

Attachment

1. "Child Sex Abuse and the Churches"

In his book **"Child Sex Abuse and the Churches"** (revised edition, 2003), Professor Parkinson states that Churches have failed to fully understand and facilitate the need for legal action in the case of credible claims of child sex abuse - often because churches have more sympathy for the offender than the victim:

"The church in the past often tried to see the issue as spiritual or medical, not as a safety or legal issue,"
.... "The problem with churches has been naivety. They didn't realise the dimensions of the problem. They thought it could be solved with a bit of prayer and counselling and the offender saying 'sorry'."

...

"Often there's been more concern for the offender than the victim. The offender might be known and well-liked in the parish. There's the sense of 'can't bygone by bygone; can't we forgive and move on?' Churches also make the mistake of believing it has only happened once. In fact, it's well-known that many sex offenders are compulsively attracted towards children."

Professor Parkinson appears to be of the view that Churches are still very bad at caring for victims, with Church leaders often opting to go into the defensive mode as an instant reaction to any claim for damages: *"Religious leaders are most concerned about the possibility of legal action that would drain church coffers"*

2. "What does the Lord require of us? Child Sexual Abuse in the Churches"

In a paper for the Australasian Christian Legal Convention in February 2001 titled **"What does the Lord require of us? Child sexual abuse in the Churches"**, Professor Parkinson sets out the following "parable":

"It is in that spirit that I offer the story of the compassionate church leader, based rather loosely on the story of the Good Samaritan.

' There was a woman who was on a journey to Jericho when she fell among clergy. They robbed her, and they left her wounded in a ditch beside the road. They did not rob her of her money; they robbed her of her innocence. They did not only violate her body, they violated her trust. And they did not leave her covered in blood; they left her covered in shame.

Along came a church leader, and saw the woman in the ditch. Standing on the roadside, he called down to her and said, "Who did this to you?" She replied, "Sir, one of them wore your emblem. I trusted him because he represented you." The church leader listened carefully to her story. He did his best to respond with compassion, but as a church leader he also had to be objective. These were only alleged wrongs. He promised her that he would take the matter further. He would establish a Tribunal, and she would be able to testify and be cross-examined on her story. If the Tribunal believed her, then the man would be punished. He might be reprimanded, or

suspended for a year or required to undergo counselling. He might even lose the right to wear my emblem. And then the church leader walked away and left her in the ditch. Along came another church leader, and saw the woman in the ditch. Standing on the roadside, he called down to her and said, “Who did this to you?” She said, “Sir, one of them wore your emblem. I trusted him because he represented you”. The church leader listened attentively. He did his best to respond with compassion and then said: “We have procedures for dealing with this in our Church. Make a complaint in writing and we will appoint a mediator between you and this minister. You can tell your story and he will tell his, and if he acknowledges his wrongdoing, then you will be able to say what you think is the appropriate penalty. If he does not accept your account, then we will refer the matter to the disciplinary committee of the Church. As a consequence of your complaint, he might be reprimanded, or suspended for a year or required to undergo counselling. He may even lose the right to wear my emblem.” And after he said this, he walked away and left her in the ditch.

A third church leader came along and saw the woman in the ditch, and went over to help her. “Who did this to you?” he said. “Sir, one of them was wearing your emblem. I trusted him because he represented you.” The church leader knelt down in the ditch with her and listened to her story. He told her that he deeply regretted the suffering that she had experienced. He explained to her that in order to address her complaint properly on behalf of the church, he would need to ask some people to investigate the matter and to give the clergyman concerned an opportunity to give his account. In the meantime, he organised an ambulance for her and asked her whether he could help her with counselling to deal with her trauma. He said that if she wanted this, he would ask a woman to help her in making her complaint to the Church and to walk with her through the process. After doing this, he helped her out of the ditch, gave her his coat to keep warm, and stayed with her until medical help arrived. The next day he phoned to see how she was, and to ask whether there was any other way he could help her.’ ”

He then offers the following recommendations as to what a compassionate response requires in terms of reparation (emphasis added). This is particularly relevant given that §17 of the *Towards Healing* document states that: “*A compassionate response to the complainant must be the first priority in all cases of abuse*” and §19 of the *Towards Healing* document states that: “*Whenever it is established .. that abuse did in fact take place, the Church Authority shall listen to victims concerning their needs and ensure that they are given such assistance as is demanded by justice and compassion.*”

“Reparation

The failure of the Church leaders in our story is that they left the woman lying in the ditch. Most church protocols are oriented towards the discipline of the offender (assuming there is no prosecution for the alleged wrongdoing) rather than the needs of the victims. Furthermore, it is common for claims of monetary reparation to be strenuously resisted. This may be inevitable if the Church really believes the claims are false, but what if the Church has been given reason enough to believe they are true? What then does the Lord require of us?

Compensation of some kind may, for some people, be important as a step on the road towards recovery. In my experience, compensation is rarely top of the agenda for victims. I have talked and prayed with victims of clergy abuse who have kept the faith and have genuinely been seeking the Lord's will about what is the right thing to do. More often than anything else, they have sought for the Church to acknowledge the truth of what happened and to take measures to prevent its recurrence. In some cases, an apology from a Church leader on behalf of the Church can make an enormous difference to the victim.

Nonetheless, payment of financial reparation is a means of offering support for the victim and helping to meet his or her needs, and may be appropriate in many cases. Abuse has economic consequences. The confusion and pain victims experience may well impair their capacity for gainful employment, or contribute to the development of serious problems such as drug or alcohol addiction. The provision of various kinds of financial assistance (which might be by the provision of material support) may be appropriate in many cases as an act of compassion and an expression of empathy with the victim.

...

... lawyers acting for churches will have an easy time defending the Church in most of these cases if to act Christianly towards victims is a matter of adherence to secular legal values and entitlements. This is where the teaching of Christ again must cause us to pause. For what did He say about relying on one's legal rights when sued? (Matthew 5:40). Jesus' attitude to issues of money may challenge our approach to victims of abuse profoundly. Perhaps it is not, after all, the ultimate goal of church leaders to defend the assets of the Church. Rather, Christ would call us to respond to the victims of wrongdoing by church personnel with compassion and generosity.

To try to see victims of abuse with the compassion of Christ even when they are angry, disappointed and litigious may be a great challenge for Church leaders and their legal advisers, but it is a challenge which tests our values, and reveals what ultimately is most important to us and to the Churches which we serve."