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Child abuse in institutions: ensuring full protection of the victims

Report[1]
Social, Health and Family Affairs Committee
Rapporteur: Ms Marlene RUPPRECHT, Germany, Socialist Group

Summary

Several member states have recently been confronted with cases of sexual, physical and emotional child abuse which were reported concerning various institutions, including residential facilities, public and private schools and other institutional settings, such as youth associations. Based on an analysis of what are the main facilitating factors for such abuse and responses to be given, the Parliamentary Assembly should urge member states to take more committed action to protect children from such mistreatment in the future. It also emphasises the importance of according full justice to victims of past offences and of supporting children affected by recent abuse.

The protection of children and adolescents can only be ensured in an efficient manner if action is taken at legislative, administrative and political level. Through the Committee of Ministers as an intermediary, those member states which have not yet done so should be invited to ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and to support the pan-European campaign to stop sexual violence against children to be launched in Rome on 29 and 30 November 2010. The Assembly should invite the Committee of Ministers to report back to it by January 2013 on measures implemented and results achieved.

1. Origin: Doc. 12238, Reference 3682 of 21 June 2010.

A. Draft recommendation[2]

1. The Parliamentary Assembly is greatly concerned by the extent to which children and adolescents in Council of Europe member states have suffered from sexual, physical and emotional abuse in past decades. Problems of abuse continue to exist in various institutions, including public and private educational facilities, child care residences, correctional facilities for young offenders, leisure associations and others. It is further concerned by the lack of committed action that has sometimes been observed when it comes to dealing with offences against minors, who are amongst the most vulnerable members of society.

2. The Assembly is convinced that all authorities and institutions need to critically review past action and take more far-reaching measures in the future when it comes to according full justice to victims of past offences, to supporting children affected by recent abuse and ongoing legal procedures and to protecting children from future abuse. No authority or institution should be exempt from critical review, as all institutions without exception are subject to the same national legislation, in particular in the field of criminal law. More committed action will be required at national level in the future when it comes to reinforcing legislation on child abuse and applying it to various institutional contexts.

3. The United Nations Convention on the Rights of the Child, in its Article 34, obliges all contracting parties "to protect the child from all forms of sexual exploitation and sexual abuse". At the level of the Council of Europe, the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201), which entered into force on 1 July 2010, contains clear and complete provisions concerning sexual abuse of children. The Convention clearly states that, when "abuse is made of a recognised position of trust, authority or influence over the child", each party shall take the necessary legislative or other measures to ensure that engaging into intentional conduct of sexual activities with a child is criminalised. The Assembly further reminds member states of Recommendation Rec(2005)5 of the Committee of Ministers on the rights of children living in residential institutions which recognises the right of children "to respect for the child's human dignity and physical integrity; in particular, the right to conditions of human and non-degrading treatment and a non-violent upbringing, including the protection against corporal punishment and all forms of abuse". The Assembly emphasises the importance of further promoting, signing, ratifying and implementing these instruments so as to enhance their impact on the situation of children.

4. With regard to the cases of child abuse which have recently been unveiled and continue to be unveiled, and the existing standards referring to sexual, physical and emotional abuse of children, the Assembly recommends that the Committee of Ministers ask member states to:

4.1. ensure legislative protection, notably by:

4.1.1. providing for "ex officio" prosecution in cases of child abuse in any context;

4.1.2. introducing a system of "graded prosecution" of child abuse according to the gravity of the offence;

4.1.3. ensure that prescription periods for child abuse offences under civil and criminal law are coherent and appropriate in view of the gravity of the offences, and, in any case, do not begin before the victim reaches the age of majority;

4.1.4. defining or revising the rights and responsibilities of educational staff;

4.1.5. defining or revising the minimum requirements for the certification of child care institutions (such as residential care homes, public and private educational facilities, day-care institutions, etc.) and conditions to be fulfilled by its management;

4.1.6. making compulsory police clearance certificates for professional and voluntary staff working closely with children (which should also include minor offences);

4.1.7. defining as illegal and excluding certain practices with regard to the punishment of minors in institutions which are contrary to their dignity and rights;

4.2. identify possible structural shortcomings in all types of institutions and adapt existing administrative systems wherever necessary, by:

4.2.1. examining the facilitating factors of child abuse in the various institutions and taking specific action to respond to them;

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2. . Draft recommendation adopted unanimously by the committee on 6 September 2010.

4.2.2. based on this knowledge to be acquired, developing and monitoring internal guidelines for the prevention of child abuse, which are to be applied by and to all institutions without exception;

4.2.3. reinforcing rules and modalities for the external supervision of various institutions, notably ensuring that institutions are never run and supervised by the same authority and giving clear and understandable structures and mandates to bodies in charge of control;

4.2.4. developing specific training and continuous education programmes for all professionals and volunteers working with children and adolescents, both with a view to identifying potential abuse and reacting to abuse in an appropriate manner; such training and education programmes should also concern police, prosecutors and judges responsible for following up on child abuse;

4.2.5. ensuring that staff and children know about internal guidelines of their institutions (and their respective rights);

4.2.6. setting up neutral and independent bodies that children can turn to whenever they feel threatened, suffer abuse or witness it in their institutions;

4.3. apply a broad spectrum of political measures to support and accompany legislative and administrative measures, including:

4.3.1. launching national processes and enquiries dealing with past offences, including their extensive evaluation and documentation, so as to accord full justice to victims, including some form of compensation to be defined, as well as easy and unbureaucratic access to therapeutic help;

4.3.2. undertaking further research on the issue so as to fully understand the scope, nature and causes of the problems encountered and to learn lessons from the past in order to determine future action required;

4.3.3. developing, implementing and monitoring comprehensive strategies aimed at the prevention of child abuse of all kinds, involving all stakeholders concerned, namely public authorities, private and religious organisations running institutions, non-governmental organisations, families and not least children and adolescents themselves, and including the following measures:

4.3.3.1. developing practical tools such as national action plans, guidelines and codes of conduct;

4.3.3.2. raising awareness of the importance of strengthening children through loving, trustful and supportive family or family-type environments, which allow them to recognise sexual or physical violence or unwanted acts as something wrong;

4.3.3.3. developing a comprehensive offer of services for children (networks of assistance bodies, telephone hotlines, etc.);

4.3.3.4. developing strategies for child and youth participation, so as to consult them on their needs;

4.3.3.5. ensuring that prevention can also tackle possible offenders before they abuse children, notably by training relevant professionals (medical, psychological and educational staff) to recognise them and take appropriate action;

4.3.4. generally raising awareness about child abuse in the institutional context, including through public information campaigns.

5. The Assembly further recommends that the Committee of Ministers:

5.1. invite member states to sign and ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, if they have not yet done so, and implement it through committed national follow-up action;

5.2. invite national governments, parliaments and any other public or private organisation concerned, to join, support and contribute to the Council of Europe Campaign to stop sexual violence against children, to be launched on 29-30 November 2010 in Rome;

5.3. instruct the relevant intergovernmental bodies of the Council of Europe, notably those related to the Programme “Building a Europe for and with children” and its strategy 2009-2011, to promote the fight against child abuse in institutions in member states, by following the broad approach set out in paragraph 4 above.

6. The Assembly invites all stakeholders concerned by child abuse in institutions in some way to co-operate and to contribute to the rapid revision of current legislative, structural and political situations, and to take further committed action against child abuse in institutions, as well as against other categories of child abuse.

7. Finally, the Assembly invites the Committee of Ministers to report back to the Assembly by January 2013 on the measures implemented and results achieved so far during the campaign in each country in relation to the points raised in this recommendation.

B. Explanatory memorandum by Ms Rupprecht, rapporteur

1. Introduction

1. Many countries, including Council of Europe member and observer states, have recently been faced with accounts of sexual, physical and emotional child abuse occurring within institutions, including residential facilities, such as boarding schools or children's homes, day schools and other institutional settings, such as youth associations. With a view to the topicality of the issue, the rapporteur would like to focus on child abuse in institutions, although she is well aware of the fact that most abuse cases take place in a wider family context (see paragraph 4 below). Through her report, she intends to urge member states of the Council of Europe and all other stakeholders concerned to deal with this crucial issue with a sense of urgency, overcoming remaining obstacles when it comes to investigating facts, to openly debating causes and consequences of child abuse, to giving full protection and justice to victims and to preventing new occurrences. Her objective is not to exhaustively unveil cases of child abuse through extensive data collection, neither is it to pinpoint institutions that are "guilty" of child abuse. The major aim of this report is to identify characteristics and common traits of institutions which may facilitate the abuse of children placed in their care.

2. Child abuse in the institutional context is not a recent phenomenon, but can be traced back to the more or less distant past. The current report refers exclusively to the cases that have been detected recently and that date back (for the earliest) to the 1950s. It is based on official data and reports wherever possible, but – as many of them are still under way – also media reports on child abuse cases that have been uncovered recently. However, the rapporteur is aware of the sensitivity and complexity of the issue, and will attempt to avoid any undue generalisation based on stereotypes. In order to follow a balanced approach from the outset, the rapporteur had suggested the involvement of experts from all spheres of society. Thus, at its meeting on 22 June 2010, the Social, Health and Family Affairs Committee held a hearing during which were heard: representatives of governmental bodies investigating child abuse in institutions (Ireland and Germany), of the Holy See and of the sector of non-governmental organisations (NGOs). Their contributions were most helpful in drafting the current report.

3. It will be the responsibility of each member state to define national action plans and to decide how to involve all partners concerned in the relevant national processes and enquiries. At Council of Europe level, the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201), which came into force on 1 July 2010, represents an excellent basis for defining common standards as regards this specific context of child abuse. Recommendation Rec(2005)5 of the Committee of Ministers on the rights of children living in residential institutions recognises children's right "to respect for the child's human dignity and physical integrity; in particular, the right to conditions of human and non-degrading treatment and a non-violent upbringing, including the protection against corporal punishment and all forms of abuse". In its Recommendation 1698 (2005) on the rights of children in institutions: follow-up to Recommendation 1601 (2003), the Assembly insists on the fact that the issue of children living in institutions is common to all member states of the Council of Europe and that none of them can claim to be beyond criticism in this field.

