

## Dáil Statement on Ferns Report: Liz O'Donnell T.D.

9th November 2005

**Liz O'Donnell T.D. spoke in Dáil Éireann today, Wednesday 9th November, on Judge Murphy's Ferns Report.**

### Introduction

I would like to preface my remarks with a word of support for those priests who have done no wrong, and deserve our support and sympathy at this time.

A Ceann Comhairle, it is difficult to overstate the importance of this Report produced by Judge Frank Murphy and his colleagues. It is a landmark document in the context of child sexual abuse- abuse compounded in its gravity because the actors were members of the most trusted group in our society.

The victims, children of all ages, suffered not only the most awful forms of sexual, physical and psychological abuse at the hands of clergy, but also suffered the silence, betrayal and inaction on the part of the Church who placed the protection of the most vulnerable below the Church's priority of:

- Protecting themselves.
- Protecting the Church.
- Child protection came last.

I heard a chilling description of what these abusive clergy did to their victims as the equivalent of "eating their souls - destroying their souls".

Unlike other forms of abuse or ill-treatment, sexual abuse of children by priests, and subsequent disbelief of their stories, if they had the courage to speak, is uniquely destructive of the individual spirit - that inner place or core.

Given the scale and brutality as outlined in these pages it is truly remarkable / awesome to witness the human capacity to heal and even forgive among some victims.

### **The End of 'The Special Relationship'**

This Report, however, is landmark in another aspect. It will change forever the special relationship that has existed for many decades between Church and State. This Report must be the starting point for the State's response to all contained in it.

This new beginning cannot happen unless the old relationship ends. The unrelenting deference which constituted the relations between State and Church. It was given and expected.

It was extremely influential in terms of outcome. It must end absolutely. Only then can the State act as it should as we go forward - objectively.

The systemic failure outlined in the Report means that nothing less is acceptable. If the Church leadership, the hierarchy, were a Cabinet, it would resign *en masse* or be thrown out of office. But the Church is neither democratic nor accountable. In many ways it is a secret organisation - with its own diplomatic service, civil service, laws and self-regulatory codes, which have failed the public.

Because the Church in Ireland was the main interface with God, the Irish people and the State have shown deference personally and collectively over many decades. This veil of deference is the root cause of society's failure to stop the Church's systemic mal-administration and dereliction of duty to protect children as outlined in terms of the Report. Because what happened in one diocese is just a microcosm of the situation in all dioceses, the findings are damning in their import.

The fact is there have been hundreds of crimes of clerical abuse against children, which went unpunished. Priests were transferred instead of being exposed. Priests with propensity to offend were ordained, appointed to curacies. Bishops colluded and covered up these matters.

The mighty Church has fallen from grace because of its failure to protect children.

The first response of the State must be to unequivocally state that the special relationship is no more and to take steps to demonstrate that disconnect between State and Church. From now on, with that veil of deference removed, the State can deal with the Church authorities in the same way as it would any other voluntary or State agency that provides services for children and families.

This means no longer accepting the good offices of an admittedly remorseful hierarchy, after the event. The track record is such that we cannot accept that the Church will be truthful or capable of self-regulation.

The late disclosure of files by the Church to Ferns Inquiry shows that the instinct for self-preservation and denial is still rife.

This 'no more Mr. Nice Guy' approach by the State means no longer countenancing the unhealthy enmeshing of the Church in the secular layers of our society.

It means no more consultation between Church and State on IVF.

On abortion services.

On stem cell research.

On Ireland's support for family planning in the third world.

On contraception or supports for single mothers.

On adoption. On homosexuality. On civil marriage.

In a democracy, all views can be articulated, but the special relationship is over. The deference is over. The cosy phone calls from All Hallows to Government Buildings must end.

This also means, like it or not, looking at the church's almost universal control of education. Our national school system was established 170 years ago and while they were originally meant to be (to use today's terminology) mixed religion or multi-denominational, in practice, it did not happen. As a result, virtually all national schools are under the management of one church - the Catholic Church.

Despite the State paying the bulk of the building and running costs, the relevant church authorities privately own and control the vast majority of national schools. The Bishops are patrons of 95% of national schools (3,013).

The same institution that has been found so wanting, effectively decides who is suitable or not to work in our children's schools. If our stated commitment to "taking all necessary action to protect children" is to be more than rhetoric, it is imperative that we radically address this issue. Indeed the investigation into the Archdiocese of Dublin should deal with transfers of lay teachers for allegations of child abuse without due regard to child protection.

### **The Money Trail**

I'd like to turn, Ceann Comhairle, to the neuralgic issue of money. Again in light of the terrible wrongs suffered by victims, discussing the finances might be viewed as unseemly. But money has been a motivating factor in the actions and inactions of the Church authorities in this whole subject.

Central to the Church's self-serving response over the years have been private financial settlements without liability, as well as confidentiality deals.

If the State is carrying out audits in every diocese, investigations that could uncover scores of previously undisclosed abuse cases; I believe they must also audit the Church's wealth. Given the nature and extent of the wrongdoing of this institution against citizens, the Church should be obliged to open up its books. Discovery orders should be made to gain some understanding of the money trail. Such an audit of Church assets and wealth is long overdue and should have taken place prior to the indemnity given to the religious orders. I note also that, true to form, the Church has the temerity to claim €100,000 for their legal costs for dealing with the Ferns Inquiry.

