



DOVOLJ JE

ZAVOD
ZA ZAŠČITO ŽRTEV SPOLNIH ZLORAB
V CERKVI NA SLOVENSKEM

**Statement for the press conference in Rome on the subject of sexual abuse
in the Roman Catholic Church, 13 May 2022**

"Dear feeling!

Today passed without your presence, but as it got dark, you crawled back into me. You crept up silently and without warning to get ready for the struggle. In an instant, you change me, making me seem disgusting and my body once again too heavy. The feeling of disgust and despair is horrible. I am afraid that I am too weak to resist it. It's more powerful and has more energy than me. I sense it as a living being that crawls into my body, lives within my body. That's when I die. I disappear bit by bit every day. It gnaws on me, tearing and ripping me apart. First my soul, then I do the things happening within me to my body. This feeling sometimes makes me ..."

Excerpt from the diary of a seventeen-year-old girl who was sexually abused at the age of eleven (Samec, Slodnjak, 2001, p. 70).

My name is Barbara Nastran, and I am an attorney from Kranj and a specialised assistant of the Enough (*Dovolj.je*) initiative. Any statements made here are my personal views and not a reflection of case law.

Until last year, I thought I would never again have to deal with sexual abuse in my legal career, although I actually wrote my master's thesis on this issue. When I started my career in law, I dealt with sexual abuse of minors every day. I can admit that when I started working as a judge, I no longer wanted to have anything to do with sexual abuse. And for a very simple reason: you carry the stories and pain of those abused with you, all the time. Day after day. And then you find yourself no longer recognising your own life, becoming their life. Their stories and their pain become your story and your pain. You try saving each of them, you analyse what circumstances should have existed in order to prevent these abuses.

You also analyse where in the psychophysical development of the perpetrator the so-called "programme error" occurred, resulting in their inability to empathise with the feelings of others and their unnatural need to take what they need at any moment. I purposely made a

comparison to a natural need, because in nature an animal takes what it needs while man goes even further. Man is not satisfied with what he needs, but takes what he wants. And if what he wants is within permitted boundaries, there is nothing wrong with his desires. However, if he wants something that is protected, his desires and resulting actions are deviant. In such cases, we are dealing with abuse. In fact, we are dealing with disregard for the personality of others and related rights. Abuses committed by priests or nuns of the Roman Catholic Church constitute – in my opinion – *double or even triple victimisation*.

Our legal system treats all perpetrators equally – regardless of their social status, age (I am talking about those who can be prosecuted under our law), gender, religious beliefs, race, etc. The principle of equality before the law is one of the most important principles; therefore, I am always amazed why the courts in such criminal proceedings treat a priest as a perpetrator differently than any other perpetrator of such crime. It can not be overlooked that they are attributed some so-called informally determined legal kindness, as most judges treat them with the principle of soft touch from the very beginning of proceedings. From my own experience, when I represented victims, priests were treated with a friendlier tone, a more tolerant approach, an obvious but unspoken acknowledgement of their eminent status, and even in a manner implying that accusations against the priest are probably the result of untruths, imagination, even conspiracies ... That this is not just my personal belief is indicated by the criminal penalties imposed: no other perpetrator of multiple instances of sexual violence in Slovenia, particularly against a minor, would ever be given a suspended sentence or an admonition, but would receive a prison sentence. Regarding criminal penalties for a perpetrator convicted of alleged offence, the Criminal Code stipulates that all circumstances of the specific case and the perpetrator must be taken into account: mitigating and aggravating.

I fail to see any mitigating circumstances in the case of a priest as the perpetrator. However, I have to point out the circumstance that the courts should have considered by necessity and which should have certainly prevented the court from sentencing the perpetrator priest with an admonition. With their reprehensible actions, the perpetrator priest violated (1) the sexual integrity of the victim, who may even be (2) a minor, (3) whose protection and upbringing was entrusted to the perpetrator priest. Because of the generally accepted mission of the priest as a representative of God and the belief in their immaculateness, which places them in a

position above other people, (4) the victim was in a subordinate position to the perpetrator. With their conduct, the perpetrator priest exploited (5) the confidential relationship with the victim's family, as well as (6) their devotion and even (7) their honour – as the perpetrator priest with their physical presence chose their family as better than other families – resulting in the family (8) accepting the perpetrator not only as a member, but also as a person with special privileges. We she also not overlook the circumstance that the perpetrator priest committed (9) multiple offences against (10) multiple victims, and had committed reprehensible acts (11) over a longer period of time, and would continue to commit such acts if the victims had not gathered their courage to speak out against the perpetrator's acts. The latter indicates the priest's direct intent and at the same time their intention to shame the victim, and to control and subjugate the victim.

