

Putting the victim first when helping those abused

WORDS • Fr Shane Mackinlay

One of the saddest facts about clergy child sexual abuse is that most victims feel unable to discuss their abuse until many years and often decades later. Psychologists tell us that many child victims believe they, too, are guilty; that somehow it was their fault. These victims not only live with the pain, but also have a sense of guilt and shame that compounds the damage done to them.

Some did try to tell a priest or another adult at the time of the abuse, but they were not believed. At that time—and most abuse in the Church seems to have occurred between the 1960s and 1980s—for many people clerical abuse was unthinkable.

But brave victims did start coming forward in the 1980s, and society learned that the unthinkable was happening.

The Church was slow to act—too slow—but act it finally did, bringing in two processes to help victims and prevent abuse. The Melbourne Response and Towards Healing were introduced in 1996 and 1997.

In setting up these processes, the Church sought wide-ranging advice, tried to put itself in the shoes of the victim and acknowledged some truths.

One truth was that victims needed to be believed, and that victims needed to be the first priority in any response. Some wanted to confront the offender. Some wanted the Church to apologise, and some wanted nothing to do with the Church at all.

Some wanted compensation, some did not. Most wanted psychological support, for themselves and sometimes for their families.

Many victims had not gone to the police or the courts because they did not want the public exposure occasioned by a police prosecution and criminal trial. Many had not even told their loved ones of the awful abuse that had happened to them as a child.

So in setting up both the Melbourne Response and Towards Healing, the Church deliberately tried to design processes that made the victim the priority. Victims are strongly encouraged to go to the police, but the choice is

theirs, and the Church supports them whether they do or not.

Making the victim the priority meant the investigation and assessment of the abuse had to be independent of the Church. It meant that the Church processes had to be straightforward and non-confrontational. They had to offer counselling and other support from the very first contact with a victim.

And the Church had to offer compensation or reparation, regardless of any legal obligation. Both processes offer compensation or reparation for offences by Church personnel, even in situations where it is difficult to establish any legal liability for the Church authority because there was no knowledge of the abuse when it occurred so long ago. This was a marked contrast to the legalistic and self-protective approach that had often been taken before then.

An important decision the Church made was that it should keep itself at arm's length from the operation of its processes. The Church leader, whether a bishop for a particular diocese or the provincial of a particular religious institute, is not part of the process of determining whether the abuse occurred. Their role involves apologising, and offering to pay for compensation or reparation and counselling.

With the Melbourne Response, the Archbishop of Melbourne appointed a senior Queen's Counsel as an independent commissioner. Although paid by the Archdiocese, he is required under the terms of his appointment to act independently of the Church. Of the 314 complaints he had resolved by June 2012, he had upheld 97 per cent of them—304.

Once the independent commissioner upholds a case of abuse, he refers the matter to a compensation panel that is independent of the Church and its insurers, which assesses compensation up to a cap of \$75,000. This is higher than the cap for victims of crime under Victoria's Victims of Crime Compensation Scheme, which is \$60,000.



PICTURE BY PETER CASAMENTO

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In addition to the compensation, the Archdiocese pays for any counselling that is needed, both during the process and as long as required afterwards.

With Towards Healing, the Church set up the National Committee for Professional Standards to oversee the process. No Church leader is involved in any way in investigations under Towards Healing of child abuse that took place in their diocese or religious institute.

Reparation in Towards Healing is uncapped and can include, according to the needs of a victim, the cost of any counselling. It is provided once the complaint of abuse has been upheld by independent assessors, and after a facilitated agreement, recognising the needs of the victim, between the victim and the Church leader.

With both processes, the victim can always bring family or friends, lawyers or other advisers if they wish. Victims are never prevented from speaking freely about the abuse to whomever they wish.

Seven principles underlie both processes: truth, humility, healing the victims, assistance to other persons affected, a response to those accused, a response to those guilty of abuse, and, importantly, prevention.

These principles reflect the commitment of the Church to put the victim first. They allow for natural justice for those accused, who are stood aside while any substantive complaint is being considered, and, when accusations are upheld, are permanently removed from any situation in which they could re-offend.

Most importantly, these principles seek to empower the victim, and give an assurance that everything possible is being done to prevent the blight of abuse from happening again. **K**

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