

**Alternative Report**  
**To the United Nations Committee on the Rights of the Child**  
**Regarding the Periodic Reports of the Holy See**  
**Due on 1 September 2017**

**5 September 2017**

**I. Introduction and Overview**

The Survivors Network of those Abused by Priests (“SNAP”) and the Center for Constitutional Rights, collectively the “Reporting Organizations,” submit the information herein for the Committee’s consideration of the Holy See’s third through sixth periodic reports that were due on 1 September 2017.<sup>1</sup> As the Holy See did not submit its reports,<sup>2</sup> the Reporting Organizations take this opportunity to call the Committee’s attention to several developments since its last review of the Holy See in 2014, in particular with respect to its Concluding Observations Nos. 8, 13-14, 19-20, 29-30, 43-44, and 60-61.<sup>3</sup>

Following the review of the Holy See in January 2014, the Committee issued a number of observations and recommendations about the Holy See’s handling of pervasive and systemic sexual violence against children within the Roman Catholic Church. In particular, this Committee observed that “in dealing with allegations of child sexual abuse, the Holy See has consistently placed the preservation of the reputation of the Church and the protection of the perpetrators above the child’s best interests...”<sup>4</sup>

The Reporting Organizations are deeply concerned that the Holy See has not implemented *any* of the Committee’s recommendations over the past three years, and does not appear to have genuinely attempted to do so. In fact, in a number of respects, the Holy See has continued to do the exact opposite of what the Committee recommended. For example, and as discussed more fully below,

- rather than cooperate and share information about cases of sexual violence with national authorities as urged by this Committee, Vatican officials have withheld information from civil courts and have authorized, even encouraged, local bishops to do the same;
- rather than support the reform of statutes of limitations to allow victims to seek redress in civil courts as this Committee recommended, Church officials have continued in their efforts to oppose such reforms and thereby block victims’ access to justice;
- rather than give real effect to an often touted “zero-tolerance” policy, Church officials have continued to allow credibly accused priests and known perpetrators to serve as priests, contrary to the Committee’s recommendation.

Even the Pontifical Commission for the Protection of Minors, which was created by the Vatican shortly before this Committee's review and promoted as a kind of panacea for this long-running atrocity, has proven so ineffective given resistance by Vatican officials that the sole remaining victim and child advocate on the commission resigned earlier this year in protest. Of great and immediate concern, as Church officials have ignored this Committee's recommendations, more revelations of serious sexual violence by clergy and systemic concealment on the part of Church officials emerged during the reporting period.

Given the apparent disregard shown by the Vatican for the recommendations made by this Committee, which was established to assist with implementation of the Convention on the Rights of the Child for the protection of children around the world, and in the face of so many survivors coming forward, findings from multiple commissions and inquiries, and ongoing revelations of widespread and serious sexual violence, the Vatican's actions and omissions can not be seen as a failure or inability to do what must be done to seriously confront, address and end sexual violence against children by clergy – but a willful refusal to do so.

The following is an illustrative overview of some of the developments and trends since the Committee's last review:

## **II. The Committee's Areas of Concern**

### **A. Specificities in the Implementation of the Convention**

#### ***- Concluding Observation 8***

Following its review, the Holy See reasserted objections it previously made to the Committee's well-founded legal, and indeed moral, position “that in ratifying the Convention, [the Holy See] made a commitment to implement it not only within the territory of Vatican City State, but also, as the supreme power of the Catholic Church, worldwide through individuals and institutions under its authority.”<sup>5</sup> In its comments to the Committee's Concluding Observations, the Holy See again attempted to distort international law on this fundamental point and lay the blame for the widespread rape and sexual violence by clerics, and the historic lack of accountability and redress, with national governments around the world.<sup>6</sup> The Holy See asserted again, astonishingly, that its treaty obligations to protect children against sexual and gender-based violence are limited to Vatican citizens and, “where appropriate,” diplomatic personnel or officials residing outside the territory, further stating that “[t]he Holy See does not have the capacity or legal obligation to impose the abovementioned principles upon the local Catholic churches and institutions present on the territory of other States and whose activities abide with national laws.”<sup>7</sup>

First, as the Reporting Organizations have previously noted, this position contradicts basic principles of international law and the positions of this Committee and those of other United Nations treaty bodies, namely, that a State's obligation extends to those over whom it exercises effective control.<sup>8</sup>

Second, this statement implies that the Holy See has cooperated with national legal systems in cases of sexual violence by clergy, or has stood idly by and allowed justice to run its course in those systems. This is not the case. As the Reporting Organizations noted in previous submissions, Church officials have been found to have subverted and/or obstructed the course of justice in different national legal systems, in effect thwarting investigations, prosecutions, and civil cases by victims.<sup>9</sup> Indeed, after reviewing the evidence submitted to it and extensive questioning of the Holy See, this Committee noted its concern at the Holy See's reluctance, and in some cases, refusal to cooperate with judicial authorities and national commissions of inquiry.<sup>10</sup> This fact alone, with the accompanying concealment of the crimes over time, has been critical in allowing the culture of rape and sexual violence to flourish and proliferate within the Church.

