



STATE PARTY EXAMINATION OF THE HOLY SEE'S INITIAL REPORT ON THE OPTIONAL PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

65TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD
13 JANUARY – 31 JANUARY 2014

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The Holy See ratified the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC) on 24 October 2001. On 16 January 2014, the Committee on the Rights of the Child (the Committee) examined the initial periodic report of the Holy See.

Opening Comments

The delegation of the Holy See was led by Mons. Silvano M. Tomasi, Permanent Observer of the Holy See to the United Nations Office. He was supported by a delegation composed of Mons. Charles Scicluna, Mons. Christopher El-Kassis and professors of law Vincenzo Buonomo and Jane Adolphe.

Mons. Tomasi indicated that the Holy See ratified the OPSC based on its commitment to children's rights. Mons. Tomasi highlighted that the various institutions of the Holy See provided vital social, health and educational services. Catholic schools provided education to more than 50 million children worldwide.

Mons. Tomasi quoted Pope John Paul II and Pope Benedict XVI, saying that there was no excuse or justification for any form of violence and exploitation of children. He explained that Pope Francis was committed to following-up the work undertaken by his predecessors and thus had announced the creation of a Commission for the Protection of Minors.

Ms. Kirsten Sandberg, the Country Rapporteur for the OPSC, welcomed the delegation and added that she looked forward to the dialogue. Emphasis was given to the moral weight and great influence the Holy See held over more than 1.2 billion believers.

Note: This report is prepared at the discretion of Child Rights Connect. The content is designed to give a summary of the key discussions during the session of the Committee on the Rights of the Child but it is neither an official nor fully comprehensive report. More reports and further information can be found at www.childrightsconnect.org/index.php/publications-resources/crc#countrysum 1

General Measures of Implementation

Legislation

The Committee underlined that the definitions of crimes in the OPSC were specific. It asked if the Holy See had modified its laws accordingly and if specific definitions had been included into canon law. The delegation answered that amendments had been made to penal laws to define and criminalize the crimes under the OPSC.

Ombudsman

The Committee asked if the newly established Commission for the Protection of Minors would function as a complaints mechanism and if so, if it would address violations under the OPSC. The delegation explained that the Commission aimed to be an independent mechanism to which direct complaints could be reported.

Budget

The Committee asked if resources would be allocated to promote the implementation of the OPSC internationally. The delegation answered that the Holy See and local churches were promoting the values of the OPSC.

Data collection

The Committee emphasised that the collection of data was a crucial obligation under the OPSC. It further added that as the highest authority, the Holy See should have made more efforts in gathering and monitoring data. The Committee asked whether the Holy See had data related to cases of sale of children. The delegation explained that the Holy See did not have such information but that it could possibly be found at the level of the local churches.

Dissemination and training

The Committee asked more detailed information about training provided to church personnel. The delegation responded that training was provided systematically to church personnel working with children.

Prevention

The Committee underlined that the Written Replies had not provided detailed information on preventive measures. It commented that the best way to prevent new cases was to resolve previous ones. It also highlighted the need to ensure that offenders would no longer be in contact with children.

In relation to sale of children, the Committee asked if the Holy See had assessed the impact of such activities on children, as well as the links between sexual abuse and pornography. It specifically referred to the cases of sale of children in Ireland and Spain and noted that similar cases had happened in Australia and Canada as well. The Committee also asked if the Holy See's definition of the family had changed. The delegation explained that the Holy See had its own understanding of the family, being composed of a man, a woman and children, though the priority would always be the best interest of the children. It added that an international synod on the family had taken place in October 2013 and that a Council of Bishops on the family was scheduled for February 2014.

Concerning the cases of sale of children in Spain, the Committee asked if there was an independent monitoring system for orphanages that would prevent the sale of children. The delegation responded that the Spanish authorities settled the previous cases through court proceedings. It added that the guidelines developed by local churches recommended the mandatory screening of all church personnel working with children.

Prohibition and related matters

The Committee asked what had been done to hold perpetrators accountable. It expressed concern about the impunity for priests involved in child pornography. The delegation answered that priests who had been found guilty had been dismissed.

The Committee took note of the 1994 symposium on adoption and asked how its conclusions would ensure the application of the best interest of the child. The delegation said that it did not have the necessary information to respond to this question.

Protection of the rights of victims

The Committee asked if children's views had been heard in cases of child pornography. It expressed concern about canon laws that allowed the Holy See to impose silence on victims and asked if those laws were still being applied. The delegation answered that the opinions of children were being increasingly taken into account. It further explained that the policy of silence might have happened in the past but that the Holy See was moving towards a policy of transparency.

On the subject of Magdalene laundry houses, the Committee noted that 2000 babies had been taken away from their mothers by members of the clergy to be sold in the USA. The Committee asked the delegation to provide more information and explain if any measures had been taken to reunite mothers with their children. It also asked if any information was still held by the Holy See on the matter. The delegation answered that the Irish State had taken its responsibility and court proceedings were moving ahead.

In the case of Spain, the Committee recalled that babies had been stolen by members of the clergy and trafficked for a long period of time until the early 1990s. It added that mothers had been told that their babies had died at birth though in fact, through forged official documents, they were given to parents deemed more suitable. The Committee noted that the Holy See had supported the investigation but asked what had been done in regard to releasing information and preventing any recurrence. The delegation explained that it did not have any information on these cases but only on cases of sexual abuse. It added that it was the duty of any Catholic institution involved to disclose any information it might hold.

International assistance and cooperation

The Committee asked how the Holy See cooperated with States and private persons for cases under the OPSC. It added that transparency remained a concern with victims not being involved and a lack of cooperation with national authorities. The Committee emphasised the difference between not obstructing the judicial process and taking affirmative action to collaborate with national authorities. The delegation affirmed that the best interest of the child was non-negotiable and that nothing should obstruct the implementation of domestic law. It also stated that all the institutions involved in cases of child abuse had to cooperate fully with the authorities.

Concluding remarks

Ms. Sandberg thanked the delegation for the interactive discussion. She emphasised the need to follow up on the issues discussed in order to ensure that the dialogue would be useful. Ms Sandberg reminded the delegation that all the discussions were an attempt to ensure the best interest of the child and that the Concluding Observations should be taken very seriously. She underlined that the moment had come for action in regard to longstanding issues.

The delegation said that it was looking forward to the Concluding Observations. It declared

that the interactive dialogue had been positive and that the Holy See would pursue its work in favour of children's rights.