4. Child abuse happens in many contexts and children are increasingly threatened by new forms of violence and exploitation such as child pornography, mostly on the Internet, and child prostitution, often by international tourists in poorer countries. However, convinced that focused measures require a focused view, the rapporteur clearly restricts the current report to the particular issue of child abuse in institutions. The issue of child abuse in institutions seems to have been neglected for a long time or at least not been sufficiently debated in public. This is certainly, amongst others, due to the fact that, statistically speaking, most cases of child abuse (sexual, physical and emotional) happen within the family or the extended personal environment of the child: figures for most countries turn around 80% of abuse cases happening in this context.[3] Nevertheless, there is rising awareness of the fact that, in past decades, many children have been victims of abuse, mistreatment, or situations where adults have at least "trespassed the limits" of their integrity within institutions which are awarded full trust by children, their families and society in general.

5. The rapporteur strongly welcomes the increasing attention paid to the issue, not least thanks to the intervention of European media, and invites member states and other stakeholders to take a closer look at three main questions: (1) how to accord full justice to victims who are adults today, but have been abused as children or adolescents and, for various reasons, have only recently been able to make public what happened

3. . A recent report from Italy quotes a percentage of 11% of abuse cases being committed by subjects entirely extraneous to the family. Source: SOS Il Telefono Azzuro Onlus, "Dossier on paedophilia 2010 (English summary)", www.azzurro.it.

to them and accuse the perpetrators; (2) how to deal with more recent cases of child abuse, notably with regard to the criminal prosecution of perpetrators and support given to victims; (3) how to reinforce existing internal and external oversight mechanisms allowing the identification of potential abuse situations and to prevent new offences in the future. As a substantial contribution to ongoing debates, the present report intends to give preliminary replies to these questions without claiming to deal with them in an exhaustive manner.

6. In this report, the rapporteur takes a closer look at national situations: first of Ireland, where a major and very well-researched report on the issue has already been concluded and presented to the public in 2009. She then notably refers to recently uncovered cases and the ensuing debates in Germany, her own country, where she is herself a member of the several round tables dealing with the abuse of children and adolescents in various contexts. She finally gives individual examples from other European countries where debates are ongoing. In this respect, she would like to thank her colleagues who have been willing to provide specific national information.[4] The rapporteur points out that her reflections are notably based on information reported from Germany and other western European countries. The report does not look into the situation of children in southern or eastern European countries that have been known for some time, such as those of children neglected in orphanages. Nevertheless, recommendations made here are addressed to all Council of Europe member states and any further exchange on the issue at European level should also involve eastern and southern European countries.

2. Recent national experiences and first responses

7. The problem of child abuse in institutions certainly concerns all Council of Europe member states to a greater or lesser extent and with specific expressions of the problem. In some countries, however, abuse cases in institutions, notably boarding schools and child care homes, were recently uncovered more extensively and have attracted high media attention; sometimes debates in one country have even stimulated the same dynamic in others. Although there are certain similarities between abuse cases having occurred in different countries, the rapporteur is aware that the respective national and institutional context, as well as time periods when abuse occurred, have to be taken into account when judging incidences. Nevertheless, she will attempt to deduce overall characteristics of child abuse in institutions from the examples known today, so as to identify appropriate lines of action as part of future prevention strategies. It may be recalled that her aim is not to accuse one type of institution more than others, but to identify the characteristics of institutions that facilitate the abuse of children and adolescents and which various institutions have in common.

2.1. National experience in the past: the case of Ireland

8. Following investigations that took place under the “Ferns report” presented in 2005[5] and the “Murphy report” presented at the end of 2009,[6] the results of the most comprehensive investigation on the issue undertaken under the “Ryan report” were presented in May 2009 after almost ten years of work of the state-appointed Commission to Inquire into Child Abuse.[7] The report is based in part on old church records of unreported abuse cases and in part on the anonymous testimony of former students from a variety of 216 mostly church-run institutions, set up to tend to neglected, orphaned or abandoned children (reformatories, hospitals, orphanages, children’s homes, industrial schools). According to the report, some 30 000 children were sent to such institutions over the period of six decades examined between 1936 and 2009.

9. The Confidential Committee set up for the purpose of the inquiry heard evidence from 1 090 men and women who reported having been systematically abused physically, sexually and emotionally, and neglected by religious and lay adults, mostly between 1936 and 1970. Sexual abuse as well as non-contact sexual abuse (voyeurism) were reported by approximately half of all the Confidential Committee witnesses in both isolated assaults and on a regular basis over long periods of time. Children were abused by religious and lay staff in the schools and institutions, by co-residents and others, including professionals, both within and outside the institution. Most of the victims, notably of serial abusers, were young boys, as sexual abuse was endemic in boys’ institutions but not in those for girls. More than 90% of witnesses reported having been

4. . The rapporteur would particularly like to thank her two colleagues who have actively contributed to the research leading up to this report: Ms Carina Ohlsson (Sweden, SOC) and Mr Luca Volontè (Italy, EPP/CD).

5. . The “Ferns report” was the result of an official Irish Government inquiry into the allegations of clerical sexual abuse in the Roman Catholic Diocese of Ferns in County Wexford, Ireland.

6. . The “Murphy report”, published in November 2009, unveiled that more than 300 children were sexually abused by priests of the Dublin diocese between 1975 and 2004.

7. . If not otherwise indicated, all following references are drawn from the Ryan report: “Report of the Commission to Inquire into Child Abuse”, Dublin, May 2009, www.childabusecommission.ie.

physically abused while in schools or out-of-home care. Emotional abuse was reported in the form of lack of attachment and affection, loss of identity, deprivation of family contact, humiliation, constant criticism, personal denigration, exposure to fear and the threat of harm. Children with learning disabilities, physical and sensory impairments and children who had no family contact were found to be especially vulnerable in institutional settings. Witnesses reported that the abuse experienced in childhood had an enduring impact on their lives. The Ryan report names the schools and institutions concerned, but keeps secret the names of alleged abusers, unless they have already been convicted.

10. Other than the situation of the children themselves as described by the numerous victims, the Ryan report looked into the way in which uncovered abuse cases were dealt with by the public authorities at given times. It concluded that often complaints were not handled properly and that in some cases steps were taken to avoid scandal and publicity. The safety of children was apparently not a priority at any time during the relevant period. The Department of Education, in charge of the inspection of most of the institutions concerned, came in for harsh criticism in the report, which calls the government agency "deferential and submissive" toward the religious orders that ran the institutions. Its inspection system "was fundamentally flawed and incapable of being effective".[8] Even complaints that were filed by parents and others made to the department were not properly investigated. Institutions themselves were characterised by a certain "culture of silence" and sexual abuse was seldom brought to the attention of the Department of Education by the religious authorities. When confronted with evidence of sexual abuse, their response in many cases was to transfer the offenders to another location where, in many instances, they were free to abuse again.

11. Beyond these main characteristics of abuse situations, the Ryan report explicitly lists the factors facilitating their occurrence, such as the mandatory placement of children (who could not simply leave the institution) or the lack of efficient control mechanisms. Furthermore, the capital and financial commitment made by the religious congregations seemed to be a major factor in prolonging the prevailing system of institutional care of children. It also explains the typical *modus operandi* of abusers who generally implicated the children into the abuse, made them feel responsible and guilty and even suggested that they were "accomplices" to the act. Thus, in many cases, children and abusers were found to jointly cover up the offence. Female victims in particular, although there were fewer of them, described being told they were responsible for the sexual abuse they experienced, by both their abusers and those to whom they disclosed abuse. As an important lesson to be learned, Ms Marian Shanley, one of the seven commissioners involved in the preparation of the Ryan report, pointed out the utmost importance of an education teaching children and adolescents that they must never accept abuse or feel guilty when it occurs.[9]

12. The rapporteur is aware that the Irish example is a very specific one, not least due to the preponderant role played by the Catholic Church in the field of child care institutions in that country. What happened in Ireland can certainly not be directly compared to other national situations and one should refrain from assuming that child abuse in Catholic institutions has taken place to the same extent in other countries. However, the Irish example seems useful to draw upon when it comes to lessons to be learned, notably concerning the structural shortcomings of institutions facilitating child abuse, but also the way of dealing with abuse and investigating it once it has happened. For this purpose, the Ryan report concludes with a full list of recommendations that member states could use as a reference when dealing with the issue and that the rapporteur will also draw upon when it comes to her own recommendations (see chapter 4 below).

2.2. More recently uncovered cases of child abuse

13. As far as Germany is concerned, at the end of January 2010, numerous cases of systematic abuse of children, which seem to have notably occurred during the 1970s and 1980s, were reported from the Canisius Kolleg, a private Jesuit high school in Berlin. These reports were followed by abuse allegations directed at other schools run by the Catholic Church or secular organisations. The cases which received the highest media attention were those unveiled at the Benedictine Abbey of Ettal (Bavaria), the private Odenwaldschule (Hesse) and within some of the renowned boys' choirs in Germany (Regensburger Domspatzen, Limburger Domsingknaben). Physical abuse was reported from an institution named Educon belonging to the foundation Graf-Recke-Stiftung in Düsseldorf, where autistic children were alleged to have been abused and mistreated over many years.

8. . "Report reveals decades of child abuse in Irish institutions", CNN, 20 May 2009, www.cnn.com.

9. . Statement of Ms Marian Shanley, member of the Irish Commission to Inquire into Child Abuse, at the hearing organised by the Social, Health and Family Affairs Committee on 22 June 2010 in Strasbourg.

