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Pope Francis attends a penitential liturgy at the Vatican Feb. 23, 2019. (Vincenzo Pinto/AP pool, file)

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Five years ago this week, Pope Francis convened an unprecedented summit of bishops from around the world to impress on them that clergy sexual abuse was a global problem and that they needed to do something about it.

Over four days, these bishops heard harrowing tales of trauma from victims, learned how to investigate and sanction pedophile priests, and were warned that they too would face punishment if they continued to cover for abusers.

Yet five years later, despite new church laws to hold bishops accountable and promises to do better, the Catholic Church's in-house legal system and pastoral response to victims has proven incapable of dealing with the problem.

In fact, victims, outside investigators and even in-house canon lawyers increasingly say the church's response, crafted and amended over two decades of unrelenting scandal around the world, is downright damaging to the very people already harmed — the victims. They are often retraumatized when they summon the courage to report their abuse through the church's silence, stonewalling and inaction.

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"It's a horrific experience. And it's not something that I would advise anyone to do unless they are prepared to have not just their world, but their sense of being turned upside down," said Brian Devlin, a former Scottish priest whose internal, and then public accusations of sexual misconduct against the late Scottish Cardinal Keith O'Brien marked the cardinal's downfall.

"You become the troublemaker. You become the whistleblower. And I can well understand that people who go through that process end up with bigger problems than they had before they started it."

At the end of his 2019 summit, Francis vowed to confront abusive clergy with "the wrath of God." Within months, he passed a new law requiring all abuse to be reported in-house (but not to police) and mapped out procedures to investigate bishops who abuse or protect predator priests.

But five years later, the Vatican has offered no statistics on the number of bishops investigated or sanctioned. Even the pope's own child protection advisory commission says structural obstacles are harming victims and preventing basic justice.

"Recent publicly reported cases point to tragically harmful deficiencies in the norms intended to punish abusers and hold accountable those whose duty is to address wrongdoing," the commission said after its last assembly. "We are long overdue in fixing the flaws in procedures that leave victims wounded and in the dark both during and after cases have been decided."

At the 2019 summit, the norms enacted by the U.S. Catholic Church for sanctioning priests and protecting minors were held up as the gold standard. The U.S. bishops adopted a get tough policy after the U.S. abuse scandal exploded with the 2002 Boston Globe "Spotlight" series.

But even in the U.S., victims and canon lawyers say the system isn't working, and that's not even taking into consideration the new frontier of abuse cases involving adult victims. Some call it "charter fatigue," or a desire to move beyond the scandal that spawned the 2002 Charter for the Protection of Children and Young People.

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>
> — Vatican child protection advisory commission
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Fr. Tom Doyle, a U.S. canon lawyer who worked for the Vatican embassy in Washington but now provides legal consulting for victims, says he no longer even advises they pursue church justice and instead work through secular courts.

Why? Because "the church will screw them every which way from Sunday," he said.

Nearly every investigation into abuse in Catholic Church that has been published in recent years — church-commissioned reports in France and Germany, government inquests in Australia, a parliamentary one in Spain and law enforcement investigations in the U.S. — has identified the church's in-house legal system as a

big part of the problem.

While some reforms have been made — Pope Francis lifted the official pontifical secret covering abuse cases in 2019 — core issues remain.

— The structural conflict of interest. According to church procedures, a bishop or religious superior conducts an investigation into allegations that one of his priests raped a child and then renders judgement. And yet the bishop or superior has a vested interest in his priest, since the priest is considered to be a spiritual son in whom the bishop has invested time, money and love.

It is difficult to think of any other legal system in the world where someone with a personal, paternal relationship with one party in a dispute could be expected to objectively and fairly render judgment in it.

The independent commission that investigated the abuse scandal in the French church said such a structural conflict of interest "appears, humanly speaking, untenable."

Even the pope's own Synod of Bishops came to a similar conclusion. In its November synthesis document after a monthlong meeting, the world's bishops identified the conflict between a bishop's role as father and judge in abuse cases as a problem and called for the possibility of assigning the task of judgement to "other structures."

— The lack of fundamental rights for victims. In canonical abuse investigations, victims are mere third-party witnesses to their cases. They cannot participate in any of the secret proceedings, have no access to case files and no right to even know if a canonical investigation has been started, much less its status.

Only as a result of a Francis reform in 2019 are victims allowed to know the ultimate outcome of their case, but nothing else.

The Spanish ombudsman, tasked by the country's congress of deputies to investigate abuse in the Spanish Catholic Church, said victims are often retraumatized by such a process, which it said falls far short of national or international standards.

The French experts went even further, arguing that the Holy See is essentially in breach of its obligations as a U.N. observer state and member of the Council of Europe, which requires it to uphold the basic human rights of victims.



Survivors of sex abuse hold a cross as they gather in front of Via della Conciliazione, the road leading to St. Peter's Square, visible in background, during a twilight vigil prayer of the victims of sex abuse, in Rome Feb. 21, 2019. (AP/Gregorio Borgia, file)

— No published case law. The Vatican's sex abuse office doesn't publish any of its decisions about how clergy sexual abuse cases have been adjudicated, even in redacted form.

That means that a bishop investigating an accusation against one of his priests has no way of knowing how the law has been applied in a similar case. It means canon law students have no case law to study or cite. It means academics, journalists and even victims have no way of knowing what types of behavior gets sanctioned and whether penalties are being imposed arbitrarily or not.

The legal experts who investigated abuse in the Munich, Germany church said the publication of canonical decisions would help eliminate uncertainties for victims in how church law was being applied; Australia's Royal Commission, the highest form of inquest in the country, similarly called for the redacted publication of its decisions

and to provide written reasons for their decisions "in a timely manner."

In-house, canon lawyers for years have complained that the lack of published cases was deepening doubts about the credibility and effectiveness of the churches' response to the church scandal.

"All we can conclude is that this lack of systematic publication of the jurisprudence of the highest courts in the church is unworthy of a true legal system," canon lawyer Kurt Martens told a conference in Rome late last year.

Msgr. John Kennedy, who heads the Vatican office that investigates abuse cases, said his staff was working diligently to process cases and had received praise from individual bishops, entire conferences who visit and religious superiors.

"We don't talk about what we do in public but the feedback we receive and the comments from our members who recently met for the plenary are very encouraging. The pope also expressed his gratitude for the great work that is done in silence," he said in a message to AP.