- **Obstructing Statute of Limitations Reform**

Based in part on information provided by the Reporting Organizations,<sup>11</sup> the Committee also noted that Church officials had in some instances “obstructed efforts in certain countries to extend the statute of limitation [*sic*] for child sexual abuse” and urged the Holy See to “[p]romote the reform of the statute of limitations in countries where it impedes victims of child sexual abuse from seeking justice and redress.”<sup>12</sup> Yet, new evidence has emerged that not only are Church officials not promoting such reforms, they continue work to maintain the restrictive statutes of limitations to block victims from redress through civil authorities.

In 2016, it was reported that in the United States, the Catholic Conference headed by New York-based Cardinal Timothy Dolan spent \$2.1 million between 2007 and 2015 on some of the “most well-connected and influential lobby firms” to block a bill that would remove the statute of limitations in New York and open one-year window for victims to file claims barred under the existing statute of limitations.<sup>13</sup> The report noted that the figure did not take into account the amount the Church spends on its own internal lobbyists. In 2015, it was reported that bishops’ lobbying groups were also still opposing efforts to extend statutes of limitations in the District of Columbia, Maryland, and Iowa, and Church officials have fought similar efforts in Pennsylvania.<sup>14</sup>

- **Using Freedom of Religion as a Shield Against Abuse-Related Inquiries**

Similarly, as the Reporting Organizations noted previously, Church officials have continued to argue in some cases that judicial inquiries into their handling of sexual violence cases or financial decisions relevant to compensation to victims should be barred as a form of interference with the free exercise of religion, i.e. they have invoked religious freedom in attempts to shield policies and practices relating to the handling of cases of child sexual abuse from civil authorities.<sup>15</sup> During the reporting period, the archdiocese of Milwaukee in the United States continued to assert before an appellate court that its decisions regarding the alleged fraudulent transfer of millions of dollars to shield it from lawsuits by victims should be protected under the First Amendment to the United States Constitution as the free exercise of religion.<sup>16</sup> The appellate court overturned the lower court ruling which had held that the Church’s actions were shielded by the constitutional protections for freedom of religion.<sup>17</sup> The archdiocese sought to

appeal the ruling to the United States Supreme Court but a controversial settlement plan was announced less than a month later.<sup>18</sup>

### ▪ **Other Evidence of Thwarting Investigations**

Additional evidence of potentially obstructionist efforts emerged in 2016 in connection with events in the archdiocese of St. Paul and Minneapolis in the United States. In 2013, a whistleblower came forward to reveal that the diocese had failed to report credible cases of abuse.<sup>19</sup> In the wake of the whistleblower's report, more victims and witnesses came forward and local law enforcement began an investigation.<sup>20</sup> The archdiocese also began an independent investigation into allegations against the archbishop, John Nienstedt, who was also implicated in the cover-up of accusations against a priest under his supervision.

Documents were released by the local prosecutor last year which indicate that in April 2014, the Vatican ambassador to the United States (titled "papal nuncio" or "apostolic nuncio" by the Vatican) attempted to derail the archdiocese's investigation and directed that evidence be destroyed.<sup>21</sup> The official responsible for liaising with the church-commissioned investigators noted that the decisions and actions taken by the archdiocese in the wake of a crucial meeting with the papal nuncio "made the Archdiocese complicit in a white-wash and a cover-up" and "in the face of compelling evidence amounts to a good old fashioned cover-up to preserve power and avoid scandal and accountability."<sup>22</sup> The liaison also noted the "gravity" of the situation in that "[t]he destruction of evidence is a crime under federal law and state law and the fact that this request was made of you by a papal representative to the United States is most distressing."<sup>23</sup>

These and other examples, including some described below in relation to other Concluding Observations, reveal just how disingenuous the Holy See's claims are that it is only legally or morally responsible for what occurs within the confines of Vatican City when it comes to the failure – and indeed it must be recognized as refusal – to take the steps required to protect children from rape and other sexual violence by clergy.