14. Following these reports, generally based on allegations presented by former pupils, the issue has been taken very seriously by the institutions concerned. The Abbey of Ettal, for example, immediately appointed a special investigator, who presented an interim report in March 2010. His investigations proved that about 100 children enrolled in the abbey had been massively abused sexually, physically and emotionally for decades. The investigator further stated that the "crimes committed … could not have happened if it had not been for ill-guided solidarity on the part of other members of the abbey" and that "by regular standards, each of the perpetrators would have been sentenced to jail terms of several years (if cases had been prosecuted within the statute of limitations)".[10]

15. At the beginning of 2009, the Round Table on Children in Residential Care (*Runder Tisch Heimerziehung*) took up its work, after having been instituted by the German Parliament (*Bundestag*) with the aim of investigating the abuse of children, both girls and boys, placed in state and church-run children's homes in the 1950s and the 1960s. The first investigations of this round table have shown that out of the 700 000 to 800 000 children living in children's homes, many were subjected to violence, emotional mistreatment and sometimes sexual abuse, and, as they grew older, were forced to work hard without payment in various places such as farms, laundries, sewing rooms or even factories. The extent of the problem has become evident through personal statements of numerous victims. It shows that Germany is not facing a few single cases of abuse or an issue linked to the educational spirit of the time, but a problem of systematic child abuse to which children and adolescents "were delivered in rigid, violent and factually and psychologically closed systems without the possibility of getting away from them or … of complaining to some instance". In her intermediate statement, the Chairperson of the Round Table, Ms Antje Vollmer, former Vice-President of the *Bundestag*, also stated that there was a "chain of responsibilities" from which no one involved at the time can be absolved today.[11]

16. Already in 2009, when the round table took up its work, the representatives of the Catholic and Protestant Churches expressed their regret for the events and showed strong willingness to contribute to the investigations.[12] Along with the increasing number of uncovered cases (18 out of 27 German Catholic dioceses were concerned by allegations by April 2010),[13] the reactions to the offences unveiled were reinforced in 2010: Germany's Catholic Church has recently announced its intention to revise its guidelines for dealing with cases of sexual abuse, and its highest representative, Robert Zollitsch, Archbishop of Freiburg im Breisgau and Chairman of the German Episcopal Conference, apologised in the name of the Church in Germany to all those who became victims of such crimes.[14]

17. Very recently, in April 2010, the German Government set up a new round table aimed at investigating the issue of sexual child abuse more specifically (*Runder Tisch Sexueller Missbrauch*). At the same time it appointed Dr Christine Bergmann, former German Minister for Family Affairs (1998-2002) and member of the aforementioned round table, as Special Representative on Cases of Sexual Child Abuse (*Unabhängige Beauftragte zur Aufarbeitung des sexuellen Kindesmissbrauchs*). Dr Bergmann made a substantial contribution to the expert hearing organised by the Social, Health and Family Affairs Committee on 22 June 2010 by recalling, amongst others, that the topic of child abuse in institutions is not a new one in Germany either. However, according to her own experience, the problem cannot be controlled through new regulations only, as legislative measures do not automatically lead to the action required at various levels. In her function as special representative she was expected to be a neutral interlocutor for child victims of all kinds and to contribute to the formulation of recommendations through research by her secretariat.

18. The case of Germany illustrates very well that the issue is not one of institutions related to the Catholic Church alone but concerns many other institutions, including secular ones.[15] Thus, a number of cases have recently been uncovered within the Protestant Church of Germany. A judo trainer in Bavaria has recently been condemned to a prison sentence of six years and nine months for the abuse of children and youngsters in 211 cases.[16] As recently as July 2010, three German adolescents aged between 13 and 16 admitted having sexually abused younger children in a holiday camp on the Dutch island of Ameland. Investigations are under way and the prosecutor suspects that up to 13 youngsters could be amongst the offenders. The 39 adults in charge of the group of 170 children are suspected of having failed to assist the children concerned or

10. . Frederic Pleitgen, CNN: "Child abuse claims hit Catholic institutions in Germany", 12 March 2010.
11. . Runder Tisch Heimerziehung in den 50er und 60er Jahren, Zwischenbericht, Berlin, January 2010.
12. . "Unrecht gegen Heimkinder – 'Ich bin hier nicht als Bittstellerin'", 17 February 2009, Der Spiegel (Germany), www.spiegel.de.
13. . "Ehemalige Heimkinder bemängeln 'Runden Tisch'", 15 April 2010, Die Welt, www.welt.de.
14. . See footnote 8, CNN.
15. . "Kindesmissbrauch – Die Schulen der Schande", 12 April 2010, www.stern.de.
16. . "Kindesmissbrauch – Judotrainer zu langer Haftstrafe verurteilt", 7 January 2010, www.stern.de.

threatened despite the fact that some children had solicited their help during the stay; it is currently being investigated whether they were all sufficiently qualified for their task or took the latter seriously enough.[17] Finally, as far as the particular situation of Germany is concerned, the country also needs to investigate further into cases of child abuse that took place in out-of-home child care institutions in the former German Democratic Republic, regarding which a number of victims have spoken up today and could be amongst those claiming some kind of compensation.[18]

19. One of the main questions to be answered by all institutions is what follow-up is given to unveiled facts and if legal procedures are consistently engaged against offenders – which has not always been the case in the past. In general, critical voices have been raised in Germany with regard to the fact that there has been knowledge about the problem of child abuse in institutions, and even particular institutions, where it occurred, for many years. Some even wondered whether former abuse cases had been neglected because they mainly concerned children in out-of-home placement, often coming from disadvantaged social classes, whilst political attention increases today as privileged schools and pupils from wealthier families are known to be concerned.[19]

20. Apart from Germany, the issue of child abuse in institutions is also currently receiving attention in other European countries: In Austria, for example, some sexual abuse cases in Catholic institutions dating back to the 1970s and 1980s were uncovered in March 2010. The respective situations are being investigated more closely with regard to legal action to be taken in order to accord full justice to the – today adult – victims.[20] The current approach to the issue followed by the Austrian Government includes a round table of 30 experts who gathered in spring 2010 to carry out preliminary investigations. In the context of the national debate, this round table has been generally welcomed but was immediately criticised by some experts who said that it only dealt with prevention of future cases, not with the traumatic situation of victims of past abuse. According to the national federation for psychotherapy, about 700 suspected cases have been registered. The organisation insisted on the importance of an independent body that victims can turn to and where they can be professionally accompanied by experts in order to avoid "re-traumatisation". Some experts asked that sufficient resources be made available for measures in favour of victims of past decades.[21]

21. The example of Belgium shows that state and church authorities should closely collaborate when it comes to investigating the issue. In this country, police officers recently raided the National Church Archives in order to confiscate the 475 case files compiled by the investigation commission set up by the Roman Catholic Church of Belgium.[22] The police also searched the home and office of Cardinal Gotfried Daneels who had stepped down as the Primate of Belgium in January 2010, and detained members and staff of the Belgium bishops' conference in June 2010.[23] The polemics that followed these incidents raise questions about the effectiveness of such proceedings with regard to the overall aim of uncovering the truth and according justice to victims who have been suffering and traumatised for long periods of their lives. According to the most recent information, the Belgian judiciary has given instructions to hand back the files seized on 24 June last, thus responding to the protest of the archbishopric.[24] Despite this turbulence, the Commission for the Treatment of Complaints of Sexual Abuse in a Pastoral Relation (January-June 2010), mandated to investigate the nature and extent of child abuse occurring in the context of the church, was able to present its final report on 10 September 2010.[25]

22. The issue was also recently more openly addressed in Italy by state and church institutions. The leader of the Italian bishops conference, Cardinal Angelo Bagnasco, recently acknowledged that it was "possible" that bishops in Italy had covered up abuse, whilst his deputy said that in the past decade 100 Italian priests had faced church trials in connection with the sexual abuse of minors. The Vatican's own internal prosecutor, Msgr Charles J. Scicluna, who oversees abuse cases for the Vatican's Congregation for the Doctrine of the

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17. . "Drei Jugendliche gestehen Missbrauch auf Ameland", Die Zeit, 22 July 2010, www.zeit.de; "Wir haben das Problem unterschätzt", Der Spiegel, 23 July 2010, www.spiegel.de.
18. . "Massiver Missbrauch in DDR-Heimen", Der Tagesspiegel, 1 April 2010, www.tagesspiegel.de.
19. . "Sexueller Missbrauch – Runder Tisch bei Emma", Emma, March 2010, www.emma.de.
20. . "Leutheusser will Recht auf Entschädigung stärken", Die Zeit, 9 March 2010, www.zeit.de.
21. . "Kindesmissbrauch: Runder Tisch erntet scharfe Kritik", 13 April 2010, www.krone.at.
22. . "Belgian raiders went to national archives", Stephen Castle, 1 July 2010, International Herald Tribune – the global edition of the New York Times.
23. . "Pope condemns as 'deplorable' Belgian raid in sex-abuse query", Rachel Donadio, 28 June 2010, International Herald Tribune – the global edition of the New York Times.
24. . "Opération Calice: la justice devra restituer des dossiers", 7 September 2010, Radio-télévision belge de la Communauté française (RTBF), www.rtbf.be.
25. . "Rapport des activités de la Commission pour le traitement des plaintes pour abus sexuels dans une relations pastorale (Communiqué de presse)", 10 September 2010, www.commissionabus.be.

Faith, said he was worried about "a certain culture of silence" in Italy. At the same time, he summarised the legal situation in Italy: as Italian law did not require mandatory reporting of sexual abuse, bishops are not necessarily required to notify the civil authorities. The Catholic Church in Italy therefore does not force bishops to denounce their own priests, but encourages them to contact the victims and invite them to denounce the priests by whom they have been abused.[26]

23. By March 2010, more than 200 suspected victims of child abuse in institutions of the Catholic Church in the Netherlands had placed complaints with relevant authorities and support organisations. According to the church-related support organisation "Hulp & Recht" (Help and Justice), there have been more than 1 100 references to cases of sexual abuse.[27] The first cases uncovered occurred in the 1950s and 1960s, many of them in schools which closed by the 1970s, so that many criminal offences will have exceeded the statute of limitation. Alongside priests, for the first time nuns are also accused of having sexually abused children. Investigations are currently under way, and are said to have been stimulated and facilitated by the debate initiated in Germany just before.[28] The Catholic Church has responded to allegations by setting up an independent committee of investigation under the former minister and the former mayor of The Hague, Wim Deetman.[29] In April 2010, the outgoing ministers André Rouvoet (youth and family) and Ernst Hirsch Ballin (justice) announced that an investigation would be held into whether children were abused in certain public institutions in the second half of the 20th century.[30]

24. At the time when the present report was being finalised, a court in Portugal delivered its verdict in a major child sex abuse trial: six Portuguese men were sentenced after having been found guilty of sexual abuse (or aiding and abetting such abuse) at a state-run children's home, the Casa Pia. The convicted men – including a former television presenter, a former ambassador, a former Casa Pia governor, two doctors, one lawyer and a driver of the Casa Pia – had apparently abused 32 victims under the age of majority since the mid-1970s through a paedophile ring choosing its victims amongst the 4 000 needy children of the Casa Pia, but the offences had only been uncovered in 2002. During the long judicial process, more than 800 witnesses were heard by the court, which led to harsh criticism of the Portuguese legal system as being very formal and facilitating every attempt by the defence to delay the procedure.[31]

25. A recently published report of the Swedish Ombudsman for Children indicates that the phenomenon is relatively widespread in Europe.[32] The recent report called "I'm sorry" analyses the situation of four detention centres for young offenders, themselves authors of sexual aggression or encountering psychological difficulties. It notably mentions cases of mistreatment that occurred in these centres in the 1940s and 1950s, and compares the rather repressive approach in Sweden (including methods like isolation and body checks) to the Norwegian approach, which is focused on enhancing the youngsters' situation during their stay, with a view to suggesting amendments to the Swedish legislation on the detention of minors.

