

*Article 19: 1. States Parties shall take all appropriate . . . measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse . . . . Such protective measures should include . . . 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.*

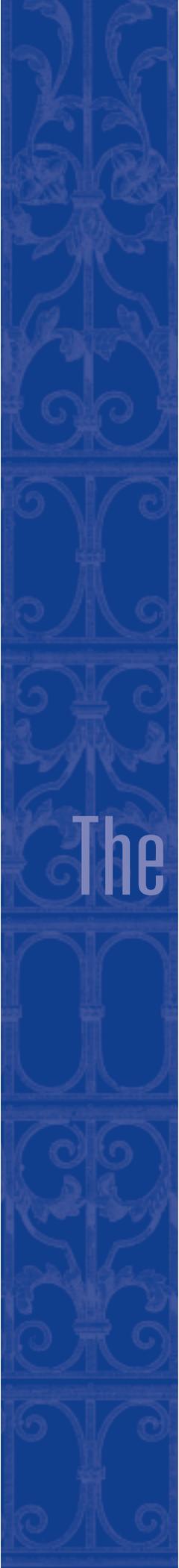
*Article 3: In all actions concerning children . . . the best interests of the child shall be a primary consideration.*

# The Holy See and the Convention on the Rights of the Child

A SHADOW REPORT

*Article 34: States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent the inducement or coercion of a child to engage in any unlawful sexual activity . . . .*





# The Holy See and the Convention on the Rights of the Child

A SHADOW REPORT

## About this report

In May 2002, at the United Nations General Assembly Special Session on Children, Catholics for a Free Choice (CFFC) presented a preliminary report on the worldwide problem of sexual abuse of children and adolescents by Catholic clergy and religious to the Committee on the Rights of the Child. As a result of this effort, CFFC was invited to submit more detailed information to the Committee for its consideration.

The Committee on the Rights of the Child is the UN body charged with monitoring signatories' compliance with the Convention on the Rights of the Child. As a State party to the Convention, the Holy See has agreed to promote and protect the best interests of the child. The current sexual abuse scandal implicating priests and senior members of the church hierarchy around the world in the sexual abuse of minors, and subsequent cover-ups, raises serious questions about the Holy See's willingness to meet its obligations under the Convention. Consequently, CFFC submits this report to assist the Committee in conducting a comprehensive review of the laws and policies of the Holy See, and an investigation into how it often compromises the laws of other States parties to the Convention.

While this shadow report provides evidence of the scope of this crisis, it also sheds light on some of the obstacles to ascertaining its magnitude. Because most cases of abuse by Catholic clergy and religious come to the public's attention as a result of civil and criminal lawsuits, much of the information about abuse comes from industrialized countries where legal remedies are more readily available. However, the report clearly shows that the sexual abuse of children and adolescents knows no borders, and concludes with recommendations for all parties involved in the crisis.

CFFC presents this report to the Committee on the Rights of the Child during the Thirty-first Session of the Committee, with the support of NGOs and national coalitions working for child protection, including: African Woman and Child Feature Service (Kenya), AFRUCA – Africans Unite Against Child Abuse (United Kingdom), Agyapongmaa Societal Needs International (Ghana), Cambodian Center for the Protection of Children's Rights (Cambodia), Center for Child Rights (Somalia), Center for the Prevention of Sexual and Domestic Violence (USA), Child Mirror Liberia, Inc. (Liberia), Child Watch (Ghana), Coalition Haitienne pour la Defense des Droits (Haiti), Colectivo de ONGs de Infancia y Adolescencia (Argentina), Defense des Enfants-International (Togo), Ghana NGO Coalition on the Rights of the Child (Ghana), Goodwill Community Centre (Kenya), Guinean National Coalition on the Rights of Children (Guinea), Integrated Social Development Effort (Bangladesh), International Society for Human Rights (Gambia), Kenya Alliance for Advancement of Children (Kenya), The Survivors of Clergy Abuse Link Up, "Linkup" (USA), NGOs Coalition on Child Rights (Pakistan), ONG Autre Vie, "Other Life NGO" (Benin), Organization for Environmental Preservation, Conferência Criança Brasil no Milênio and Cultural Integration Movement for world Economy and Energy (Brasil); Programme for Children's Rights in Goa (India), Red por los Derechos de la Infancia en México (Mexico), Save the Children Swaziland (Swaziland), Society for Women and AIDS in Kenya (Kenya), SOS Hotline and Center for Girls (Yugoslavia), Voluntary Youth Philanthropist (Kenya), Women's Association of Romania (Romania), Women's Organization of Moldova (Republic of Moldova).

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## Introduction

*The Holy See and the Convention on the Rights of the Child: A Shadow Report* provides a review of the Holy See's activities regarding the implementation of the Convention on the Rights of the Child. This report is prepared for the Thirty-first Session of the Committee on the Rights of the Child, according to that Committee's guidelines for NGO reporting. The focus of this report will be the sexual abuse and exploitation of children and adolescents by members of the Catholic clergy and religious, and the concealment of this abuse by members of the leadership of the Catholic church. It will show the following: that the Holy See had ultimate responsibility for oversight of these cases, that it knew the abuse was occurring, that it did not assist the children in question, and that it took steps, even issuing binding international legislation, to prevent information about these cases from becoming public. Clearly, these actions are in violation of the Convention on the Rights of the Child (the "Convention"), as is the Holy See's failure to report this information to the Committee on the Rights of the Child.

The Holy See is a Non-member State that maintains a Permanent Observer Mission to the United Nations. It is a full member of some agencies, and a full state participant at major United Nations conferences with the right to ratify or accede to international treaties and to submit reservations to documents. The Holy See's status allows it to participate in United Nations' processes when it suits its purposes, but often removes it from the full accountability expected of Member States. According to Archbishop Renato R. Martino, Apostolic Nuncio, Permanent Observer of the Holy See to the United Nations, "full membership [in the United Nations] would involve the Holy See too directly in political, military, economic and commercial matters . . . [that] go beyond the scope of its own specific mission."<sup>1</sup> Nonetheless, when the Holy See purports to participate in the work of the United Nations and its committees, it should be expected to comply with those obligations to which it agrees as a Non-member State Permanent Observer.

The church hierarchy claims over 1 billion adherents, comprising one-sixth of the world's population. Among these, the Holy See governs the conduct of over 4,500 bishops, 433,000 priests and deacons, and 855,000 religious sisters and brothers.<sup>2</sup> It operates 120,000 healthcare institutions, and 230,000 educational facilities that serve 45 million children.<sup>3</sup> The Holy See's compliance with the Convention is a serious concern for all people, as its influence stretches much farther than any other body that participates at this level at the United Nations. Consequently, its actions affect all the world's children.

Over 5,000 cases of child abuse by Catholic clergy have been reported in the media since 1995. The allegations include abuse that occurred as long ago as the 1940s, and new cases are reported nearly every day. Reports show that child abuse by Catholic clergy and religious spans the globe, with public accounts from Argentina, Australia, Brazil, Canada, Chile, China, Colombia, France, Ireland, Mexico, New Zealand, the Philippines, Poland, South Africa, the United Kingdom, the United States of America, and many others reported by the media. This scandal has even brought about eleven resignations from the ranks of the Catholic church's senior leadership.

Catholics for a Free Choice (CFFC) is uniquely suited to prepare this report for the United Nations Committee on the Rights of the Child. CFFC monitors the Holy See's activity

*Reports show that child abuse by Catholic clergy spans the globe, with public accounts from Argentina, Australia, Brazil, Canada, China, France, the Philippines, Poland, South Africa, and the United States of America.*

<sup>1</sup> Renato R. Martino, "The Permanent Observer Mission of the Holy See to the United Nations," <[http://www.holyseemission.org/body\\_index.html](http://www.holyseemission.org/body_index.html)> (cited 24 June 2002).

<sup>2</sup> Vatican Information Service, May 5, 2002.

<sup>3</sup> Holy See report to the United Nations Children's Fund, "National Programme Review of the Holy See on the implementation of the Convention on the Rights of the Child and the World Declaration and Plan of Action for the World Summit for Children," Prot. No. 21205/00, December 5, 2000.

extensively and understands the issues surrounding the Convention on the Rights of the Child. As an international non-governmental organization involved in Catholic social justice and human rights efforts with partner organizations in nine countries as well as a European representative and colleagues in Africa and Asia, CFFC is well suited to offer insights on the Holy See's compliance with and implementation of the Convention, and the law, policy, and practice of the Catholic church as it relates to the protection of children. Additionally, CFFC enjoys special consultative status with the Economic and Social Council (ECOSOC) of the United Nations. As such, Catholics for a Free Choice respectfully submits the following report to assist the Committee on the Rights of the Child in reviewing not only the Holy See's activity in relation to the Convention, but also in reviewing States reports for acknowledgement and action in response to sexual abuse of children by Catholic clergy and religious, and ultimately, to help the children around the globe whom this Convention was designed to protect.

## The Holy See and the Convention on the Rights of the Child

The Holy See was one of the first to accede to the Convention on the Rights of the Child in 1990, making it accountable to the world community for implementation of the Convention. By its accession, the Holy See accepted the responsibilities of the Convention, and agreed to implement its provisions to further the good of children throughout the world. Although signatories are not obliged to be fully in compliance with the Convention at the time of ratification, a party is expected to comply with the Convention's obligations within a reasonable time after ratification. The Holy See has now had twelve years to comply.

The Convention requires reporting to the Committee on the Rights of the Child regarding the implementation of the Convention (Article 44). This is not an action that is overly political, military, economic, or commercial, and therefore should not prove too difficult an expectation for the Holy See to meet,<sup>4</sup> nor should the concrete implementation of the Convention itself prove too onerous. With its permitted level of participation in the United Nations, the Holy See can and does place reservations on texts with which it does not agree, or with which it cannot immediately comply. The Holy See did not place a reservation on the Convention's Article 44, yet it has not complied with required reporting.

After acceding to the Convention in 1990, the Holy See submitted its initial report in 1994, following the requirements of Article 44 of the Convention. However, its follow-up reporting, required in 1997, has not yet been submitted. This shadow report will respond to the official reporting of the Holy See as submitted in 1994, limited though it is. For an adequate representation of the facts and of the Holy See's position, this report will also utilize public information and statements by representatives of the Holy See insofar as they are relevant to children's issues as delineated in the Convention.

For clarification, "Vatican City is the physical or territorial base of the Holy See, almost a pedestal upon which is posed a much larger and unique independent and sovereign power: that of the Universal Church."<sup>5</sup> The Holy See, however, is "the highest organ of government

<sup>4</sup> Renato R. Martino, "The Permanent Observer Mission of the Holy See to the United Nations," <[http://www.holyseemission.org/body\\_index.html](http://www.holyseemission.org/body_index.html)> (cited 24 June 2002).

<sup>5</sup> Ibid.

of the Catholic Church, [it] is recognized as a sovereign subject of international law. It is nevertheless distinguished by its particular nature, which is essentially of a universal religious and moral character.”<sup>6</sup> In an address to the United Nations General Assembly, the Holy See, represented by Pope John Paul II, noted that “the nature and aims of the spiritual mission of the Apostolic See and the Church make their participation in the tasks and activities of the United Nations Organization very different from that of the states, which are communities in the political and temporal sense.”<sup>7</sup>

As the highest organ of government of the Catholic church, the Holy See administers its law, canon law,<sup>8</sup> throughout the world for over 1 billion adherents. This is indeed different from the role of the geographically restricted states that participate in the United Nations, as is its self-avowed “universal religious and moral character” which arguably brings with it special responsibilities. It is now well established that there is a worldwide crisis of sexual abuse of children and young people (all considered “children” by the Convention<sup>9</sup>) by Roman Catholic clergy, including bishops, as well as male and female members of Catholic religious orders. At the same time, we have witnessed a cover-up of this abuse by authorities in the Catholic church including the abusers involved, their bishops, religious order superiors, and the highest officers in the Holy See. While voluminous press coverage of this problem in the United States of America is available, the abuse occurs in many countries.

- In Brazil, newspapers recently reported accounts of thirteen Catholic priests who sexually assaulted over forty children.<sup>10</sup>
- In May 2002, a Catholic leader in Hong Kong released information that three priests had been found guilty of child sexual abuse.<sup>11</sup>
- In the Philippines, the bishops’ conference estimates that 200 of the country’s priests could be guilty of sexual misconduct and abuse occurring over the last twenty years.<sup>12</sup>
- In Chile, at least five open cases of priests accused of sexually abusing minors were reported in early 2002.<sup>13</sup>

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<sup>6</sup> Committee on the Rights of the Child, Consideration of reports submitted by State parties due in 1992, Holy See, March 28, 1994, CRC/C3/Add.27.

<sup>7</sup> Holy See Report, 1994, 2.

<sup>8</sup> The Holy See administers two different “universal” codes of law for Roman Catholics. The first is applicable to Latin Catholics; it is called the *Codex Iuris Canonici* (The Code of Canon Law) and was promulgated by the pope in 1983. It replaced the prior code which had been promulgated in 1917. The second, applicable to Eastern Catholics, is the *Codex Canonum Ecclesiarum Orientalium* (The Code of Canons of the Eastern Churches) which was promulgated in 1990. In many areas, the codes have similar provisions. For simplicity, and since the cases that have come to light involve Latin clergy, canonical references in this document will be to the *Codex Iuris Canonici*.

<sup>9</sup> Office of the High Commissioner on Human Rights, Convention on the Rights of the Child, adopted and opened for signature, ratification and accession by General Assembly resolution 44/25, November 20, 1989, <<http://www.unhcr.ch/html/menu3/b/k2crc.htm>> (cited 9 Aug. 2002), Article 1.

<sup>10</sup> Debora Crivellaro and Thiago Cordeiro, “O Sexo dos Anjos,” *Revista Epoca*, January 21, 2002; “Igreja,” *Revista Epoca*, January 21, 2002; “Revelações Perigosas da Igreja no Brasil,” *Folha de Sao Paulo*, April 25, 2002; Marcos Sergio Silva, “Sexo e Religião: Em Franca (SP), Bispo Revela que Sacerdote Confessou Ter Tido um Caso Com Menor e Que Pretende Seguir na Igreja,” *Folha de Sao Paulo*, April 25, 2002; Correa Neves Junior, “Padres, Irmãos. Acusados de Engravidar Jovens,” *Lux Jornal*, April 27, 2002; Evaldo Magalhaes, “Cúria Afasta Padre Acusado de Pedofilia,” *Lux Jornal*, May 4, 2002; Daniela Vianna, “Prisão de Padre Flagrado com Menor Choca Pacata Corumbataí,” *Lux Jornal*, May 6, 2002; Christopher K. Hepp, “Mystery of Abuser Priest Follows Him from Philadelphia to Brazil,” *Philadelphia Inquirer*, May 18, 2002.

