

Where Does the Buck Stop?

Voice from the Desert
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Sister Maureen Paul Turlish, the well-known advocate for survivors of Catholic clergy sex abuse, asks, "Where Does the Buck Stop," in response to a note issued by Holy See Press Office Director Fr. Federico Lombardi S.J.

We present Sister Maureen's comments first, and they are followed by Lombardi's note.

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In a press release by the Holy See's Press Office Director Fr. Federico Lombardi S.J., on March 9, 2010, "concerning cases of the sexual abuse of minors in ecclesiastical institutions," Lombardi parrots the Holy See's predictable responses to the church's widening problems of sexual abuse, particularly of minor children.

The institutional Roman Catholic church has reacted to the continuing sexual abuse debacle neither rapidly nor decisively, contrary to what Lombardi states. The Vatican has attempted to distance itself from what has happened in country after country, first categorizing it as an "American problem," then as a "homosexual problem."

What was done by church leadership in the United States, for example, it was forced to do by the pressure of public opinion after records, files and correspondence were forced into the public venue in 2002 by Judge Constance M. Sweeney, a very brave, principled and grounded Catholic woman in Boston, Massachusetts.

The church's response continues to be re-active rather than pro-active while minimizing the systemic and endemic abuse of power and authority which has enabled and exacerbated it on the one hand while covering it up whenever and wherever possible on the other.

The "wide-ranging context" is that in countries from the United States, Canada, Australia and Ireland to Austria, the Netherlands and Germany church authorities have repeatedly and consistently disregarded its own moral and Canon laws as well as the existing laws of the countries in which these horrific crimes against humanity occurred.

Lombardi does not mention nor does he admit to the well documented widespread cover-up of the sexual abuse of children by bishops and other church officials in many countries like the United States, that makes the church's sexual abuse problems particularly egregious. If church authorities had done the morally right thing initially how many children would have escaped being sexually abused by a particular priest?

When are people of good will going to say, enough!

When are state legislators going to change the laws so that justice can be pursued for the thousands upon thousands of victims of childhood sexual abuse who have been unable to access let alone obtain justice?

In most states and probably in most countries existing criminal as well as civil laws give more protection to sexual predators and their enablers than they do to victims of childhood sexual abuse - by anyone. This is deplorable and should not be.

The removal of all statutes of limitation in regard to the sexual abuse of children is the single, most effective way to hold predators and enabling institutions accountable before the law.

The state of Delaware in the United States is one of a very few states in the U.S. which has removed all criminal and civil statutes of limitation in regard to the sexual abuse of children - by anyone. It also legislated a two-year civil window for previously time-barred cases, again, by anyone. That window closed in July of 2009.

In a civil suit, unlike a criminal suit, the burden of proof that any sexual abuse took place is on the plaintiff. The burden is not on the accused individual or institution to prove innocence, at least not in the United States.

Every victim of childhood sexual abuse should have a right to the pursuit of justice at the very least!

If Delaware can do it, other states and other countries should be able to do it and hold sexual predators and any enabling institutions responsible, especially those institutions which chose to ignore their own internal laws.

I was privileged to testify before the Senate and House Judiciary Committees in support of the 2007 Child Victims Law in Delaware.

No rules and no laws of any religious organization or denomination should be allowed to trump the laws of a civilized society where the protection of children is concerned.

The Roman Catholic Church should be held to the highest standard as a signatory to the United Nations Convention on the Rights of the Child, a Convention that by any objective standard it has grossly violated for decades.

Isn't it time to formalize those violations as the crimes against humanity they truly are?

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NOTE BY PRESS OFFICE DIRECTOR ON CASES OF SEXUAL ABUSE

VATICAN CITY, 9 MAR 2010 (VIS) – Given below is the text of note issued today by Holy See Press Office Director Fr. Federico Lombardi S.J. concerning cases of the sexual abuse of minors in ecclesiastical institutions:

“For some months now the very serious question of the sexual abuse of minors in institutions run by ecclesiastical bodies and by people with positions of responsibility within the Church, priests in particular, has been investing [sic] the Church and society in Ireland. The Holy Father recently demonstrated his own concern, particularly through two meetings: firstly with high-ranking members of the episcopate, then with all the ordinaries. He is also preparing the publication of a letter on the subject for the Irish Church.

“But over recent weeks the debate on the sexual abuse of minors has also involved the Church in certain central European countries (Germany, Austria and Holland). And it is on this development that we wish to make some simple remarks.

“The main ecclesiastical institutions concerned – the German Jesuit Province (the first to be involved, through the case of the Canisius-Kolleg in Berlin), the German Episcopal Conference, the Austrian Episcopal Conference and the Netherlands Episcopal Conference – have faced the emergence of problem [sic] with timely

and decisive action. They have demonstrated their desire for transparency and, in a certain sense, accelerated the emergence of the problem by inviting victims to speak out, even when the cases involved date [sic] from many years ago. By doing so they have approached the matter ‘on the right foot’, because the correct starting point is recognition of what happened and concern for the victims and the consequences of the acts committed against them. Moreover, they have re-examined the extant ‘Directives’ and have planned new operative guidelines which also aim to identify a prevention strategy, so that everything possible may be done to ensure that similar cases are not repeated in the future.

“These events mobilise the Church to find appropriate responses and should be placed in a more wide-ranging context that concerns the protection of children and young people from sexual abuse in society as a whole.

Certainly, the errors [sic] committed in ecclesiastical institutions and by Church figures are particularly reprehensible because of the Church’s educational and moral responsibility, but all objective and well-informed people know that the question is much broader, and concentrating accusations against the Church alone gives a false perspective. By way of example, recent data supplied by the competent authorities in Austria shows that, over the same period of time, the number of proven cases in Church institutions was 17, while there were 510 other cases in other areas. It would be as well to concern ourselves also with them.

“In Germany initiatives are now rightly being suggested, promoted by the Ministry for the Family, to call a ‘round table’ of the various educational and social organisations in order to consider the question from an appropriate and comprehensive viewpoint. The Church is naturally ready to participate and become involved and, perhaps, her own painful experience may also be a useful contribution for others. Chancellor Angela Merkel had justly recognised the seriousness and constructive approach shown by the German Church.

“In order to complete these remarks, it is as well to recall once again that the Church exists as part of civil society and shoulders her own responsibilities in society, but she also has her own specific code, the ‘canonical code’, which reflects her spiritual and sacramental nature and in which, therefore, judicial and penal procedures are different (for example, they contain no provision for pecuniary sanctions or for the deprivation of freedom, but for impediment in the exercise of the ministry and privation of rights in the ecclesiastical field, etc.). In the ambit of canon law, the crime of the sexual abuse of minors has always been considered as one of the most serious of all, and canonical norms have constantly reaffirmed this, in particular the 2001 Letter ‘De delictis gravioribus’, sometimes improperly cited as the cause of a ‘culture of silence’. Those who know and understand its contents, are aware that it was a decisive signal to remind the episcopate of the seriousness of the problem, as well as a real incentive to draw up operational guidelines to face it.

“In conclusion, although the seriousness of the difficulties the Church is going through cannot be denied, we must not fail to do everything possible in order to ensure that, in the end, they bring positive results, of better protection for infancy and youth in the Church and in society, and the purification of the Church herself”.

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