusing two students in the 1970. In 1998, additional charges were brought and a warrant for his arrest was issued. □ (DMN Sep 12, 2004)

Father Yusuf Dominic: The Pakistan native was arrested in 1996 in London for abusing two boys. While charges were pending, he was released on bond in order to be sent to a treatment facility. Instead, he fled and returned to Pakistan. Three years later, he was living in the United States and trying to find ministry work in dioceses in New York, Los Angeles and Brooklyn. He worked for awhile in the Archdiocese of Newark, before finding a haven in Italy, where he continued working as a priest with access to children. (DMN Jun 23 04)

Father Marcial Maciel Degollardo: Marciel, who founded a controversial, secretive world wide religious order involved in the education and training of children and youngsters around the world. Widely praised by Pope John Paul, Marciel was accused of sexually assaulting children for many decades without disciplinary action from the Vatican or reports to civil authorities in several countries. In 1978 and 1989 evidence of criminal behavior against children was transmitted secretly by diplomatic pouch to the Vatican through the nunciature in Washington, D.C. □ <http://www.nytimes.com/2005/04/23/International/worldspecial2/23mexico.html> Over the years, the allegations against Father Maciel have been the subject of newspaper articles in The Hartford Courant <http://www.rickross.com/reference/loc/loc12.html> and The National Catholic Reporter, as well as an ABC television report and several books. The accusers sent letters to the pope by diplomatic pouch in 1978 and 1989.)

□ **Survivors**

Network of those Abused by Priests □ www.snapnetwork.org

Attachment 4

Excerpt from Commission of Investigation Report into the Catholic Archdiocese of Dublin, July 2009 (The Murphy Report)

Documents held by Rome

2.23 The Commission wrote to the Congregation for the Doctrine of the Faith (CDF) in Rome in September 2006 asking for information on the promulgation of the document *Crimen Sollicitationis* (see Chapter 4) as well as information on reports of clerical child sexual abuse which had been conveyed to the Congregation by the Archdiocese of Dublin in the period covered by the Commission. The CDF did not reply. However, it did contact the Department of Foreign Affairs stating that the Commission had not gone through appropriate diplomatic channels. The Commission is a body independent of government and does not consider it appropriate for it to use diplomatic channels.

2.24 The Commission wrote to the Papal Nuncio in February 2007 requesting that he forward to the Commission all documents in his possession relevant to the Commission's terms of reference, "*which documents have not already been produced or will not be produced by Archbishop Martin*". The letter further requested the Papal Nuncio, if he had no such documentation, to confirm this. No reply was received. The Commission does not have the power to compel the production of documents by the Papal Nuncio or the Congregation for the Doctrine of the Faith. The Commission again wrote to the Papal Nuncio in 2009 enclosing extracts from the draft report which referred to him and his office as it was required to do. Again, no reply was received.

Attachment 5

'A radical look at today and tomorrow' address by Tom Doyle to the Sexual Abuse in the Catholic Church: A Decade of Crisis 2002-2012 Conference at Santa Clara University, May 11, 2012.

Sexual Abuse in the Catholic Church: A Decade of Crisis, 2002-2012

Santa Clara University May 11, 2012

A RADICAL LOOK AT TODAY AND TOMORROW

Thomas P. Doyle, J.C.D., C.A.D.C.

I want to begin by sharing the nature of my involvement in the phenomenon of sexual abuse by Catholic Clergy. I chose the word "phenomenon" intentionally because I do not believe any of the commonly used descriptors -- "crisis," "scandal," "problem," come even close to naming what this has been and what it is today.

My name is Tom Doyle. I was ordained a Dominican priest in 1970, forty two years ago. I received my doctorate in Canon Law in 1978. I first became involved in the issue of sexual abuse of minors when I had a position at the Vatican embassy in Washington. My initial experiences involved not former Father Gilbert Gauthier from Louisiana, but two bishops, both of whom are now deceased. The year was 1982 but my most intense involvement, shared with Fr. Dr. Michael Peterson and attorney Ray Mouton, began in 1984 and has not ended.

