

French cardinal culpable over failure to disclose child sexual abuse

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France's top court has confirmed that Philippe Barbarin, until recently France's most senior Catholic cleric, is culpable for failing to report sexual assaults of minors by a priest in his charge.

The Cour de Cassation's ruling reversed an acquittal of the cardinal, who was the archbishop of Lyon until last year, on the same charge at the Court of Appeal.

The appeal court ruling itself overturned a guilty verdict handed down by the court of first instance.

The duty to report crimes is mandatory under French law. But following the Cour de Cassation ruling, the state made no application for criminal sanctions against Cardinal Barbarin, so there cannot now be a criminal sanction against him.

The Court of Appeal will sit next month to decide what the damages against him should amount to.

Barbarin failed to report sexual abuse by a priest, Bernard Preynat, who has since been convicted of abusing boy scouts while serving as scoutmaster of a Catholic troop.

A lawyer told the court that Preynat had abused an estimated [3,000-4,000 boy scout victims between 1971 and 1991](#).

Preynat was only recently defrocked even though senior clerics had known of his abuses for decades.

The conflicting verdicts turned largely on whether the duty to report passed from the cardinal to the victims themselves when they became adults. The Cour de Cassation rejected this argument put forward by Barbarin's lawyers.

The courts also differed on the extent to which the statute of limitations – the maximum time limit after the event for bringing charges – applied.

Victims' group La Parole Libérée, whose struggle for justice was depicted in the film "By the Grace of God", brought the case in a private prosecution.

The National Secular Society contributed to the costs of bringing the case.

NSS comment

NSS president Keith Porteous Wood commented: "While I welcome the latest ruling, the huge toll of avoidable abuse and irreparable harm of victims that this saga reveals does not reflect well on the administration of French justice.

"I hope that, given the outcome, the public prosecutors will reflect on why they refused to bring a case themselves, to oppose both the private prosecution through all its stages and any criminal sanction for the cardinal.

"It is alleged credibly that [dozens of bishops have concealed abuse of minors without sanction](#) and bishops appear in practice immune from the law requiring reporting of such crimes. What other organisation would be permitted to act in such a lawless way?

"Failure to report also facilitates the abuse to continue, as Preynat's decades of abuse demonstrates so painfully.

"France desperately needs a further much more effective mandatory reporting law to require disclosure of institutional abuse of minors. Even more important, it also needs to ensure it is applied rigorously to everyone, without fear or favour."

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