

TOWARDS JUSTICE

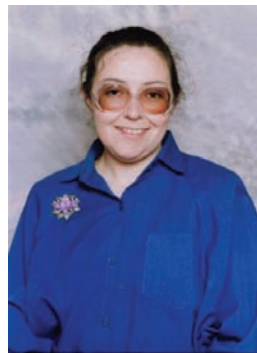
The Charter

of the Melbourne Victims' Collective, Australia



Acting against Abuses

from Clergy, Religious and Lay Personnel
in the Melbourne Catholic Archdiocese



INTRODUCTION

Towards Justice: The Charter is an initiative of the Melbourne Victims' Collective, comprising more than 30 people. Members of this Collective have experienced the consequences of primary, secondary, tertiary and/or systemic abuses by clergy, religious and lay personnel within the Melbourne Catholic Archdiocese. These abuses date from approximately 1948 to 2008, across the tenure of five Archbishops. The Collective includes independent practitioners with a combined 60 years of legal, pastoral, psychiatric and psychological expertise in their work with clients abused within religious settings. *Towards Justice: The Charter* expresses the opinion of the Melbourne Victims' Collective and is based on case materials from numerous victims.

Since *Sexual Abuse: The Melbourne Archdiocese Response*¹ was established in 1996 by Archbishop George Pell (later maintained by Archbishop Denis Hart), victims, their families and members of their parishes have repeatedly recounted to the Collective practitioners their experiences of disregard, disservice and disadvantage within the set of arrangements of *The Melbourne Response*. The similarity of independent accounts has led the Collective practitioners to form the view that there has been a disturbing pattern of abuse.

Our aims are to raise Church and public awareness about the mistreatment and ongoing trauma of victims, and to open avenues for dialogue, review and change through processes of restorative justice.²

DEFICIENCIES IN 'THE MELBOURNE RESPONSE'

The Melbourne Response was put into place with legal advice from a major Australian law firm and purports to follow the 15 'Principles for Dealing with Complaints of Abuse' as defined in Part 1 of *Towards Healing*.³ In contrast, many victims have found *The Melbourne Response* inherently deficient. Over 12 years since its inception, it has, in our view, not practised these principles and has reduced its response to a legalistic claims process.

Victims of sexual abuse by clergy, religious and lay personnel⁴ are profoundly disadvantaged and wounded. When they turn to an institution for assistance and receive an inadequate response which does not recognise their needs, victims' wounds are seriously compounded. This is a further layer of abuse, inflicted by the institution ostensibly offering help.

This dynamic is reported by victims in the Collective who turn to *The Melbourne Response*, only to find what in our opinion is an inequitable system that, from a victim's viewpoint, places the public, legal and financial interests of the Melbourne Catholic Archdiocese over those of the victims.

The Archdiocese's maintenance of a set of arrangements, in our opinion, appears to prioritise its livelihood above the needs of victims, and is diametrically opposed to the values and example of Christ. We believe it also contravenes the most recent directives of Pope Benedict XVI on this matter:

... we have to act on three levels, the first is at a political level to ensure justice is done. We will absolutely exclude paedophiles from the sacred ministry, they can never be priests and we will do all we can to help the victims who have been deeply affected by this, these are the two sides of justice. On a pastoral level we must ensure healing and reconciliation, this is a big pastoral engagement...⁵

In our view, the perpetuation of the current priorities of *The Melbourne Response* by its clerical leaders, also directly contradicts the national Code of Conduct for all clergy and religious in Australia, outlined in the booklet, *Integrity in Ministry*. This document holds all clergy accountable for prioritising the 'care and healing of those who have been harmed by ministers of their community' in situations 'when Communion is broken', as

1 See George Pell, *Sexual Abuse: The Melbourne Archdiocese Response* brochure (The Catholic Archdiocese of Melbourne: Melbourne, October 1996). Hereafter referred to as *The Melbourne Response*.

