

January 11, 2014

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Committee on the Rights of the Child  
c/o Ilaria Paolazzi  
Child Rights Connect  
1 rue de Varambé  
1202 Geneva, Switzerland

Dear Ms. Paolazzi,

We write to provide input to the CRC's Consideration of Reports of States Parties, Item 4 of the Provisional Agenda for your Sixty-Fifth Session. The brief attached report provides information that will be useful in assessing the Replies of the Holy See to the List of Issues, dated December 2, 2013. In this letter, we summarize our perspective regarding the Holy See's Replies.

For ten years, our organization has been monitoring the performance of the Holy See in cases involving the sexual abuse of children by priests and religious and the production and distribution of child abuse images. We maintain the world's largest archive of documents on these two problems, outside the Holy See's own archives, and we conduct research on child abuse by priests and religious and on the management of those cases by bishops and their staffs, superiors of religious orders, national bishops' conferences, and the Holy See.

The Holy See was not responsive in its answer to your Question 11. It did not "provide detailed information on all cases of child sexual abuse committed by members of the clergy, brothers and nuns or brought to the attention of the Holy See." Nor did it provide detailed information, relating those cases to the six specific subpoints in your list of issues: continued contact of accused persons with minors, reporting to authorities, the supporting and silencing of victims, investigations and proceedings, numbers of victims assisted and possible confidentiality prerequisites for assistance, and preventive measures.

Tens of thousands of documents in our care pertain to the questions you raise; a detailed exploration of your list of issues would be voluminous, and its conclusions dire. We would be pleased to explore the issues with you at greater length, but in this letter and the attached brief report, we make the following four points:

**1) Detailed Information on Abuse Cases Brought to the Attention of the Holy See** – In the last decade, according to a statement by Cardinal William Levada, the former prefect of the Congregation for the Doctrine of the Faith, at a 2012 conference on abuse sponsored by the Holy See, over 4,000 cases of sexual abuse of children by priests and religious have been adjudicated canonically by the Holy See. Based on our files, we estimate that approximately 4,000 additional cases were handled by the CDF and other dicasteries 1950–2001 – the years when the CDF did not yet have sole authority in these matters.

In addition, as we discuss below, the Holy See had systematic access to reports by all its bishops on sexual abuse cases not formally referred to the Holy See for adjudication. The Holy See's own files therefore likely contain detailed records of more than 10,000 cases of sexual abuse of children by priests and religious. Many of those cases entail a request that a priest be "reduced to the lay state" – i.e., removed from the priesthood – and those requests, which are

called “Vota” in the technical lexicon of the Holy See, comprise detailed descriptions of the alleged sexual abuse and anthologies of documents, including correspondence between the victims and the bishop or religious superior, detailed descriptions of the abuse, copies of media coverage of the allegations, and many other types of documents.

In short, the Holy See possesses the largest archive in the world of child abuse allegations, with voluminous supporting documentation. In some cases, including the notorious case of the Rev. Marcial Maciel Degollado, the Vatican did its own meticulous investigation, and its archive includes transcripts of interviews with dozens of victims and other knowledgeable persons. In all other cases, its files contain the results of diocesan and religious order investigations and proceedings, which were conducted in keeping with the Holy See’s own binding rules for such processes – *Crimen Sollicitationis* [Offense of Solicitation], published by the Vatican Polyglot Press in 1922 and 1961.

Because of its massive archives and long experience in adjudicating these cases, the Holy See was able to answer your question in great detail, but chose not to do so. It is useful to compare its stated reasons for noncompliance with the facts of Vatican processes and procedures.

**2) Command and Control Structures** – In its Replies, the Holy See presents an elaborate fiction, stating that its relationship with the middle management of the Catholic Church and its 1.2 billion members is one of encouragement, not implementation, and that its Congregation for the Doctrine of the Faith (CDF) is primarily engaged in “assisting” national bishops’ conferences with the development of Guidelines regarding the sexual abuse of children by priests and religious. In fact, the Holy See requires that the CDF prefect and his dozens of staff be involved in all cases of the sexual abuse of children by priests and religious worldwide.

According to the CDF’s prefect in 2005–2012, Cardinal William Levada, the CDF has canonically adjudicated over 4,000 abuse cases in the last decade. As a direct result of decisions made by the Holy See in those cases, some priests have been removed from the priesthood and hence from any monitoring by their former dioceses or religious institute provinces. Other priests and religious have been returned to ministry by the Holy See, and still others have been ordered to live a life of prayer and penance, apparently without any subsequent involvement by the Holy See in controlling the terms of their residence or activities. Clearly, the Holy See’s involvement in these more than 4,000 abuse cases has been extensive, with significant and sometimes devastating effects on vulnerable populations.