I would like to begin by stating my conclusion. Since 2002 the revelations of widespread sexual abuse of minors by Catholic clergy and religious men and women have spread to Europe, Latin America and to some Asian countries. In the US the Catholic bishops have created a number of programs and policies and have aggressively implemented their "Zero Tolerance" policy. In spite of these policies and the expensive public relations efforts they have implemented, the attitude of the bishops as a collective group has not only not changed but it has gotten worse. Their disdain for the victims has become more and more obvious. The true measure of their understanding of the horrific nature of the issue and their commitment to change is not the programs, policies, documents or speeches they generate but their unqualified attitude of compassion toward the victims and this is scandalously lacking. The bishops simply don't get it or if they do get it, they don't care.

I have been directly and intimately involved in most dimensions of this travesty. I have been asked by accused priests to help with canonical and fraternal support. I have given workshops and seminars to groups of diocesan and religious priests. I have been an expert witness and a consultant in over a thousand civil and criminal cases throughout the United States, in Canada, Ireland, England, Belgium, Australia and New Zealand. I have been a consultant to or expert witness for several of the grand jury investigations in the U.S. including the Philadelphia grand juries of 2005 and 2011 and most recently I testified at the criminal trial in Philadelphia. I have served as a consultant or expert witness for the government commissions in Ireland beginning with the Ferns Commission and for the Cornwall Inquiry in Canada. The real truth about what has happened and what continues to happen is not found in any reports or so-called audits provided by church sources but in the documents obtained from dioceses and religious orders by victims' attorneys or surrendered in the course of grand jury or similar official investigations. In 2010 I was asked to address the special commission of the Belgian parliament. Over these 30 years I have met and spoken with thousands of persons involved in one way or another.

I am sharing all of this for no other reason than to illustrate the extent of my experience and the context from which I make the remarks that follow. The most important experiences I have ever had as a Christian and as a priest have been the times spent with victims of sexual violation and spiritual betrayal by Catholic priests and bishops. With nearly every victim I have had the privilege of knowing, by far the most painful moment for me has been when I have apologized for what we, the clergy, have done to them. Without exception, every man and woman has told me that it was the first time anyone from the clergy has done so. It is not a matter of parroting meaningless phrases such as "I'm sorry for your suffering" or "I apologize for the pain you have endured," or "I regret if mistakes were made" as the pope and some bishops have phrased it. For me the only honest way to express this important sentiment has been to say, "I am deeply sorry for what we have done to you and deeply ashamed that we, the clergy, have hurt you in such a profoundly shameful manner."

The most heart-breaking moments have been the many times I have been with parents who have shared with me the indescribable pain they experienced when they learned that their little boy or little girl had been sexually violated by a Catholic cleric.

These experiences that have changed my life and have reached to the core of my being. These are the experiences that should have been the norm for the bishops but sadly, they have been the very rare exception.

In spite of the assurances from Church officials that the worst is behind us, this

is clearly delusion and not reality. Until the primary focus shifts from the hierarchy, to the victims, there will be no fundamental honesty in the Church's response and nothing will change. Until the security of creating policies and programs aimed at protecting the children of the future is superseded by the risk of reaching out with honest, unqualified compassion to the victims of today, there will be no true healing and no authentic movement forward. Until the efforts to blame the secular culture, the media, the sexual revolution, anti-Catholicism, victims' lawyers, Woodstock or Janis Joplin are abandoned and replaced with a fearless, probing examination of the clerical culture and the hierarchical exercise of power, the collective hope that this terrible nightmare will someday be "the worry of a distant past" will never happen.

With respect to Tom Plante and Kathleen McChesney, I do not agree with their statement at the beginning of chapter One that the "crisis" began on January 6, 2002 in Boston. It was and is not a crisis and it did not begin in Boston. The sexual violation of minors and adults by clerics of every rank has been a tragic part of the Catholic Church from the first century. The scandalous evidence of this is found in the Church's own official documentation. The tragic chapter of this saga written in our own era did not begin in 2002 or in 1984. Those were moments of revelation and exposure of a culture that had been hidden not too far beneath the Church's surface. The difference between the present and the past is this: whereas in prior centuries the institutional Church maintained control over the response to waves of revelation, in our era it is not the pope and bishops who are shaping the continuing history of clergy sexual abuse and hierarchical cover-up, but the victims.

What we have seen publicly exposed since the fall of 1984 has not been a "crisis" of sexual abuse by clergy. A crisis is a happening with a beginning and an end that is responded to either effectively or clumsily by the relevant powers. This has been the revelation of the dark and toxic dimension of the institutional Catholic Church. The focus has been on the sexual violation by Catholic deacons, priests, bishops and cardinals as well as men and women religious.