<sup>11</sup> “3 Catholic Priests Abused Hong Kong Children,” Reuters, May 2, 2002.

<sup>12</sup> “Philippine Bishops Apologize For Sexual Abuse by Priests,” *Washington Post*, July 9, 2002.

<sup>13</sup> Michael Paulson, “World Doesn’t Share US View of Scandal,” *Boston Globe*, April 8, 2002.

- In January 2002, several religious orders in Ireland agreed to pay \$110 million (USD) to people who, as children, had suffered physical and sexual abuse in schools and child care institutions run by the Catholic church.<sup>14</sup>
- Since 1995, thirty priests in France have been convicted of sexual abuse; twenty-one similar cases were reported in Britain between 1995 and 1999, and between 1994 and 2001 in Germany, there were thirteen cases.<sup>15</sup>

This abuse has occurred for many years, was known by the Holy See before the Holy See acceded to the Convention, and before it submitted its report in 1994. However, the initial report submitted by the Holy See does not address its own gross violations of the human rights of children. The omission of this crisis is contrary to the general measures of implementation of the Convention, as stated in Article 44, whereby, “Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.”

In keeping with the Committee’s guidelines for reports from non-governmental organizations, this report will examine whether the Holy See has utilized its law, policies, and practice to uphold the Convention, or whether it has neglected its duties to protect and promote the rights of children throughout the world, thereby violating the Convention to which it acceded. It will also consider whether the Holy See has interfered in other states’ compliance with the Convention by promoting disregard for civil laws designed to protect children, such as reporting child sexual abuse. Insofar as possible, this presentation will respond to the assertions in the Holy See’s 1994 report, and will address compliance with the Convention by appealing to the legislation of the Holy See and its dependent governing and executive bodies, examples of policy and practice of the Roman Catholic church, media sources, and independent research.

## Affirmation of the Rights of the Child

*(Holy See Report 1994, Section I)*

### Statements of the Holy See

As stated in its report to the Committee in 1994, the Holy See has unequivocally affirmed the rights of the child through various documents and statements. From promoting the life, dignity, and rights of the child, to vocally defending and supporting the Convention, the Holy See has issued official statements, teachings and even a Charter of the Rights of the Family to affirm the rights and well-being of children.<sup>16</sup> Indeed, as recently as May 8, 2002, on the occasion of the recent Special Session of the General Assembly on Children, the pope stated, “I hope that this important meeting may call forth a renewed commitment of the international community in favour of children, so that every type of social action that affects them may be inspired by a genuine promotion of human dignity and full respect of their fundamental rights.”<sup>17</sup>

The Holy See’s statements on the rights of children are predicated on the understanding of the provisions of the Convention in light of the reservations it placed on the text to which it

<sup>14</sup> Brian Lavery, “Religious Orders Offer \$110 Million to Irish Sex Abuse Victims,” *New York Times*, February 1, 2002.

<sup>15</sup> John Tagliabue, “Europe has problems, but not like America’s. Maybe.” *New York Times*, April 21, 2001.

<sup>16</sup> Holy See Report, 1994, 17.

<sup>17</sup> *L’Osservatore Romano Weekly Edition in English*, May 15, 2002.

acceded. Notable for these cases is its reservation “b” which states that the Holy See “interprets the articles of the convention in a way which safeguards the primary and inalienable rights of parents.”<sup>18</sup> The Holy See further acknowledges, though, that it is “obvious that children’s rights must be protected in cases where it is proved that abuses have been committed within the family.”<sup>19</sup>

By these words, the Holy See recognizes in its reservation the gravity of situations of abuse, even going so far as to acknowledge that in these cases the children’s rights must be championed over those “primary and inalienable” rights of the parents for which it argues. How much more so, then, these rights of children should be defended when the abuse comes not from parents, but from other subjects of the Holy See’s governance—namely, its priests.

Since the scandal of clerical sexual abuse has become public, the Holy See has rightly put forth statements decrying the actions of these priests.<sup>20</sup> However poignant and emotional, the statements themselves do not demonstrate the commitment required by States parties to the Convention. For evidence of full commitment and compliance with the Convention, one must look to the actions of the party and its processes designed to deal with the abuse.

## Law of the Holy See

The Committee’s guidelines for NGO reporting ask for an analysis of the legislation of the State party as it relates to compliance with the Convention. In an intervention at the May 2002 Special Session of the United Nations on Children, the Holy See’s representative stated that, “It is very important to observe the central criterion mentioned several times in that same Convention whereby the ‘best interests of the child’ must prevail. This enlightening criterion should not be suffocated or scoffed at by unjust laws.”<sup>21</sup> A survey of the international legislation of the Holy See gives one cause to inquire if the Holy See intends this claim to apply to its own laws, or only those of other parties to the Convention.

The *Code of Canon Law* (the “code”) provides the legal underpinning not only for the fundamental legislation of the Vatican City State,<sup>22</sup> but also spells out the constitutive and disciplinary scheme of the Roman Catholic church and is applicable to all members throughout the world. In this law, and by its own declaration, the Holy See governs the Catholic church.<sup>23</sup> Canon law has several sections that illustrate recognition of some rights of the child and repugnance for sexual abuse of children by clergy and religious.

First, the code, like the Convention, recognizes legal majority of individuals at age eighteen.<sup>24</sup> The code provides that before the age of majority the child’s exercise of his or her rights is subject to the authority of the child’s parents or guardians.<sup>25</sup> As stated above, and as recog-

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<sup>18</sup> “Declaration and Reservations on the Occasion of the Accession of the Holy See to the Convention on the Rights of the Child, 20 April 1990,” in *Serving the Human Family: The Holy See at the Major United Nations Conferences*, (New York: The Path to Peace Foundation, 1997), 69-70.

<sup>19</sup> *Ibid.*

<sup>20</sup> John Paul II, “Holy Thursday Address to Priests: Ministers of Mercy: the Sacrament of Reconciliation,” *Origins* 31, no. 42 (April 4, 2002): 694-699; John Paul II, “Address to Summit of Vatican, U.S. Church Leaders,” *Origins* 31, no. 46 (May 2, 2002): 758-759; John Paul II, Statement to Nigerian Bishops, April 30, 2002, *Origins* 31, no. 46 (May 2, 2002): 764.

<sup>21</sup> Cardinal Alfonso López Trujillo, Intervention at the Special Session of the United Nations on Children, May 9, 2002, <[http://www.vatican.va/roman\\_curia/secretariat\\_state/documents/rc\\_seg-st\\_doc\\_20020509\\_trujillo-onu\\_en.html](http://www.vatican.va/roman_curia/secretariat_state/documents/rc_seg-st_doc_20020509_trujillo-onu_en.html)> (cited 9 August 2002).

<sup>22</sup> *La Nuova Legge Fondamentale Dello Stato Della Città Del Vaticano*, effective February 22, 2000. Can be found on the World Wide Web at <[www.vatican.va](http://www.vatican.va)>.

<sup>23</sup> See note 4 above; and *Codex Iuris Canonici* (Code of Canon Law), canon 331.

<sup>24</sup> *Codex Iuris Canonici*, canon 97§1. In canon law, majority is reached on the day after one’s eighteenth birthday.

<sup>25</sup> *Ibid.*, canon 98§2.

nized in the law, there are some instances where the rights of the child must take precedence over the parents' authority; abuse is one of these instances where the child's rights cannot be compromised.<sup>26</sup>

The code makes several assertions of basic rights that are applicable to the protection and defense of children. A few examples of these rights demonstrate that all subjects have the right under the law to express their needs to their local authorities, the bishops.<sup>27</sup> Canon 212§2 would be applicable to those victims and their families who have approached their bishops informing them of abuse and asking that action be taken when priests have abused children. The rights to privacy and to maintain one's good reputation are also enumerated.<sup>28</sup> This canon (c. 218) should prevent the church's lawyers from making accusations against child victims of sexual abuse and their parents, blaming them for culpability in the crime as some have recently done.<sup>29</sup> The code also states clearly that Christians have the right to defend their rights (these and others) in a competent church forum, in accord with the law.<sup>30</sup>

The code also defines the relationships between people in terms of their hierarchical relationship within the church structure. The pope holds supreme, full, immediate and universal power in the Catholic church.<sup>31</sup> The code describes the pope as having power over the "universal" or worldwide church, but also a "primacy of power" in a form of concurrent jurisdiction with bishops in all dioceses and other groupings of churches.<sup>32</sup> He alone approves changes to the law in the codes, laws for the universal church, and is the bishops' immediate superior.

The diocesan bishops oversee the conduct and life of the priests subject to them, even, in some cases, legislating when appropriate.<sup>33</sup> These men are obliged to promote the observance of laws and to act in executive and judicial roles in accordance with the law.<sup>34</sup> Worthy of special mention for the cases in question in this report, the code makes explicit provision for the competence of diocesan bishops to issue norms and pass judgment on matters relating to priests' obligations to their vows of celibacy and sexual continence.<sup>35</sup> At the diocesan level, there is no effectual separation of powers; the bishop is the executive, legislator, and judge for all matters in his diocese. In most cases, responsibility for handling cases of clerical sexual abuse of children lies first with the diocesan bishop, and ultimately with the Holy See.<sup>36</sup>

The Holy See's legal code continues, in its section on criminal law, stating explicitly that clergy sexual activity with minors is a serious offense, to be dealt with in a serious manner, even including dismissal from the clerical state—considered the most severe penalty for a priest.<sup>37</sup> The code then provides a detailed judicial process to investigate, confirm or

*Responsibility for handling cases of clerical sexual abuse of children lies first with the diocesan bishop, and ultimately with the Holy See.*

<sup>26</sup> Declaration and Reservations of the Holy See, 1990, Reservation b.

<sup>27</sup> *Codex Iuris Canonici*, canon 212§2.

<sup>28</sup> *Codex Iuris Canonici*, canon 218.

<sup>29</sup> See Michael Powell and Lois Romano, "Roman Catholic Church Shifts Legal Strategy," *Washington Post*, May 13, 2002; and Walter V. Robinson, "An Alleged Victim is Called Negligent," *Boston Globe*, April 29, 2002.

<sup>30</sup> *Codex Iuris Canonici*, canon 221§1. This forum is separate from those provided by civil society. The canon refers to an independent ecclesiastical court or alternate venue for redress of rights.

<sup>31</sup> *Ibid.*, canon 331.

<sup>32</sup> *Ibid.*, canon 333§1.

<sup>33</sup> *Ibid.*, canons 381–402, especially 381, 384 and 391.

<sup>34</sup> *Ibid.*, canons 391 and 392.

<sup>35</sup> *Ibid.*, canon 277, especially §3.

<sup>36</sup> For priests in religious institutes and societies of apostolic life, the superior of the institute or society often has primary responsibility, although there is sometimes overlap with the diocesan bishop's competence.

<sup>37</sup> *Codex Iuris Canonici*, canon 1395§2.

repudiate claims, and punish criminal acts.<sup>38</sup> This process includes several mechanisms for protecting the rights of the accused cleric as well as the accusing party, and provisions for due process before the law. The law guarantees the victims of the abuse the opportunity to participate in a judicial proceeding and to request and be awarded reparations. It even prescribes a penalty for negligence, which could be asserted in these cases when a superior has failed to investigate or punish instances of actionable offenses brought to his attention.<sup>39</sup> In addition to these codified provisions, the legal system of the Holy See allows a superior to petition directly to the Holy See in egregious cases, enabling a punishment to be inflicted swiftly, and without due process.

There are special laws for Catholics who are members of institutes of consecrated life, both secular and religious. We know many of these institutes as “religious orders” such as the Dominicans, the Franciscans, and the Jesuits, or the Christian Brothers, or religious institutes of women. For these people, the code determines that certain offenses call for mandatory dismissal from the institute. Included in these offenses are homicide, kidnapping, and sexual activity that involves force or threats or takes place in public or with a minor.<sup>40</sup> In addition to the code, these organizations also have constitutions and rules of conduct specific to each. The superiors within these institutes are responsible for seeing that the law is followed by the members of the institutes. All these laws addressing clergy sexual abuse of a minor, and the local authorities charged with implementing them, are now directly subordinate to one office of the Holy See.

### *New Law Requires Secrecy and Centralized Review*

In 2001, the Holy See issued a document entitled *Sacramentorum sanctitatis tutela*,<sup>41</sup> instituting a little publicized but important change in the law. In this document, which supersedes the law in the codes, the Holy See directs all the bishops of the world to inform one of its offices, the Congregation for the Doctrine of the Faith, if they receive an allegation of child sexual abuse by a cleric. This same law prohibits the bishops or other church authorities from taking any action beyond a preliminary investigation of the allegation without further direction from the Holy See’s delegate.<sup>42</sup>

According to the new law, this office of the Holy See may, at its discretion, conduct an inquiry itself, or transmit norms to the local ecclesiastical authority explaining how to proceed. These cases, the law states, are “subject to the pontifical secret.” This is the Holy See’s

<sup>38</sup> Ibid., canons 1717–1752.

<sup>39</sup> Ibid., canon 1389§2; Thomas J. Green in *New Commentary on the Code of Canon Law*, eds. John P. Beal et. al., (New York: Paulist Press, 2000), 1593–1594; “Vatican official says bishops usually not liable for abuse by priests,” Catholic News Service, May 16, 2002.

<sup>40</sup> *Codex Iuris Canonici*, canon 695. Note that the code provides that for the category of sexual offenses, the hierarchical superior need not dismiss the offender if the superior judges that justice can be restored and scandal repaired in another manner. The laws of the code and of each institute provide procedures for these cases. Laws of each are approved by the diocesan bishop and/or the Holy See.

<sup>41</sup> John Paul II, Apostolic Letter *motu proprio*, *Sacramentorum sanctitatis tutela*, April 30, 2001, sent by letter of the Congregation for the Doctrine of the Faith to all Catholic bishops in the world on May 18, 2001 (*Epistula ad totius Catholicae Ecclesiae Episcopos aliosque Ordinarios et Hierarchas interesse habentes de <<delictis gravioribus>> eidem Congregationi pro Doctrina Fidei<< reservatis>>*), *Acta Apostolicae Sedis* 93 (2001) 737–739 and 785–788 respectively. See <[http://www.vatican.va/roman\\_curia/congregations/cfaith/doc\\_dis\\_index.htm](http://www.vatican.va/roman_curia/congregations/cfaith/doc_dis_index.htm)>.

