

## Transcript from Dr Ethna Regan

*How can a theology of safeguarding encompass human rights, including children's rights?*

I want to begin by asking what is our operative understanding of safeguarding?

Felicity Fletcher-Campbell explains that there are two aspects to the term *safeguarding*; the first is a more minimal position, focusing on legal responsibilities, and is relatively well defined.

The second however is looser; more about a moral responsibility to remove barriers to children's well-being and flourishing. She argues that both approaches are necessary, and neither is sufficient on its own.

Thus safeguarding runs a continuum from a minimal interpretation of safeguarding as protection from abuse and danger to a more expansive understanding as removing barriers to the flourishing of children and young people.

The crisis in the Catholic Church resulting from the crimes of child abuse and the scandal of the cover-up by Church leaders has meant that the focus has been on the crucial minimal interpretation of safeguarding as protection from abuse and danger. It is imperative that such protection is embedded in all our policies and practices; but it is also important I think, that we develop a more expansive theology of safeguarding.

[Image shown]

This is the publication from the Meeting on the Protection of Minors in the Church held in Rome in February 2019. I read the powerful heart-breaking testimonies of victims of sexual abuse, and the excellent, sometimes hard-hitting, papers by cardinals and lay experts.

The victims' testimonies refer to lives destroyed; to total loss of innocence; the abuse of human dignity; and lifelong trauma including the awful wound of self-blame for the abuse

Cardinal Reinhard Marx described the abuse of power in the Church in which the rights of victims were he said effectively trampled under-foot, and left to the whims of individuals.

This publication from the Rome meeting also includes 21 points for reflection on the protection of minors; but what is missing from these points is any reference whatsoever to human rights.

What is the relationship between human rights and theology, and how do they engage with each other?

Human rights is one way of articulating the inherent dignity of the human person.

Human rights focus on what we need to be protected from, provided with, and participate in, in order to flourish as human beings.

Human rights emphasize equality that is the truth that every human being is a locus of human flourishing which is to be considered with favour in him or her as much as in anybody else.

Belief in the inherent dignity of the human person is the foundation of Catholic teaching. At the heart of the development of this teaching is the attempt to understand the concrete implications of human dignity in interpersonal social structural and international terms.

Of course, the ultimate theological justification for engagement with human rights is the doctrine of *Imago Dei* - so God created humankind in his image; in the image of God he created them male and female he created them.

While the concept of human rights is not explicitly present in the Bible, Genesis points theology towards the concept of inalienable human dignity, based on this astonishing assertion - as one person said - that God created human beings in God's image.

The history of theological anthropology - that is the part of theology where we seek to understand human existence from a faith perspective - is an attempt to come to terms with the meaning of this assertion about the human person. The doctrine of *Imago Dei* acts as both indicative and imperative, indicating what we are as human beings; who we are; and the ethical demands of that identity.

An appeal to human rights is now a core dimension of Catholic advocacy for human dignity across the world; although the acceptance of the notion of human rights by the Church and the incorporation of rights into its social teaching was a slow and complicated process.

Since the Second Vatican Council, human rights has emerged as a major theme in the social documents of the Church worldwide. At Vatican II however, no one would have envisaged the revelations of crimes and scandals that have scarred the reputation of the Catholic Church.

These and other failures test the credibility of the Church's promotion of human rights externally

Despite these failures, the contemporary challenges of social, global and ecological justice make the Church's continued promotion of human rights an urgent imperative. However, the credibility of the Church externally will be judged by our capacity to respect and implement human rights *internally* - not only, but most especially, in how we respond to the victims of abuse, and how we deal with the causes of the crisis.

Why a specific focus on the rights of the child? The United Nations Convention on the Rights of the Child is the most widely ratified human rights instrument in the history of international law.

Why is such a convention necessary? Children are entitled to benefit from the universal standards of human rights; but the particular vulnerability of children means that they require special care and assistance - which does not take from their status as human beings with the same rights as adults

The convention promotes the rights of the child, generally outlined in terms of three distinct categories:

**Protection** from abuse neglect and exploitation

**Provision** of services to promote their survival and development - indeed their flourishing and

**Participation** in decisions about matters that affect them and society, with due weight given to their age and maturity

The convention presents the welfare of children as a matter of justice rather than charity; and the rights of children thus evoke responsible obligations in governments, organizations and individuals

The four core principles of the convention are:

1. non-discrimination;
2. devotion to the best interests of the child - and the phrase 'the best interest of the child' is used six times in the convention;
3. the right to life survival and development; and
4. respect for the views of the child.

These are the core principles that would help the Church embed the rights of the child into a broad safeguarding framework; and also direct the kind of theological reflection on childhood that should be part of that.

Few theologians however have reflected on children as part of theological anthropology, one exception being the German theologian, Karl Rahner. In his beautiful essay 'Ideas for the theology of childhood', Rahner asks fundamental questions about the meaning of childhood in the Christian scriptures and tradition.

His primary argument is that the child *is* the man, *is* the woman; that children have full value and dignity in their own rights; that childhood is *not* a stage on the way to full personhood in adulthood. Children are subjects and they do have rights.

Further, Rahner argues that the child is the man / the woman who is, right from the first, the partner of God. The rights of the child point not just to the vulnerability of children, but also to their potentiality as individuals and as members of our communities. Abuse, neglect, and indeed poverty, deny children their rights, but also deny the human community the gifts of those who never reached their potential.

So, an emphasis on the rights of the child is not simply about the individual autonomy of children, but about their relational autonomy in families and communities, about their flourishing and the flourishing of Church and society.

Children's rights have not had adequate, explicit attention in Catholic social teaching, despite the fact that the Holy See was one of the first states to ratify the Convention on the Rights of the Child, in April 1990. On that occasion, Archbishop Martino - then the permanent observer of the Holy See to the United Nations - said

“One must always keep in mind that the rights of the child are not a concession granted by governments or by the adult members of the human family, they are inherent in the child's nature; and the purpose of legislation is to recognize and uphold them to the fullest”.

I cannot help but think how different the subsequent decades might have been if the Catholic Church had implemented the convention that it signed and ratified in 1990.

To conclude...

It is clear that many different aspects of theology need to be interrogated in light of the abuse crisis and mono-causal explanations and one-dimensional responses will not suffice.

It is also clear that an understanding of human rights and the rights of the child must be a key dimension in the theology of safeguarding; for it reminds us of the inherent dignity of the human person. As *Imago Dei*, it emphasizes equality. Hierarchy does not trump our fundamental human and Christian equality. It upholds the principles of the Convention on the Rights of the Child, particularly that focus on the best interests of the child.

It can help us develop the implications of the doctrine of *Imago Dei*, and the practical demands of this doctrine for Church structures and practices; and it contributes to an expansive vision of safeguarding, beginning with protection from abuse, through a rights-based approach to victims, and challenging the barriers to the well-being and flourishing of children in the Church and in the world.

Thank you for listening