## **B. Legislation and Violence Against Children**

### **- *Concluding Observations 13, 43-44***

In its Concluding Observations, the Committee noted that the Holy See's internal laws were not in conformity with the provisions of the Convention, "in particular those relating to children's rights to be protected against discrimination, violence and all forms of sexual exploitation and sexual abuse."<sup>24</sup> The Committee urged the Holy See to "[a]mend the Canon Law in order for child sexual abuse to be considered a crime and not a 'delict against the moral' and repeal all provisions which may impose an obligation of silence on the victims and on all those that become aware of such crimes."<sup>25</sup> The Committee also urged the Holy See to "[i]mmediately remove all known and suspected child sexual abusers from service and refer the matter to the relevant law enforcement authorities for investigation and prosecution."<sup>26</sup>

- **No Global “Zero Tolerance” Policy**

Despite the Holy See’s repeated claims to the contrary, there is no clear policy or rule of “zero tolerance” for sexual “abuse” in the global Church. The decision about what to do with a credibly accused priest or known offender remains subject to broad discretion of the bishops and ultimately the Pope. The United States and perhaps Ireland are the only countries in which local Church leaders have been given permission by the Vatican to adopt a “zero tolerance” rule on paper. However, as the Reporting Organizations have noted previously, and as remains the case today, investigations in the United States have revealed a number of cases in which credibly accused priests or known offenders were allowed to remain in ministry well after the policy was in effect, with no clear consequences or mechanisms of accountability for those who fail to follow and enforce the policy.<sup>27</sup>

One recent example surfaced amid allegations of serious and widespread sexual violence in deaf schools in Italy and Argentina. In 2009, a number of survivors of sexual abuse by priests at the Provolo Institute in Verona had come forward to report their cases to the Vatican.<sup>28</sup> The Verona survivors sent several communications to the Vatican and in 2014, wrote directly to Pope Francis about the sexual violence. They named Fr. Nicola Corradi as one of the perpetrators, noting he was then living in Argentina and teaching at a school for deaf children there.<sup>29</sup> Tragically, in 2016, twenty-four more students at the companion school in Mendoza, Argentina came forward to report sexual violence at the hands of Corradi and four others.<sup>30</sup> The Vatican had multiple reports of Corradi since as early as 2009 and was on notice that he was in Argentina and teaching at deaf school yet took no action against him.<sup>31</sup> Corradi was arrested by Argentinean authorities in November 2016 and will be prosecuted there as the statute of limitations for the charged offenses has not expired.<sup>32</sup>

- **Non-Cooperation with Civil Authorities**

In light of the Committee’s Concluding Observations No. 44(b) and (c) that the Holy See should “refer [cases of child sexual abuse] to the relevant law enforcement authorities for investigation and prosecution” and “ensure transparent sharing of all archives which can be used to hold accountable child sexual abusers and all those who concealed their crimes,” it is important to note that the Vatican continues to approve policies for different countries that assert the local bishops’ right to refuse to report abuse and to withhold documents from civil authorities.<sup>33</sup>

The Vatican approved just such a policy for Italian bishops in 2014.<sup>34</sup> That policy provides that a bishop “does not have the juridical obligation... to report to civil judicial authorities news he has received concerning illicit matters” and that bishops are “exonerated from the obligation to turn in or show documents concerning what they knew or that are in their possession.”<sup>35</sup> In early 2016, it was reported that newly appointed bishops were being advised by the Vatican that, “According to the state of civil laws of each country where reporting is obligatory, it is not necessarily the duty of the bishop to report suspects to authorities, the police or state prosecutors in the moment when they are made aware of crimes or sinful deeds.”<sup>36</sup> The Reporting Organizations have previously noted that the Vatican rejected a request by bishops in the United States to include mandatory reporting as part of their reforms.<sup>37</sup>

Indeed, the Vatican itself was sharply criticized by an Italian judge for refusing to share with the court overseeing the trial of a priest information and evidence Church officials had gathered during the course of a canonical trial of priest.<sup>38</sup> The request arose from a trial in an Italian court of Fr. Mauro Inzoli, who was among a group of priests for whom Pope Francis had lessened sanctions imposed by the Congregation for the Doctrine of the Faith (“CDF”), the entity in the Vatican charged with handling all allegations of sexual abuse by clergy.<sup>39</sup> The CDF had recommended that Inzoli be laicized. After Pope Francis reinstated Inzoli and the others to the priesthood and sentenced them to penance and prayer, Inzoli was tried in an Italian court and found guilty of eight counts of sexual abusing children between the ages of 12 and 16.<sup>40</sup> Another 15 cases were beyond the statute of limitations and could not be tried.<sup>41</sup> The Vatican refused to provide information in the CDF’s possession to assist the court.<sup>42</sup> Earlier this year, Pope Francis then moved to laicize Inzoli,<sup>43</sup> demonstrating again how much discretion resides with the Pope to override the CDF and other officials even in confirmed cases, who themselves exercise broad discretion in the first instance.