<sup>42</sup> The Congregation for the Doctrine of the Faith (commonly abbreviated CDF), founded in 1542 by Pope Paul III, is one of the departments of the Vatican that assists the pope in governing the Catholic church. It was originally called the Sacred Congregation of the Universal Inquisition, as its duty was to defend the church from heresy. It is the oldest of the Curia’s nine congregations. The congregation, says the “Activity of the Holy See,” in conformity with its *raison d’être*, promotes in a collegial fashion encounters and initiatives to “spread sound doctrine and defend those points of Christian tradition which seem in danger because of new and unacceptable doctrines.” See the Vatican website <<http://www.vatican.va>>.

highest level of confidentiality—just short of the absolute secrecy required by sacramental confession—and provides that the Holy See reserves the right to punish any party who reveals information about clerical sexual abuse of children. Furthermore, the document mandates that no one but a priest may be involved in the proceedings concerning clergy sexual abuse of minors.<sup>43</sup> These provisions raise questions about the integrity of the internal processes as well as questions of how this law might conflict with laws of the geographically defined jurisdictions in which the subjects of the Holy See find themselves.

The new legal requirements make clear two facts: (1) the Holy See has overtly claimed responsibility for managing these cases, and (2) the Holy See does not intend to comply fully with the Convention on the Rights of the Child (viz., by skirting reporting requirements of Article 44 through its secrecy requirements and by frustrating legitimate efforts of other States parties to the Convention by advocating circumvention of their laws in favor of the Holy See’s new secret procedures).

Overall, the Holy See’s law does provide redress and some protection for children in cases of sexual abuse and also provides for punishment of clergy and religious who sexually abuse children. The existence of law, however, is of little use if the law is not enforced. The canon laws which touch on this issue are many and have been consistently ignored, inadequately applied, or wrongly applied in favor of the church authorities and its institutional image. In the following section, we will investigate how the Holy See has failed to enforce its legislation, failed to support its assertions in defense of children, and failed to implement the Convention.

*The Holy See has failed to enforce its legislation, support its assertions in defense of children, or implement the Convention.*

## Activity of the Holy See on Behalf of Children

*(Holy See Report 1994, Section II)*

### **Holy See and Church structures dealing with children**

The Holy See, in its 1994 report, recognizes the “extensive network of institutions” on many levels through which it intervenes on behalf of children. It delineates structures at the level of the Holy See that operate on the international stage, including, for example, the Pontifical Council for the Family and the International Catholic Child Bureau.<sup>44</sup> These are in addition to the governmental bodies (called “curial offices”) at the Holy See that can intervene in cases of clerical abuse of children. These offices would include: (1) the Congregation for the Doctrine of the Faith, which has recently been given competence over all cases of sexual abuse of minors by clerics; (2) the Congregation for Clergy, which deals with all matters concerning the conduct of Catholic priests, as well as all financial matters concerning the Catholic church; (3) the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life; (4) the Congregation for Divine Worship and the Discipline of the Sacraments, the office that is directly involved in dismissing priests from the priesthood; (5) the Congregation for Bishops, the office that oversees diocesan affairs and meets regularly with every bishop to discuss activities in his diocese; and finally (6) the Congregation for the Evangelization of Peoples, which is entrusted with taking special care of people in “mission territories,” which include the African nations, India, and the Philippines, among many other countries and regions.<sup>45</sup>

<sup>43</sup> See note 41 above.

<sup>44</sup> Holy See Report, 1994, 19–21.

<sup>45</sup> See Apostolic Constitution *Pastor Bonus*, June 28, 1988, which assigns competence to various offices of the Holy See’s governmental structure, and *Sacramentorum sanctitatis tutela*, May 15, 2001. Both of these documents are legal instruments of the Holy See.

Furthermore, the report recognizes that at the national level, organizations called episcopal conferences<sup>46</sup> are in a unique situation to coordinate activities in defense of children, and that many of these conferences have departments and episcopal commissions dedicated to children's issues.<sup>47</sup> In the course of the past several years, many episcopal conferences have acknowledged the prevalence of clergy sexual abuse of children, and it has prompted them to draft statements and even guidelines to address the problem. Examples of conferences that have issued such documents include those representing Australia, Belgium, Canada, Costa Rica, England and Wales, France, Ireland, New Zealand, Scotland, South Africa, Switzerland, and the United States of America.<sup>48</sup> Unfortunately, the documents issued by these conferences are not legally binding on the diocesan bishops who administer the activity of the various Catholic churches throughout the world as the conference's legislative power is strictly limited by law. Likewise, the conferences have no authority to compel the individual bishops to comply with the norms or guidelines. Intervention from the Holy See is required to give these documents any effective force.<sup>49</sup>

The Holy See's claims in this section of its report again illustrate its recognition that children, as vulnerable individuals in our society, need special protections and even special establishments or associations dedicated to their concerns. The Holy See joined several states in the following forceful statement after an international meeting sponsored by the Pontifical Council on the Family: "Every abuse against [children's] dignity is a crime against humanity . . . we pledge to respond."<sup>50</sup> The next section of this report will examine whether the Holy See has lived up to its pledge.

## Implementation of the Convention

### *General Measures of Implementation (Articles 4, 42, 44.6)*

The Holy See did not address these articles in its 1994 report. Nonetheless, they will be addressed here. We have seen above that there are legal measures present for the Holy See to implement the rights recognized in the Convention. What we have not seen is a utilization of these provisions in favor of the child. Allegations of abuse have been leveled against priests and bishops throughout the world.

In 1992, a prominent investigative journalist and author reported on the North American experience of child abuse by clergy that he uncovered. He recounted that, "[b]etween 1983 and 1987, more than two hundred priests or religious brothers were reported to the Vatican Embassy [in the United States] for sexually abusing youngsters, in most cases teenage boys—an average of nearly one accusation a week in those four years alone."<sup>51</sup> More recently, the *Washington Post* (USA) conducted a survey of U.S. dioceses, to which roughly one-half replied.<sup>52</sup> In the short period from January 2002 until June 2002, this study showed the Roman Catholic dioceses of the United States of America removed at least 218 priests from

*As of June 2002, eleven bishops around the world have resigned amid allegations of sexual abuse, or cover-ups of abuse.*

<sup>46</sup> The episcopal conference is a legal construct of the Latin church since 1983. It is a grouping of bishops of a certain nation or territory. Its purpose includes the joint exercise of some pastoral functions on behalf of the Christian faithful of the territory. *Codex Iuris Canonici*, canon 447.

<sup>47</sup> Holy See Report, 1994, 22.

<sup>48</sup> These documents are available from the various episcopal conferences, and in many cases can be found on the World Wide Web.

<sup>49</sup> *Codex Iuris Canonici*, canon 455§§1, 4.

<sup>50</sup> Holy See Report, 1994, 50 and Annex 24: Final declaration of the International Meeting on the Sexual Exploitation of Children through Prostitution and Pornography, held in Bangkok, 9–11 September 1992.

<sup>51</sup> Jason Berry, *Lead Us Not into Temptation: Catholic Priests and the Sexual Abuse of Children* (Chicago, IL: University of Illinois Press, 2000), xxi.

<sup>52</sup> Alan Cooperman and Lena Sun, "Hundreds of Priests Removed Since '60s," *Washington Post*, June 9, 2002.

their positions because of credible allegations of child sexual abuse against them. Furthermore, it uncovered that at least 850 priests in the United States of America have been accused of sexual misconduct with minors since 1960, and at least 350 were removed from their priestly roles before 2002. Estimates of financial costs are believed to have to run into the billions of dollars in the United States of America alone.<sup>53</sup>

Between 1993 and June 2002, eleven bishops around the world have resigned amid allegations of sexual abuse, or cover-ups of abuse. These resignations come from Austria, Australia, Canada, Ireland, Poland, the United Kingdom, and the United States of America. There is no reporting available of bishops who have followed the Holy See's laws regarding these cases. Rather, there is instance after instance of abusive priests being moved between parishes, of some being sent for psychological evaluation and treatment only to be returned to situations where they abused children again, and of diocesan bishops entering into monetary settlements on conditions of secrecy.<sup>54</sup>

*Nearly two-thirds of U.S. diocesan bishops have protected priests and other church employees, volunteers, or officials who have been accused of sexual abuse of children.*

The *Dallas Morning News* recently investigated the actions of the U.S. bishops in cases of allegations of child sexual abuse by clergy. In June 2002 the *News* reported that nearly two-thirds of U.S. diocesan bishops<sup>55</sup> have protected priests and other church employees, volunteers, or officials who have been accused of sexual abuse of children. The article states, "the 111 bishops' involvement took many forms, from ignoring warnings about suspicious behavior to keeping priests on the job after admissions of wrongdoing, diagnoses of sexual disorders, legal settlements, even criminal convictions."<sup>56</sup> Against a backdrop of Catholics clamoring for accountability and appropriate punishment for clergy child abusers and the bishops involved in protecting them, the newspaper reports that "some representatives of the Vatican are suggesting that U.S. church leaders not cooperate fully with secular authorities [in cases of child sexual abuse by clergy]."<sup>57</sup> This statement as well as the recent requirement of institutional secrecy raises serious questions about the Holy See's obstruction of justice in geographic territories that require reporting and investigation of allegations of child abuse.

The brief overview of the hierarchical structure of the Catholic church presented above shows that the Holy See, as the "highest organ of government in the Catholic Church,"<sup>58</sup> had ultimate responsibility over these actions. By its own admission, it maintains an "extensive network of institutions" that can and should intervene to protect children.<sup>59</sup> Yet the Holy See has not presented evidence that it intervened in any systemic manner to protect children from abuse, even from serial, predatory abusers. The Holy See clearly has the power to act, on both a large and small scale, without any delay. The example of the May 2001 international legislation addressing clergy sexual abuse—issued as a dictum of the pope and binding on his authority alone—shows this to be true. In individual instances, the Holy See intervened directly in at least eight cases in the United States of America, and in the time span of roughly one month for each case from inception to conclusion, the Holy See summarily dismissed abusers from the priesthood without any kind of judicial proceeding.<sup>60</sup> When the Holy See wants to take action, it can and does.

<sup>53</sup> William C. Symonds, et al., "The Economic Strain on the Church," *Business Week*, April 15, 2002.

<sup>54</sup> See Annexes A and B.

<sup>55</sup> This number reflects only those bishops who belong to the Latin rite, not the Eastern bishops, although they are also under the aegis of the Holy See. There are only sixteen Eastern Catholic jurisdictions in the United States of America.

<sup>56</sup> Brooks Egerton and Reese Dunklin, "Two-thirds of bishops let accused priests work," *Dallas Morning News*, June 12, 2002.

<sup>57</sup> *Ibid.*

<sup>58</sup> See note 4 above.

<sup>59</sup> Holy See Report, 1994, 19–21.

<sup>60</sup> Alan Cooperman, "Abuse Policy has Roots in Middle Ages," *Washington Post*, May 19, 2002.

The Holy See has claimed ignorance of the widespread crisis of child sexual abuse by clergy and as noted above, there is no reference to it in the 1994 report to the Committee. It is difficult indeed to regard this claim as credible. Several factors speak against their assertion. First, the change in the law in 2001 noted above indicates that the Holy See saw this problem as serious and pervasive, requiring a change in the law not only for one country, but for the entire Catholic church.

Second, the Holy See would have received information about these cases because it requires each diocesan bishop in the world to report on the state of his diocese every five years.<sup>61</sup> Beginning in at least 1984, with the first case that became widely publicized in the United States of America (from the diocese of Lafayette in Louisiana in a case with a \$1.25 million settlement), U.S. bishops alone have been paying millions of dollars of diocesan funds to settle claims or comply with judgments against them in abuse cases. Similar cases were beginning to break in 1988 and 1989 in Canada; also in 1988, the scandals of child abuse in residential care facilities run by the Catholic church in Australia were finally getting attention after being first reported in 1967.<sup>62</sup> More recently, between 1996 and 1999, the Roman Catholic Archdiocese in Melbourne, Australia, was reported to have paid or offered to pay millions of dollars (AUD) to eighty victims of sexual abuse by twenty-one priests;<sup>63</sup> and in 2002, several religious orders in Ireland agreed to pay \$110 million (USD) to victims of child abuse by Catholic clergy and religious.<sup>64</sup> Actions such as these, which so severely impact the financial condition of the dioceses and the church as a whole, must be included in these reports to the Holy See and would have put the Holy See on notice about the extent of the problem. Indeed, from financial reports, the Holy See likely has more information about these settlements than is available publicly.

Additionally, the Holy See had several indications on the national level from some of its other subordinate ecclesiastical institutions. For example, the officers of the United States Conference of Catholic Bishops (USCCB) twice annually visit the pope and offices of the Holy See during which time they report on activities affecting the Catholic church in the United States of America and the activities of the conference. The Office of General Counsel at the bishops' conference claims that it has been assisting bishops in regard to civil liability issues in sexual abuse cases since at least 1982;<sup>65</sup> as a result of these meetings, the Holy See should have been aware of this activity.

Further, in compliance with law, every episcopal conference in the world transmits the agendas and minutes of its plenary meetings to the Holy See.<sup>66</sup> The problem of clergy sexual abuse of minors was discussed in these meetings as early as 1985, when the bishops reviewed an in-depth report on the growing scandal co-authored by the Reverend Thomas Doyle, a canon lawyer who was working for the Vatican Embassy.<sup>67</sup> The issue has resurfaced at many meetings since then.<sup>68</sup> The Holy See would have been informed about the growing crisis at least upon receipt of the minutes of these meetings. As mentioned above, at many conferences

*The Holy See has not presented evidence that it intervened in any systemic manner to protect children from abuse.*

<sup>61</sup> *Codex Iuris Canonici*, canon 399§1.

<sup>62</sup> See A. Malan, "The lost children Britain sent away to Australia," *Western Mail*, August 16, 1967; and Barry M. Coldrey, *Religious Life Without Integrity: The Sexual Abuse Crisis in the Catholic Church*, (Thornbury, Australia: Tamararaik Press, 2000), Chap. 2, <<http://www.thelinkup.com/integrity-toc.html>> (cited 12 August 2002).

<sup>63</sup> "Sex Abuse Cases Cost Church \$2M," *The Age* (Australia), November 21, 1999.

<sup>64</sup> Brian Lavery, "Religious Orders Offer \$110 Million to Irish Sex Abuse Victims," *New York Times*, February 1, 2002.

