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Review of Murphy Commission's work says process it followed was unfair

by Sarah Mac Donald by Catholic News Service

Dublin — A new review of the work of the Murphy Commission that investigated clerical sexual abuse in the archdiocese of Dublin charges that priests did not get even-handed treatment and that the process it followed was unfair.

Undertaken by the 1,000-member Association of Catholic Priests, the review also said the commission's work exceeded its announced plans to investigate institutions rather than individuals.

The review poses a challenge to Dublin Archbishop Diarmuid Martin, who defended the commission's findings in a statement Tuesday.

The commission published a scathing 814-page report in November 2009 in which diocesan officials in Ireland's largest diocese, including bishops, were roundly condemned for covering up and mishandling reports of sexual abuse of children.

The priest association's review was conducted by Fergal Sweeney, a retired Hong Kong High Court judge. The association represents about one-third of Ireland's priests.

In response, Martin said children who were abused by priests must be remembered during any criticisms of the Murphy report.

"A strikingly large number of children were sexually abused by priests within the church of Jesus Christ," he said in a statement.

Acknowledging the right of the priests' association to examine or criticize the fairness of the 2004 law

that established the commission, Martin defended the body's work.

The archbishop also questioned why diocesan officials who were unhappy with the commission's process did not seek a judicial review.

He explained that the commission dealt with a representative sample of 46 abuse cases out of the 500 that occurred involving 98 priests.

Columban Fr. Sean McDonagh, a member of the Association of Catholic Priests' leadership team, told Catholic News Service that the review was not about "trying to minimize the enormous damage that was done to the children."

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Looking at the law that established the commission, he said the priests' association wanted to highlight that there is no provision to allow a person whose reputation is at stake to speak with legal counsel.

Because of that, McDonagh said, the commission's work was "flawed" and the process under which it worked breached human and constitutional rights.

However, Martin maintained that every bishop or priest who met with the commission was offered legal assistance throughout the investigatory process: in preparation of an interview, during the interview and when verifying draft reports submitted to verify accuracy.

"Any person who had a difficulty with the fairness of procedure adopted by the commission had the right to challenge those procedures by way of a judicial review in the (Ireland) High Court," the archbishop said.

McDonagh criticized the commission for naming and "shaming" the diocesan officials it investigated, saying it overstepped its bounds and damaged reputations.

Sweeney's review specifically points to the naming of clerics and to the commission's treatment of other professionals it investigated, who remained anonymous.

"No reason or explanation is given for this disparity of treatment," the review stated.

In addition, the review accused the commission's final report of failing "spectacularly" to recognize the "learning curve" on pedophilia within the church, while recognizing the importance of that learning curve in the case of all other categories of witnesses.

Meanwhile, Marie Collins, the victim of abuse by a Dublin priest, told CNS the archdiocese's handling of abuse reports must remain the focal point.

"Advice received by psychiatrists or ignorance of the effects of such abuse is absolutely no defense for not reporting a crime to the civil authorities or for allowing such a perpetrator to have continued access to children," she said.

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