2.3. Responses of various authorities and institutions

26. The rapporteur welcomes the fact that practically all stakeholders concerned have immediately reacted to the abuse cases uncovered and taken first steps to review safeguarding systems in place, as one can see from national examples described above. Following the example of Ireland in the past decade, investigations have now been launched in several member states concerned by recently uncovered abuse cases, either by the state or institutions concerned (Catholic Church, private institutions, etc.) or by both. Several countries are currently investigating the legislative, administrative and political action to be taken in order to reinforce protection against child abuse in the future. Various reactions at different hierarchical levels have come from the Catholic Church, given that many of the recently uncovered cases of abuse concerned Catholic institutions and that numerous allegations have been made regarding attempts by church institutions to cover up abuse committed by members of the clergy. Pope Benedict XVI himself has addressed the issue in depth in his recent "Letter to the Catholics of Ireland" of 19 March 2010, in which he addresses the "shame and remorse of the Catholic Church".[33]

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26. . "Breaking silence on abuse in Italy – Admissions and charges finally being heard in the shadow of the Vatican", Rachel Donadio, 28 June 2010, International Herald Tribune – the global edition of the New York Times.
27. . "Papst wehrt sich gegen"belangloses Geschwätz", Der Spiegel, 28 March 2010, www.spiegel.de.
28. . "Leutheusser will Recht auf Entschädigung stärken", Die Zeit, 9 March 2010, www.zeit.de.
29. . "Dutch bishops launch child abuse investigation", CNN, 10 March 2010, www.cnn.com.
30. . "Independent investigation into abuse in children's homes", Radio Nederland Wereldomroep (RNW), 2 April 2010, www.rnw.nl.
31. . "Portugal child sex abuse draws to close" and "Six men jailed for Portugal child sex abuse", BBC News Europe, 3 September 2010, www.bbc.co.uk.
32. . Report of the Swedish Ombudsman for Children: "'I'm sorry', Röster från särskilda ungdomshem, barnombudsmannen 2010", www.bo.se/files/publikationer,%20pdf/arsrapport%202010%20imsorry_webb%20hela.pdf.

27. In recent debates, church representatives and experts on church matters have regularly emphasised that the problem of child abuse in institutions is not one of Catholic establishments only, and that the status of celibacy of Catholic priests is not a major factor. According to Msgr Charles J. Scicluna, "Promoter of Justice" of the Congregation for the Doctrine of the Faith, whose task it is to investigate what are known as *delicta graviora* (including the abuse of minors by a cleric) as regards priests accused of paedophilia, in "about 60% of the cases chiefly involved sexual attraction towards adolescents of the same sex, another 30% involved heterosexual relations, and the remaining 10% were cases of paedophilia in the true sense of the term".[34]

28. The rapporteur would like to recall that the major issue to be addressed by society is that of minors being abused in institutions (including children and adolescents) and that within closed institutional systems, where children are bound to respect the authority of their teachers, tutors, carers, etc., it is extremely difficult to distinguish sexual relations between adults and minors that are based on mutual consent from those which are not. This is why no sexual relations between adults and minors in institutions should be allowed at all, whether heterosexual or homosexual. One of the first steps to be taken when it comes to addressing the issue at national level will certainly be to agree on a common terminology and understanding of the problem.[35] The rapporteur furthermore recognises that the percentage of paedophiles working in the realm of the Catholic Church is often exaggerated, and that people having subscribed to the religious principle of celibacy, like Catholic priests, are often too rapidly suspected of problematic or even criminal sexual behaviour. Nevertheless, she would like to recall that, in any institutional context, men with paedophile preferences are known to choose professions where they can have as much contact with children as possible.[36]

29. Notably at national, and at more local level as well, the Catholic Church is presented with allegations and suspicions of covering up and protecting members of their clergy,[37] where priests having committed child abuse were simply transferred to other dioceses or functions where they could commit similar crimes. Msgr Charles J. Scicluna, "Promotor of Justice" of the Congregation for the Doctrine of the Faith, recently indirectly confirmed such an approach of the Catholic Church to the issue of child abuse by stating that only in about 20% of cases concerning priests suspected of paedophilia, have penal or administrative processes taken place in the diocese in question. In a further 60% of cases, mainly due to the advanced age of the accused priests, only disciplinary measures have been taken against them, leading to them being forbidden to celebrate mass in public or to the obligation to retire. In the 20% of worst cases, based on watertight evidence, the Pope himself has taken the responsibility to defrock priests from their religious status and functions.[38] Despite an understanding for Catholic institutions with regard to their particular function and sensitive position in our societies, the rapporteur recalls that church institutions have to respect and should rigorously apply the same national legislation as all other public and private organisations.

30. Church representatives and experts have stated on several occasions that any case that has not been treated with utmost transparency in past years must be seen as a misinterpretation of the church rules in force. According to church experts and representatives, canon law never condoned the mismanagement and cover-ups by some bishops, these were failures to apply canon law[39] and "norms on sexual abuse have never been understood as a ban on denouncing the crimes to the civil authorities".[40] Nevertheless, the Holy

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33. . "Pastoral letter of the Holy Father Pope Benedict XVI to the Catholics of Ireland", www.vatican.va.
34. . "Interview of Msgr Charles Scicluna conducted by Gianni Cardinale on the strictness of the church in cases of paedophilia", www.vatican.va.
35. . A definition is proposed by a recent Italian report which states: "… is considered sexual abuse any sexual activity that [happens] between an adult and a child/an adolescent that, because of psychological immaturity or dependence [on] the adult, is [neither] able to understand what is [happening] nor to make an aware choice in the sexual ambit or understand entirely the [meaning] and the value of sexual activities in which [he or she] is involved" – Literal quotation from: SOS Il Telefono Azzuro Onlus, "Dossier on paedophilia 2010 (English summary)", www.azzurro.it.
36. . "Sexueller Missbrauch – Wie es geschehen kann" (editorial by Alice Schwarzer), Emma, February 2010, www.emma.de.
37. . In the rapporteur's own country, Germany, Archbishop Zollitsch, Chairman of the German Episcopal Conference, was recently suspected of having tried to cover up at least one case of child abuse, where a priest from Oberharmersbach (Baden-Württemberg) had apparently abused children and adolescents for twenty years. In a recently quoted letter of 1995, Archbishop Zollitsch had apparently referred to the fact that a full investigation would only have been an act of revenge against an old and sick man, and that such belated revenge was not of use to anyone, but would ruin that person. Retrospectively, Archbishop Zollitsch regretted not having reported the case to the public prosecutor. See "Kindesmissbrauch: Hat jetzt auch Robert Zollitsch vertuscht?", Hamburger Abendblatt, 18 July 2010, www.abendblatt.de.
38. . "Interview of Msgr Charles Scicluna conducted by Gianni Cardinale on the strictness of the church in cases of paedophilia", www.vatican.va.
39. . Statement of Professor Massimo Introvigne, sociologist from Vatican City, at the hearing organised by the Social, Health and Family Affairs Committee on 22 June 2010 in Strasbourg.
40. . "Interview of Msgr Charles Scicluna conducted by Gianni Cardinale on the strictness of the church in cases of paedophilia", www.vatican.va.

See very recently revised its rules on sex abuse by members of the Catholic clergy in order to streamline Catholic Church procedures for dealing with the issue. According to Reverend Federico Lombardi, the Vatican Spokesman, the revisions signalled a commitment to tackling clergy abuse with "rigour and transparency". Amongst other new rules, the statute of limitation for child abuse was extended from ten to twenty years and there is now specific provision for more rapid procedures in order to deal with urgent situations more effectively, for example by giving the Pope the authority to defrock a priest without a formal Vatican trial.[41] The revision of rules within the Catholic Church seems to be a step in the right direction. However, some experts consider that the new rules include only few substantive changes to the church's approach and only codify practices that have been put in place in recent years.[42] Furthermore, the new rules do not, for example, hold bishops accountable for abuse by priests on their watch, nor do they require them to report sexual abuse to civil authorities – though less formal "guidelines" issued earlier this year encourage reporting if local law compels it.[43]

31. Apart from the public and private stakeholders already mentioned, various national and international NGOs are closely involved with the issue of child abuse in general and abuse in institutions in particular. Substantial work on the issue is, amongst others, done by "Victim Support Europe", a European federation of 26 national associations from 21 countries who recently contributed to the ongoing debate.[44] From their point of view, the protection and support of victims still needs to be strongly reinforced by various measures, including the recognition of the victim and her or his suffering, the provision of competent support services by public bodies or through networks of NGOs to be mobilised, the rigorous prosecution of offenders as well as the provision of adequate compensation.

32. The victims of both recently uncovered abuse and of cases uncovered a long time after their occurrence need to be heard and supported according to their specific needs. For the former, it is essential that an end is put to the abuse and that they are accompanied through relevant legal procedures. For the latter, the issue becomes one of recognising and treating the abuse as a traumatic event which would often have had a major impact on their personal development. Even as adults, victims often have to deal with personal problems with fear or incapacity of being physically close to another person, incapacity of living in stable relationships. In cases where abuse is uncovered many years later, victims experience a kind of "re-traumatisation", which may also represent a burden on the family. It is therefore of utmost importance that the protection of victims takes into account their direct social environment.

