

# Diocese of London, Ontario seeks leave to appeal to the Supreme Court of Canada to overturn the Ontario Court of Appeal ruling of May 2020

## *Irene Deschenes together with advocates including ACTS-Canada responds*

Virtual Media Conference  
Thursday, August 20, 2020  
11:00 a.m.



**Irene** 11 years old

On Thursday @11:00 a.m. Eastern Time, Irene Deschenes a courageous survivor of abuse by Fr. Charles Sylvestre, along with Nancy Mayer M.S.W, R.S.W, co-founder of Advocates for Clergy Trauma Survivors, Canada (ACTS-Canada), and Michelle Schryer, Executive Director of the Chatham-Kent Sexual Assault Crisis Centre (CKSACCC) will:

- Provide a response to the London Diocese's application to appeal the Ontario Court of Appeal's ruling
- Provide an opportunity to discuss the potential implications of the diocese's appeal from a local, national and international perspective
- Explore the mixed messages in the church's treatment of survivors of clerical abuse

A moderated Q&A will follow immediately

**When** Thursday, August 20, 2020 at 11:00 a.m. Eastern Time

**Format:** The press conference will take place over a secure Zoom conference call. Attendees will be muted upon arrival but will be able to submit questions through Zoom chat to be addressed during the Q&A. Attendees can also wait until the conclusion of the presentation to ask questions directly over Zoom.

**Zoom Details:** Press are welcome to join the Zoom call. Registration with first and last name along with media affiliation is required for all attendees. Please contact [leonahugg@gmail.com](mailto:leonahugg@gmail.com) with registration requests to receive Zoom details.

**For Immediate Release**

August 18, 2020



**(London ON)** - The Diocese of London has once again appealed the ruling of Ontario's courts in a child sexual abuse case linked to Charles Sylvestre. The Diocese previously appealed to the Ontario Court of Appeal – and lost – the lawsuit filed by Irene Deschenes, who was just 10 years old when the abuse started. Now The Diocese is appealing the Court's ruling to the Supreme Court of Canada.

*"I'm very disappointed that, once again, the Diocese of London continues to bully victims into submission" said Irene Deschenes. "Being abused as a little girl by a Roman Catholic priest was harmful enough. That the Diocese continues to use all its vast resources to continue to legally bully me is very painful. I recognize that they have a right to legally defend themselves, but is it the right thing to do?"*

In 1996 Ms. Deschenes filed a lawsuit against the Diocese on the basis that it failed to protect her from Father Sylvestre's abuse. On assurance from the Diocese of London that it had no information or knowledge that the priest had engaged in sexual abuse of other girls prior to the time Irene was so abused in 1971, Irene accepted an out-of-court settlement with the Diocese in 2000. However, in 2006 it was discovered that the Diocese received police reports in 1962 detailing the sexual abuse of three young girls by priest Charles Sylvestre. This revelation contradicted the information that Ms. Deschenes relied upon during negotiations for settlement with the Diocese. Accordingly, in 2008 she filed an application with the court to re-open the settlement of the civil claim she and the Diocese had previously reached.

Ten years later in 2018, Superior Court Justice David Aston ruled in favour of Ms. Deschenes's application to re-open the 2000 settlement. The Diocese of London appealed Judge Aston's verdict.

In May 2020 the Ontario Court of Appeal delivered its ruling which upheld Judge Aston's decision. The Diocese of London has now filed another application for appeal; this time to the Supreme Court of Canada. While the Diocese has the legal right to file for appeal, Ms. Deschenes, other Victims/Survivors, advocates and others are pressing the Diocese to take a higher moral ground.