<sup>65</sup> "Efforts to Combat Clergy Abuse Against Minors: A Chronology," <<http://www.usccb.org/comm/kit2.htm>> (cited 16 May 2002). Note that prior to July 1, 2001, the USCCB was the NCCB/USCC.

<sup>66</sup> *Codex Iuris Canonici*, canon 456.

<sup>67</sup> Steve Twomey, "For 3 Who Warned the Church, Fears Borne Out," *Washington Post*, June 13, 2002.

<sup>68</sup> "Efforts to Combat Clergy Abuse Against Minors: A Chronology," <<http://www.usccb.org/comm/kit2.htm>> (cited 16 May 2002).

bishops have discussed the problem of child abuse by clergy and religious, and have drafted statements and even guidelines to address the problem on a national scale.<sup>69</sup> In 1994, after consultation with bishops, some limited changes were made to the canon law that addresses sexual abuse by priests and deacons.<sup>70</sup> These changes in the law cannot be effected without direct involvement from the Holy See. Without a doubt, the Holy See was aware that its priests were abusing children in many countries. However, the Holy See did not include information about this situation in its 1994 report to this Committee.

The pope commented on the gravity of the situation nearly ten years ago, writing to the U.S. bishops, “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 . . . .”<sup>71</sup> In November 1997, the pope urged the Belgian bishops to “take the lead in protecting youngsters from sex offenders.”<sup>72</sup> In 1999, he told the bishops of Ireland, “I have been close to you in suffering and prayer, commending to the ‘God of all comfort’ those who have been victims of sexual abuse on the part of clerics or religious,”<sup>73</sup> although he did not propose any concrete action to punish these abusers. And in November 2001, after a special synod for the peoples of Oceania, he wrote, “In certain parts of Oceania, sexual abuse by some clergy and religious has caused great suffering and spiritual harm to the victims.” He continued to claim that the Catholic church “is seeking open and just procedures to respond to complaints in this area, and is unequivocally committed to compassionate and effective care for the victims, their families, the whole community, and the offenders themselves.”<sup>74</sup> This last exhortation came just six months after the Holy See’s legislation mandating secrecy and centralized control of clergy child sexual abuse. In light of even these few examples, claims of ignorance by the Holy See are clearly disingenuous and the lack of action to protect children is patently obvious.

Officials of the Holy See falsely claim that the U.S. media is at fault in exaggerating the number of instances of abuse and the complicity of the ecclesiastical leaders.<sup>75</sup> They also argue that while there may have been some isolated incidents around the world, the United States of America is the epicenter of the crisis, and the site of the majority of the abuse.<sup>76</sup>

These arguments are easily refuted. First, there has been no suggestion that the U.S. media has not covered the story truthfully. Even the president of the USCCB, The Most Reverend Wilton Gregory, Bishop of Belleville in Illinois, publicly stated, “I have a great respect for the power of the media to do good. If, as seems to be the case, the current attention of the media has helped victims of abuse to come forward, this has been a great service.” He continues, “We

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<sup>69</sup> See documents of the episcopal conferences of Australia, Belgium, Canada, Costa Rica, England and Wales, France, Ireland, New Zealand, Scotland, South Africa, Switzerland, and the United States of America, which are available from the various episcopal conferences, and in many cases can be found on the World Wide Web.

<sup>70</sup> “Efforts to Combat Clergy Abuse Against Minors: A Chronology,” <<http://www.usccb.org/comm/kit2.htm>> (cited 16 May 2002). The changes to the law extended the statute of limitations for future incidents, and made the penalty applicable to abuse of all children, not just children under sixteen, as the universal law provided prior to May 2001 (*Codex Iuris Canonici*, canon 1395§2).

<sup>71</sup> John Paul II, Letter to U.S. Bishops, June 11, 1993, *Origins* 23, no. 7 (July 1, 1993): 102–103.

<sup>72</sup> “Molesting Case Hits Belgian Church,” Associated Press, April 9, 1998.

<sup>73</sup> “Pope Expresses Closeness to Victims of Abuse,” Zenit, June 27, 1999.

<sup>74</sup> John Paul II, Apostolic Exhortation *Ecclesia in Oceania*, <[http://www.vatican.va/holy\\_father/john\\_paul\\_ii/apost\\_exhortations/documents/hf\\_jp-ii\\_exh\\_20011122\\_ecclesia-in-oceania\\_en.html](http://www.vatican.va/holy_father/john_paul_ii/apost_exhortations/documents/hf_jp-ii_exh_20011122_ecclesia-in-oceania_en.html)> (cited 9 August 2002), 49.

<sup>75</sup> Oscar Cardinal Rodriguez Maradiaga, *30 Giorni*, May 2002.

<sup>76</sup> Barry James, “Priests and pedophilia: a scandal not only in America,” *International Herald Tribune*, April 19, 2002.

Bishops accept the challenge of this insightful coverage to do better in the fulfillment of our responsibilities.”<sup>77</sup>

Secondly, as previously stated in this report, child abuse by Catholic clergy and religious spans the globe, with public accounts from Australia, Brazil, Canada, Chile, Colombia, France, Hong Kong, Ireland, Mexico, New Zealand, the Philippines, South Africa and many others, all available in the media.<sup>78</sup> In many of these cases, it is not the simple priest who has been involved in these allegations of abuse and cover-up, but prestigious members of the Catholic hierarchy. For example, in Austria, Hans Hermann Cardinal Groër of Vienna resigned in 1998 over allegations of his sexual abuse of boys at a seminary in the 1970s,<sup>79</sup> and in Poland, the Most Reverend Juliusz Paetz, Archbishop of Poznan, resigned in March 2002, following similar allegations.<sup>80</sup> In France, not only was a priest convicted of raping and molesting eleven children, his superior, Bishop Pierre Pican, was convicted of actively concealing evidence about the abuse.<sup>81</sup> In Belgium in 1998, a criminal court ordered Cardinal Godfried Danneels and a local bishop to pay damages to a victim of child sexual abuse at the hands of a priest, recognizing the superiors’ responsibility for oversight of the priest’s actions.<sup>82</sup> One of Germany’s leading prelates, Cardinal Karl Lehmann, when speaking of child sexual abuse by priests recently predicted that, “we can expect more revelations.”<sup>83</sup> In some cases, the sheer number of victims and claimants is staggering: at least fifty cases of clergy sexual abuse of children have been uncovered recently in Australia, where in 1993, nearly 200 former students of Catholic schools filed suit alleging rapes and beatings at the hands of religious brothers,<sup>84</sup> while in Ireland and Canada thousands of cases of abuse of children committed to the church’s care have been reported.<sup>85</sup>

Many have argued that the dearth of cases reported outside of the United States of America is due to the fact that reporting and prosecuting child sexual abuse, especially by clergy, is both culturally taboo as well as more difficult under existing laws. The chairman of the Association of Member Episcopal Conferences in Eastern Africa recently acknowledged this reality. He said, “this is not just an American problem . . . we have not been open enough to acknowledge the situation.”<sup>86</sup> A reporter in the Philippines interviewed a religious sister involved in the case of a girl from an indigenous T’boli community there. The reporter asked the nun why she did not report the abuse to the authorities. She replied that “she thought she had to protect the image of the church,” the reporter recalled.<sup>87</sup> A leading scholar of the Mexican church, Roberto Blancarte, said, “police, prosecutors and society still tend to regard sex crimes victims as somehow culpable . . . [and victims] fear they will be shamed in their community.”<sup>88</sup>

*It is not only the simple priest who has been involved in these allegations of abuse, but prestigious members of the Catholic hierarchy.*

<sup>77</sup> United States Conference of Catholic Bishops, “A Catholic Response to Sexual Abuse: Confession, Contrition, Resolve,” Presidential Address by Bishop Wilton D. Gregory, Dallas, Texas, June 13, 2002, <<http://www.usccb.org/bishops/presidentialaddress.htm>> (cited 9 August 2002).

<sup>78</sup> See Annex A.

<sup>79</sup> BBC News, March 2, 1998.

<sup>80</sup> Peter S. Green, “Polish Prelate Accused in Sex Case,” *New York Times*, February 25, 2002; John Tagliabue, “Pope Accepts Polish Archbishop’s Resignation,” *New York Times*, March 29, 2002.

<sup>81</sup> Kate Noble, “Sins of the Fathers,” *TIME Europe Magazine*, April 1, 2002.

<sup>82</sup> Reuters, June 26, 1998.

<sup>83</sup> Clifford Coonan, “German cardinal sees more priest sex abuse charges,” Reuters, July 22, 2002.

<sup>84</sup> John Allen, “Church in Australia also struggles with sex abuse scandal,” *National Catholic Reporter*, June 14, 2002.

<sup>85</sup> Ibid.

<sup>86</sup> “East African Bishops Confront Sexual Abuse,” Panafican News Agency Daily Newswire, July 29, 2002.

<sup>87</sup> Marites Sison, “Philippines: U.S. church scandals bring focus on local abuse,” Inter Press Service, July 5, 2002.

<sup>88</sup> Kevin Sullivan and Mary Jordan, “Reluctant Mexican Church Begins to Question its Own,” *Washington Post*, April 17, 2002.

Whatever the cause of the lack of publicity, experts agree that it is an untenable assertion that “a sexual disorder that provokes men to have sex with children is geographic.”<sup>89</sup>

Furthermore, as noted above, over the last fifteen to twenty years, bishops’ conferences around the world have been privately discussing this problem, and even publishing documents and policies addressing sexual abuse of children by clerics.<sup>90</sup> These documents often reference the past and current troubles with abuse of children by clergy and other church representatives or employees, and cannot be construed as merely proactive protection of children—they have been issued in response to the demand for justice for these victims. The relevant document from the Canadian bishops’ conference, “From Pain to Hope,” recognizes that child sexual abuse by clergy has occurred, and notes as a “contributing factor” to the abuse “a church that too readily shields its ministers from having to account for their conduct; that is often tempted to settle moral problems behind a veil of secrecy which only encourages their growth.”

Given the evidence of a long standing problem of clergy and religious sexual abuse around the world, it is troubling that the Holy See omitted any mention of the crisis in its 1994 report to the Committee. There is no indication that the church authorities have utilized the provisions of secular or ecclesiastical law, nor that the Holy See encouraged compliance with its own law or with the Convention even though officials of the Holy See were acutely aware of the problem. The only conclusion to be drawn is that the Holy See has been at least willfully ignorant, if not culpably negligent, in regard to sexual abuse of children by its representatives, preferring instead to maintain an institutional silence at the peril of those very children they purport to protect under the aegis of their mission, law and the provisions of the Convention on the Rights of the Child.

*All children who receive care, education, or other assistance from Catholic entities should expect to reap the fruits of the Holy See’s accession to the Convention.*

#### *General Principles (Articles 2, 3, 6, 12)*

The Holy See agreed, under these articles addressing “general principles,” to respect and ensure the rights of each child under their jurisdiction, to make the best interests of the child a primary consideration in all actions concerning children, to ensure all protection and care as is necessary for the child’s well-being, to ensure the suitability of staff in all institutions and services dealing with children, and to provide children the opportunity to participate in any proceeding affecting them, in accord with the procedural laws of the State party.

First, the Holy See claims its jurisdiction as defined in terms of persons, rather than solely in terms of geography.<sup>91</sup> All 1 billion Catholics in the world are its subjects, not just those few residing in the Vatican City State. All Catholic children in the world, as well as all non-Catholic children who receive care, education, or other assistance from Catholic entities<sup>92</sup> should expect to reap the fruits of the Holy See’s accession to the Convention. Clearly, as is demonstrated in the previous section on “General Measures of Implementation,” the Holy See has not respected nor ensured the rights of children entrusted to its care.

Second, the suitability of staff in Catholic institutions and services dealing with children has not been ensured even to a small degree. Indeed this is the crux of the current crisis of child sexual abuse by Catholic clergy and religious. Although the U.S. bishops were publicly recommending assessing suitability of church ministers, employees, and volunteers who have

<sup>89</sup> Barry James, “Priests and pedophilia: a scandal not only in America,” *International Herald Tribune*, April 19, 2002.

<sup>90</sup> Many of these documents are available on bishops’ conference websites, or from the conferences themselves.

<sup>91</sup> Holy See Report, 1994.

<sup>92</sup> See articles 2.2 and 5 of the Convention on the Rights of the Child referencing non-discrimination on the basis of religion.

access to children as early as 1988,<sup>93</sup> there is no evidence of concrete action taken to see that suitability was guaranteed among clergy. The pope, upon hearing yet again from a group of bishops in 1993 about the growing crisis of sexual abuse by clergy, urged the bishops “to be demanding in the selection of candidates, to provide well-qualified priests . . . [and to support] their healthy psychosexual development . . . .”<sup>94</sup> Still there is no evidence that his call was heeded on an international scale, nor that any intervention ensued to address the concrete problem of unsuitable men, dressed in clerical garb, sexually abusing children.

Finally, on this subject, the evidence offered above indicates that children (or their representatives) were not offered the opportunity to speak to decision makers in the Catholic church about the crimes being perpetrated against them. Often, there was simply no judicial proceeding where the children, or their parents or guardians, might have been involved, even though this is clearly required by the law of the Holy See<sup>95</sup> and by Article 12 of the Convention. At other times, non-judicial proceedings seem to have occurred, resulting in transfers among parishes of abusing priests, or, in some cases, dismissal of these priests.<sup>96</sup> Regardless, there is no evidence that children or their representatives were involved in any processes dealing with their abusers.

#### *Civil Rights and Freedoms (Articles 7, 8, 13–17, 19, 37(a))*

Given the evidence presented in this report regarding the actions of the Holy See and its subordinate governing bodies the Holy See is in clear violation of Article 19 of the Convention. This article requires States parties to “take all appropriate legislative, administrative, social, and educational measures to protect the child from sexual abuse [from] any person who has care of the child.” The Holy See has further compounded the problem by failing to report to civil authorities instances of child abuse by its clergy and religious, and by failing to follow-up on future activities of the abusers. This activity compounds the difficulties for other States parties attempting to implement the Convention, when the Holy See overtly contravenes civil law and policy designed to protect children and punish those who would harm them. The examples in this report, as well as those included in the annexes, provide incontrovertible substantiation for this claim.

In addition, evidence is overwhelming in the press that many families have been required to sign agreements of confidentiality in order to receive any small measure of redress from Catholic leaders when it has been proved that clergy or religious abused their children. This is in clear violation of Article 13 of the Convention, which guarantees freedom of expression to children.