33. The main recommendations of victim support organisations with regard to public action to be taken refer, amongst others, to the development of clear guidelines for institutions (including the obligation to report abuse cases to competent authorities), the establishment of effective control mechanisms, the development of comprehensive support services (including the possibility of talking about the abuse, of being psychologically accompanied and of receiving support from a solicitor), and the reinforcement of prevention strategies, as well as further research done into the specific needs of victims.

34. The rapporteur is convinced that yet more committed efforts will be required from all stakeholders concerned to accord full justice to victims of past decades, to support children who have become victims recently from a psychological point of view and in judicial procedures, and to protect children from future abuse within the institutional context. In order to join forces in favour of children in institutions, different partners involved in investigation and review processes should agree on common lines as regards the definition of child abuse, the factors facilitating such offences and the most transparent way of dealing with the issue in democratic societies. The rapporteur is also convinced that the NGO sector, already very active in the field of victim support services, should be seen as a major partner, to be developed and supported by public action and resources, and thus instrumentalised as a tool which is, thanks to its decentralised structure and grass-roots initiatives, very close to the victims and generally seen as a trusted interlocutor by them.

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41. . "New Vatican rules on priest child abuse draw immediate criticism", 15 July 2010, Los Angeles Times, www.latimes.com.

42. . "Vatican issues new rules on abuse by priests; activists call them inadequate", 16 July 2010, Washington Post, www.washingtonpost.com.

43. . "Vatican revises abuse process, but causes stir", New York Times, 15 July 2010, www.nytimes.com.

44. . Statement of Dr Helgard van Hüllen, member of the Executive Board of Victim Support Europe and of the German association Weisser Ring e.V., at the hearing organised by the Social, Health and Family Affairs Committee on 22 June 2010 in Strasbourg.

3. Child abuse in institutions: a structural problem concerning various types of institutions

35. Generally speaking, the risk of child abuse seems to be higher in "closed" systems, from tight-knit families to boarding schools and orphanages, independent of the institution in charge of running the latter, as power and proximity generate similar behaviour patterns which sometimes bring with them a greater risk of abuse. While relationships marked by a certain degree of dependence can be found in all institutions, some institutions are more exposed to them, as recent national evidence has shown. This is also due to the fact that some types of institutions (for example sports associations) are "easier to leave" than others (for example, schools).[45] In addition to these structural factors, children and adolescents generally have a strong wish to be part of a group and be recognised by this group, which they would often "idealise". If a member of the group commits an offence, their "ideal world" is destroyed and they fear to be excluded, which often leads them to deny, to cover up or to justify what happened. "Peer pressure" may therefore facilitate the occurrence of child abuse or sometimes hamper its unveiling.[46]

36. Recent debates in Council of Europe member states and at European level, involving decision makers and experts, have shown that the abuse of children's trust within the institutional context may be further facilitated by other factors. The hierarchical organisation of certain educational institutions has in the past allowed internal instructions on how to deal with cases of child abuse, aimed at covering up embarrassing incidents. Today, an increasing awareness of the problem of child abuse and readiness to openly debate it amongst high level representatives of the institutions concerned could be read as first signs that these hierarchies could also be used to positively orient institutions concerned towards more transparent mechanisms.

37. Notably, certain religious institutions seem to facilitate abuse situations, as they often function as hierarchical but independent systems which may, to a certain extent, be outside the reach of public oversight mechanisms. Moreover, the educational staff of religious institutions are often granted particular trust by families, which may in some cases leave them with greater latitude to abuse this trust or give them more opportunity to approach their victims. In recent debates, it has, however, been increasingly recognised that child abuse in institutions is not a problem of the church foremost, but that it is a problem for the linked religious institutions as well. It is a structural problem existing in various institutions and linked to their specific characteristics and their functioning. It therefore needs to be jointly addressed by all stakeholders concerned by child care and education in institutions in one way or another.

38. Furthermore, according to psychologists, the specific relationship between offender and victim is not always sufficiently taken into account; generally children have close emotional and social relationships with the offender (father, brother, teacher, priest or trainer). In abuse situations, they receive (positive) affection and (negative) offence from the same person and are emotionally overstrained, which makes them silent. Therefore, experts regularly recall that children who are raised in homes where they lack love and protection may be more sensitive to attention and love given to them by contact persons outside of the family, and more exposed to potential abuse of their trust.[47] This sometimes leads to the particularly severe problem of children who may already have been victims of child abuse in their own family, who are removed by the public authorities to an institution for their protection, and are again subjected to abuse in that institution.

39. Some experts also believe that current prevention strategies with regard to child abuse do not always sufficiently take into consideration the potential offenders and the possible interventions on their behalf, such as, for example, possible ways of preventing them from proceeding from fantasy to action. Psychological experts distinguish between three categories of paedophile offenders: (1) paedophile sex offenders characterised by a permanent perversion and orientation towards paedophile practices who have a high criminal energy and show dangerous behaviour on a long-term basis, (2) offenders with a general potential of violence or sadistic treatment of others, and (3) offenders who have remained infantile in their personality and who are not capable of establishing mature hetero- or homosexual relationships.[48] Generally, the diagnosis and treatment of paedophilia are not sufficiently taught to medical professionals (medical specialists,

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45. . First evidence reported from Germany by Dr Christine Bergmann, Special Representative on Cases of Sexual Child Abuse, at the hearing organised by the Social, Health and Family Affairs Committee on 22 June 2010 in Strasbourg.

46. . "Stellungnahme der DPV zu sexueller Gewalt gegenüber Kindern und Jugendlichen in institutionellen Kontexten", August 2010, Deutsche Psychoanalytische Vereinigung, Zweig der IPV (statement by the German Psychoanalytical Federation, Branch of the International Psychoanalytical Association (IPA)).

47. . "Kindesmissbrauch in Deutschland: Paradox und vor allem bigott", interview with the German sexual psychologist Christoph Joseph Ahlers, 19 March 2010, www.n-tv.de.

48. . "Stellungnahme der DPV zu sexueller Gewalt gegenüber Kindern und Jugendlichen in institutionellen Kontexten", August 2010, Deutsche Psychoanalytische Vereinigung, Zweig der IPV (statement by the German Psychoanalytical Federation, Branch of the International Psychoanalytical Association (IPA)).

psychologists, etc.). The rapporteur suggests that this aspect also be taken into account in the framework of national strategies and action plans to be developed and implemented, but considers that – in times of scarce public resources at all levels – the work in favour of (potential) offenders should not be traded against assistance to be given to (potential) victims.

40. Finally, the rapporteur would like to point out that cases of child abuse have also been reported from institutions that have not been mentioned, but should not be forgotten about when it comes to national action, such as international aid organisations or military units on foreign missions whose members have abused children abroad. She therefore considers that any action tackling child abuse in institutions should be based on a broad understanding of "institutions" and that the issue should be seen as a structural problem potentially concerning all institutions showing certain characteristics. In order to efficiently prevent future child abuse, all institutions and systems (potentially) concerned need to be thoroughly analysed. Moreover, it seems sensible to promote a balanced perception of institutions, which abandons naive ideas of paradisiacal child care, but avoids a general suspicion of all institutions which have recently been concerned by child abuse.

4. Recommendations for future action

41. When looking at the cases of child abuse in institutions which have occurred in various member states in past decades and until very recently and the response given by different public stakeholders involved, it becomes very clear that the issue needs to be addressed at different levels and in a collective approach. Recommendations of the Parliamentary Assembly certainly need to be addressed to member states first of all, but national authorities do then need to get a maximum of partners involved in order to tackle the issue by the roots, which are to be found in the nature of institutional child care itself, as well as in the human relationships that reign in respective institutional contexts. From her own, very personal point of view as a member of two round tables related to the issue in Germany, the rapporteur would like to suggest the following, non-exhaustive, list of measures to be considered by member states' authorities and other partners in their future action:[49]

4.1. Legislative action

42. At European level, paragraph 18 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse clearly provides that any sexual child abuse "made of a recognised position of trust, authority or influence over the child" should be taken into account amongst the intentional conduct to be criminalised through relevant legislative or other measures. The rapporteur considers that all Council of Europe member states should be urged to revise their respective legislation and take immediate measures to reinforce their legislative provisions if necessary.

43. Although member states should legislate to prevent, prosecute and punish all types of child abuse (physical and emotional as well as sexual), they should also be invited to sign and ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, if they have not yet done so, and implement it through committed national follow-up action.

44. The time frame and context of the current report does not allow for a comprehensive survey of relevant legislation in member states of the Council of Europe. The few examples presented above, however, all seem to point to one crucial issue: the question whether national legislation obliges all public and private institutions, as well as NGOs or medical professionals who may be approached by victims, without exception, to report sexual abuse to civil authorities, and notably the instances under criminal legislation. This seems to be the case in some Council of Europe member states but not in all. Even where legislation provides for such rules, the question remains open whether it is always rigorously applied or not.

45. With regard to according full justice to victims and reaching a maximum protection of potential victims, all Council of Europe member states should introduce regulations providing for an *ex officio* prosecution of all abuse cases involving minors (both children and adolescents). This is particularly important for adolescents of an advanced age who are not always in a position to refuse sexual advances made to them – notably in the context of child care and educational institutions. It should therefore not be assumed that adolescents have consented to sexual acts just because they are considered to be "sexually mature".

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49. . The following recommendations are strongly inspired by the relevant German work on the issue: Bundesministerium für Familie, Senioren, Frauen und Jugend (2003): Aktionsplan der Bundesregierung zum Schutz von Kindern und Jugendlichen vor sexueller Gewalt und Ausbeutung; SPD-Positionspapier: Hinsehen, Handeln, Helfen – Konsequenzen aus den Missbrauchsfällen in Institutionen, Beschluss der SPD-Bundestagsfraktion vom 6. Juli 2010. They also draw upon the recommendations presented by the Irish Commission to Inquire into Child Abuse (Ryan report) in 2009.

46. An approach that is generally not recommended by experts at the moment is the one of making formal complaints against an alleged perpetrator a mandatory step whenever child abuse occurs. Although this would allow judicial procedures to be immediately set in motion, it is not always seen as a measure being in the best interest of the child. Some children and adolescents may find themselves in contexts where they could be stigmatised if they file complaints against persons of authority in institutions where they may be obliged to remain after an offence.