Ms. Deschenes, supported by ACTS-Canada (*Advocates for Clergy Trauma Survivors in Canada*), will hold a Media Conference by Zoom on Thursday, August 20<sup>th</sup> at 11:00 a.m. Eastern Time

To register for the virtual conference please contact [leonahugg@gmail.com](mailto:leonahugg@gmail.com)

**For More Information Please Contact:**

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This Media Package contains:

1. Letter of support for *Justice for Irene*
2. Chronology of Events Leading to Court Action
3. Canadian bishops: More than 30 Years of inaction
4. How much treatment does a survivor of child sexual abuse by a priest need? (*September 22, 2018 by Peter Jaffe*)
5. Picture of Irene (c. 11 years old.)

## **For 28 Years Irene Deschenes has Sought Justice, Accountability, and Safety for Children**

When Irene Deschenes went to the Diocese of London to report that she had been abused by her parish priest at age 10, she had one goal in mind. That goal was to make sure that Father Charles Sylvestre never abused another child again. To ensure that this would happen, she filed a civil lawsuit against the Diocese for failing to protect her. She settled the matter out of court feeling believed and with the understanding that the Diocese didn't know that Sylvestre was sexually assaulting children.

Still unsure if children were being protected by the Catholic Church, Irene reported the matter to the police in 2004. Dozens of women of all ages came forward and reported their experiences of abuse by Sylvestre to the police. Sylvestre was arrested, charged and convicted of 47 counts of historical child sexual abuse. He died in jail still a Catholic priest in good standing. The exact number of those he victimized will never be known. Their lives we know would be forever changed and limited by that abuse.

Irene might have been able to rest knowing that she had done everything she could to protect children - until the London Free Press reported that the London Diocese had been informed by Sarnia police in 1962 that Sylvestre had sexually assaulted 3 minors. Trust was broken. This confirmed for Irene what other Catholic victims/survivors had shared was their experience - the Catholic Church could not be trusted to protect children from predator priests. Irene felt further revictimized and traumatized by the knowledge that the Diocese knew and yet did not stop Sylvestre from abusing other children.

With a heavy heart, in 2008 Deschenes returned to the only forum that was open to her to hold the Church accountable. She asked the courts to set aside her previous settlement with the Diocese of London. Justice David Aston agreed in 2018 with Deschenes and set aside the previous agreement. The Church knowing that Sylvestre was a convicted predator and knowing that the Diocese had knowledge of Sylvestre harming children before Irene's report, appealed Justice Aston's decision. In May 2020 the Ontario Court of Appeal declined the Church's appeal. Irene has recently been informed that the Diocese of London is once again appealing this decision all the way up to the Supreme Court of Canada.

It takes a village to keep children safe and every adult in Canada is obligated to report suspicions of abuse to authorities. The Catholic Church admits Father Sylvestre is a convicted child abuser. They believe Irene and previously told her they didn't know Sylvestre was abusing children prior to Irene's report. The Diocese of London now admits they were mistaken in telling Irene they didn't have information that Sylvestre was a child molester. And yet.... they continue to spend copious amounts of money in legal fees to fight Irene Deschenes's efforts to hold them accountable. The Church has the money to fight her, thanks in part, to a coveted charitable status. Instead of reparation, the Diocese of London is spending money on lawyers to fight a brave survivor of abuse by a convicted Catholic priest.

It's been 28 years since Irene reported Sylvestre's abuse to the Catholic Church. Decades of sleepless nights, mental anguish and psychological trauma as a result of being abused as a child and then revictimized in her efforts to hold this institution accountable. Recovery from abuse requires a lifelong journey of efforts to mend the harm. Irene faces that the Church has yet again appealed the court's ruling, this time to the Supreme Court of Canada. To continue to appeal is their right - but is it the right thing to do? Will any other person feel safe reporting their concerns about child abuse to this institution knowing how aggressively the Diocese has fought Irene Deschenes in the courts?