But this tragedy is not fundamentally about sex. It is about the abysmal and treacherous abuse of power --- ecclesiastical power, church power, power that has been given by the Creator only to do good but power that has been selfishly perverted by those to whom it has been entrusted and which has brought some of the most despicable harm imaginable to the most innocent and vulnerable members of Christ's Church. The harm has been sexual, emotional and physical but I believe that in the end, the most devastating harm has been the assault on the spirit.

A fundamental flaw inherent in every dimension of response has been the concept of the Church reflected in the response. The image that consistently

comes through from the papal speeches to the scripted apologies of bishops to the various protection programs, is the traditional though seriously flawed image of the *Church as institution*, governed by the hierarchy, all celibate male clerics, none of whom have ever experienced parenthood. The persistent struggle of the pope and the bishops to maintain control over this nightmare that never ends is painfully obvious: a struggle to exonerate themselves, a struggle to direct and determine every aspect of the response and above all, a struggle to maintain some semblance of superiority over the victims. We are constantly reminded of the grave harm done *to the Church* and of the hope that someday the image and integrity *of the Church* will be restored. We are constantly reminded that the bishops acted as they did out of a misguided belief that they were acting *for the good of the Church*. But the *good of the Church* has been *their* good and not the good of the victims or even the Christian community.

The fundamental fault from the earliest centuries to the present has been the failure to respond not as a papal monarchy, but as what the church really is, *The People of God*.

We are constantly reminded of the many ways that dioceses and religious orders have worked to protect the children of today and tomorrow. The National Review Board, the diocesan review boards, the child protection offices, the background screening protocols, the mandatory awareness programs -- are more than simply commendable but are a remarkable movement to change the meaning and reality of child safety in our society. But none of these endeavors would have happened had they not been forced upon the institutional Church by the victims, the media, the courts and the angry public.

There is however a dark side to the self-congratulatory picture painted by today's hierarchy. Efforts to change state laws to ensure justice and healing to all victims and to put more perpetrators out of commission are vigorously and sometimes viciously opposed by the bishops in every State where such legislation has been introduced, and this opposition comes at the cost of millions of dollars donated by the remaining faithful. The excuses given for this organized sabotage are so self-serving they are not worth mentioning. The true reason is the fear of even more exposure and the appearance of more victims.

In spite of messages of compassion directed at victims and in spite of Pope Benedict's direct orders to the bishops to do all in their power to heal, victims who have the courage to go to court are most often subjected to embarrassing, humiliating, brutalizing and revictimizing treatment not only by the lawyers hired by the bishops but often by their public relations firms and by clerics themselves.

The victims will not be told by the institution that enabled their abusers what efforts they may use in their attempts to heal. They go to court, contrary to the libelous remarks of some, especially the apparent unofficial mouthpiece of at least the archbishop of New York, Bill Donohue, not because they and their lawyers want to bleed the Church of its money but because the civil courts have been the only venue that has consistently provided justice and validation of the terror suffered by these men and women. In reality a massive drain is the hundreds of millions of dollars spent on defense lawyers to fight victims and the equally exorbitant amounts spent on public relations firms hired to create the illusion that the Church is doing what it was founded to do.

The most recent egregious example of this hypocrisy has been directed at the main source of hope and recovery for countless victims; the concerted attempts to destroy SNAP and defame its leaders for no other reason than the fact that they have had the courage to stand up to and challenge the integrity of the institutional Church.

The recent John Jay study on causes and contexts provided important data that placed the sexual abuse from one chronological period into a broader socio-cultural context but this study didn't come close to examining the true causes. These causes are in the sacrosanct domain the institutional Church goes to every length to protect but it is the domain where we will begin to find the answers: the clerical sub-culture and the narcissistic hierarchical elite that has allowed this nightmare to happen and has failed to comprehend the profound depth of the damage done, not to the Church as institution, but to the most important persons among God's people, the victims.

This dark and toxic side of the Church will only began to fade when popes, bishops, priests, religious and laity understand that when we say "Church" we refer not to the hierarchy, the government or the power structure, but those harmed, abused, marginalized and rejected by a Church that that forgot that before all else it is the People of God.