- **More Examples of Priest-Shifting**

The Committee also noted the now well-documented practice of transferring accused priests and known offenders to other parishes without warning or notice of the evidence or allegations against them.<sup>44</sup> Another egregious example of this practice that emerged during the reporting period involves the transfer of priests to Native American reservations in the Pacific Northwest of the United States, and most recently reported in Montana, where the Church has been accused of treating the remote locations as “‘dumping grounds’ for the worst recidivist priests” where they exploit “massively disproportionate balances of power.”<sup>45</sup>

Another investigative report emerged during the reporting period about church officials allowing priests accused of sexual violence in the United States and Europe to transfer to parishes in remote parts of the developing world, particularly in South America.<sup>46</sup> The report found that all but one of the priests tracked for the story to locales in Brazil, Colombia, Ecuador, Paraguay, and Peru, continued to work as priests, “enjoying the privilege, respect and unfettered access to young people that comes with being a member of the clergy.”<sup>47</sup>

- **More Revelations of Scale and Scope of Sexual Violence**

- ***Guam***

Allegations of widespread and pervasive sexual violence by priests on the island of Guam were among the revelations to emerge since the Committee’s review in 2014. With a population of less than 163,000, there have been nearly 100 cases of sexual violence by priests reported in Guam and the allegations reach the highest levels of the church hierarchy and span four decades.<sup>48</sup>

In light of this Committee’s concerns about the Church’s self-imposed requirement of secrecy and lack of protection and support for victims in canonical proceedings,<sup>49</sup> it is important to note that the Vatican is conducting a “tribunal” into allegations of misconduct against Archbishop Anthony Sablan Apuron.<sup>50</sup> The tribunal reportedly conducted closed “secret” hearings and at

least one victim was to give testimony “under pontifical secret.”<sup>51</sup> The charges against Apuron have not been made public though allegations of sexual violence against the archbishop have been reported publicly by media and victims along with allegations of other forms of misconduct.<sup>52</sup>

- *Australia*

One of the most revealing developments since the Committee’s review is the culmination of work of the Royal Commission into Institutional Responses to Child Sexual Abuse (“Royal Commission”) in Australia. The Royal Commission conducted 50 hearings since 2013, three data surveys, and took numerous witness testimonies and arrived at a series of findings that reveal the scale and magnitude of sexual violence by Catholic clergy and associated cover-ups in Australia.<sup>53</sup> The Royal Commission found that 7% of priests in Australia had been accused of sexually abusing children between 1950 and 2015 and that the rate was as high as 40% of brothers in one of the religious orders. It further found that the average age of victims was 10.5 for girls and 11.5 for boys.<sup>54</sup>

According to Senior Counsel to the Royal Commission who reported the findings:

- “Children (who came forward) were ignored or worse, punished. Allegations were not investigated;”
- Accused priests were transferred to other communities who “knew nothing of their past;”
- “Documents were not kept or they were destroyed;”
- “Secrecy prevailed as did cover-ups.”<sup>55</sup>

The Royal Commission’s findings are all too familiar as they are tragically consistent with the findings of other inquiries and investigations – and with what this Committee observed in 2014, *i.e.* that priests known to have sexually abused children were transferred from parish to parish, that “child victims and their families have often been blamed and discredited by the religious authorities, discouraged from pursuing their complaints,” and “confidentiality and silence have been imposed on child victims and their families.”<sup>56</sup>

**C. General Measures of Implementation: Independent Monitoring and Violence Against Children**

- *Concluding Observations 19, 44(a)*

This Committee took note of the Pontifical Commission for the Protection of Minors (“Pontifical Commission”), which was announced by the Vatican in December 2013 just weeks before the Committee’s January 2014 review of the Holy See.<sup>57</sup> The Committee strongly urged the Holy See to:

Ensure that the Commission... will independently investigate all cases of child sexual abuse as well as the conduct of the Catholic hierarchy in dealing

with them; consider inviting civil society and victims organizations to join the Commission, and inviting international human rights mechanisms to support its work. The outcome of the investigation should be made public and serve to prevent the recurrence of child sexual abuse by members of the Catholic Church.<sup>58</sup>

The Pontifical Commission has failed in all these respects. While the Commission did invite two individual survivors to serve on the commission, neither of them are still serving today. One of the survivors, Peter Saunders, a British children's advocate, was involuntarily forced to take a leave of absence from the Commission which coincided with his public expression of concern about the slow pace of reform and papal appointments of church officials accused of complicity and cover-up.<sup>59</sup> The remaining survivor on the Commission, Marie Collins of Ireland, resigned in March 2017 over "Vatican officials' reluctance to cooperate with [the Commission's] work to protect children."<sup>60</sup> In a statement explaining her resignation, Collins stated, "When I accepted my appointment to the Commission in 2014, I said publicly that if I found what was happening behind closed doors was in conflict with what was being said to the public I would not remain. This point has come."<sup>61</sup> Collins went on to state that "...it is devastating in 2017 to see that these men still can put other concerns before the safety of children and vulnerable adults."<sup>62</sup>

Collins cited a number of serious concerns underlying her decision, including "lack of resources, inadequate structures around support staff, slowness of forward movement and cultural resistance."<sup>63</sup>

