

The Holy See Responds to the Cloyne Report.



The Cloyne Report was published by the Commission of Investigation into the Diocese of Cloyne. Eamon Gilmore, Irish deputy prime minister and minister for foreign affairs and trade, in the course of a meeting on 14 July with Archbishop Giuseppe Leanza, apostolic nuncio to Ireland, requested him to convey a copy of the report to the Holy See, together with the Irish Government's views on the matters raised, to which the minister requested a response.

Recognising the seriousness of the crimes detailed in the report, which should never have happened within the Church of Jesus Christ, and wishing to respond to the Irish Government's request, the Holy See, after carefully examining the Cloyne Report and considering the many issues raised, has sought to respond comprehensively.

A summary of the response is given below. The full English-language text is available .

1. General remarks about the Cloyne Report

The Holy See has carefully examined the Cloyne Report, which has brought to light very serious and disturbing failings in the handling of accusations of sexual abuse of children and young people by clerics in the diocese of Cloyne.

The Holy See wishes to state at the outset its profound abhorrence for the crimes of sexual abuse which took place in that diocese and is sorry and ashamed for the terrible sufferings which the victims of abuse and their families have had to endure

within the Church of Jesus Christ - a place where this should never happen. It is very concerned at the findings of the Commission concerning grave failures in the ecclesiastical governance of the diocese and the mishandling of allegations of abuse. It is particularly disturbing that these failures occurred despite the undertaking given by the bishops and religious superiors to apply the guidelines developed by the Church in Ireland to help ensure child protection and despite the Holy See's norms and procedures relating to cases of sexual abuse. However, the approach taken by the Church in Ireland in recent times to the problem of child sexual abuse is benefiting from ongoing experience and proving more and more effective in preventing the recurrence of these crimes and in

dealing with cases as they arise.

2. Issues raised by the Cloyne Report

The Holy See's Response addresses in detail the various charges made against it, which seem to be based primarily on the Cloyne Report's account and

assessment of the letter addressed to the Irish bishops on 31 January 1997 by the then apostolic nuncio, Archbishop Luciano Storero, concerning the response of the Congregation for the Clergy to the document "Child Sexual Abuse: Framework for a Church

Response" (the Framework Document). The Commission of Inquiry asserts that this response gave comfort to those who dissented from the stated official Church policy and was unresponsive especially in relation to reporting to the civil authorities.

The Holy See wishes to state the following in relation to the response of the Congregation for the Clergy:

The Congregation described the Framework Document as a "study document" on the basis of information provided by the Irish bishops, who described the text not as an official document of the Irish Bishops' Conference, but, rather, as a "report" of the Irish Catholic Bishops' Advisory Committee on Child Sexual Abuse by Priests and Religious, recommended "to individual dioceses and congregations as a framework for addressing the issue of child sexual abuse".

The Irish bishops never sought the "recognitio" of the Holy See for the Framework Document, which, in accordance with canon 455 of the Code of Canon Law, would have been required only if they intended it to be a general decree of the conference binding on all its members. However, the lack of "recognitio" itself did not preclude the application of the document's guidelines, since individual bishops could adopt them without having to refer to the Holy See. This is, in fact, what generally happened in Ireland .

The Irish bishops consulted the congregation to resolve difficulties relating to some of the content of the Framework Document. The congregation offered advice to the bishops with a view to ensuring that the measures which they intended to apply would prove effective and unproblematic from a canonical perspective. For this reason, the congregation drew attention to the requirement that these measures should be in harmony with canonical procedures in order to avoid conflicts that could give rise to successful appeals in Church tribunals. The congregation did not reject the Framework Document. Rather, it wanted to ensure that the measures contained in the Framework Document would not undermine the bishops' efforts to discipline those guilty of child abuse in the Church. At the same time, it is important to bear in mind the decision of the Holy See in 1994 to grant special provisions to the bishops of the United States to deal with child sexual abuse in the Church. These provisions were extended to the bishops of Ireland in 1996 to assist them to overcome difficulties that they were experiencing at that time (cf. part six of the response).

Meeting canonical requirements to ensure the correct administration of justice within the Church in no way precluded co-operation with the civil authorities. The Congregation for the Clergy did express reservations about mandatory reporting, but it did not forbid the Irish bishops from reporting accusations of child sexual abuse nor did it encourage them to flout Irish law. In this regard, the then prefect of the congregation, Cardinal Dario Castrillon Hoyos, in his meeting with the Irish bishops at Rosses Point, County Sligo (Ireland), on 12 November 1998 unequivocally stated: "I also wish to say with great clarity that the Church, especially through its pastors (bishops), should not in any way put an obstacle in the legitimate path of civil justice, when such is initiated by those who have such rights, while at the same time, she should move forward with her own canonical procedures, in truth, justice and charity towards all". It should be noted that, at the time, not only the Church but also the Irish State was engaged in efforts to improve its own legislation on child sexual abuse. To this end, the Irish government organized an extensive consultation on mandatory reporting in 1996 and, after taking into account the reservations expressed by various professional groups and individuals in civil society - views broadly in line with those expressed by the congregation - it decided not to introduce mandatory reporting into the Irish legal system. Given that the Irish government of the day decided not to legislate on the matter, it is difficult to see how Archbishop Storero's letter to the Irish bishops, which was issued subsequently, could possibly be construed as having somehow subverted Irish law or undermined the Irish State in its efforts to deal with the problem in question.