2 See Gerry Johnstone and Daniel W. Van Ness (eds), *Handbook of Restorative Justice* (Willan Publishing: Oregon, 2007) and Michael S. King, *Towards a More Comprehensive Resolution of Conflict: The Role of Restorative Justice* (Melbourne: May 2008).

3 See Australian Catholics Bishops' Conference, *Towards Healing: Principles and Procedures in Responding to Complaints of Abuse against Personnel of the Catholic Church in Australia* (National Committee for Professional Standards: Bondi Junction, 1996), 1, footnote 1.

4 Hereafter referred to as 'clerical sexual abuse' for brevity.

5 Benedict XVI, Press Conference, Alitalia 777 Boeing, 15 April 2008, as reported by Emer McCarthy.

well as ‘the parents and family of those harmed and the community where the violation has occurred.’⁶

Primary and secondary victims in our Collective feel betrayed by the lack of clerical leadership within the Melbourne Catholic Archdiocese. They describe feeling powerless within *The Melbourne Response* set of arrangements, which are deficient in values and principles of justice, healing, safety, integrity, empathy and trust-building.

Hearing Victims Speak about *The Melbourne Response*

These deficiencies are heard in victims’ descriptions of:

- mismanagement of complaints;
- neglecting to investigate and respond to ongoing risks of clerical abuse with appropriate interventions;
- impersonal, insensitive and untimely responses to victims, their families and wider communities;
- mismanagement of accused priests who continue to harass complainants and parish members after being stood down from parish and/or public ministry, pending investigation;
- the retaining of offenders as ordained priests, even after they have been found guilty in criminal court, and/or the Independent Commissioner for *The Melbourne Response* makes a finding that victims’ complaints of sexual abuse by these priests have been established;
- the absence of promised pastoral support, which leaves victims feeling spiritually abandoned by and excluded from their Church community;
- receiving a response from the Archbishop’s lawyers when victims question the personnel, practices or processes of *The Melbourne Response*;
- confusion of roles by those who respond to victims on behalf of the Melbourne Catholic Archdiocese;
- a lack of professional advocacy, resourcing and support for professionals working with children exposed to abusive clergy in Catholic schools, and appropriate intervention in situations of abuse; and
- a scarcity of information for family members and parishioners, and lack of recognition of and response to their needs as secondary victims.

Structural Flaws in *The Melbourne Response*

The experiences of the members of the Melbourne Victims’ Collective reveal, in our opinion, the following flaws:

- In its Archdiocesan separation from the national set of procedures, it segregates victims, families and communities, and avoids external accountability.
- The lack of policy guiding *The Melbourne Response* leads to inconsistent and arbitrary decision-making from case to case.
- Victims are offered no practical independent support or advocacy to assist them with the processes of *The Melbourne Response*, evidencing a system that does not prioritise the needs of the victims.
- It lacks clearly defined organisational and spiritual leadership.
- The structure and role of Carelink differ markedly from the public announcements.
- There is no Pastoral Response Team ‘to provide victims with spiritual support and counselling at a parish level’⁷. This team was eliminated with the implementation of *The Melbourne Response*, not up-graded as promised.⁸
- There are scant services available for secondary victims, despite the promise of provision of a ‘forum for pastoral healing... as an essential part of the healing process for the wider Church community.’⁹

6 National Committee for Professional Standards, *Integrity in Ministry: A Document of Principles and Standards for Catholic Clergy and Religious in Australia, June 2004* (National Committee for Professional Standards: Sydney, 2004), p. 19-20.

7 Melbourne Catholic Archdiocese Media Release, ‘Catholic Church in Melbourne Apologises to Sexual Abuse Victims and Appoints an Independent Commissioner to Enquire into Allegations’ (St Patrick’s Cathedral: Melbourne, October 1996), p. 2.

8 *The Melbourne Archdiocese Response* brochure, panel 7.