#### ▪ **Safeguarding Guidelines and Accountability for Bishops**

Collins also pointed to the Vatican's failure to implement two of the Commission's efforts to address the systemic responses to cases of sexual violence: 1) the Safeguarding Guidelines, which were to be used by bishops' conferences around the world to guide their own policies; and 2) recommendation for a tribunal which would hold bishops accountable for failing to properly and adequately address reports of rape or sexual violence by clergy, i.e. for engaging in cover-up and concealing the crimes. The Safeguarding Guidelines were never disseminated and were disregarded by the Vatican department responsible for reviewing existing policies, which instead is reportedly advising newly appointed bishops that it is "'not necessarily' their duty to report accusations of clerical child abuse...."<sup>64</sup>

The tribunal for bishops was initially approved by Pope Francis but was never implemented due to "unspecified 'legal' difficulties."<sup>65</sup> While the Commission's recommendation failed to go into effect, Pope Francis announced another initiative which was to have gone into effect last year. According to Collins, however, it is "impossible to know if it has actually begun work or not."<sup>66</sup>

In 2014, the Reporting Organizations reported that "no cardinal or bishop has ever been laicized or defrocked by the Church for concealing rape and sexual violence, protecting offending priests, or failing to report and cooperate with civil authorities in the investigation and prosecution of these types of cases" and that it appears that "more often the opposite has occurred."<sup>67</sup> In light of the above, that is still the case. There are still no serious consequences or clear, transparent mechanisms of accountability for those who help hold the system in place.



The Reporting Organizations also informed the United Nations Committee Against Torture in 2014 about controversial appointments Pope Francis made in elevating one Chilean church official to cardinal and a position at the CDF and another to the prestigious Council of Cardinals.<sup>68</sup> Both men had been identified by victims as having helped to conceal sexual violence committed by Fr. Fernando Karadima.<sup>69</sup> During the reporting period, Pope Francis continued down this path when he appointed Bishop Juan de la Cruz Barros to head the Osorno diocese in Chile, despite documented allegations that he was complicit in the acts committed by Karadima.<sup>70</sup> This was also despite an unprecedented public outcry in Chile demanding that Pope Francis rescind the appointment, including letters by church members, other priests within the diocese and almost half of the Chilean Parliament.<sup>71</sup> Pope Francis responded to the public outcry by calling critics of the appointment “dumb.”<sup>72</sup>

- **“One of the Simplest Recommendations”: Responding to Victims**

The last straw, according to Collins, was the refusal to implement “one of the simplest recommendations the Commission has put forward to date” – ensuring that “all correspondence from victims/survivors receives a response” from the Vatican.<sup>73</sup> According to Collins,

I find it impossible to listen to public statements about the deep concern in the church for the care of those whose lives have been blighted by abuse, yet to watch privately as a congregation in the Vatican refuses to even acknowledge their letters! It is a reflection of how this whole abuse crisis in the Church has been handled: with fine words in public and contrary actions behind closed doors.<sup>74</sup>

The Pontifical Commission is now reportedly considering restructuring itself “so that it no longer includes the direct participation of abuse survivors.”<sup>75</sup>

### **III. Conclusion: The Best Interests of the Child**

In short, as shown just from the sampling of cases set out above, the Holy See has not implemented *any* of the Committee’s recommendations aimed at ensuring the protection of children from sexual exploitation and abuse set out in Concluding Observations 44 and 61. In fact, it has continued to do the exact opposite of what the Committee recommended in several key respects. The Holy See has not made substantial progress in genuinely acknowledging, internalizing and implementing the full range of policies and practices that would center the best interests of the child and ensure their protection against sexual violence. As this Committee observed in 2014 and as a member of the church’s Truth, Justice and Healing Council in Australia found, “They were more interested in protecting the image of the Catholic Church than they were in protecting children and believing victims.”<sup>76</sup>

And all of this means that children – today – are still at risk of rape and sexual assault in Church settings around the world and will tragically face numerous Church-imposed obstacles to reporting and obtaining support, and seeking redress and healing.