ACTS-Canada is a coalition of indigenous and non-indigenous advocates for clergy trauma survivors across Canada and is associated with ECA (Ending Clergy Abuse) which is a worldwide organization of human rights activists and survivors. Both groups can attest that, worldwide, children are still at risk and that those who advocate for their safety and report abuse, will not be met with compassion. The systemic issues that support abuse occurring and being hidden remain unaddressed. Irene's situation is an example of this. It is unquestionably the Church's right to appeal to the highest court in the land - but we ask you to consider, is the Diocese of London doing the right thing? Does this make children any safer from abuse by priests? Will it help any survivor who has already been abused by a priest feel supported, believed or assisted with their recovery? Is this what Jesus would have wanted for the children who have been abused?

## **Chronology of Events**

### **Leading to Court Action to Re-open the Settlement Between Irene Deschenes and the Diocese of London**

*(Released August 2020: In Hope of Justice for Irene and All Victims of Child Sexual Abuse by Clergy)*

- 1971 - 1973:** Irene Deschenes experienced Child Sexual Abuse by Roman Catholic Diocesan Priest, 'Father' Charles Sylvestre, from the age of 10 to 12 at St. Ursula School in Chatham Ontario.
- September 1992:** Irene reported her experience of Child Sexual Abuse by her Parish Priest, Charles Sylvestre, to the Diocese of London.
- 1996 - 2000:** Irene filed a lawsuit on the basis that the Diocese of London failed to protect her from sexual abuse by 'Father' Sylvestre. The Diocese of London advised Irene that it had no knowledge or information that 'Father' Charles Sylvestre had molested/committed Child Sexual Abuse prior to the time she experienced such abuse by Sylvestre. Based on that assurance, Irene accepted an out-of-court financial settlement with the Diocese of London. As part of the settlement Irene was bound by an order of non-disclosure.
- April 27, 2002:** Ronald P. Fabbro, C.S.B. was named as the 10<sup>th</sup> Bishop of London and continues to serve the Diocese in that capacity. Bishop John Sherlock filled that position from 1978 to 2002, following Bishop Gerald Emmett Carter from 1964 to 1978 and Bishop John Cody from 1950 to 1963.
- 2004:** Suffering under the silence that Irene was legally obliged to maintain as a condition of the settlement, she applied to the Diocese of London to have the non-disclosure order lifted. Bishop Ronald Fabbro released Irene from the non-disclosure order that had forced her silence.
- 2004:** Irene reported her experience of historical Child Sexual Abuse by Catholic priest, Charles Sylvestre, to Chatham-Kent Police Service. Similar reports by dozens of other women followed.
- October 6, 2006:** Catholic Priest, Charles Sylvestre, was convicted of the historical Child Sexual Abuse of dozens of girls, now women, over a period of 36 years.

