

CHILD SEXUAL ABUSE

COPY

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Facts

- 1 in 10 boys from 0-18 are sexually interfered with and 1 in 3 girls suffer assault not committed by a stranger.
- 50% of offenders have been victims.
- 1 in 10 priests would have been victims.
- 50% have potential to be offenders.

Law

- 1987 enactment made it compulsory for professional persons to notify any suspicious i.e. mandatory reporting. Many notifications remain to be tested in law.
- 2 priests (known to their bishops - 9 not known) and 15 brothers have been charged, much of it on suspicion; many who don't know about it are being investigated.
- matter throws open the question of priesthood and the media are awaiting every opportunity.
- law applies to any adult person in a position of trust and is broad, ranging from exhibitionism to penetration: talk, fondling, etc., to get sexual pleasure. The law is not as broad in other States.

Problem

- Most offences are heterosexual with girls 8-10; homosexual offences generally with older kids 10-14. Generally offenders don't have healthy adult relationships and spend time with kids. Relates back to childhood where they didn't cultivate relationships with peers.
- paedophiles are chronic liars.
- those generally notified have committed many offences.
- change of parish doesn't cure affliction.
- Canada has set up its own tribunal.
- bishop must be able to demonstrate to the community and secular law that he has taken some action once he knows of the problem.
- community climate is to scrutinize carefully men in positions of trust.
- advise priests to act prudently e.g. careful about kids in presbytery, not being alone with kids.

Situation

- adult victims are prepared to testify.
- Youth and Community Services will report to police.
- position of trust is an aggravation of charge.
- offender must seek legal advice immediately.
- talking to police without first seeking legal advice will prejudice position.
- get a lawyer apart from the lawyer used by the diocese.
- costs could run into tens of thousands.
- bishops must not be caught in cover-up by getting the offender out of the way (accessory).
- question of damages is unclear as the position is not as legal for a priest as for an employer.

Compensation

- beware of making deals as this area is ready-made for blackmail.
- guard against the Church being negligent in having failed to take steps to stop offence or have person treated.
- take steps to avoid repeat of offence (this raises the question of scandal). Firstly, there must be no formal judgment, but better if a leave of absence is given. A process would be established after the court case. Guilt or innocence is not always decided by the Court.

Confidentiality of Church Process

- secret archives may not be exempted from civil law.
- instruct the diocesan solicitor and give him the documentation which then becomes " " .
- matter of public relations is critical as this issue could provide a field-day for the media who will sensationalize the matter.
- Act sympathetically with complaints and don't immediately make a disclaimer. Be able to say "I did everything possible for the family".
- questions for consideration: how to communicate to the Catholic community and Catholic press e.g. "only an allegation", "he needs help", "no place in priesthood".
- resist inclination to side with the offender - if there is an allegation relieve him of his appointment.

Requirement - A committee to monitor cases in all dioceses.

Addenda:

- (1) Age of consent for girls 15 - 16, for boys 18.
- (2) Protection of name comes under the general law of defamation.
- (3) It is possible to convict on uncorroborated evidence.
- (4)