## Endnotes

<sup>1</sup> The information in this report supplements that contained in the report submitted by the Reporting Organizations to the Committee in February 2013 and their Supplemental Submission in December 2013. See Center for Constitutional Rights and Survivors Network of those Abused by Priests, *Fighting for the Future: Adult Survivors Work to Protect Children & End the Culture of Clergy Sexual Abuse*, Feb. 2013, (“Alternative Report”) available at [http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/VAT/INT\\_CRC\\_NGO\\_VAT\\_15943\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/VAT/INT_CRC_NGO_VAT_15943_E.pdf); and *Supplemental Submission, To the United Nations Committee on the Rights of the Child In Advance of Its Review of the Holy See During Its 65<sup>th</sup> Session*, December 2013, (“Supplemental NGO Submission”) available at [http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/VAT/INT\\_CRC\\_NGO\\_VAT\\_15944\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/VAT/INT_CRC_NGO_VAT_15944_E.pdf). For more information and documentation, see Center for Constitutional Rights, *Victims’ Communication Pursuant to Article 15 of the Rome Statute Requesting Investigation and Prosecution of High-level Vatican Officials for Rape and Other Forms of Sexual Violence and Torture as a Crime Against Humanity*, ICC File No. OTP-CR-159/11, Sept. 2011, (“Victims’ ICC Communication”), available at <http://s3.documentcloud.org/documents/243877/victims-communication.pdf>; Center for Constitutional Rights and Survivors Network of those Abused by Priests, *Shadow Report Prepared for the 52<sup>nd</sup> Session of the UN Committee Against Torture in Connection with its Review of the Holy See*, April 2014 (“NGO Report to CAT”) available at [https://ccrjustice.org/sites/default/files/attach/2014/12/CCR\\_SNAP\\_Shadow\\_Report\\_apr2014.pdf](https://ccrjustice.org/sites/default/files/attach/2014/12/CCR_SNAP_Shadow_Report_apr2014.pdf); and Center for Constitutional Rights and Survivors Network of those Abused by Priests, *Supplemental Submission to the United Nations Committee Against Torture in Advance of its Review of the Holy See During Its 52<sup>nd</sup> Session*, April 2014 (“Supplemental NGO Submission to CAT”), available at [https://ccrjustice.org/sites/default/files/assets/SNAP\\_UNCATSuppReportFINAL\\_2014-04-18.pdf](https://ccrjustice.org/sites/default/files/assets/SNAP_UNCATSuppReportFINAL_2014-04-18.pdf). See also, [www.BishopAccountability.org](http://www.BishopAccountability.org) for more background and an extensive archive and documentation of the “abuse crisis in the Roman Catholic Church.”

<sup>2</sup> The Holy See’s second periodic report to the Committee was due on 1 Sept. 1997; the Holy See submitted its report more than fourteen years late – on 27 November 2011.

<sup>3</sup> *Concluding Observations on the Second Periodic Report of the Holy See*, 25 Feb. 2014, CRC/C/VAT/CO/2 (“CRC 2014 Concluding Observations”), available at [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fVAT%2fCO%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fVAT%2fCO%2f2&Lang=en).

<sup>4</sup> *Id.* at ¶ 29.

<sup>5</sup> See *id.* at ¶ 8. The Holy See objected to this point of law in its replies to the List of Issues and in its dialogue with the Committee. See The Holy See, *Written Replies to the List of Issues in Relation to its Second Periodic Report on the Convention on the Rights of the Child*, CRC/C/VAT/Q/2Add.1, 9 Jan. 2014, at ¶¶ 6-8; The Holy See, *Written Replies to the List of Issues in Relation to its Initial Report on the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, CRC/C/OPSC/VAT/Q/1Add.1, 9 Jan. 2014, at ¶¶ 6-8; and The Holy See, *Presentation of Reports to the Committee on the Rights of the Child at the Interactive Dialogue, 65<sup>th</sup> Session of the Committee on the Rights of the Child (13-31 January 2014)*, 16 Jan. 2014.

<sup>6</sup> Holy See, *Comments of the Holy See on the Concluding Observations of the Committee on the Rights of the Child*, 23 Sept. 2014, available at [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCRC%2fCOB%2fVAT%2f18491&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCRC%2fCOB%2fVAT%2f18491&Lang=en).

<sup>7</sup> *Id.* at ¶ 3.

<sup>8</sup> See Supplemental NGO Submission, *supra* n. 1 at pp. 1-3 (referencing authorities for the legal rule that “States’ obligations extend to those within the power or effective control of the agents of a State Party acting outside its territory, or when the acts or omissions of its agents [...] produce effects or are undertaken outside that state’s own territory or when there is a causal nexus between the extraterritorial conduct of the State and the alleged violation of the rights and freedoms of an individual.”) (internal quotations omitted).

<sup>9</sup> See, e.g., Alternative Report, *supra* n. 1 at pp. 10-15 (discussing role of Cardinals in maintaining secrecy and cover-up and failing to cooperate in good faith with national authorities and quoting as an example one grand

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jury in the United States which found in 2011 that the archdiocese “continues to engage in practices that mislead victims, that violate their trust, that hinder prosecution of their abusers and that leave large numbers of credibly accused priests in ministry...”); Victims’ ICC Communication, *supra* n. 1 at pp. 37-46 (discussing cases and evidence of church officials’ refusal to cooperate with civil authorities, the widespread practice of priest-shifting, destruction of evidence and obstruction of justice, retaliation against whistleblowers, and rewarding cover-ups).

<sup>10</sup> See, e.g., CRC 2014 Concluding Observations, *supra* n. 3 at 43(a, c-e).

<sup>11</sup> Alternative Report, *supra* n. 1 at 9.