9 *The Melbourne Archdiocese Response* brochure, panel 7. See also National Committee for Professional Standards, *Integrity in Ministry*, p. 19-20, where the importance of ‘justice and the healing of the community of the Church’ is

- Although the Independent Commissioner announced that ‘it was hoped the commission would complete its work within six months, and hopefully a much shorter time than that’¹⁰, *The Melbourne Response* has filled a permanent role for more than a decade.
- The only public information available is inadequate, outdated and inaccurate.
- There is no transparency of process and outcomes within *The Melbourne Response* in part or whole.
- The rules and processes made by the Compensation Panel are not publicly disclosed, with monetary offers differing greatly between individual cases with reasons not given for variations.
- *The Melbourne Response’s* combination of the terms ‘ex gratia’ and ‘compensation’ is misleading and unjust. Melbourne’s \$55,000 ceiling is the only such limit within the Australian Catholic Church and is incommensurate with the extent of victims’ injuries, whilst the ‘ex gratia’ nature of the offer precludes any further claims for comprehensive compensation against any entity of the Melbourne Catholic Archdiocese.

International Church Responses and *The Melbourne Response*

Victims and practitioners believe that *The Melbourne Response* lacks key components that form the backbone of international Catholic Church responses to clerical abuse,¹¹ including:

- fair, consistent and truly independent procedures in response to victims and perpetrators of abuse;
- an accountability/audit process that includes regular external reviews of the system and structural revision;
- a procedure for victims to appeal processes, decisions and outcomes;
- comprehensive pastoral care to victims, their families and communities;
- clearly defined procedures for managing the accused or convicted clergy;
- educational programs and strategies to protect children, young people and vulnerable adults, and to prevent further abuse; and
- processes for rebuilding pastoral bridges between priests and people in the wake of clerical abuse.

INTRODUCING A PASTORAL FRAMEWORK

In 1996, in *The Melbourne Response* brochure, Archbishop George Pell publicly acknowledged the need to ‘apologise sincerely and unreservedly... for [the] betrayal of trust’¹² of victims of clerical abuse. The inadequacy of *The Melbourne Response* in the 12 years since, undermines the credibility of this apology.

Making apologies, disconnected from relevant pastoral practice, is concerning. The misapplication of Catholic theology and misappropriation of sacramental resources – including the acts of confession, contrition, repentance, restitution and forgiveness – have long enabled those in power in the Church to hide and perpetuate clerical abuse.

If the Church were to anchor its pastoral ministry with the victims’ viewpoint and draw on spiritual resources such as Catholic Social Teaching¹³, a greater breadth of healing and justice could be realised, including the following dimensions:

- **Confession:** recognition and acceptance of the original clerical abuses and the subsequent systemic abuse;
- **Contrition:** an expression of remorse towards all victims, including families and communities;
- **Repentance:** correcting the structures that have wounded, and acting in a new direction;

noted in situations of abuse by Church ministers.

10 Peter O’Callaghan QC, as quoted in ‘Commissioner aims to act fairly’, *Kairos*, 17–24 November 1996 (Melbourne Catholic Archdiocese: Melbourne, 1996), p. 7.

11 See e.g. United States Conference of Catholic Bishops, *Charter for the Protection of Children and Young People* (US Conference of Catholic Bishops: Washington DC, 2005), www.nccbuscc.org/ocyp/charter.shtml, and The Cumberlege Commission Report, *Safeguarding with Confidence: Keeping Children and Vulnerable Adults Safe in the Catholic Church* (Incorporated Catholic Truth Society: London, 2007).

12 *The Melbourne Archdiocese Response* brochure, panel 2.

13 See e.g. www.faithdoingjustice.com.au

- **Restitution:** improved support for and compensation to victims;
- **Forgiveness:** the Church asks victims for forgiveness, recognising that this may be a long-term individual and social process for those who experience the effects of abuse.

A CALL TO ACTION

It is crucial that the Church in Australia looks particularly to the Melbourne Catholic Archdiocese's history of responses to clerical abuse, with the following aims:

- Recognition and acknowledgement of systemic abuse encountered within *The Melbourne Response*.
- A process of comprehensive reform towards reconciliation and the shaping of a safe and aware Church.
- Establishing restorative justice, proportionate restitution and tangible healing for all victims, including the families and wider communities of victims of clerical abuse.