But the Holy See’s involvement in abuse cases goes well beyond the direct adjudication of cases by the CDF, significant as that involvement is. The Holy See maintains a global diplomatic service whose thousands of nuncios and staff are intimately involved in sexual abuse cases. Our files contain documents showing correspondence between victims and their families and the Holy See’s diplomatic representatives, and correspondence between the bishops and their staffs and the Holy See regarding numerous sexual abuse cases. A landmark unofficial report, the 1985 “Problem of Sexual Molestation by Roman Catholic Clergy,” emerged from the close involvement of the Holy See’s U.S. delegation and Archbishop Pio Laghi in abuse cases in the state of Louisiana. In 1997, the Holy See’s apostolic nuncio to Ireland, Archbishop Luciano Storero, intervened to adjust reporting commitments approved by the Irish bishops’ conference. These are not isolated instances.

The apostolic nuncios also provide short lists when bishops are selected by the Holy See. Every bishop is then selected by the Holy See, which monitors each bishop’s performance through the system of quinquennial reports and *ad limina* visits to the Holy See, which involve meetings with the Pope and with the leaders and staff of the CDF and other dicasteries. Those reports and discussions include reviews of sexual abuse cases. The Holy See has sole responsibility for removing bishops and religious order superiors – a power that is exercised in cases of doctrinal divergence and financial malfeasance, but almost never when a bishop or superior mismanages an abuse case or abuses minors himself. As discussed above, the Holy See also has full responsibility for removing priests and religious who are guilty of abusing children.

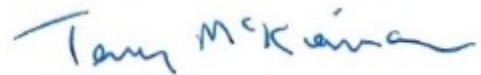
The command and control system regarding abuse cases, as it is embodied in the CDF, the Holy See's diplomatic corps, and the system of quinquennial reports to the Holy See and *ad limina* visits to the pope and his dicasteries, means that the Holy See's involvement in child abuse cases goes far beyond the encouragement and advice asserted in the Holy See's Replies.

Needless to say, these specific management structures and processes obtain within a body of mandated belief summarized in the *Catechism of the Catholic Church* (revised in 1997) and within the policies and procedures embodied in the 1983 *Code of Canon Law*, together with the collection of particular law that supplements the Code.

**3) Current Leadership of the Congregation for the Doctrine of the Faith** – Since 2001, the CDF has been the preeminent entity within the Holy See for managing cases of sexual abuse of children by priests and religious. As such, the CDF must have the finest leadership if the Catholic Church is to comply with its treaty obligations and recover from the sexual abuse and managerial crimes of the last 60 years. Unfortunately, Pope Francis has recently confirmed in office Archbishop Gerhard Müller, who mismanaged the case of the Rev. Peter Kramer, a convicted sex offender, during the years (2002–2012) that Müller was bishop of Regensburg. Müller violated the very Guidelines that the Holy See's Replies cite as the CDF's most important work, and he even threatened to sue his critics in secular courts to punish them for questioning his decisions and practices. The Committee can have no confidence that Müller will lead the CDF to greater compliance with the Holy See's treaty commitments.

**4) The Record of Pope Francis in Buenos Aires and in Rome** – The Pope's tender outreach to marginalized people and his impassioned attacks on corruption and privilege are commanding worldwide attention and stirring the hopes of millions. But toward those who have been sexually assaulted by Catholic clerics, Francis has shown a strange and unsettling silence. Children still are not safe, thousands of victims still have not received justice or even pastoral care, and predators are still given sanctuary: this week, Pope Francis refused a Polish prosecutor's request to extradite Archbishop Josef Wesolowski, a Polish national, from the Vatican to the Dominican Republic to face charges of sexual abuse filed by five Dominican boys. Francis's failure as archbishop and now as pope to advance substantive solutions to the mismanagement of child abuse cases in the Church – coupled with the Holy See's refusal to provide the detailed information requested by the Committee – suggest that the Holy See continues to prioritize the rights of accused sex offenders over those of violated children. Thus this Committee's review of the Holy See's compliance with the Convention is not only unprecedented but of great and urgent importance. We thank you for your courageous and historic work.

Sincerely,



Terence McKiernan  
Anne Barrett Doyle  
Co-Directors  
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