Under such circumstances, the court would sentence the perpetrator of such acts to several years in prison. ***But not a priest.*** A priest has to be given another chance. I fail to see any reason why, as we have to base our consideration on the fact that the alleged crime of sexual abuse is in itself aggravated because the victim has a confidential relationship with the accused and is subordinate to the accused due to the general local favourable view of the Church, upbringing in the family and the family's belief that membership in the Church is mandatory. Such treatment of priests in criminal proceedings is unacceptable and even contrary to the positions of case law, and denies the publicly lauded principle of zero tolerance for such acts, especially those committed against weaker groups in society.

Such is also the Church's attitude towards perpetrator priests. The Church's actions should be based on its original mission: the mission entrusted to the Church to spread the word of God among the people, and to help the people. It should be aware of its power on the one hand, and people's devotion and obeisance on the other hand. These are two extremely important values. Only by recognising the importance of the latter value, i.e. people's devotion and obeisance to the Church, will the Church be able to justify its power and the mission it is entrusted with. That is why the Church should take a clear and transparent position on the actions of the representatives of God when they can not resist their deviant inclinations and even use their mission to achieve their goals aimed at satisfying their sexual needs, and

immediately bar the perpetrator priest from performing religious services and condemn the perpetrator for their actions. This is the interpretation of the *Instructions for implementing a policy of zero tolerance of sexual abuse*, adopted by the Slovenian Bishops' Conference at the 21st regular session of the Regular Council on 11 April 2019. Looking at the contents of the Instructions, we can see a position critical of perpetrator priest on the one hand (Article 2 of the Instructions), but also the possibility of concealing such actions of priests, shifting the responsibility for their actions to state authorities governing all citizens of the Republic of Slovenian (Article 5 of the Instructions) on the other hand.

My personal opinion is that the Church should simply acknowledge that even within the ranks of representatives of God there are those who can not resist their deviant urges and are therefore not deserving of their entrusted mission. By doing so, the Church would acknowledge that it believes the victims, and that it understands their pain and the situation in which they find themselves because of the actions of the perpetrator priest. It is impossible to imagine the trauma caused to the victim by sexual abuse. Nor can we even begin to imagine the consequences of sexual abuse committed against a child or a victim, where the perpetrator is someone that the victim depends on in some way, and is in a subordinate position to the perpetrator. That is the position of sexual abuse victims committed by priests. Victims are unable to defend themselves against such a perpetrator because of their physical weakness, as well as personal immaturity and potential dependence on the perpetrator, and their relationship of subordination. The excuses of priests who have committed sexual abuse – that they are in fact themselves victims, that they have been seduced by the victims themselves, or that they have been "forced" to do so by other circumstances – are unacceptable, and show further exploitations of their dominance and the helplessness of the victim. There is no excuse for their reprehensible conduct, and any such excuses must be seen as a hopeless attempt to avoid their moral and criminal responsibilities. The position of the victim in proceedings involving sexual abuse committed by priests or nuns is specific, as the victim themselves and their family must face marginalisation and even stigmatisation by others, as by disclosing the actions of the priest or nun they have tarnished the name of the representative of God, their mission and, last but not least, the position of the Church itself.

The current attitude of the Church towards the victims, when informing the Church of the

conduct of the priest or nun, merely confirms the above. In all the proceedings so far, the Church has attempted to find excuses and reasons why the priest committed such acts. It focused its efforts on so-called "treatment" of the perpetrators and silent admonishment not to commit such acts. Too often, it attempted to cover up the reprehensible conduct of its representatives of God. By doing so, it actually indirectly permitted such acts and conveyed to the victims what it really thinks of their plight. In fact, with such actions, it completely denied the violation of the victims' integrity and artificially diminished the significance of the perpetrators' conduct.

That is why all the instructions and guidelines adopted by the Church on how to proceed in such cases and what protection should be provided to the victims are completely unnecessary and represent merely ink on paper. Only when the Church stops looking for reasons for the actions of its representatives in the victims, and even justifying their actions, will it acknowledge the identity of sexual abuse victims and its true intention to ease victims' plight, to eliminate or at least reduce the consequences of sexual abuse, as well as to exclude the perpetrators of sexual abuse from their current mission, thus preventing further sexual abuse.