47. Another legislative aspect to be dealt with by member states is the statutes of limitation prevailing for cases of child abuse in any context, currently debated by most of the countries where cases of abuse in institutions have recently been uncovered and publicly debated. In Germany, the Federal Minister of Justice,[50] as well as several ministers of the German *Länder*, are currently looking into the possibility of taking far-reaching legal measures with regard to the problem, such as the prolongation of statutes of limitation under civil and criminal law. Some legal experts are in favour of prolonging prescription periods for compensation (under civil law) for up to thirty years. At the same time, experts are currently examining the possibilities of prolonging prescription periods for prosecution under criminal law, which are currently of five to ten years according to the degree of abuse and to the corresponding maximum penalty possible.[51] In any case, prescription periods should start to run only when the victim reaches the age of majority.

48. Generally speaking, the rapporteur would recommend that member states introduce systems of "graded prosecution" of child abuse according to the gravity of offences, which include measures for all kinds of child abuse (sexual, physical and emotional). Other legislative measures could be taken at various levels so as to reinforce children's rights and protection, for example by defining the rights and responsibilities of educational staff, by defining or revising the minimum requirements for the certification of child care institutions and conditions to be fulfilled by its management or by making compulsory police clearance certificates for all educational staff. Certain practices for dealing with "recalcitrant" children, such as certain methods of punishment in youth detention facilities, should be excluded by law and the respect of relevant regulations closely monitored. Finally, an aspect not to be neglected is the support and assistance of children in the judicial procedures themselves. Without dealing with this aspect in detail, the rapporteur would like to refer to the guidelines on child-friendly justice which are currently being elaborated by the Council of Europe intergovernmental bodies and are expected to be adopted by the Committee of Ministers before the end of 2010. She also recalls that many member states, including Germany, already have extensive experience of child-friendly judicial procedures and assures her country's willingness to share its experience in this field.

4.2. Administrative action

49. It is at the level of institutions themselves that existing shortcomings need to be identified and subsequent correctional measures need to be taken. The facilitating factors of child abuse, as generally set out above, should be further analysed and understood. Based on this knowledge, all institutions should develop internal guidelines with a view to reinforcing the respect of children's rights, to preventing child abuse and to dealing with cases of child abuse once they have occurred. These guidelines can be developed by each category of institution at whatever hierarchical level they consider appropriate, but public authorities of member states can certainly have a co-ordinating function in this respect. Each institution then needs to make sure that the children and adolescents concerned know about the guidelines and their respective rights and are able to find interlocutors whenever they see their rights violated. Substantial and comprehensive "recommendations for the prevention of sexual abuse, as well as on the appropriate behaviour in the case of abuse", have just been edited by the German Caritas Association (Deutscher Caritasverband) with regard to abuse cases occurring in its own institutions hosting children, young people and disabled persons. The document has been taken into consideration in the preparation of the present report and the recommendations proposed. The rapporteur particularly appreciates that the German Caritas Association puts the emphasis of its guidelines on prevention and the early identification of risks and places the well-being of the child at the very heart of the matter.[52]

50. The mechanisms set up for supervising educational and child care institutions, notably those under public authority, should be reinforced. They should be structured in a way which is clear and understandable for all professionals involved. Provision should be made for interlocutors to whom uncovered or suspected cases of abuse can be reported, even if it is, as a first step, to know how to deal with a specific situation

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50. . Currently, Sabine Leutheusser-Schnarrenberger, member of the Parliamentary Assembly of the Council of Europe until December 2009.

51. . "Leutheusser will Recht auf Entschädigung stärken", Die Zeit, 9 March 2010, www.zeit.de.

52. . "Empfehlungen des Deutschen Caritasverbandes zur Prävention von sexuellem Missbrauch sowie zum Verhalten bei Missbrauchsfällen", Freiburg, 26 April 2010, www.caritas.de.

without entirely uncovering it. Furthermore, the staff of educational and child care institutions should be obliged to follow special training and continuous education programmes to be developed with a view to identifying potential abuse and reacting to abuse in an appropriate manner once it has occurred. The same training requirements should apply, *mutatis mutandis*, to police, prosecutors and judges dealing with child abuse.

51. First of all, children and adolescents themselves should be provided with independent and entirely neutral bodies they can turn to whenever they fear abuse by a person in charge of their education or care, or whenever they experience such abuse or they witness such abuse inflicted on other children. Advice and assistance services for children and adolescents should be comprehensive, in the sense of covering the full range of potential problems and the complete national territory, and take into consideration particular needs. Specific services could, for example, be developed for various focus groups, such as girls and boys, persons with disabilities or coming from particular religious backgrounds. Such bodies could be set up by public authorities themselves, providing that the necessary resources are available in the long run. Confidential and independent services for children could, however, also be developed in co-operation with national NGOs which, very often, already show a great presence with regard to child abuse in any context. Their existing structures, knowledge and resources could be mobilised by making them an official partner of national strategies for the protection of victims and prevention of child abuse. Generally, all assistance systems and structures should be linked up with each other, so as to be aware of their respective action (medical professionals and hospitals, teachers and educational institutions at all school levels from kindergarten to high school, police, youth services and sanitary administration, etc.).

4.3. Political action

52. A large range of political measures could be taken to support the implementation of legislative measures and measures concerning the institutions themselves and related bodies or organisations. First of all, member states should launch comprehensive national processes and enquiries dealing with past offences, including further research on the issue as well as debates on how victims could be compensated in one way or another for their suffering. The main objective of this “view on the past” would be to accord full justice to victims who were ready to unveil what has happened to them, but also to learn further lessons from the past in order to determine future action to be taken, for example by understanding better the causes of child abuse in institutions.

53. Children are the most vulnerable members of society. They have their own rights which are, amongst others, guaranteed by international instruments like the United Nations Convention on the Rights of the Child (UNCRC). Protecting them from abuse in any context thus becomes a central issue regarding the respect of human rights. By studying what happened in past decades and by listening to victims, awareness should be raised for the fact that child abuse in institutions, although it seems to be a particular problem of society, is of concern for all of us. Apart from listening to victims, the fact of recognising what happened to them as “wrong” can very often already be a first step towards compensating them. After having been forced into silence for many years through the trauma from which they suffered, they are finally allowed to speak up, which is already felt as a strong relief by many victims, even though speaking about past offences often means “re-traumatising” them. Following the unveiling of offences, victims should be granted support in dealing with their trauma, for example through easily accessible therapeutic assistance free of bureaucracy.

54. The main political action to be taken should be to develop comprehensive prevention strategies involving all stakeholders concerned, namely public authorities, private and religious organisations, NGOs, but also families and the children themselves. Possible action could start off with practical tools such as national action plans, guidelines and codes of conduct, followed by awareness-raising campaigns for the importance of a loving and caring family environment, to programmes for empowering children, comprehensive assistance services for children, child and youth participation strategies, but also measures tackling potential offenders themselves, who can, in some cases, be identified and assisted before committing offences.

5. Conclusions

55. In concluding, the rapporteur would like to emphasise that child abuse in the institutional context is not an issue which concerns only institutions or certain types of institutions. It is a problem that reaches into all spheres of society which are closely interlinked whenever abuse situations occur in one of them: thus, any case of child abuse in a school also becomes a problem to be treated with and within the family. The issue furthermore concerns all types of institutions where adults are in charge of child care within more or less closed or supervised systems. The prevalence of child abuse in certain types of institutions seems to be,

amongst others, linked to the place they represent in a given national context. Thus, if Catholic institutions have been greatly concerned by cases of child abuse in some countries, this may be partly due to the fact that the Catholic Church is responsible for a great share of educational facilities in these countries.

56. The rapporteur considers that the Parliamentary Assembly, through its recommendations, should not directly interfere with internal structural issues of any church or other private organisation. She is, however, convinced that the church, as a central institution of European societies and main stakeholder in many social issues and developments, just as other organisations, should not be exempt from constructive criticism. Despite their long history, manifold traditions and an often high degree of independence, the church institutions which are an integral part and active partner of modern societies need to respect the same rules of transparency and rule of law as other private organisations or public institutions. They are not, and should not be, above the law.[53] The church and its institutions are considered as trusted communities by European societies and their citizens. In situations where this trust is undermined by the misbehaviour of individual representatives, the church therefore has a responsibility to question and revise its own functioning and mechanisms, which might have contributed to or facilitated the abuse of trust in the past.

57. Based on the first and very general recommendations compiled above (Chapter 4), the Parliamentary Assembly should notably invite member states to launch and co-ordinate national processes aimed at taking legislative, administrative and political action in favour of the situation of children in institutions and of preventing their abuse in the future. Other national partners and stakeholders should be invited to contribute to relevant review processes and question their own action. By quoting the words of Commissioner Marian Shanley at the hearing in Strasbourg on 22 June 2010, the rapporteur would like to encourage member states to address the issue of child abuse in institutions as constructively as possible: “Countries who tackle the issue will be the strong force. The problem can be solved, and the current debate is a healthy pro-active approach.”

58. The Parliamentary Assembly and its Social, Health and Family Affairs Committee, as well as the latter’s Sub-Committee on Children, will continue to promote the fight against child abuse in institutions in the context of the Council of Europe Campaign to Stop Sexual Violence against Children to be launched on 29 and 30 November 2010 in Rome. All member states of the Council of Europe, as well as other national stakeholders, should also be invited to contribute to this campaign through specific national action in order to give the highest visibility possible to children’s rights and to increase the means at their disposal to protect children from abuse in all circumstances.

53. . In the same way as celebrities should not be above the law: the recent decision by Switzerland not to extradite Roman Polanski, for example, has been much contested in the country itself and elsewhere (see “Die Lex Polanski”, Neue Zürcher Zeitung, 18 July 2010). The rapporteur also refers to her speech in the Assembly on 2 October 2009 as rapporteur on the issue of “Rape, including marital rape”.

Appendix

Dissenting opinion by Mr Luca Volontè (Italy, EPP/CD)[54]

1. Introduction

“I think we all agree that sexual abuse against children and vulnerable persons are an abominable crime … there is no sense in limiting everything to just one group, even though we have learned of cases in Catholic circles. The Catholic Church takes the question very seriously … It is something that happened at many levels of society and above all something that keeps happening today, partly in a different form but with the same consequences”. These words, spoken by Chancellor Angela Merkel before the *Bundestag* (Ansa.it, 10 and 17 March 2010), summarise well the reasons for our concern and the real reasons behind our “dissenting opinion”.