<sup>12</sup> CRC 2014 Concluding Observations, *supra* n. 3 at ¶ 60(c). See also, Alternative Report, *supra* n. 1 at 9.

<sup>13</sup> See e.g., Kenneth Lovett, *Catholic Church Spent \$2M On Lobbying To Block Child-Sex Law Reform*, New York Daily News, 30 May 2016, <http://www.nydailynews.com/news/politics/catholic-church-hired-lobby-firms-block-n-y-kid-rape-laws-article-1.2655010>.

<sup>14</sup> Scott Malone and Philip Pulella, *The Catholic Church Is Fighting to Block Bills that Would Extend the Statute of Limitations for Reporting Sex Abuse*, Reuters, 10 Sept. 2015, available at <http://www.businessinsider.com/r-as-pope-visit-nears-us-sex-victims-say-church-remains-obstacle-to-justice-2015-9>. See also, Matthew Gambino, *Clergy Receive Update on Sex Abuse Bill’s Status*, Victim Support Info, Catholic Philly, 15 July 2016, <http://catholicphilly.com/2016/07/news/local-news/clergy-receive-update-on-sex-abuse-bills-status-victim-support-info/>.

<sup>15</sup> Alternative Report, *supra* n. 1 at 9 (noting court’s ruling in a case where the archdiocese invoked religious freedom as a defense that “questions of hiring, ordaining, and retaining clergy, necessarily involve interpretation of religious doctrine, policy, and administration, and such excessive entanglement between church and state has the effect of inhibiting religion, in violation of the First Amendment, U.S. Const. Amend. I.”). See also, Supplemental NGO Submission, *supra* n. 1 at 9 (describing Milwaukee archdiocese’s Vatican-approved transfer of \$55 million into a cemetery trust to shield it from “any legal claim or liability” and invocation of protections for religious freedom to avoid judicial inquiry into the propriety of the transfer).

<sup>16</sup> See, e.g., Marie Rohde, *Court: Milwaukee Archdiocese Can’t Use First Amendment to Protect Against Claims in Bankruptcy*, National Catholic Reporter, 10 March 2015, <https://www.ncronline.org/news/accountability/court-milwaukee-archdiocese-cant-use-first-amendment-protect-against-claims>.

<sup>17</sup> *Id.*

<sup>18</sup> See Marie Rohde, *Milwaukee Archdiocese Asks Supreme Court to Consider Ruling on Cemetery Trust fund*, National Catholic Reporter, 8 July 2015, <https://www.ncronline.org/news/accountability/milwaukee-archdiocese-asks-supreme-court-consider-ruling-cemetery-fund>, and Marie Rohde, *Milwaukee Archdiocese’s Settlement Plan Stuns Sex Abuse Victims*, National Catholic Reporter, 5 Aug. 2015, <https://www.ncronline.org/news/accountability/milwaukee-archdioceses-settlement-plan-stuns-sex-abuse-victims>.

<sup>19</sup> See Supplemental NGO Report, *supra* n. 1 at p. 8.

<sup>20</sup> Marino Eccher, *Vatican Ambassador Sought to Bury Nienstedt Misconduct, Documents Say*, Pioneer Press, 21 July 2016, <http://www.twincities.com/2016/07/20/vatican-ambassador-sought-to-bury-nienstedt-misconduct-documents-say/>.

<sup>21</sup> *Id.* See also, Laura Yuen, *Did the Vatican Halt an Investigation Into Former Twin Cities Archbishop Nienstedt?*, MPRNews, 21 July 2016, <https://www.mprnews.org/story/2016/07/21/nienstedt-investigation-documents>;

<sup>22</sup> Affidavit of Thomas E. Ring, Exhibit 6, p. 22, 23, available at <https://www.documentcloud.org/documents/2996133-Affidavit-of-Thomas-E-Ring-Redacted.html>.

<sup>23</sup> *Id.* at Exhibit 6, p. 20.

<sup>24</sup> CRC 2014 Concluding Observations, *supra* n. 3 at ¶ 13.

<sup>25</sup> *Id.* at ¶44(d).

<sup>26</sup> *Id.* at ¶44(b).

<sup>27</sup> See e.g., Alternative Report, *supra* n. 1 at 16-19.

<sup>28</sup> See Nicole Winfield, *Church, Deaf Students Square Off on Italian TV*, Associated Press, 26 March 2010, [http://www.bishopaccountability.org/news555/2010\\_03\\_26\\_Winfield\\_Church\\_deaf.htm](http://www.bishopaccountability.org/news555/2010_03_26_Winfield_Church_deaf.htm); Almudena Calatrava and

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Nicole Winfield, *Argentina Investigates Alleged Sex Abuse at School*, Associated Press, 23 Dec. 2016, available at <http://newsok.com/article/feed/1137217>.