Some officials of the Holy See have even argued that the right to speak openly about crimes committed against children does not apply in these cases, as it would damage the “good reputation” of clergy involved in abuse, and would not respect the right to privacy that is articulated in its law.<sup>97</sup> This assertion does not reflect the fact that clerics who have abused children have no claim to a “good reputation,” nor does it incorporate the Holy See’s legal principle that rights are always to be exercised in the interest of the common good.<sup>98</sup> This

*The Holy See and its representatives have decided in case after case that the common good is better served by protecting a cleric’s “reputation” than by preventing future risk of child abuse.*

<sup>93</sup> Mark Chopko, General Counsel for the National Conference of Catholic Bishops/United States Catholic Conference, “USCC Pedophilia Statement,” February 9, 1988, *Origins* 17, no. 36 (February 18, 1988) 624.

<sup>94</sup> John Paul II, Address to US bishops on an *ad limina* visit, June 8, 1993, *Origins* 23, no. 5 (June 17, 1993).

<sup>95</sup> See *Codex Iuris Canonici*, canons 1717–1752 for procedural norms.

<sup>96</sup> Alan Cooperman, “Abuse Policy has Roots in Middle Ages,” *Washington Post*, May 19, 2002.

<sup>97</sup> John Thavis, “Vatican Official Says Bishops Usually Not Liable for Abuse By Priests,” Catholic News Service, May 16, 2002; and see *Codex Iuris Canonici*, canon 220; and see the Convention on the Rights of the Child, Article 13.2.

<sup>98</sup> *Codex Iuris Canonici*, canon 223.

principle gives ecclesiastical authorities the right to determine in particular instances how rights and obligations are to be exercised and balanced against the “common good.” The evidence here shows that the Holy See and its representatives have decided in case after case that the common good is better served by protecting a cleric’s “reputation” than by preventing future risk of child abuse and honestly assessing the needs of children already abused by clergy and religious. This view is not consistent with the principles of the Convention as articulated in articles 13 and 19.

*Basic Health and Welfare (Articles 18, 23, 24, 26, 27)*

The Catholic church is internationally recognized as a major health care provider. The Holy See claims that under its umbrella, Catholic organizations and agencies operate roughly 120,000 healthcare institutions throughout the world.<sup>99</sup> Through these institutions, great strides have been made for children’s health; nonetheless, the Holy See has also put children’s health at grave risk due to sexual abuse.

*The abuse “substantially increases the risk for PTSD [post traumatic stress disorder], depression, suicidality, sexual promiscuity, sexual perpetration, and poor academic performance.”*

The sexual abuse of a child is undoubtedly harmful to that child and distorts the child’s normal psychological development. It often results in serious short- and long-term negative effects on the child, his or her family, and community.<sup>100</sup> An analysis and integration of published research from 1976 to 1996 incorporated results of thirty-seven empirical studies of the effects of child abuse and included information from over 25,000 people. It showed that while there may or may not be one specific physical and or psychological syndrome related to child sexual abuse, the abuse “substantially increases the risk for PTSD [post traumatic stress disorder], depression, suicidality, sexual promiscuity, sexual perpetration, and poor academic performance.”<sup>101</sup> The study indicated that research had demonstrated no statistical difference in these outcomes between genders or socio-economic status.<sup>102</sup> Boys and girls, rich and poor were all affected to the same degree.

Another study reviewing a range of published research showed that the “weight of the evidence indicated that a perpetrator who was close to the victim caused more serious effects than one who was less close.”<sup>103</sup> While we have long recognized the particular gravity of cases of incest, this review showed that studies did not exclude emotional closeness or degree of caretaking responsibility in favor of strict kinship relationships. As a result, it may be that abuse by a close trusted person, such as a priest, may also produce these more serious effects, like those that result from incest.<sup>104</sup> As additional concerns, some scientists posit a correlation between sexual abuse in childhood and/or adolescence with adult women’s sexual activity that is at high risk for HIV transmission,<sup>105</sup> and other research is investigating the link between victims of childhood sexual abuse and preterm labor later in life.<sup>106</sup> All these effects show that

<sup>99</sup> Holy See report to the United Nations Children’s Fund, Prot. No. 21205/00, December 5, 2000, sect. D(b).

<sup>100</sup> For a concise summary of known effects of child abuse, as well as references to other sources, see Health Canada, “The Consequences of Child Maltreatment: A Reference Guide for Health Practitioners,” <<http://www.hc-sc.gc.ca/hppb/familyviolence/html/98p057e3.html>>; and the U.S. Department of Health and Human Services’ National Clearinghouse on Child Abuse and Neglect Information, at <<http://www.calib.com/nccanch/index.cfm>>.

<sup>101</sup> E.O. Paolucci, M.L. Genuis, C. Violato, “A meta-analysis of the published research on the effects of child sexual abuse,” *The Journal of Psychology* 135 (2001): 31.

<sup>102</sup> *Ibid.*, 31.

<sup>103</sup> K.A. Kendall-Tackett, L. Meyer Williams, and D. Finkelhor, “Impact of Sexual Abuse on Children: A Review and Synthesis of Recent Empirical Studies,” *Psychological Bulletin* 113, no. 1 (1993): 170.

<sup>104</sup> *Ibid.*, 170.

<sup>105</sup> K.M. Parillo, R.C. Freeman, K. Collier, and P. Young, “Association between early sexual abuse and adult HIV-risky sexual behaviors among community-recruited women,” *Child Abuse & Neglect* 25 (2001): 335-346.

<sup>106</sup> D.L. Horan, L.D. Hill, J. Schulkin, “Childhood sexual abuse and preterm labor in adulthood: an endocrinological hypothesis,” *Women’s health issues: official publication of the Jacobs Institute of Women’s Health* 10 (2000): 27-33.

there are serious health risks to the child who is abused, and many of these risks continue over time and even create future risks for the abused person's family and community.

The above examples reveal that grave and lasting harm is often done to children and adolescents when they are abused by people they trust. Priests are not only trusted, they are also privy to the inner life, confidences and confessions of the worshipping community. As a result, they have the ability easily to impose on the vulnerabilities of children. The impact of abuse by a priest is intensified by the high social standing he has in the community and the perception in the minds of the faithful that he represents Jesus Christ. As a result of these factors, victims of abuse by priests have many of the same symptoms of other victims of abuse, but also can be deprived of security of faith, self-esteem, self-confidence, and security in relationships. Tragically, church leaders have not taken this abuse and its effects on children seriously.

The leaders of the Catholic church have perpetuated the risk to children by allowing men who have abused children and those who have been credibly accused of abusing children to continue to work, sometimes placing them as chaplains in these very healthcare institutions which should be dedicated to improving children's lives, and which should have protections in place to prevent child abusers from working there.<sup>107</sup> In its failure to provide adequate protections for children in these institutions, and its negligence in removing abusive priests from the priesthood, the Holy See has clearly failed to uphold the provisions of these articles of the Convention that ensure the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

#### *Education, Leisure, and Cultural Activities (Articles 28, 29, 31)*

Again, in this arena, the influence of the Holy See is vast, as are its missed opportunities to protect the welfare of children. In its 2000 report to UNICEF, the Holy See highlights its educational efforts for children, claiming over 230,000 educational facilities, with nursery, primary, and secondary schools serving nearly 45 million children worldwide.<sup>108</sup> Catholic clergy and religious are an integral component of the Catholic school system, serving as pastors of parishes that have parochial schools, or teachers, counselors, coaches, or administrators at independent Catholic schools. In Brazil for example, a priest who was recently arrested having been caught sexually abusing a six-year-old boy in a hotel room was director of a school for needy children in Joao Pessoa.<sup>109</sup> There is no universal policy from the Holy See excluding child-abusing clergy from serving in these institutions. Nor has there been any evidence presented by the Holy See requiring policies in these institutions which would illustrate compliance with the Convention's insistence on the respect for the human dignity of children, and promotion of educational programs that foster this respect.

#### *Special Protection Measures (Articles 22, 30, 32–35, 37, 38–40)*

Although the Holy See, the bishops, and Catholic organizations have addressed serious situations concerning children such as sexually exploited children; street children; children forced to work; children who are drug addicts; prisoners or refugees; as well as children and war, as documented in their report, the Holy See has not implemented special protection measures in regard to the sexual abuse committed by Catholic priests.

In reference to sexually exploited children, this section of the Holy See's 1994 report refers to a statement by Pope John Paul II to the Executive Council of the World Tourism

*There is no policy from the Holy See excluding child-abusing clergy from working in schools.*

<sup>107</sup> Jeff Tiernan, "Priest scandal hits hospitals," *Modern Healthcare*, May 13, 2002.

<sup>108</sup> Holy See Report to the United Nations Children's Fund, Prot No. 21205/00, December 5, 2000, sect. D(d).

<sup>109</sup> Lux Journal, January 13, 2002

Organization. The report states: “Like his audience [the pope] could hear the voices of thousands of children who had been abused and robbed of their physical and moral dignity asking for the protection due to them under international agreements and demanded by the conscience of mankind.”<sup>110</sup>

The report asserts: “the Holy See, the Bishops, and the Catholic organizations have been mobilized with regard to the particularly serious and alarming situations concerning children.”<sup>111</sup> This Committee must ask where the international community can find evidence of the fruits of this mobilization, especially of the supposed actions of the Holy See and the bishops, to aid the victims of sexual abuse by Roman Catholic clergy and religious.

## Recommendations

### As to the Holy See

*The Holy See should provide a measure of reparations to the world’s children by reinstating its contribution to UNICEF.*

The Holy See, as a Permanent Observer and a signatory to the Convention on the Rights of the Child, is accountable to the world community. It is responsible for the sexual abuse and abuse of power by its representatives, employees, and leaders. In April 2002, the pope declared, “The abuse which has caused this crisis is by every standard wrong and rightly considered a crime by society; it is also an appalling sin in the eyes of God.” He told the assembled leaders of the church that, “People need to know that there is no place in the priesthood and religious life for those who would harm the young.”<sup>112</sup> The Holy See should act on this pronouncement by its temporal and spiritual leader, both in punishing the crimes, and repenting the sin. Despite the international attention focused on this issue at the recent UN Special Session on Children, the Holy See failed to apologize for or even acknowledge this abuse at the hands of its priests and the concealment of the abuse by its leaders. The Thirty-first Session of the Committee on the Rights of the Child provides yet another opportunity for the Holy See to apologize to the world for the tragic child sexual abuse by its priests and for the lack of oversight and protection of children by its leaders. Furthermore, these sessions are appropriate venues for the Holy See to make a sincere act of contrition, not only expressing deep sorrow for its offenses, but also vowing to amend its behavior.

Specifically, the Holy See should provide a measure of reparations to the world’s children by reinstating its contribution to UNICEF. In addition, the Holy See should reveal to the United Nations what measures it has taken to eliminate the sexual abuse of children and adolescents by Catholic clergy and religious, and what measures it proposes to take to secure justice for these children. The Holy See should commit to cooperating with local civil authorities by providing evidence and assisting with the prosecution of Catholic church officials involved in abuse of children and adolescents. It should rescind its statute of limitations on prosecution of child abuse by clergy and religious and should encourage all other states to do the same.

The Holy See must furthermore commit to rescinding its requirements of secrecy in these cases, and should comply with its own law in creating accessible fora for children and adolescents, or their representatives, to vindicate and defend their rights, and must guarantee procedural integrity in internal judicial and non-judicial processes. The Holy See must also prohibit those clerics who have abused children from affiliation with activities and organizations which would allow them access to children, including, but not limited to: parishes,

<sup>110</sup>Holy See Report to the United Nations Children’s Fund, Prot No. 21205/00, December 5, 2000, sect. D(d).

<sup>111</sup>Holy See Report, 1994, 38.

<sup>112</sup>John Paul II, Address to Summit of Vatican, U.S. Church Leaders, *Origins* 31, no. 46 (May 2, 2002): 758-9.

schools, day care facilities, leisure groups and activities (such as Catholic Youth Organizations or those affiliated with World Youth Day), hospitals, mentoring groups, missionary activities to children and youth, seminaries, and convents. To assist in fulfilling these ends, it should create and maintain a publicly accessible database of proven child-abusing clergy and religious so that these people cannot merely relocate to avoid the consequences of their crimes.

### **As to the Committee on the Rights of the Child**

The Committee on the Rights of the Child is responsible for monitoring the implementation of the Convention on the Rights of the Child. The Holy See, a State party to the Convention, is delinquent in its obligations, as it has not yet submitted its 1997 report to the Committee. It should be required to do so immediately, with a demand that it include a full report on the magnitude of this abuse of children and adolescents and with a concrete plan for ensuring that future abuse does not occur.

The Committee can also use the occasion of regular reporting by other States parties to inquire about instances of clergy sexual abuse in their countries. Indeed, the reporting countries should include this information in their required reporting, but a brief survey of reports received by the Committee for this session reveals no mention of the problem of sexual abuse of children by Catholic clergy or religious. The Holy See's international presence and its many institutions operating around the globe<sup>113</sup> illustrate that virtually every reporting country would have some knowledge or experience with the activities of Catholic clergy and religious in their midst.

For example, member states reporting to the Thirty-first Session of the Committee include the United Kingdom of Great Britain and Northern Ireland. In its recent report to this Committee one finds the assertion that, "The Government is firmly committed to ensuring that all children within the community are safeguarded and protected from abuse." There is no mention of the fact that in the years from 1995 to 1999, twenty-one priests have been convicted of sexual abuse,<sup>114</sup> nor that the Bishops' Conference of England and Wales commissioned an in-depth inquiry into the problem of the abuse of children by priests and even instituted a national office to address the crisis.<sup>115</sup> The Committee can request that the reporting party, as well as others at this session, address this issue.

### **As to UNICEF**

As a specialized United Nations agency given the role in the implementation of the Convention on the Rights of the Child, UNICEF should participate in consideration of the Holy See's next report to the Committee on the Rights of the Child, provide expert advice on the Holy See's implementation of the Convention in regards to sexual abuse and exploitation of children and adolescents by Catholic priests, and provide technical advice and assistance to the Holy See on how to address sexual abuse and exploitation of children and adolescents. UNICEF should follow up on the Holy See's 2000 report to UNICEF, "National Programme Review of the Holy See on the Implementation of the Convention on the Rights of the Child and the World Declaration and Plan of Action of the World Summit for Children," and request information from the Holy See as to measures they are taking to address the sexual abuse and exploitation of children and adolescents by Catholic clergy and religious. As a direct assistance to children, UNICEF should sponsor or oversee comprehensive education programs for child protection. Effective programs such as the South

*The Committee can use the occasion of regular reporting by other States parties to inquire about instances of clergy sexual abuse in their countries.*

<sup>113</sup> Holy See report to the United Nations Children's Fund, Prot. No. 21205/00, December 5, 2000.