The report’s recommendation is on the whole positive, though if there had been more time for reflection, it would have allowed the Social, Health and Family Affairs Committee and the rapporteur to go into the question in greater depth. The explanatory memorandum, on the other hand, is incomplete and narrow in focus. It fails to cover the “institutions” mentioned in the title of the motion for a resolution (Doc. 12238, 4 May 2010 – “Child abuse in institutions: ensure full protection of the victims”, presented by Mr Omtzigt and others), and is instead based on recorded events or cases where criminal charges have been brought (without prejudice to the principle that the accused is presumed innocent until a definitive verdict) in the past, almost all of them in educational institutions run by Catholic religious orders.

On the contrary, was it possible to find authoritative sources and international and European statistics on child abuse? Yes.

We have a lot of studies and important statistics on the matter. In particular, three fundamental international documents should be mentioned:

A. United Nations Secretary-General’s Study on Violence Against Children (2006)

On 11 October 2006, the United Nations (UN) released the first UN Secretary-General’s Study on Violence Against Children, which addresses violence against children within the family, schools, alternative care institutions and detention facilities, places where children work and communities.

It took years to complete the study, which was supported by UNICEF, WHO and OHCR. The study is a "first" in two important ways:

“First comprehensive, global study conducted by the United Nations on all global forms of violence against children.”

"First global study dealing directly and consistently with children. Children have participated in all regional consultations held in connection with the study, eloquently describing both the violence they experienced and their proposals for ending it." The study concludes that: “A variety of initiatives ranging from international statistical analysis to action research at local level provide a clearer picture of the magnitude and pervasive nature of the problem. Data generated by these initiatives indicate that while some violence is unexpected and isolated, the majority of violent acts experienced by children is perpetrated by people who are part of their lives: parents, schoolmates, teachers, employers, boyfriends or girlfriends, spouses and partners” (see Section II.B, paragraph 28). Violence against children includes physical violence, psychological violence such as insults and humiliation, discrimination, neglect and maltreatment. Although the consequences may vary according to the nature and severity of the violence inflicted, the short- and long-term repercussions for children are very often grave and damaging.

The study (Report UN A/61/299) includes the following overview statistics (Section II.B, pp. 9-10, with references to specific studies provided for each):

– 150 million girls and 73 million boys under 18 experienced forced sexual intercourse or other forms of sexual violence in 2004, 218 million children were involved in child labour, of whom 126 million were in hazardous work.

– Estimates from 2000 suggest that 1.8 million children were forced into prostitution and pornography.

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54. . Rule 48.4 of the Assembly’s Rules of Procedure: “The report of a committee shall also contain an explanatory memorandum by the rapporteur. The committee shall take note of it. Any dissenting opinions expressed in the committee shall be included therein at the request of their authors, preferably in the body of the explanatory memorandum, but otherwise in an appendix or footnote.”

– Up to 80 to 98% of children suffer physical punishment in their homes, with a third or more experiencing severe physical punishment resulting from the use of implements.

B. World Health Organization in 2002 completed a study called World Report on Violence and Health

The entire report is 372 pages long and contains a summary of 54 pages. Chapter 3 reviews and provides references for many academic studies on rates of abuse in a variety of countries (though it is not comprehensive).

Significant findings:

– "The report shows not only the human toll of violence – over 1.6 million lives lost each year and countless more damaged in ways that are not always apparent – but exposes the many faces of interpersonal, collective and self-directed violence, as well as the settings in which violence occurs. It shows that where violence persists, health is seriously compromised" (Preface).

– "No country or community is untouched by violence. Images and accounts of violence pervade the media; it is on our streets, in our homes, schools, workplaces and institutions" (pp. 1-2).

– "Violence is a universal scourge that tears at the fabric of communities and threatens the life, health and happiness of us all" (pp. 1-2).

– "Each year, more than 1.6 million people worldwide lose their lives to violence. For every person who dies as a result of violence, many more are injured and suffer from a range of physical, sexual, reproductive and mental health problems" (pp. 1-2).

– "Violence is an extremely sensitive issue. Many people have difficulties in confronting it in their professional lives because it raises uncomfortable questions about their personal lives" (pp. 1-2).

– "Talking about violence means touching upon complex matters of morality, ideology and culture. There is, thus, often resistance at official as well as personal levels to open discussions on the topic" (pp. 1-2).

– "The purpose of the first World Report on Violence and Health is to challenge the secrecy, taboos and feelings of inevitability that surround violent behaviour, and to encourage debate that will increase our understanding of this hugely complex phenomenon."

The report includes the following overview statistics:

C. Child sexual abuse in Europe

A study co-ordinated by Corinne May-Chahal and Maria Herczog in 2003 (300 pages) – published by Council of Europe Publishing in the same year – intends "to provide an overview of the problem of child sexual abuse in Europe; it also draws attention to the failure of existing policies and programmes …".

Some significant statistics:

– Child sexual abuse and exploitation are significant problems in Europe today and it is estimated that between 10% and 20% of children are sexually assaulted during their childhood.

– In all European countries, crime statistics on child sexual abuse under-represent the problem.

– All scientific reviews indicate that the prevalence of child sexual abuse does not appear to be declining over time.

– Despite the relatively long history of the recognition of the problem of sexual abuse, there are still few comparative studies and databases within Europe (pp. 10-11).

– Public attention is most often drawn towards the lurking stranger depicted in media, yet children are most in danger of abuse from those around them, such as family members and friends, care-givers, even peers (pp. 11-33).

– There are many forms of abuse including incest, prostitution, pornography, date rape, peer sexual violence and institutional sexual abuse, and all are considered abnormal sexual behaviour. All of these can and do cause serious damage to children's mental and physical health (pp. 11-33).

– Estimates suggest that between 4% and 5% of girls have reported being abused by a father, stepfather or adoptive father. In a population of 10 million children this amounts to between 400 000 and 500 000, so intra-family abuse continues to be a large problem (pp. 11-12).

– Between 20% and 50% of sexual abusers are juvenile offenders (p. 12).

– Where studies ask about reporting of child sexual abuse to authorities such as police, health or social services, the majority of the respondents say they do not report it (p. 12).

– Children are more likely to be abused by a man. This is true for 92% to 99% of female victims and for 65% to 68% of male victims (p. 12).

– The professional assumption that abusers themselves have been victims lacks scientific evidence. Prevalence studies estimate that between 3% and 19% of all males and approximately 30% of known offenders have been victims (pp. 3-33).

2. What are the explanatory memorandum's most obvious limitations?

As we already said, the exclusive focus of the explanatory memorandum on the Catholic Church could indicate in itself that the main objective of the report is less to solve the problem of child abuse than to participate in the campaign against the Catholic Church. It uses too much information from journalists, without properly evaluating its reliability. The rapporteur recognised that "The report does not look into the situation of children in southern or eastern European countries" (paragraph 6) and also that "The time frame and context of the current report do not allow for a comprehensive survey of relevant legislation in all or even many member states of the Council of Europe" (paragraph 44).

So, what is the time frame and context that do not allow for a comprehensive survey of relevant facts and legislation in many member states of the Council of Europe? We should ask, as for any other report, for a comprehensive survey of relevant facts and legislation in all or at least many member states of the Council of Europe. It is clear that this report has been drawn up in haste in order to be published and adopted in conjunction with the launch of the Council of Europe Campaign to Stop Sexual Violence against Children, in Rome on 29 and 30 November 2010. This report could give a general anti-Catholic tone to the Council of Europe campaign.

This report does not provide, or even seek to provide, any information concerning child abuse in non-religious organisations such as public boarding schools, orphanages, centres for handicapped children, prisons for minors. Nor does it address the problem of the abuses committed by other children inside the institutions. No element of comparison is given. It would have been interesting to know if there is, in proportion, more abuse within religious institutions than within secular institutions and families, as the report seems to presume. Reliable information and detailed statistics are available through justice ministries and should have been included in the memorandum. It would have prevented the report from being biased.

The report fuels the "general suspicion" against the religious institutions. Often, the memorandum proceeds by generalisation and stereotyping. In order to be balanced and objective, the report should have given real and detailed information and statistics rather than acting on presumptions and insinuations. Also, rather than insisting only on the "accusation side", it would have been useful to describe the steps undertaken by an institution such as the Catholic Church for the "purification" of its clergy, as the Pope said. In recent years, the Catholic Church has openly recognised serious disciplinary mistakes made by several bishops, and has taken stricter measures to address the issue of child abuse, whose first results seem today to be positive. A description of the canon rules and guidelines recently adopted by the church to better address this problem would have been interesting. (Those documents, published with the *motu proprio* "Sacramentum sanctitatis tutela", can be found on the website *www.vatican.va.* It is also possible to find the initiatives stemming from the adoption of *the motu proprio* at national level on the websites of the German and Belgian bishops' conferences.)

3. Concerning the specific accusations against the Catholic institutions

In paragraph 12, at the end of the description of what happened in Ireland, it would be fair to add that Pope Benedict XVI has personally reacted to the situation, and strong measures were taken with respect to both the priests and the bishops involved. Regarding the "Irish case", it is essential to take a closer look at the data in the 2002 SAVI Report, which evidences the complexity of a phenomenon that is much more serious and widespread than abuses in Catholic institutions. The SAVI Report states that in Ireland:

– "Girls: A quarter (24%) of perpetrators against girls were family members, half (52%) were non-family but known to the abused girl and a quarter (24%) were strangers.

– Boys: Fewer family members were involved in child sexual abuse of boys. One in seven perpetrators (14%) was a family member with two-thirds (66%) non-family but known to the abused boy. One in five (20%) were strangers. …

– Perpetrators who were authority figures were reported by 22% of men and 16% of women. Perpetrators who were authority figures were reported by 22% of men and 16% of women.Neighbours were identified as the perpetrator for 19% of men and 21% of women, while strangers were identified by 19% and 23%, respectively. Combining religious ministers and religious teachers, they constitute the largest single category of authority figures as abusers of boys; 5.8% of all boys sexually abused were abused by clergy or religious teachers. A smaller proportion (1.4%) of girls abused were abused by clergy or religious teachers. For girls, babysitters constituted the biggest group of authority figures that abused them: 4.6% of abusers of girls were babysitters. A similar proportion of boys were abused by babysitters (4.2%)."

