



In his September 20 remarks to the Pontifical Commission for the Protection of Minors, Pope Francis stated the important point that “the Church, at all levels, will respond with the application of the firmest measures to all those who have betrayed their call and abused the children of God.” That reaffirmation of the Church's commitment to child protection cannot be said too often or too strongly.

The Holy Father then went on to say something new and very significant: “The disciplinary measures that the particular Churches have adopted must apply to all those who work in the institutions of the Church... Therefore, the Church irrevocably and at all levels seeks to apply the principle of 'zero tolerance' against the sexual abuse of minors.”

This is an unambiguous call to action. The Church in the United States has been a world leader in child protection, and we have an opportunity now to lead again.

Since its adoption in 2002, the Bishops' Charter for the Protection of Children and Young People has been the foundation for the Church's immensely successful efforts to provide a safe environment for children in our institutions and to ensure accountability for the implementation of those efforts. As successful as the Charter has been, however, it has always been missing a very significant piece -- on its face, it only applies to cases of misconduct by clergy and not by laypeople.

For example, the term “sexual abuse” is defined in the Charter by reference to a canon law provision that applies only to the clergy. The definition is ambiguous, and fails to provide sufficient guidance about what behaviors are proscribed. This leaves diocesan officials to rely on an ad hoc standard of their own creation or on potentially differing opinions of theologians, civil or canon lawyers, or review board members.

This is not a good practice -- “sexual abuse” cannot mean one thing in one diocese and a different thing in another, one thing when it applies to clergy and another when it's a lay person.

The Charter's definition of "child pornography" suffers from the same problem. The only guidance in the Charter is a reference to a Vatican document that has an empty and unhelpful definition that is limited to conduct by clerics. An ambiguous standard for this heinous crime isn't acceptable, and it must apply to laity as well.

In addition, although the Charter discusses procedures for handling cases involving the clergy, it says nothing about how to handle cases about lay persons. And most importantly, while the Charter clearly applies the "zero tolerance" policy of permanently removing an offending priest or deacon, there is no defined penalty for lay persons who have committed an offense.

This is a very significant gap. We must assure everyone that no person, lay or cleric, will be permitted to be with children if they have committed an offense. Failing to do so leaves an erroneous impression that sex abuse is uniquely a problem with the clergy, which ignores all the evidence of the incidence of sex abuse and unfairly stigmatizes our priests and deacons.

This omission could have an impact on the credibility of our child protection programs. The annual audit requires information about background check and training of lay people and detailed information about clergy abuse cases, but no information is gathered about cases involving lay people. Including the laity explicitly under the Charter will ensure a greater level of accountability and trust.

One would expect that every diocese has already adopted policies that cover lay people as well as clergy. We certainly have in the Archdiocese of New York. But local policies don't send a strong enough message. The Charter is the public expression of the United States Church's full commitment to child protection. It is imperative that we make absolutely clear that the same rigorous standards apply to all who work with children, across our entire nation.

This is not hard to do. Clear and usable definitions of "sexual abuse" and "child pornography" can be developed that unambiguously cover laypeople. We can draw on the vast experience reflected in state and federal law, which define numerous sexual offenses with great detail and specificity. Uniform disciplinary procedures for handling lay cases do not have to be developed at the national level, since those will be shaped by local personnel policies and laws. Nor do we have to worry about inconsistency with canon law, since that only applies to clergy cases.

It can also be stated plainly that all allegations will be immediately reported to law enforcement and full cooperation will be given to the authorities. All dioceses probably already do this -- in the Archdiocese of New York we have strong protocols for cooperation with law enforcement. But again, a strong statement in the Charter will demonstrate our commitment across the nation.

Most important, after the Holy Father's mandate, it is vital that the “zero tolerance” policy clearly applies to the laity. There can be no room for doubt about that.

The U.S. Conference of Catholic Bishops has been working on a revision of the Charter, and it has not yet been finalized. The Holy Father's timely call to action now gives the Church a great opportunity to be proactive and ensure that our rigorous policies apply equally to all who work with our children.

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