<sup>29</sup> Calatrava and Winfield, *supra*.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> In addition, in some jurisdictions, clergy are also exempted from mandatory reporting upon invoking “clergy-penitent” or “pastoral” privilege. *See, e.g.*, Clergy as Mandatory Reporters of Child Abuse and Neglect, U.S. Dep’t of Health and Human Services, ACF, Children’s Bureau, 2016 available at <https://www.childwelfare.gov/pubPDFs/clergymandated.pdf>. *See also*, Rules of Procedure and Evidence of the International Criminal Court, Rule 73 concerning “Privileged Communications and Information” (requiring the Court to “recognize as privileged those communications made in the context of a sacred confession where it is an integral part of the practice of that religion”), available at <https://www.icc-cpi.int/iccdocs/PIDS/legal-texts/RulesProcedureEvidenceEng.pdf>.

<sup>34</sup> Carol Glatz, *No Mandatory Reporting in Italian Norms for Handling Abuse Allegations*, Catholic News Service, 4 Apr. 2014, <http://ncronline.org/news/accountability/no-mandatory-reporting-italian-norms-handling-abuse-allegations>.

<sup>35</sup> *Id.*

<sup>36</sup> *See also*, Stephanie Kirchgaessner, *Catholic Bishops Not Obligated to Report Clerical Child Abuse*, *Vatican Says*, *The Guardian*, 10 Feb. 2016, <https://www.theguardian.com/world/2016/feb/10/catholic-bishops-not-obliged-report-clerical-child-abuse-vatican-says>.

<sup>37</sup> Alternative Report, *supra* n. 1 at 16-17.

<sup>38</sup> *See* Stephanie Kirchgaessner, *Pope Has Done Almost Nothing to Halt Sex Abuse, Author Claims*, *The Guardian*, 16 Jan. 2017, <https://www.theguardian.com/world/2017/jan/15/catholic-church-not-done-enough-to-tackle-abuse-claims-new-book>; *See also*, Michael Brendan Dougherty, *A Child Abuse Scandal Is Coming for Pope Francis*, *The Week*, 3 Jan. 2017, <http://theweek.com/articles/670249/child-abuse-scandal-coming-pope-francis>; and Matteo Pucciarelli, *Pedofilia, stop all’inchiesta su don ‘Mercedes’: il Vaticano mette il segreto sugli atti*, *Repubblica Milano*, 3 March 2015, [http://milano.repubblica.it/cronaca/2015/03/03/news/pedofilia\\_stop\\_all\\_inchiesta\\_su\\_don\\_mercedes\\_il\\_vaticano\\_po\\_ne\\_il\\_segreto\\_sugli\\_atti-108650809/?ref=search](http://milano.repubblica.it/cronaca/2015/03/03/news/pedofilia_stop_all_inchiesta_su_don_mercedes_il_vaticano_po_ne_il_segreto_sugli_atti-108650809/?ref=search) )

<sup>39</sup> Nicole Winfield, *Pope Quietly Trims Sanctions for Sex Abusers Seeking Mercy*, Associated Press, 25 Feb. 2017, <https://apnews.com/64e1fc2312764a24bf1b2d6ec3bf4caf>

<sup>40</sup> *Id.*; *See also*, Dougherty, *supra* n. 38 and Josephine McKenna, *Pope Francis Defrocks Italian Priest Convicted of Child Sex Abuse*, *National Catholic Reporter*, 28 June 2017,

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<sup>41</sup> Winfield, *supra* n. 39; Dougherty, *supra* n. 38.

<sup>42</sup> Kirchgaessner, *supra* n. 38; Pucciarelli, *supra* n. 38

<sup>43</sup> McKenna, *supra* n. 40.

<sup>44</sup> CRC 2014 Concluding Observations, *supra* n. 3 at 43(a).

<sup>45</sup> Seaborn Larson, *Montana Reservations Reportedly ‘Dumping Grounds’ for Predatory Priests: Claims of Sexual Abuse by Catholic Church Workers Have Emerged from All Over the State*, *USA Today*, 16 Aug. 2017, <https://www.usatoday.com/story/news/2017/08/16/montanas-reservations-were-dumping-grounds-predatory-priests-suit-alleges/504576001/>.

<sup>46</sup> Will Carless, *Fugitive Fathers: How the Vatican’s Alleged Sex Abusers Hide and Preach in South America*, *The Global Post*, 17 Sept. 2015, available at <https://www.pri.org/stories/2015-09-17/fugitive-fathers-how-vatican-s-alleged-sex-abusers-hide-and-preach-south-america> and Will Carless, *US Priests Accused of Sex Abuse Get a Second Chance by Relocating to South America*, *The Global Post*, 17 Sept. 2015, available at <https://www.pri.org/stories/2015-09-17/us-priests-accused-sex-abuse-get-second-chance-relocating-south-america>.

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