<sup>114</sup> John Tagliabue, "Europe has problems, but not like America's. Maybe." *New York Times*, April 21, 2002.

<sup>115</sup> Catholic Bishops' Conference of England and Wales, "A Programme for Action: Final Report of the Independent Review on Child Protection in the Catholic Church in England and Wales," (London: Catholic Media Office, September 2001).

Australian Education Department Mandated Notification Training<sup>116</sup> should be studied and emulated, and issues of abuse by ministers and religious leaders should be included.

### **As to Member States**

Member states cannot ignore the abuse of their children and flagrant violation of their laws by officials of a Permanent Observer. Holy See ambassadors must be queried. Diplomatic immunity cannot be permitted where crimes against children are alleged. Member states must invoke national and international mechanisms for investigation, even censure. The United States of America, where knowledge of the abuse is widespread and undisputed, has a special obligation to speak out in the UN and at the Vatican.

*Member states must invoke national and international mechanisms for investigation, even censure.*

Member states should encourage cooperation with the Catholic church's leadership on the local and national levels to facilitate reporting, follow-up and, where appropriate, prosecution of Catholic clergy and religious who abuse children. They should demand that codes of conduct applied to others in special relationships with children, like doctors, teachers, and coaches, be applied to clergy and religious.

### **As to Non-governmental Organizations and Individuals**

Non-governmental organizations and individuals should develop and disseminate informational materials on the sexual abuse and exploitation of children and adolescents by Catholic and other religious clergy that accurately documents cases. They should educate churches, schools and community groups about the Convention on the Rights of the Child and that the Holy See is a State party to the Convention and must uphold its commitments and obligations. In addition, they should urge local and national lawmakers to eliminate statutes of limitations for child and adolescent sexual abuse, and urge them not to treat religious leaders with impunity.

## **Conclusion**

The Holy See acceded to the Convention on the Rights of the Child in September 1990, agreeing to promote and protect the rights of children and to work for their best interests around the world. Since that time, the world has learned of the prevalence of cases of child abuse by Catholic clergy and religious, and the concealment of the problem on many levels below, and including, the Holy See. The Committee on the Rights of Child has the opportunity and, indeed, the charge, to see that signatories to the Convention—including the Holy See—are upholding its provisions and complying with its requirements.

This shadow report has presented a sketch of the problem of child sexual abuse by Catholic clergy and religious throughout the world. It has shown the ways in which the law of the State party, the Holy See, addresses the issue of child abuse by clergy—condemning the act, but at the same time failing to follow through on punishing abusers, and now even obstructing the justice system in other territories by mandating institutional secrecy about the issue. While media reporting of this abuse is uneven throughout the world, there can be no doubt that this is truly a global crisis, and with the mobility of peoples every state should be concerned that abusers will present themselves as religious leaders in their midst. We urge the Committee to take up the serious task of calling the Holy See to account for perpetrating and perpetuating this crisis.

<sup>116</sup> See an investigation of the efficacy of this program in Russell Hawkins and Christy McCallum, "Mandatory notification training for suspected child abuse and neglect in South Australian schools," in *Child Abuse and Neglect* 25 (2001): 1603-1625.

## Annex A: An International Crisis

- Over 5,000 cases of child abuse by Catholic clergy and religious have been reported in the media since 1995. The allegations include abuse that occurred as long ago as the 1940s and as recently as January 2002.<sup>1</sup> New cases are reported nearly every day.
- This abuse has been reported in at least twenty countries.
- In the last twelve years, eleven senior Catholic prelates—archbishops, bishops, and a cardinal—have resigned amid allegations of child sexual abuse and institutional cover-ups of abuse. These resignations come from

### *Austria*

- Cardinal Hans Herman Groër resigned in 1998 following accusations of sexually abusing students at a seminary.

### *Australia*

- Amid allegations of negligence, Bishop Ronald Mulkearns retired in 1997 after failing to act on accusations of abuse against a priest who eventually pleaded guilty to twenty-six offenses against twenty children.

### *Canada*

- Bishop Hubert O'Connor was accused and later convicted of molesting teens at a boarding school. He resigned in 1993.
- Archbishop Alphonsus Ligouri Penney resigned in 1990 in the wake of the scandal at a Catholic orphanage that included criminal convictions of twenty priests and lay staff. The archbishop was alleged to have known of the abuse, but failed to act to protect the children.

### *Ireland*

- Bishop Brendan Comiskey resigned in 2002 after the media broke the story of his role in a cover-up for a priest who abused dozens of children in the 1980s and 1990s.

### *Poland*

- Archbishop Juliusz Paetz resigned in 2002 after allegations that he abused several young seminary students.

### *United Kingdom*

- Archbishop John Aloysius Ward of Cardiff in Wales resigned in 2001 amid a scandal which included allegations of an assault thirty years previously on a seven-year-old, and his ordination of a man accused of assaulting a child.

### *United States of America*

- Five bishops have resigned after allegations of sexual relationships with minors were made public. (Archbishop Roberto Sanchez and Bishop Joseph Ferrario resigned in 1993, Bishop Joseph Symons in 1998, and Bishops Anthony J. O'Connell and J. Kendrick Williams in 2002.)

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<sup>1</sup> This information was collected during a brief review of information available through print media and electronic news services; it also incorporates stories submitted in response to requests for information. It by no means presents a comprehensive or cumulative assessment of child abuse around the world.

- Direct financial costs of currently known cases of child abuse by persons and institutions under the Holy See's supervision are expected to approach \$2 billion (USD) for cases reported in Australia, Canada, Ireland, and the United States of America alone. Indirect costs are inestimable.
- In 2001, the Holy See issued an international church law governing child abuse by Catholic clergy. The law requires secrecy in all cases of clergy sexual abuse, and assigns one office of the Holy See to review and supervise all activity in these cases. There is no provision for cooperation with civil authorities.
- The Holy See has acknowledged clergy sexual abuse of children occurring in many countries. The pope addressed the abuse as related to the United States of America and Canada in 1993, to Belgium in 1997, to Ireland in 1999, to the countries of Oceania in 2001, to Nigeria in 2002, and again in 2002 at an international gathering of youth in Canada.

While the Holy See's internal and confidential processes prevent the presentation of a comprehensive or cumulative assessment of the scope and gravity of child abuse by Catholic clergy and religious, this annex provides a sample of instances of this crisis.

#### *In Argentina*

- A priest accused of molesting several young girls is not punished, but moved to another city where he currently works in a parish.<sup>2</sup>
- In January 2001, a priest was arrested following allegations that he raped multiple residents of a home for adolescent boys where he worked.<sup>3</sup>

#### *In Australia*

- The Roman Catholic Archdiocese in Melbourne is reported to have paid or offered to pay millions of dollars (AUD) to eighty victims of sexual abuse by twenty-one priests between 1996 and 1999.<sup>4</sup>
- A single priest pleaded guilty to forty-six charges of sexual abuse involving twenty-one children. One victim claims that he told the priest's bishop in 1993 who offered him money to keep silent about the abuse.<sup>5</sup>
- Two hundred sixty victims of child abuse came forward to report past abuse in Catholic-run institutions. The religious order that ran the institutions offered nearly \$4 million (USD) in an out-of-court settlement with the victims.<sup>6</sup>

#### *In Austria*

- The Cardinal of Vienna, Hans Hermann Groër, resigned in 1998 over allegations of his sexual abuse of boys at a seminary in the 1970s. It was not the first allegation of sexual misconduct against the cardinal.<sup>7</sup>
- In May 2002, a Viennese lawyer announced plans to sue the Catholic church in Austria for damages in a class action suit representing a number of child sexual abuse victims.<sup>8</sup>

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<sup>2</sup> Maria Carbajal, "Abuso con Sotana," *Página 12* (Argentina), July 22, 2002.

<sup>3</sup> *Ibid.*

<sup>4</sup> Martin Daly, "Sex abuse cases cost church \$2m," *The Age* (Australia), November 21, 1999.

<sup>5</sup> "Australian archbishop sorry for abuse," *Agence France Press*, June 6, 2002.

<sup>6</sup> *Missing Link*, Spring/Summer 1999.

<sup>7</sup> "Vatican probes Austrian prelate," *BBC News*, March 2, 1998.

<sup>8</sup> "Austrian church sued over abuse," *The Tablet* (UK), May 25, 2002.

<sup>9</sup> Raf Casert, "Head of Belgium's Catholic church ordered to pay damages in pedophile case," *Associated Press*, April 9, 1998.

### *In Belgium*

- In 1998, a criminal court ordered Cardinal Godfried Danneels and a local bishop to pay damages to a victim of clergy child sexual abuse, recognizing both superiors' responsibility for oversight of the priest's actions.<sup>9</sup>

### *In Brazil*

- In early 2002, three Brazilian newspapers reported accounts of twelve Catholic priests who sexually assaulted over forty children between 1985 and January 2002.<sup>10</sup>
- Civil authorities recently denounced Bishop Aldo Pagotto for attempting to coerce twenty-one victims of one priest's abuse to change their testimonies about the abuse that they suffered.<sup>11</sup>

### *In Canada*

- Child abuse during the 1970s at Mount Cashel orphanage, run by a Catholic religious order, resulted in convictions of eleven lay brothers for abuse of more than forty children in their care. There are forty-three more outstanding claims of abuse at the orphanage.<sup>12</sup>
- An investigation in 1990 of two Catholic schools in Ontario resulted in 200 charges—ranging from assault to sodomy—being brought against thirty religious and employees of the schools.<sup>13</sup>
- In 1990, a priest was ordained and assigned to a parish despite having a criminal record and past prison sentence for child abuse in the early 1960s. Civil authorities had labeled him a “dangerous sexual offender.”<sup>14</sup>

### *In Chile*

- A priest accused of raping a thirteen-year-old girl in 2001 was transferred out of the country by church authorities to avoid state prosecution. The Supreme Court had to intervene to pursue extradition.<sup>15</sup>

### *In China*

- In 2002, Cardinal John Baptist Wu Cheng-chung acknowledged that sexual abuse of children by priests has occurred in Hong Kong.<sup>16</sup>
- The Catholic church in Hong Kong is currently fighting litigation by the civil authorities to force the church to disclose information about six priests accused of molesting minors.<sup>17</sup>

<sup>10</sup> Debora Crivellaro and Thiago Cordeiro, “O Sexo dos Anjos,” *Revista Epoca*, January 21, 2002; “Igreja,” *Revista Epoca*, January 21, 2002; “Revelações Perigosas da Igreja no Brasil,” *Folha de Sao Paulo*, April 25, 2002; Marcos Sergio Silva, “Sexo e Religião: Em Franca (SP), Bispo Revela que Sacerdote Confessou Ter Tido um Caso Com Menor e Que Pretende Seguir na Igreja,” *Folha de Sao Paulo*, April 25, 2002; Correa Neves Junior, “Padres, Irmãos. Acusados de Engravidar Jovens,” *Lux Jornal*, April 27, 2002; Evaldo Magalhaes, “Cúria Afasta Padre Acusado de Pedofilia,” *Lux Jornal*, May 4, 2002; Daniela Vianna, “Prisão de Padre Flagrado com Menor Choca Pacata Corumbataí,” *Lux Jornal*, May 6, 2002; Christopher K. Hepp, “Mystery of Abuser Priest Follows Him from Philadelphia to Brazil,” *Philadelphia Inquirer*, May 18, 2002.

<sup>11</sup> *Folha Cotidiana*, April 20, 2002.

<sup>12</sup> Angela Pacienza, “Victim of Canadian church scandal watches history repeat itself in the U.S.,” *Canadian Press*, May 18, 2002.

<sup>13</sup> Goldie M. Shea, “Institutional Child Abuse in Canada, Chapter 6,” Law Commission of Canada, <[www.lcc.gc.ca/en/themese/mr/ica/](http://www.lcc.gc.ca/en/themese/mr/ica/)>.

<sup>14</sup> Ed Struzik, “Priest's sordid past shocks parish: Father Houston was declared dangerous sexual offender, sent to prison in 1962,” *Edmonton Journal* (Canada), June 6, 2002.

<sup>15</sup> Gustavo Gonzalez, “Chile: Pedophile scandal spreads to South America,” *Inter Press Service*, May 13, 2002.

<sup>16</sup> Reuters, May 2, 2002.

<sup>17</sup> Damien McElroy, “Hong Kong takes church to court,” *Scotsman*, May 17, 2002.

*In Colombia*

- A priest was arrested in 2001 for molestation of boys. Ten years earlier, the priest faced sixty counts of sexual abuse in New York, for child abuse occurring in the 1980s. In the early 1990s, the same priest faced accusations of sexual abuse of eighteen boys in his native Venezuela. At the time of his arrest, the priest was found living with a teenager in Colombia.<sup>18</sup>

*In England*

- Eight former staff members of Stonyhurst College and St. Mary's Hall, an elementary school, have been charged with assaulting students during the 1970s and 1980s.<sup>19</sup>
- A priest was sentenced to jail time in 1996 after confessing to sexually abusing several children. He was discovered holding over 11,000 pornographic images that he exchanged over the Internet.<sup>20</sup>

*In France*

- Bishop Pierre Pican was convicted of concealing evidence about the abuse of eleven children at the hands of one priest between 1996 and 1998. The priest received a sentence of eighteen years in jail, while the bishop's three-month sentence was suspended.<sup>21</sup>
- Thirty priests have been convicted of sexual abuse since 1995.<sup>22</sup>

*In Germany*

- Thirteen clerics have been convicted of child sexual abuse in the last eight years.<sup>23</sup>
- In July 2002, a priest was under investigation for sexual abuse dating to 1998. He was accused by several children in 2001, but charges were dismissed for lack of evidence.<sup>24</sup>
- When speaking of child sexual abuse by priests, Cardinal Karl Lehmann recently predicted that, "we can expect more revelations."<sup>25</sup>

*In Ireland*

- In 1994, the government was forced to resign after it delayed the extradition of a Catholic priest to Northern Ireland to face sexual abuse charges. The convicted priest later pleaded guilty to seventy-four counts of sexual abuse related to twenty victims.<sup>26</sup>
- In 2002, several Catholic religious orders offered to contribute \$110 million (USD) to a fund to compensate victims of child abuse in schools and child care institutions run by the Catholic church. Thousands of victims are involved, and final costs may approach \$430 million (USD).<sup>27</sup>

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<sup>18</sup> Dean Murphy and Juan Forero, "For 2 Decades, in 3 Countries, Priests left trail of sex abuse," *New York Times*, April 20, 2002.