Going back to the need for separation and objectivity between Church and State - Sadly, it is difficult to argue that this was the paradigm within which the negotiations on the indemnity deal struck by the government with the religious orders, took place.

The cost to the orders, as I said, was about €128 million while the cost to the State would be a blank cheque- the State covering every single lawsuit brought against the congregations for child abuse in reformatories and industrial schools. This is not, of course, to understate the share of responsibility the State had for some of the horrors that unfolded in those places. But, the uncomfortable fact is that in several cases taken in the courts by victims outside the redress scheme, the liability of the State has not been proven.

So blanket indemnity was overgenerous by the State- why? All roads lead to the deference of the special relationship.

The result was a bad deal for the State and a good deal for the religious orders. Initial estimates of the potential liability were in the region of €250 million. Three or four times that amount may prove closer to reality, in terms of liability to the taxpayer.

The special relationship has not served Ireland or its citizens well, and it did not serve the victims of abuse well. For example, the implication posed in the Ferns Report is that complaints of sexual abuse made against priests to the *Gárdaí*, were handled inadequately. Evidence given to the inquiry team shows that some complaints made to Garda do not seem to have been recorded in any *Gárdaí* file. Most worryingly, they do not appear to have been investigated in an appropriate manner, due reluctance of members of the *Gárdaí* to investigate allegations against members of the Catholic clergy.

Again the veil of deference descended. Undoubtedly progress has been made in relation to the relationship between the *Gárdaí* and the Church, and this must continue.

I welcome the Government's commitment to introduce new legislation. But legislation alone will not suffice. The law must operate and apply in a context of objectivity and cool detachment. Victims, family members, friends, politicians and *Gardaí* and judges must not be deterred or reluctant to speak out and act in these matters. I welcome that the Government is to move to allow for barring orders against persons, including priests, who are a risk to children in order to restrain them from occupying any employment that exposes them to children and a new criminal offence of failing to protect children from injury or sexual abuse, or reckless endangerment.

Whatever about failure to protect, I want to turn, a *Cheann Comhairle*, to the failure to prosecute cases of child abuse. For many years, I have been baffled by the non-prosecution of child abuse cases even when validated by the Health Boards.

As Opposition Spokesperson for Justice from 92 to 97 I tabled dozens of parliamentary questions to the *Taoiseach*, for the DPP, asking why the statistics were skewed. Because of my interest over many years I became a contact point for many families, exasperated because of non-prosecutions. The DPP does not give reasons - leaving victims and their families distraught.

In some cases it was because of delay. Frequently the accused would take civil actions seeking to stop the prosecution on the grounds that delay in prosecution prejudiced the defendant's right to a fair trial. This device was successfully used by the notorious child rapist George Gibney, who escaped prosecution and is now living abroad. Many abusers have availed of this and it is the judiciary, not the State that have developed to some extent the law in this regard.

In my view we must change the law to state that delay alone cannot be used by the defendant in child abuse allegations, to stop prosecution. The passage of time, and thus delay, is part and parcel of child abuse. Many victims will only disclose when they are safe or adult.

In summary, a *Cheann Comhairle*, it is time for straight talking and respectful disengagement by the State from the Irish Catholic Church across all sectors. This enmeshed relationship has been characteristic of Irish life since the foundation of the State.

One recalls De Valera's drafts of Bunreacht na hÉireann being edited, page by page, by the Hierarchy and my own Party's unhappy but courageous suggestion of disengagement known as "taking God out of the Irish Constitution".

One recalls:-

- The many battles, mostly lost, between State and Church.
- The pregnant women isolated and condemned from pulpits, dismissed from schools, banished to Magdalene laundries. All the acts of a non-loving Church.
- The unrelenting deference expected and given at State functions and in terms of diplomatic protocol. (The papal Nuncio is *numero uno* in our diplomatic corps).
- The sweetheart deal for residential abuse.
- The non-extradition of Brendan Smyth.
- The related intrigue in the AG's Office, and the inactions of Official A, issues never really resolved as to any Church's involvement.
- The millions paid out in private financial settlements by the Archdiocese of Dublin and perhaps others.
- The abortion referenda and the wording being negotiated with the Bishops and the pro-life movement.
- The tip-toeing around the State ceremony marking the elevation of Desmond Connell to cardinal in Dublin Castle - the 'Larkin' affair.
- My own mauling when as a Minister, in July 2001, I criticised the Church authorities for doing what this Report has now found - transferring paedophile priests rather than exposing them for prosecution.
- The fact that many priests so transferred went on to play leading roles in the child abuse scandals in the United States.
- The secrecy about money and possible movement offshore thereof.
- The hiring of the best lawyers, the hardball played by them on the Church's behalf, and it still goes on.
- The deafening and immoral silence of the Vatican on the Ferns Report.

It is overwhelming. It is compelling. There is no other way to say it. The special relationship must be over between the State and the Church.

As a faith organisation it must look to rebuild - if it can - its relationship with its flock. My own view as one who has irreconcilable differences with the institution of the Church is that unless it allows the laity in, including women, it is in terminal decline. But to follow my own logic, those are religious matters- not matters for the State.