Practical Measures

The Melbourne Victims' Collective calls for the immediate and equitable resolution of its individual cases, as well as all other cases currently pending within *The Melbourne Response*, according to the principles espoused within *Towards Justice: The Charter*.

We also recommend immediate reform by replacing *The Melbourne Response* with a five-part response grounded in restorative justice that is non-adversarial and collaborative:

1. The establishment of a public enquiry into *The Melbourne Response*, led by a professional with relevant expertise and public standing. This should be a thorough, painstaking and independent review, similar to the Cumberlege Report in the UK¹⁴ and should draw on research about the nature and scope of clerical abuse, such as the findings by the John Jay College of Criminal Justice in the USA, as commissioned by the United States Conference of Catholic Bishops' National Review Board.¹⁵
2. Offering victims the opportunity to contribute their thoughts, needs and experiences to assist the review process and establish more comprehensive responses, so that the Church does more than pay 'lip service to the principle of the equal dignity of all members of the church.'¹⁶
3. The appointment of a manager for the revised system to take responsibility for the entire system.
4. The appointment of a *Vicar for Clerical Sexual Abuse Victims*, grounded in pastoral theology, with experience in working with victims of clerical sexual abuse, in recognition that spiritual aid is central to the renewal of spiritual life for victims, their families and communities.
5. Commitment of leadership, resources and the support of a continuous process of external review, similar to the US Bishops' Conference National Review Board mentioned above.

Putting these five pillars in place would immediately broaden the Melbourne Catholic Archdiocese's response from its current narrow legalistic stance. With a new system in place, the Melbourne Catholic Archdiocese could begin to address the structural causes and symptoms of clerical sexual abuse, and move towards justice and compassion for victims.

An Expression of Peace

We recognise these changes as a symbolic expression of *shalom*, which is 'more than the cessation of violence and conflict. It is the state in which the world is meant to be. It is the best description of what the reign of God will be like: a place of safety, justice, and truth... an experience of peace after so much suffering.'¹⁷

We believe that if the Melbourne Catholic Archdiocese fails to recognise the need for change and act appropriately, there will be a further loss of faith in the Church when the reality and scope of clerical abuse inevitably becomes publicly recognised, as has occurred in the USA, UK, Ireland and Canada.

14 The Cumberlege Commission Report, *Safeguarding with Confidence – Keeping Children and Vulnerable Adults Safe in the Catholic Church* (Incorporated Catholic Truth Society: London, 2007).

15 See various audit reports by United States Conference of Catholic Bishops National Review Board at www.usccb.org/nrb



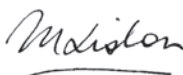
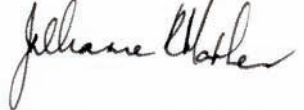
16 Henry MacDonal, 'Pope could face protests in Ireland over abuse cases' in *The Guardian UK*, 10 March 2008.

17 Robert J. Schreiter C.P.P.S., *The Ministry of Reconciliation: Spirituality and Strategies* (Orbis Books: New York, 2004), p. 53.

Most importantly, if the Melbourne Catholic Archdiocese continues to respond as it has done to date, we fear that innocent children and vulnerable adults will continue to be assailed within the Archdiocese, both by clerical abusers and, crucially, by the very system put in place to respond to these sinful crimes.

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Melbourne, Australia, June 2008

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OUR MISSION

'We are called together to be visionary.

*The Life of God can be brought closer to the minds, hearts and bodies
of all those suffering from the ongoing effects of misconduct and abuse
by clergy, religious and lay church members.*

*We appeal to people of good faith, including clerical leaders,
to recognise God's ongoing spiritual and practical work
in our quest for justice.*

*The Charter, our Collective and supporters
seek genuine restoration, reform and reconciliation.'*

'Towards Justice'

Melbourne Victims' Collective, Australia

June 2008