It was also have to establish a system or network for early detection and identification of potential personal deviations and inclinations of future priests and nuns. By doing so, it would appropriately acknowledge the victims' pain and protect them from further sexual abuses, while also acknowledging all past actions and justifying that the power it has gained throughout the years has not been entrusted to it without reason. So far, the Church has done so, so all the provisions of the above-mentioned Instructions and Guidelines are merely self-serving. They were apparently written and adopted to put the Church in a position beyond reproach regarding any claims that it has failed to address the issue of sexual abuse or has ignored the victims' calls for help, sweeping under the carpet any reports of sexual abuse committed by priests and nuns. In my opinion, the Church is not even aware of the seriousness of these issues. ***If in the future the Church fails to distance itself from the perpetrators' conduct, and does not publicly condemn their actions, if it does not exclude the perpetrators from its ranks and does not strip them of their consecrated mission, it will assume the exact same responsibility as borne by the perpetrators for the reprehensible acts, and will also be liable for all consequences of sexual abuse.***

Allow me to conclude with a thought that should actually be a proposal: in sexual abuse cases, the Church must pay much more attention to the victims; thus, the statement in the Guidelines for the Protection of Children, Minors and Vulnerable Persons in the Catholic Church in Slovenia of 5 October 2020, i.e. *that in proceedings under canon law, the victim may choose their representative* (i.e. attorney), is not enough. It should be correctly stated that *the victim in such proceeding, as well as the perpetrator, must have an appropriate representative, who should be an attorney, with the costs of representation borne by the Church*. However, the representative for the victim's interests should certainly not be an attorney from the Church, as such a position casts doubt on the attorney's seriousness in representing the victim's interests, as well as the attorney's ability to understand the victim's situation and plight. The Church should inform the victim about their right to an attorney as soon as the victim reports the perpetrator and their conduct to the Church. Any other action represents a manoeuvre to offer ostensible and dishonest help to the victim and to cover up the perpetrator's actions.

Even when providing help to the victim, as states in the Guidelines, the Church should immediately inform the victim about this option, and the victim should be able to choose a therapy provider among all licensed psychotherapists in Slovenia, not just from the so-called list of psychotherapists compiled by the Church itself. Considering that any such psychotherapist is a member of the Church, the success of psychotherapeutic treatment of the victim is questionable, as the victim must establish a rapport with the therapist, and through this a suitable transfer. In my opinion, such option of help represents only ostensible efforts of the Church to help the victim, which can also be understood as a way of covering up the committed acts. We should not ignore that the perpetrator with their act destroyed the victim's trust in the Church, so the victim's psychotherapeutic treatment will be successful only if the victim can work with a psychotherapist who is not associated with the Church.

Finally, I am obliged to explain my view of the *triple victimisation of victims* that have mentioned in the beginning. Needless to say, the *first victimisation* occurs when the perpetrator priest – regardless of the victim's consent if the victim is under the age of 15, and without the victim's consent if the victim is over the age of 15 – violates the sexual integrity of the victim thus forcing them to suffer their actions. The range of conduct that can be

categorised as sexual abuse is wide. It includes (a) *verbal conduct of the perpetrator* that violates the sexual integrity of the victim and (b) *non-verbal conduct* in which the victim recognises a violation of their intimacy by the perpetrator, but also (c) *physical sexual abuse* with which the perpetrator grossly violates the sexual integrity of the victim in order to satisfy their sexual desire.

I see the *second victimisation* in the perpetrator's abuse of their authority or the position of a representative of God to the victim, as well as in their abuse of trust in their purity. If the Church is to be considered a serious and responsible institution, we can expect that it entrusted the mission of spreading the Word of God to the persons who sincerely believe in the purity of soul and immaculateness, also in themselves because of their religious service provided for the victim. There is a specific relationship between a priest and the victim, for the position of representative of God, the person entrusted with the mission of spreading the Word of God to the people on the one hand, and the victim's cultivated obedience, obeisance and subordination to the Church and its representatives on the other hand, as people need the representatives of God to come in contact with God and the Word of God. The position of representative of God is so majestic that no one can even think that a priest would do something that the Word of God does not allow. It creates a sense of supremacy and gives the priest the power of a superior person, one who can also influence an adult person, a person depending on them.

The victim experiences the third victimisation by its family and others. Needless to say, not even close family members believe the victim. In fact, their decision on whether to believe the child or not is never even made. Generally, they consciously ignore the signs of sexual abuse, and they fail to hear the child's words about the priest's reprehensible conduct. All this because of their own devotion to God and the representative of God, convinced that their priest would never ever do something like that. With this attitude, parents actually betray their own child and give preference to some imaginary notion of purity and immaculateness. Here, I would also include responses from the local environment in which the victim lives. All too often, victims have been excluded from the social network for reporting sexual abuse of priests, and have been pressured to revoke their statements (which were generally characterised as untruths) because the priest would certainly not have done something like

that, or that it is unnecessary to talk about what they did, as it is generally accepted that they commit such acts as if they were their indulgence (*"in one of the criminal proceedings involving a priest that had abused at least four victims, witnesses testified that everyone in the parish knew what he was doing to the girls, but they thought it was better to endure it than to expose themselves as no one would have believed them anyway"*).

The issue of uncovering sexual abuse within the Church is nothing new; however, it is true that these issues have been given greater emphasis in recent years. The victims spoke out after many years of suffering, which required courage and a lot of strength. They can find this in the right person who listens to them, hears them, and empathises with them.

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