3. Issues raised by Irish political leaders

The Holy See wishes to state the following in relation to some of the reactions of Irish political leaders:

While the Holy See understands and shares the depth of public anger and frustration at the findings of the Cloyne Report, which found expression in the speech made by the Taoiseach, Enda Kenny, in Dail Eireann on 20 July 2011, it has significant reservations about some aspects of the speech. In particular, the accusation that the Holy See attempted "to frustrate an inquiry in a sovereign, democratic republic as little as three years ago, not three decades ago" is unfounded. Indeed, when asked, a government spokesperson clarified that Mr Kenny was not referring to any specific incident.

In fact, accusations of interference by the Holy See are belied by the many reports cited as the basis for such criticisms. Those reports - lauded for their exhaustive investigation of sexual abuse and the way it was managed - contain no evidence that the Holy See meddled in the internal affairs of the Irish State or was involved in the day-to-day management of Irish dioceses or religious congregations with respect to sexual abuse issues. Indeed, what is impressive about these reports, and the vast information that they rely upon, is that there is no support for these accusations.

In this regard, the Holy See wishes to make it quite clear that it in no way hampered or sought to interfere in any inquiry into cases of child sexual abuse in the diocese of Cloyne. Furthermore, at no stage did the Holy See seek to interfere with Irish civil law or impede the civil authority in the exercise of its duties.

The Holy See would also point out that the text of the then Cardinal Joseph Ratzinger quoted by Mr Kenny in his speech is taken from No. 39 of the "Instruction on the Ecclesial Vocation of the Theologian", published by the Congregation for the Doctrine of the Faith on 24 May 1990. This text is concerned neither with the manner in which the Church should behave within a democratic society nor with issues of child protection, as Mr Kenny's use of the quotation would seem to imply, but with the theologian's service to the Church community.

In his meeting with the apostolic nuncio, Eamon Gilmore deputy prime minister and minister for foreign affairs and trade, stated that "among the most disturbing of the findings of the Cloyne report is that the Vatican authorities undermined the Irish Church's own efforts to deal with clerical child sexual abuse by describing the framework document adopted by the bishops' conference as a mere 'study document'". As is made clear in the Holy See's response this description was based on the explanations of its nature as provided by the Irish bishops and in the published text itself. In no way was it a dismissal of the serious efforts undertaken by the Irish bishops to address the scourge of child sexual abuse.

With regard to the motion passed in Dail Eireann on 20 July 2011, and by Seanad Eireann a week later, deploring "the Vatican's intervention which contributed to the undermining of the child protection framework and guidelines of the Irish State and the Irish bishops" the Holy See wishes to clarify that at no stage did it make any comment about the Irish State's child protection measures, let alone seek to undermine them. The Holy See observes that there is no evidence cited anywhere in the Cloyne Report to support the claim that its supposed "intervention" contributed to their "undermining". As for those of the Irish bishops, the response offers sufficient clarifications to show that these were in no way undermined by any intervention of the Holy See.

4. Concluding remarks

In its response, the Holy See offers a presentation of the Church's approach to child protection, including the relevant canonical legislation, and refers to the Holy Father's "Letter to the Catholics of Ireland", published on 19 March 2010, in which Pope Benedict indicates his expectation that the Irish bishops will co-operate with the civil authorities, to implement fully the norms of canon law and to ensure the full and impartial application of the child safety norms of the Church in Ireland.

The publication of the Cloyne Report marks a further stage in the long and difficult path of ascertaining the

truth, of penance and purification, and of healing and renewal of the Church in Ireland . The Holy See does not consider itself extraneous to this process but shares in it in a spirit of solidarity and commitment.

In a spirit of humility, the Holy See, while rejecting unfounded accusations, welcomes all objective and helpful observations and suggestions to combat with determination the appalling crime of sexual abuse of minors. The Holy See wishes to state once again that it shares the deep concern and anxiety expressed by the Irish authorities, by Irish citizens in general and by the bishops, priests, religious and lay faithful of Ireland with regard to the criminal and sinful acts of sexual abuse perpetrated by clergy and religious. It also recognises the understandable anger, disappointment and sense of betrayal of those affected - particularly the victims and their families - by these vile and deplorable acts and by the way in which they were sometimes handled by Church authorities, and for all of this it wishes to reiterate its sorrow for what happened. It is confident that the measures which the Church has introduced in recent years at a universal level, as well as in Ireland, will prove more effective in preventing the recurrence of these acts and contribute to the healing of those who suffered abuse and to the restoration of mutual confidence and collaboration between Church and State authorities, which is essential for the effective combating of the scourge of abuse. Naturally, the Holy See is well aware that the painful situation to which the episodes of abuse have given rise cannot be resolved swiftly or easily, and that although much progress has been made, much remains to be done.

Since the early days of the Irish State and especially since the establishment of diplomatic relations in 1929, the Holy See has always respected Ireland's sovereignty, has maintained cordial and friendly relations with the country and its authorities, has frequently expressed its admiration for the exceptional contribution of Irish men and women to the Church's mission and to the betterment of peoples throughout the world, and has been unfailing in its support of all efforts to promote peace on the island during the recent troubled decades. Consistent with this attitude, the Holy See wishes to reaffirm its commitment to constructive dialogue and co-operation with the Irish government, naturally on the basis of mutual respect, so that all institutions, whether public or private, religious or secular, may work together to ensure that the Church and, indeed, society in general will always be safe for children and young people.

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