Paragraphs 20, 21 and 23, concerning Austria, Belgium and the Netherlands focus only on the Catholic Church. The German example (see paragraph 18) should raise the question whether the attention in these countries was not single-handedly focused on Catholic institutions, ignoring other institutions. For example, it is well known that the worst abuses took place in the 474 children homes in East Germany. It is somewhat surprising that the memorandum does not insist on those abuses, and that the tone on those houses is entirely different to that on the Catholic Church.

Paragraph 21 states that the polemics about how the proceedings in Belgium involving the Catholic Church have been handled "raise questions about the effectiveness of such proceedings". Perhaps the problem is not only about the "effectiveness". The questions raised are also about whether the police investigation respected the fundamental rights of the bishops involved, and was not carried out in an unduly spectacular and media-oriented way.

In paragraph 22, about Italy, it would have been appropriate to mention that in Italy there have also been several cases of false accusations against Catholic priests. These "false abuse" cases are often mentioned in the Italian media. For example: the most famous concerned Father Giorgio Govoni (1941-2000), who died of a heart attack in 2000 after hearing the speech of the prosecutor in Modena accusing him of horrible abuses. The Court of Appeal of Bologna in 2001 and the Supreme Court (Corte di Cassazione) in 2002 stated that Father Giorgio was entirely innocent, and called the alleged abuses "figments of a social worker's imagination". In addressing the situation in Italy, the awareness by the media, academia and the judiciary itself that there have been several dramatic cases of "false abuses" involving Catholic priests cannot be ignored.

Paragraph 29 tries to summarise an interview granted by Msgr Scicluna and posted on the Vatican's own website. It may not be immediately obvious to the non-specialised reader that the statistics offered by Msgr Scicluna refer only to the prosecution of cases under canon law. Paragraph 28 may perhaps be rephrased as follows:

"Notably at national, and a more local level as well, the Catholic Church is presented with allegations and suspicions of covering up and protecting members of their clergy, where priests having committed child abuse were simply transferred to other dioceses or functions where they could commit similar crimes. Msgr Charles J. Scicluna, 'Promoter of Justice' of the Congregation for the Doctrine of the Faith, did admit in an interview that there were problems in the past with both priests and bishops. He also offered statistics about cases submitted to the Congregation for the Doctrine of the Faith after the congregation acquired jurisdiction on these cases in 2001. In about 20% of cases concerning priests suspected of paedophilia, penal or administrative processes have taken place in the diocese in question. In a further 60% of cases, mainly due to the advanced age of accused priests, only disciplinary measures have been taken against them, leading to them being forbidden to celebrate mass in public or to the obligation to retire. In the 20% of worst cases, based on watertight evidence, the Pope himself has taken the responsibility to deprive priests of their religious status and functions. These data concern internal church proceedings under canon law, and should not be confused with the co-operation, or lack thereof, of the Catholic Church with secular authorities in order to favour the prosecution of paedophile priests by secular courts. In this latter respect, despite an understanding of the position of Catholic institutions with regard to their particular function and sensitive position in our societies, the rapporteur merely pointed out that that church institutions have to respect and should rigorously apply the same national legislation as all other public and private organisations."

Paragraph 30 also has several problems and at least one factual mistake. The sentence "the statute of limitations for child abuse was extended from ten to twenty years" is inaccurate, inasmuch as it seems to refer to the normal statute of limitations in jurisdictions other than Catholic Church's courts, where the ten or twenty years run from the day when the offence is committed. For these cases in canon law, on the contrary, "prescription begins to run from the day on which a minor [victim] completes his eighteenth year of age" (*Normae de gravioribus delictis*, section 7, paragraph 2).

In paragraph 56, it should have been recalled that the Catholic Church is not and cannot be subject to "the same rules of transparency ... as other private organisations". The Catholic Church is not a "private organisation" and, in common with other religious organisations, acquires delicate confidential information which should be protected in a much stricter way than when dealing with private organisations. The sentence should have been amended in order to ensure that rules of transparency are consistent with the specific privacy rights and duties of its members, priests or laypersons.

4. Abuses in non-religious institutions should have been discussed

Many abuses against children have occurred in state schools, sports institutions and other secular institutions. Here are some examples of cases that should have been addressed by the report:

State schools:

– In the United Kingdom, 62 out of 71 school-age children were subjected to bullying by classmates; 34% of young Europeans say they were bullied at school in the last three months; group violence increased suddenly in eastern Europe (Regional Consultation, 5-7 July 2005, Ljubljana, High Commissioner for Human Rights, WHO, UNICEF, Council of Europe, Government of Slovenia).

– In Germany: the dramatic case of the Odenwaldschule, a non-denominational boarding school in Frankfurt where horrific abuses by teachers and between students themselves went on for years and at least four suicides occurred (Apcom, 8 March 2008, and *Frankfurter Rundschau*).

– In Italy, a number of cases of violence by teachers against children in state-run nursery schools has occurred (e.g., Pistoia, 3 December 2009, *Corriere fiorentino*).

– In Switzerland, a 50-year-old educationalist and private teacher was sentenced for sexual abuse of his pupils (www.veriabusi.blogspot.com/2010).

– In Portugal, six people were sentenced, including a famous television presenter and former UNESCO ambassador for molesting and sexually abusing children in the Casa Pia children's home in Lisbon (www.crimeblog.it, 4 September 2010).

– In the ex-GDR, there existed until 1989 some 60 public institutes (*Spezialkinderheim*) in various German cities where "the very system legitimised sadism by superiors and teachers", as made clear in interviews published in *Frankfurter Allgemeine Zeitung* (*Il Giornale*, 29 March 2010).

Sports institutions:

– An investigation into sexual abuse in the United Kingdom sports institutions uncovered some shocking data. In other countries, one in five professional athletes has suffered violence and sexual abuse. Famous coaches such as M. Drew, G. Gibney and B. Sutton have been involved in such cases (Observer Sport Monthly, 7 April 2002).

– In 2009, a swimming instructor was sentenced in Italy for abuse of his pupils (22 December 2008).

Other "institutions":

– The dramatic case of Operation Himmel, which caused the resignation of the Burgomaster of Merseburg, with 300 people investigated and 1 700 charges brought in Upper Saxony-Baden Württemberg (www.rainews24.rai.it, 24 December 2007).

– Goran Lindberg, former police chief of Uppsala, former Rector of the Police Academy and a UN expert on violence against women, faces 23 separate charges of sexual abuse of minors, torture, sadism and rape (*Corriere della Sera*, 30 June 2010).

– After the shocking case of the non-extradition of film director Roman Polanski (under arrest from 27 September 2009 and freed on 13 July 2010), sentenced for rape and paedophilia in the United States, with part of the European cultural establishment mobilised to prevent his arrest; in Italy drama teacher Pino La Monica was sentenced for paedophilia against 11 girl students (www.bambinicoraggiosi.com, June 2010) and the Russian conductor Mikhail Plentev faced charges of rape in Thailand (*Quotidiano Nazionale*, 8 July 2010).

– Let us not forget the absence of any critical revision forty years on by the signatories to the manifesto (petition) in defence of paedophilia published in *Liberation* in 1977 (*Corriere della Sera*, 7 May 2010).

– No mention is made, not even a critical reference, of political institutions, such as the incredible affair of the Dutch Paedophile Party – Nvd – Charity, Freedom and Diversity (www.repubblica.it, 30 May 2006).

– In a broader framework, covered by the Council of Europe Convention on the Protectionof Children against Sexual Exploitation and Sexual Abuse but absent from the memorandum, all possible measures must be taken to combat Internet paedophilia and child pornography. In the last five years, Europe has seen a dramatic increases of 131% in criminal cases, with 92% of children exploited being Europeans and 61% of clients and 52% of Internet sites situated on European territory (Telefono Arcobaleno, rapporto 2003-2007). Further confirmation of these data comes with the recent arrest of 51 people in Spain for child pornography and the discovery of more than a million files (www.veriabusi.blogspot.com, December 2009). In Italy, according to the postal police, 11% of minors have chatted with a paedophile (Ign/ITnews, 12 January 2008). It would therefore be useful to ask the Committee of Ministers to follow the best practices of, say, the United States where the social network MySpace has signed an agreement with 49 American states on a common front against child pornography (www.hwfiles.it, 16 January 2008). The Committee of Ministers could have been invited to adhere to the EU's common strategy on children's rights and against their disappearance (http://ec.europa.eu, 26 May 2010) which provides for the creation of a telephone helpline (No. 116000). In this context, an important study on global slavery exposes Britain as a major transit point for the movement of child slaves around the world. More than 5 000 children are being forced to work as sex slaves in the United Kingdom, including thousands trafficked to that country by criminal gangs, especially from Romania and Lithuania as well as Africa (*Independent on Sunday*, 25 February 2007, Joseph Rowntree Foundation Research).

Or again, a positive response could have been given to a request by the United Nations Secretary-General that troops from countries involved in peacekeeping operations should be made punishable if found guilty of rape and violence against minors (*Il Foglio*, 25 May 2010). Probably, the solution to child sexual abuse is not only a higher degree of control by the state over people and institutions; it needs also a stronger fight against pornography in general, and not only against child pornography. It was thus possible to base the resolution on internationally accepted documents and data and not just on exclusively anti-Catholic articles and newspaper "scandals". It should also have been possible to check any similarities with important studies by independent authors such as those mentioned in last June's public hearing by Professor Massimo Introvigne: 1. Philip Jenkins who in his *Paedophiles and priests*, Oxford University Press, 1996, demonstrates not only the existence of cases of paedophilia among Catholic priests (0.2%) and other religions and creeds (2%), but also of a kind of speculation on the part of "moral entrepreneurs" assiduously bent on exaggerating the data regarding Catholic priests. 2. Study of John Jay College of Criminal Justice, City University New York, showing comparative data over a significant period of time from 1950 to 2002.

A dissenting opinion was therefore needed to bring the phenomenon into greater focus, identify authoritative studies and demonstrate the very grave complexity and extent of sexual abuse in different institutions in Europe.