## **Chronology of Events Continued:**

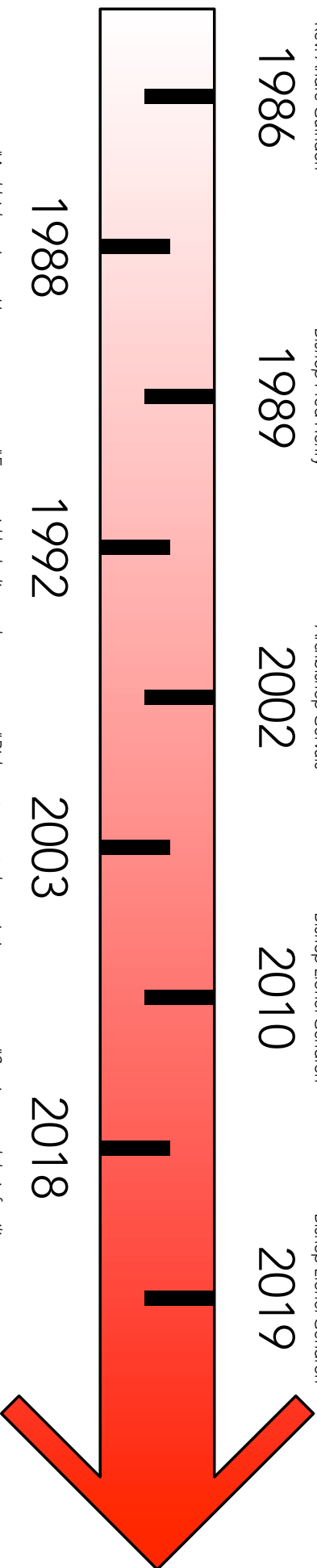
- December 21, 2006:** A news report by Jane Sims - London Free Press, revealed that the Diocese of London was “in possession of three police reports from 1962 detailing the sexual abuse of three victims by disgraced priest Charles Sylvestre.” Apparently the reports had been provided to the Church by Sarnia Police and were “found tucked away in the back of a filing cabinet...” by Bishop Fabbro’s Executive Assistant. According to the news report, the statements of the three victims had been forwarded to the Bishop of the Diocese in 1962.
- 2008:** Knowledge that the Diocese of London did in fact have information regarding sexual abuse against girls by ‘Father’ Charles Sylvestre in 1962, contradicted the information that Irene relied upon during previous settlement negotiations. Irene filed an application with the court to re-open the settlement of the civil claim she and the Diocese of London had previously reached.
- November 27, 2018:** In a decision by Superior Court Justice David Aston, Irene won her application to re-open the 2000 out-of-court settlement with the Diocese of London. Justice Aston acknowledged that Irene “would not have settled as she did in the fall of 2000 if they had known about the 1962 police reports”.
- December 6, 2018:** Irene, with her lawyer, Loretta Merritt, held a news conference where they announced the court’s decision.
- December 7, 2018:** The Diocese of London announced, through the media, their intention to file an appeal of Justice Aston’s decision to set aside the settlement reached in 2000.
- December 12, 2018:** Community organizations and individuals advocating *Justice for Irene*, met at the Chancery Office in London Ontario where they delivered a letter for Bishop Ronald Fabbro urging the Diocese of London NOT to appeal Justice Aston’s decision of November 27<sup>th</sup>. Father John Comiskey accepted the letter on the Bishop’s behalf. Father Comiskey reminded those in attendance that, as part of the legal process, the Diocese of London had every right to appeal Justice Aston’s decision. The group acknowledged their legal right to appeal the ruling and pressed for decision-makers within the Diocese to check their moral compass and do the right thing in delivering *Justice for Irene*.

## **Chronology of Events Continued:**

**November 19, 2019:** The Ontario Court of Appeal heard arguments made on behalf of the Diocese as well as Irene.

**May 2020:** The Ontario Court of Appeal delivered its ruling. The Diocese of London lost its' appeal and Justice David Aston's decision to set aside the 2000 settlement was upheld.

**Currently:** The Diocese of London has filed an application to appeal the verdict by the Ontario Court of Appeal that allowed the settlement reached between Irene Deschenes and the Diocese of London in 2000 to be set aside. If successful, the Diocese of London will appeal to the highest court in the land, the Supreme Court of Canada.



1986 Rev. André Guindon  
 "...:abuse against boys [is] a 'blessing in disguise'. Let's open up the question. Let's look at this honestly."

1988 Archbishop Marcel Gervais  
 "making us ask questions that we should have asked a long time ago..."

1989 Bishop Fred Henry  
 "There's no burying it and no point praying it will go away. This is a time of honesty..."

1992 Archbishop Gervais  
 "We ask them to keep the amount [of any settlement] confidential we don't want to encourage people to become money-grabbing."

2002 Bishop Lionel Gendron  
 "Perhaps nothing has hurt our credibility as teachers and witnesses of the Gospel more than sexual abuse committed by clergy; religious and laity, and its devastating effects on victims, their families and ecclesial communities, which we continue to feel deeply."

2003 Bishop Ronald Fabbro, O.S.B.  
 "The CCCB and individual bishops in their respective dioceses have taken up this challenge and initiative with seriousness of purpose."

2010 Bishop Lionel Gendron  
 "Survivors and their families should be the centre of our attention. Our highest priority needs to be our care for them. If we had listened to them and their cries for justice, many tragic failures of the past could have been avoided."