<sup>19</sup> *Missing Link*, Spring/Summer, 1999.

<sup>20</sup> *Missing Link*, Winter/Spring, 1997.

<sup>21</sup> Kate Noble, "Sins of the Fathers," *Time*, April 1, 2002.

<sup>22</sup> John Tagliabue, "Europe has problems, but not like America's. Maybe." *New York Times*, April 21, 2002.

<sup>23</sup> *Ibid.*

<sup>24</sup> "German Priests Suspended," *Washington Post*, July 19, 2002.

<sup>25</sup> Clifford Coonan, "German cardinal sees more priest sex abuse charges," *Reuters*, July 22, 2002.

<sup>26</sup> "Brendan Smyth Dies at Age 70: Irish Priest Jailed for Sex Abuse," *Washington Post*, August 24, 1997, Obituaries.

<sup>27</sup> Brian Lavery, "Religious Orders Offer \$110 Million to Irish Sex Abuse Victims," *New York Times*, February 1, 2002.

### *In Mexico*

- In April 2002, Cardinal Norberto Rivera admitted priests in Mexico have abused children, but offered no information about whether the church has assisted victims or punished abusers.<sup>28</sup>
- In 1997, a single Mexican priest was accused of molesting nearly sixty children. The church leaders defended him, citing “health problems.”<sup>29</sup>
- In 1997, Reverend Marcial Maciel, founder of Legionaries of Christ, and a priest with close ties to the Holy See was publicly accused by nine men of sexual abuse while they were children in the 1940s through the 1960s. The case had been reported directly to the Holy See in 1978 and 1989. Rather than being punished however, the accused priest has been praised by the Holy See for his work with youth.<sup>30</sup>
- Hundreds of priests have been treated at church-run centers for behavioral problems, including sexual abuse of children, and then returned to work among children.<sup>31</sup>

### *In New Zealand*

- In June 2002, Catholic authorities acknowledged thirty-eight substantiated complaints of sexual abuse against priests and brothers since the 1950s. Since 1990, nine have been convicted of their offenses.<sup>32</sup>
- One religious order has already paid \$300,000 (NZD) to victims of child abuse in a Catholic-run boarding school during the 1960s and 1970s. Claims from twenty-five more victims are pending.<sup>33</sup>

### *In the Philippines*

- At least 200 of the country’s priests have been investigated for sexual misconduct and abuse since the 1980s.<sup>34</sup>
- In July 2002, a senior bishop said church penalties alone are not enough punishment for priests guilty of sex crimes.<sup>35</sup>

### *In Poland*

- A prominent archbishop, Juliusz Paetz of Poznan, resigned in 2002 following public accusations of sexually molesting students.<sup>36</sup>

### *In Scotland*

- In 1999, reports revealed sexual misconduct charges against five priests involving several children and adolescents.<sup>37</sup>

<sup>28</sup> Kevin Sullivan and Mary Jordan, “Reluctant Mexican Church begins to question its own,” *Washington Post*, April 17, 2002.

<sup>29</sup> *El Proceso*, April 21, 2002.

<sup>30</sup> Gerald Renner, “Maciel accusers seek accountability,” *National Catholic Reporter*, November 3, 2000.

<sup>31</sup> David Sedeno, “Mexican Catholic Church grapples with how to handle sex scandals,” *Dallas Morning News*, April 24, 2002. Kevin Sullivan and Mary Jordan, “Reluctant Mexican Church Begins to Question Its Own,” *Washington Post*, April 17, 2002.

<sup>32</sup> “New Zealand Church reveals abuse complaints against clergy,” Catholic News Service, June 24, 2002.

<sup>33</sup> “Roman Catholic order says abuse victims should complain to police,” Associated Press, July 18, 2002.

<sup>34</sup> Carlos H. Conde, “Philippines: Church tells of abusive priests,” *New York Times*, July 10, 2002.

<sup>35</sup> “Philippine bishop seeks stiffer punishment for erring priests,” *Deutsche Press-Agentur*, July 5, 2002.

<sup>36</sup> John Tagliabue, “Pope Accepts Polish Archbishop’s Resignation,” *New York Times*, March 29, 2002.

<sup>37</sup> *Missing Link*, Spring/Summer 1999.

*In South Africa*

- In 2002, the leadership of the Catholic church in South Africa acknowledged sexual abuse of children by its clergy. No further information about these men who have abused children is shared with the public.<sup>38</sup>

*In the United States of America*

- Since the 1960s, 866 priests have been accused of sexual abuse of minors.<sup>39</sup>
- In June 2002, investigators discovered that 111 bishops—two-thirds of those in the country—have protected priests and other church employees and volunteers who have been accused of child abuse.<sup>40</sup>

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<sup>38</sup> “South African Church speaks out on sex abuse,” Zenit Daily Dispatch, April 25, 2002.

<sup>39</sup> Alan Cooperman and Lena Sun, “Hundreds of Priests removed since ‘60s,” *Washington Post*, June 9, 2002.

<sup>40</sup> Brooks Egerton and Reese Dunklin, “Two-thirds of bishops let accused priests work,” *Dallas Morning News*, June 12, 2002.

## Annex B: The Crisis in the United States of America

- Estimated amount already paid out by the Catholic church in the US to victims of sexual abuse<sup>1</sup>: \$1 billion
- The number of U.S. priests accused of sexual abuse of minors since the 1960s<sup>2</sup>: 866
- The number of U.S. priests who have served time in prison for the sexual abuse of minors<sup>3</sup>: 80
- The number of U.S. priests who have either been removed from duty in the first five months of 2002<sup>4</sup>: 218
- The number of U.S. priests removed from duty in previous years<sup>5</sup>: 355
- The number of children defrocked priest John G. Geoghan is alleged to have abused<sup>6</sup>: 130
- The number of priests treated at one of the church's programs for sexual offenders among the priesthood in Silver Spring, Maryland, since 1997<sup>7</sup>: 121
- Percent of active clergy who were removed from duty in Belleville, Illinois, in 1992–1993 as a result of charges of sexual misconduct: 10.<sup>8</sup>
- Selected Examples of Institutional Cover-up
  - **Bishop Thomas O'Brien** has a proven record of disregarding the abusive pasts of priests under his supervision. Father Patrick Colleary stayed active in Bishop O'Brien's diocese from 1999 until May 2002 despite having a previous record of sexual abuse of minors. Colleary's 1999 psychological evaluation predicted that his "history will be repeated in some way." It was recommended that Colleary not work with young parishioners or women. Colleary remained in active ministry however, and the diocese received six sexual abuse-related complaints involving him between 1999 and 2002. In another instance, Bishop O'Brien ignored complaints he received about Father Joseph M. Lessard and assigned him to a teaching job in the 1980s. Father Lessard allegedly raped a thirteen-year-old boy during his tenure at the school.<sup>9</sup>
  - **Bishop John McCormack** is known for his role in the child sex abuse scandal involving Father Paul Shanley. Even after the diocese settled a lawsuit involving Shanley in 1991, the bishop did not remove Shanley from the ministry, or warn other dioceses about his record of abuse. In the wake of this recent scandal, additional allegations have surfaced that Bishop McCormack did not act after witnessing the now deceased Father Birmingham pull a young boy into the rectory and after hearing several complaints from female parishioners about the same priest.<sup>10</sup>

<sup>1</sup> William C. Symonds, et. al., "The Economic Strain on the Church," *Business Week*, April 15, 2002.

<sup>2</sup> Alan Cooperman and Lena H. Sun, "Hundreds of Priests Removed Since '60s; Survey Shows Scope Wider Than Disclosed," *Washington Post*, June 9, 2002.

<sup>3</sup> Laurie Goodstein, "Victims' Group Uses Spotlight to Seek Changes in Law," *New York Times*, May 10, 2002.

<sup>4</sup> Alan Cooperman and Lena H. Sun, "Hundreds of Priests Removed Since '60s; Survey Shows Scope Wider Than Disclosed," *Washington Post*, June 9, 2002.

<sup>5</sup> Ibid.

<sup>6</sup> Caryle Murphy, "Treating the Priest, Under Church's Wing; Effectiveness of Diocese-Paid Programs Challenged," *Washington Post*, May 11, 2002.

<sup>7</sup> Ibid.

<sup>8</sup> Robert J. McClory, "Belleville diocese plans 'lay synod,'" *National Catholic Reporter*, April 26, 2002.

<sup>9</sup> "Database on Catholic Bishops and Sex Abuse," *Dallas Morning News*, June 2002.

<sup>10</sup> Ibid.

- **Bishop Charles Grahmann** and his diocese have been found liable for conspiracy in 1997. A social worker specializing in child abuse called Father Rudy Kos, a priest in Grahmann's diocese a "textbook pedophile." Grahmann would not permit a full psychological evaluation of Father Kos however, even though Kos went against the diocese's wishes and repeatedly had young boys sleep at the church residences. Bishop Grahmann has brushed off criticism saying, "Bishops are accused of covering up and moving people from one parish to another. That's a bunch of bull."<sup>11</sup>
  - **Cardinal Bernard Law** is perhaps the most notorious hierarchical figure involved in the clergy sex abuse scandals. His record of aiding abusive priests goes back to the late 1970s when Cardinal Law was a priest himself and helped two priests who had allegations of sex abuse against them retain their parish jobs. More recently, he has been accused of reassigning known abusers John Geoghan and Paul Shanley. Cardinal Law received many complaints of child sexual abuse implicating these two priests, but continued to assign them to parish work in dioceses under his supervision.<sup>12</sup>
- Selected Examples of Offenders
- **Father Gilbert Gauthé** admitted in 1984 that he abused thirty-seven boys (although there is speculation he may have molested as many as 150). Gauthé accepted a plea bargain in 1985 and was sentenced to twenty years in prison. After being released from prison in 1995, he was again imprisoned for two years on charges he had raped a twelve-year-old girl in the 1980s.<sup>13</sup>
  - **Father John Geoghan** was convicted in January 2002 of molesting a ten-year-old boy; he currently faces two more criminal charges. The church had previously settled about fifty lawsuits against Geoghan for more than \$10 million. In March 2002, the church had agreed to pay up to \$30 million to eighty-six people who accused him of child molestation, but later withdrew from that settlement.<sup>14</sup>
  - **Father Paul Shanley** has been accused of molesting or raping at least twenty-six children over three decades. It is alleged that in 1985, he made a speech in which he promoted sex between men and young boys. The Boston archdiocese has settled at least three abuse suits against Shanley.<sup>15</sup>
  - **Father James Porter** was charged in the early 1990s with molesting more than 99 children in Minnesota, Massachusetts, and New Mexico in the 1950s and 1960s. He pleaded guilty in 1993 to molesting twenty-eight children and was sentenced to eighteen to twenty years in prison.<sup>16</sup>

### *In Arizona*

- In June 2002 a priest was removed from public ministry in the Diocese of Phoenix due to charges of molesting boys. According to the *Phoenix Republic*, the diocese knew of his history when it accepted him in 2000.<sup>17</sup>

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<sup>11</sup> "Database on Catholic Bishops and Sex Abuse," *Dallas Morning News*, June 2002.

<sup>12</sup> Ibid.

<sup>13</sup> Ron Brackett and Caryn Baird, "Q & A On the Crisis," *St. Petersburg Times*, April 28, 2002.

<sup>14</sup> Pamela Ferdinand, "Archdiocese Settles Sex Abuse Cases; Millions to be Paid To Victims of Priest," *Washington Post*, February 22, 2002; Pamela Ferdinand, "Ex-Priest Gets Maximum Sentence in Abuse Case; Scandal Still Plagues Archdiocese of Boston," *Washington Post*, March 13, 2002.

<sup>15</sup> Pam Belluck with Daniel J. Wakin, "Release of Papers Renews Pressure on Cardinal in Boston," *New York Times*, April 10, 2002.

<sup>16</sup> Mary Perea, "Priest's slaying stirs up bad memories at retreat the remade itself after scandal," *St. John's Telegram*, March 17, 2002.

<sup>17</sup> Dexter Duggman, "In Phoenix...County Opens Criminal Investigation of Priest, Diocese," *Wanderer*, June 20, 2002.

### *In California*

- In 1996, fifteen men accused three priests of molesting them when they were minors. The case was thrown out because the statute of limitations had expired.<sup>18</sup>
- In April 2002, Bishop Patrick McGrath of the Diocese of San Jose admitted that he knew of six priests facing sexual abuse allegations.<sup>19</sup>

### *In Connecticut*

- In June 2002, three men accused a priest of abusing them when they were young students at St. Augustine School of Hartford during the late 1960s and early 1970s where he was the director.<sup>20</sup>

### *In Florida*

- In March 2002, Bishop Anthony O’Connell resigned after admitting that he sexually abused a teenage seminary student in the 1970s. The accuser, who previously received a small settlement, has now filed a federal criminal conspiracy suit against O’Connell and the U.S. Conference of Catholic Bishops, accusing them of covering up the crime.<sup>21</sup>
- A male victim has filed a lawsuit against the Vatican, Pope John Paul II, the Salesian Order, and the Diocese of St. Petersburg. He has accused the aforementioned parties of covering up incidents of sexual abuse that were perpetrated by a priest under their supervision in 1987. He is also suing the alleged abusive priest.<sup>22</sup>

### *In Illinois*

- In 1977, parents of a teenage boy complained to church officials that a priest was engaging in inappropriate behavior with their son and his friends. The priest remained in active ministry and was accused of molesting several boys in 1980. Bishop Joseph Imesch moved the priest to another parish where he again was accused of abusing young male parishioners.<sup>23</sup>

### *In Indiana*

- In 1996, a priest was convicted for his part in a national child pornography ring and was forced to register as a sex offender. Bishop Gerald A. Gettelfinger moved the priest to another parish in the same diocese after he had served his one-year sentence.<sup>24</sup>

### *In Kentucky*

- In June 2002, Bishop J. Kendrick Williams resigned his position after being accused of molesting a minor.<sup>25</sup>
- Eighty-seven people have filed lawsuits against the Archdiocese of Louisville as of May 2002, claiming that priests abused them as minors and that the archdiocese took no action even though it was aware of the on-going abuse.<sup>26</sup>

<sup>18</sup> Tina Kelley, “Judge Dismisses 224 Charges of Abuse Against Ex-Priest,” *New York Times*, March 15, 2002.

<sup>19</sup> Richard Sheinin, “San Jose bishop acknowledges accusation of sexual misconduct against current, former priests,” *San Jose Mercury News*, April 25, 2002.