2018 Bishop Ronald Fabbro, O.S.B.  
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2019 Bishop Ronald Fabbro, O.S.B.  
 "Survivors and their families should be the centre of our attention. Our highest priority needs to be our care for them. If we had listened to them and their cries for justice, many tragic failures of the past could have been avoided."

1986 Rev. André Guindon

1988 Archbishop James Hayes, conference president, said the protocol serves as a reminder the clergy is obligated under provincial laws to report child abuse."

1989 Red Deer Advocate

1992 In its final report, released Thursday, the bishops' committee on sexual abuse recommended a policy of complete openness with judicial authorities, the public and the media on all incidents of sexual abuse."

2002 Leader Post, Regina SK

# Canadian bishops: More than 30 years of inaction



# How much treatment does a survivor of childhood sexual abuse by a priest need?

Updated: Sep 23

by Dr. Peter Jaffe



How much treatment does a survivor of childhood sexual abuse by a priest need? I wanted to offer my reflections in response to the recent media discussions. I am a clinical psychologist with 45 years experience and extensive involvement in assessments on an individual and class action basis in these court cases. I have several thoughts about the nature and length of treatment required. There is no formula and definitive number of years or

sessions that survivors need. The short answer is that it all depends. The long answer is that there is usually a complex set of needs that requires extensive counselling over many years. I also acknowledge some survivors find informal support, while others would rather avoid counselling and are very reluctant to revisit the trauma.

Everyone suffers from the abuse. The victim and their family as well as members of the parish. There is a common harm related to a sense of institutional betrayal. The betrayal comes from the abuse itself, the lack of acknowledgment on a timely basis as well as the cover-up and learning of other victims by the same perpetrator. In my court work with colleagues pertaining to 46 victims of Father Charles Sylvestre in the Chatham area, we interviewed 46 victims between the ages of 30 and 60 whose lives had been forever changed because of the abuse. You can imagine the questions of a 60-year-old woman who wondered how this abuse could have gone on for so many years in the same diocese. You can imagine the questions of a 30-year-old woman who wondered how she was not spared the abuse given the documented history known to the church.

The common impact may include depression, anxiety, loss of faith, and trauma related to feeling hopeless and helpless. If the church is not a safe refuge, what is? There may be a range of individual reactions that depend on the severity and length of the abuse, the age of the victim, the support available, and compounding problems or challenges. Therapy can be expensive and lengthy – the current hourly rate set by the Ontario Psychological Association is \$220 an hour – and you have to find a psychologist that specializes in this area. There are no bargain therapists. Then there is the complex process of therapy. Many survivors may be too distrustful of authority figures or have a chaotic life that makes a therapeutic relationship difficult to establish. Dealing with the past trauma may lead to things getting worse before they get better. Part of the process may be confronting life-long problems related to mental health issues and addictions.

There are often painful histories of lost opportunities and a chain of events that lead to poor educational and vocational outcomes. For example, victims' distrust of authority may have led them to drop out of school as teens and then unable to secure employment. This kind of impact may require many years of treatment and remediation. There is also a developmental aspect of treatment. The issues at 15 are different from 25 or 35 or 60 years of age. For example, the survivor who benefited from counselling at 25 may suffer a relapse at 40 when her children are the same age she was when she was abused and may need to return to counselling. The past trauma is triggered again and the parent becomes very protective and afraid to even send their children to school.

What makes it hard for researchers and therapists to say that survivors need X number of years of treatment, is the profound nature of the harm. It is not just depression and anxiety. It is the fundamental questions about how "my life could have been had it not been for the abuse." There may be a need for residential treatment and then outpatient care. There may be a need for comprehensive clinical, vocational and educational assessment and a multi-year plan for a second chance at life. There is no formula or maximum numbers of years for treatment.

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[www.learningtoendabuse.ca](http://www.learningtoendabuse.ca) [www.cdhpi.ca](http://www.cdhpi.ca)