<sup>20</sup> Josh Kovner, “Third Suit Filed by Pastor, Archdiocese ‘Deeply Troubled’ by Claims,” *Hartford Courant*, June 20, 2002.

<sup>21</sup> Laurie Goodstein, “Catholic bishop in Florida Quits, Admitting Sex Abuse in the 70’s,” *New York Times*, March 9, 2002.

<sup>22</sup> Laurie Goodstein, “Suit Says Vatican and Pope are Liable in Priest Scandal,” *New York Times*, April 4, 2002.

<sup>23</sup> David Heinzmann and Todd Lighty, “Bishop was warned about priest; Parishes’ parents wrote to Imesch,” *Chicago Tribune*, June 22, 2002.

<sup>24</sup> ABC News Special, “Bless Me Father For I Have Sinned: the Catholic Church in Crisis,” April 3, 2002.

<sup>25</sup> Philip Pulella, “Third U.S. Bishop resigns Over Sex Scandals,” Reuters, June 11, 2002.

<sup>26</sup> Lori Burling, “More Child Sex Abuse suits filed as Louisville archdiocese awaits hearing on request to seal records,” Associated Press, May 21, 2002.

- Since mid-April 2002, fifty-nine people have filed lawsuits against a single priest for sexual abuse. He has been indicted on forty-two counts of sexual crimes.<sup>27</sup>

#### *In Louisiana*

- In 1984, a priest admitted to abusing at least thirty-seven boys. After he was released from prison in 1995, he was imprisoned again for the rape of a twelve-year-old girl in the 1980s. He was released in February 2000 and has not been heard from since.<sup>28</sup>

#### *In Maine*

- During the 1980s and early 1990s, church officials in Maine continued to assign an abusive priest to parish work, despite the fact that he served prison time for sexual abuse. In 1993, he fled to Lithuania. Several civil lawsuits are pending against him.<sup>29</sup>

#### *In Maryland*

- In June 2002, a priest was charged with receiving and possessing sexually explicit images of minors. He had been involved in youth ministry.<sup>30</sup>
- At least six priests accused of sexual abuse have been removed from parish work in the Archdiocese of Baltimore since 1985.<sup>31</sup>

#### *In Massachusetts*

- The Archdiocese of Boston backed out of a \$15–\$30 million settlement of eighty-six clergy abuse cases in May 2002. The archdiocese was allegedly concerned that if it settled with the eighty-six plaintiffs for the above sum, it would not have sufficient funds to compensate the nearly 400 people who have sexual abuse-related cases pending against the archdiocese.<sup>32</sup>
- In early February 2002, the Archdiocese of Boston provided civil authorities with the names of nearly ninety priests accused of child sex abuse over the last fifty years.<sup>33</sup>
- The Archdiocese of Boston reassigned a priest to a position as hospital chaplain in 1998 after settling a case regarding his alleged sexual abuse of thirteen minors. He was removed in 2000 after additional complaints of abuse dating back to the 1970s and 1980s were made.<sup>34</sup>

#### *In Michigan*

- A single diocese paid \$500,000 in 1994 to settle a sex abuse case involving a priest and three young girls.<sup>35</sup>

<sup>27</sup> Lori Burling, “Roman Catholic priest indicted; more lawsuits filed,” Associated Press, June 27, 2002.

<sup>28</sup> Ron Brackett and Caryn Baird, “Q & A on the Crisis: The Roman Catholic Church in America,” *St. Petersburg Times*, April 28, 2002.

<sup>29</sup> Jeff Donn, “Documents tell inside story of church sheltering accused priest,” Associated Press, May 15, 2002.

<sup>30</sup> Maureen O’Hagan, “Maryland Priest faces child porn charges; Archdiocese, Police Report no Abuse Allegations,” *Washington Post*, June 8, 2002.

<sup>31</sup> Caryle Murphy, “16 Area Priests Removed Over Abuse Allegations Since 1980’s,” *Washington Post*, June 9, 2002.

<sup>32</sup> “Boston Cardinal Grilled on the Stand about Rejection of Abuse Settlement,” *Washington Post*, July 18, 2002.

<sup>33</sup> Pam Belluck, “Archdiocese Nears Accord in Abuse Suits,” *New York Times*, March 6, 2002.

<sup>34</sup> “Cardinal Reportedly Reinstated an Accused Priest,” *New York Times*, May 31, 2002.

<sup>35</sup> Kim Baca, “Los Angeles cardinal denies molestation claim; accuser’s details vague,” Associated Press, April 7, 2002.

*In Minnesota*

- Church officials settled the case of a priest who allegedly abused at least three minors through the late 1960s and 1970s. Part of the settlement entailed the accused no longer working in a parish; nonetheless, the priest was found serving as the associate pastor at a Minnesota church as recently as February 2002.<sup>36</sup>

*In Missouri*

- In 1982 a mother accused a priest of molesting her three young sons. Church officials failed to respond until she sued in 1995. The alleged abuser was reassigned to three parishes over a period of twelve years until March 2002 when he was forced to resign over new allegations of abuse.<sup>37</sup>
- A priest was arrested in St. Louis in March 2002 on sexual misconduct charges. Twenty additional complaints against him are being investigated. The St. Louis archdiocese previously paid \$110,000 to settle two abuse cases against him in the late 1990s.<sup>38</sup>
- A priest was suspended in 1999 after he was accused of abusing several girls as far back as 1971.<sup>39</sup>

*In Nebraska*

- The Omaha archdiocese was forced to pay an \$800,000 settlement for negligence in June 2002 in a case of a priest abusing an altar boy. The priest had previously been convicted on charges of child pornography and sexual assault of a child.<sup>40</sup>

*In Nevada*

- In 2002 civil authorities accused a priest of using a minor to produce pornography.<sup>41</sup>

*In New Hampshire*

- In February 2002, the Diocese of Manchester gave prosecutors the names of fourteen priests accused of sexually abusing children between 1963 and 1987.<sup>42</sup>

*In New Jersey*

- In 1985 a priest from the Diocese of Paterson was accused of sexually abusing a young parishioner between 1974 and 1981. In 1986 the diocese removed the priest from his position. In 1987, the diocese paid the victim \$241,000 in a settlement, demanding his silence. The diocese did not alert civil authorities of the crime. The victim broke his silence in March 2002, but the civil statute of limitations on the case had expired.<sup>43</sup>

<sup>36</sup> "Report: Accused priests continued working in metro parishes," Associated Press State and Local Wire, May 26, 2002.

<sup>37</sup> Laurie Goodstein, "St. Louis Priest Resigns After New Accusation," *New York Times*, March 28, 2002.

<sup>38</sup> "Several Priests Under Inquiry in St. Louis, Prosecutor Says," *New York Times*, March 29, 2002.

<sup>39</sup> Mark I. Pinsky, "Priest suspended in sex scandal went to work for Disney; Hugh Behan, accused of abuse in Missouri, was employed by the park until last week," *Orlando Sentinel*, June 21, 2002.

<sup>40</sup> Joe Ruff, "Former altar boy, mother win \$800,000 in damages after verdict in priest abuse case," Associated Press, June 15, 2002.

<sup>41</sup> Ken Ritter, "Nevada priest waives preliminary hearing in sex abuse case; court date set," Associated Press, June 26, 2002.

<sup>42</sup> Pam Belluck, "New Hampshire diocese names 14 priests accused of abuse," *New York Times*, February 16, 2002.

<sup>43</sup> Richard Lezin Jones, "Former Altar Boy Describes Years of Abuse, Then Years of Silence," *New York Times*, March 18, 2002.

*In New Mexico*

- Church authorities settled an abuse case involving a fourteen-year-old boy and a parish priest for an undisclosed sum in 1994. Part of the settlement included permanently moving the accused to an administrative position, however he was found working as a priest in Mexico City in early 2002.<sup>44</sup>

*In New York*

- In 1996, three nuns reported the abuse of adolescent boys by three priests in the 1970s. Although one of the priests confessed, law enforcement officials were never notified.<sup>45</sup>
- Six priests in the Archdiocese of New York were suspended in April 2002 in the wake of sexual abuse allegations. All are said to have been involved in “grave” incidents of sexual misconduct.<sup>46</sup>

*In North Carolina*

- In 2002, a priest admitted to engaging in sexual misconduct with a child in both 1961 and 1987. He was charged but never prosecuted in conjunction with the 1987 case.<sup>47</sup>

*In Ohio*

- In April 2002, the Diocese of Cleveland suspended nine priests following accusations of sexual abuse that had occurred over the last fifteen years. All had previously been treated for sexual misconduct and returned to parish work.<sup>48</sup>

*In Oklahoma*

- Archbishop Eusebius J. Beltran assigned a sexually abusive priest to parish work between 1991 and 1999 despite learning of the priest’s abusive history in other dioceses in 1994. Between 1994 and 1999, the priest allegedly molested three teenage boys. He was sentenced to forty years in prison after pleading no contest to two charges. Two civil lawsuits have been settled for undisclosed sums and another is pending.<sup>49</sup>

*In Oregon*

- In May 2002, a former altar boy filed suit against the Archdiocese of Portland claiming a priest had abused him between 1961 and 1963. The accused continued to serve as a priest until his death in 1985.<sup>50</sup>

*In Pennsylvania*

- In March 2002, five of the eight Pennsylvania dioceses reported the names of some accused priests to civil authorities for prosecution. The archdiocese withheld the names of priests when the accusations fell outside the statute of limitations.<sup>51</sup>

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<sup>44</sup> ABC News Special, “Bless Me Father for I Have Sinned: The Catholic Church in Crisis,” April 3, 2002.

<sup>45</sup> Daniel J. Wakin, “Bitterness in Brooklyn Diocese Over Abuse Case,” *New York Times*, March 15, 2002.

<sup>46</sup> David W. Chen, “Healing a Parish’s Double Wound; Priest Takes Over a Flock That Feels Twice Betrayed,” *New York Times*, April 12, 2002.

<sup>47</sup> Patrick O’Neill, “Priest removed for abuse of 4-year-old,” *National Catholic Reporter*, April 26, 2002.

<sup>48</sup> “Cleveland Suspends 9 Priests,” *New York Times*, April 9, 2002.

<sup>49</sup> Lois Romano, “Oklahoma Archbishop failed to Oust Priest; Long Trail of Abuse Prompts Criticism,” *Washington Post*, May 21, 2002.

<sup>50</sup> Ron DePasquale, “Boston judge orders Cardinal Bernard Law to answer questions in lawsuit,” Associated Press, May 7, 2002.

<sup>51</sup> Michael Rubinkam, “Pennsylvania diocese dismissing accused priests,” Associated Press State and Local Wire, March 1, 2002.

*In Rhode Island*

- A Providence County grand jury indicted a Cranston priest on six counts of first-degree sexual assault and one count of second-degree sexual assault. The abuses are alleged to have occurred between November 2000 and November 2001.<sup>52</sup>
- Since 1985, seven clergy have been convicted of molesting children, one was acquitted, and the case involving a ninth was dismissed.<sup>53</sup>

*In Texas*

- In 1997, a bishop reassigned a priest who admitted to having had a sexual relationship with a girl some twenty years previously.<sup>54</sup>
- In June 2002, five priests left the Amarillo diocese following the passage of the bishops' new policy on sexual abuse.<sup>55</sup>

*In Vermont*

- In May 2002 the Diocese of Burlington gave the state attorney general the names of twenty priests accused of sexual abuse of children.<sup>56</sup>

*In Virginia*

- A woman filed suit in 1994, claiming a priest had abused her as a child. The priest returned to pastoral duties after the suit was settled.<sup>57</sup>

*In Washington, D.C.*

- Between 1986 and 2001, nine priests in the Archdiocese of Washington were removed after being accused of molesting boys; all have been criminally prosecuted.<sup>58</sup>

*In Wisconsin*

- The Archdiocese of Milwaukee has admitted that six active priests have been accused of sexual abuse. All the abuses are said to have occurred before 1990.<sup>59</sup>

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<sup>52</sup> "Cranston priest pleads innocent to sex abuse charges," Associated Press State and Local Wire, April 24, 2002.

<sup>53</sup> Siobhan McDonough, "Most Catholic state skeptical of assurances in present abuse cases," Associated Press State and Local Wire, March 20, 2002.

<sup>54</sup> "East Texas priest steps down after women's claims of misconduct," Associated Press, May 22, 2002.

<sup>55</sup> Susan Hogan/Albach, "Priests are first in Texas affected by new policy," *Dallas Morning News*, July 1, 2002.

<sup>56</sup> "Vermont diocese hands over past clergy sex abuse records," Catholic News Service, May 16, 2002.

<sup>57</sup> Caryle Murphy, "16 Area Priests removed over Abuse Allegations Since 1980s," *Washington Post*, June 9, 2002.

<sup>58</sup> *Ibid.*

<sup>59</sup> Francis Blackman, "Milwaukee Archdiocese Admits Accused Priests Hold Posts," *Wanderer*, April 11, 2002.



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## Web Resources

African Network for the Prevention and Protection Against Child Abuse and Neglect

<http://www.anppcan.org>

Bishops Watch

<http://www.bishopswatch.org>

Call to Accountability Campaign

<http://www.calltoaccountability.org>

Center for the Prevention of Sexual and Domestic Violence

<http://www.cpsdv.org/SAC/sexualabusebyclergy.htm>

Child Rights Information Network

<http://www.crin.org>

International Society for Prevention of Child Abuse and Neglect

<http://www.ispcan.org>

National Clearinghouse on Child Abuse and Neglect Information

<http://www.calib.com/nccanch>

National Sexual Violence Resource Center

<http://www.nsvrc.org/clergy.html>

Survivors Network of those Abused by Priests (SNAP)

<http://www.peak.org/~snapper>

Survivors of Clergy Abuse Linkup

<http://www.thelinkup.com>

United Nations Children's Fund (UNICEF)

<http://www.unicef.org>

United Nations High Commissioner for Human Rights

<http://www.unhchr.org>

United States Conference of Catholic Bishops

<http://www.usccb.org>

Vatican Website

<http://www.vatican.va>





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Catholics for a Free Choice (CFFC) is a non-governmental organization with special consultative status with the Economic and Social Council (ECOSOC) of the United Nations. Catholics for a Free Choice shapes and advances sexual and reproductive ethics that are based on justice, reflect a commitment to women's well-being, and respect and affirm the moral capacity of women and men to make sound decisions about their lives. Through discourse, education and advocacy, CFFC works in the United States and internationally to infuse these values into public policy, community life, feminist analysis, and Catholic social thinking and teaching.

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