

## Catholic Church

Fifteen of our case studies examined responses to child sexual abuse in Catholic institutions, including schools, residential institutions, places of worship and during religious activities. Case studies also focused on the operation of redress processes in the Catholic Church and the operation of canon law in relation to priests against whom allegations had been made. Case studies considered responses to child sexual abuse by a number of dioceses and religious institutes (also known as religious orders or congregations) including the Christian Brothers, the Marist Brothers and the Sisters of Mercy.

We also held an institutional review hearing to consider current policies and procedures of Catholic Church authorities in Australia in relation to child protection, as well as factors that may have contributed to the occurrence of child sexual abuse in Catholic institutions or to inadequate institutional responses to such abuse.

As of 31 May 2017, of the 4,029 survivors who told us during private sessions about child sexual abuse in religious institutions, 2,489 survivors (61.8 per cent) told us about abuse in Catholic institutions. The majority (73.9 per cent) were male and 25.9 per cent were female. A small number of survivors identified as gender-diverse or did not indicate their gender. The average age of victims at the time of first abuse was 10.4 years. Of the 1,489 survivors who told us about the age of the person who sexually abused them, 1,334 survivors (89.6 per cent) told us about abuse by an adult and 199 survivors (13.4 per cent) told us about abuse by a child. A small number of survivors told us about abuse by an adult and by a child. Of the 1,334 survivors who told us about sexual abuse by an adult, 96.2 per cent said they were abused by a male adult. Of the 2,413 survivors who told us about the position held by a perpetrator, 74.7 per cent told us about perpetrators who were people in religious ministry and 27.6 per cent told us about perpetrators who were teachers. Some survivors told us about more than one perpetrator.

We also commissioned a survey to gather data from Catholic Church authorities in Australia regarding claims of child sexual abuse they received between 1 January 1980 and 31 December 2015. This data showed:

- 4,444 claimants alleged incidents of child sexual abuse in 4,756 reported claims
- the largest proportion of first alleged incidents of child sexual abuse occurred in the 1970s (29 per cent of all complaints with known dates)
- 78 per cent of claimants were male and 22 per cent were female, and the average age of the claimant at the time of the first alleged incident of child sexual abuse was approximately 11.4 years (11.6 years for males and 10.5 years for females)
- 90 per cent of alleged perpetrators were male
- of all known alleged perpetrators
  - 37 per cent were non-ordained religious (32 per cent were religious brothers and 5 per cent were religious sisters)
  - 30 per cent were priests
  - 29 per cent were lay people
- 3,057 claims of child sexual abuse resulted in a payment being made following a claim for redress, with a total of \$268.0 million paid (of which \$250.7 million was paid in monetary compensation in relation to 2,845 claims, at an average of approximately \$88,000 per claim).

The accounts of child sexual abuse that we heard about in relation to Catholic institutions largely related to schools and residential institutions. Of the 1,049 institutions identified in the Catholic Church claims data, 549 were schools and 83 were residential institutions. However, claims of child sexual abuse were much more likely to be made in relation to residential institutions than schools – an average of 16 claims were made in relation to each residential institution, while an average of four claims were made in relation to each school.

We also sought information from 75 Catholic archdioceses/dioceses and religious institutes about the number of their members who ministered in Australia from 1 January 1950 to 31 December 2010, and how long each of them ministered. We then calculated the proportion of members of these Catholic Church authorities who ministered in the period 1950 to 2010 who were alleged perpetrators, taking into account the duration of ministry (a weighted average methodology).

Of all Catholic priests included in the survey who ministered between 1950 and 2010, taking into account the duration of ministry, 7 per cent were alleged perpetrators.

The weighted proportion of alleged perpetrators in specific Catholic Church authorities included: the St John of God Brothers (40.4 per cent); the Christian Brothers (22.0 per cent); the Benedictine Community of New Norcia (21.5 per cent); the Salesians of Don Bosco (20.9 per cent); the Marist Brothers (20.4 per cent); the Diocese of Sale in Victoria (15.1 per cent); the De La Salle Brothers (13.8 per cent) and the Archdiocese of Adelaide in South Australia (2.4 per cent).

## **Institutional responses to child sexual abuse in the Catholic Church**

### **Awareness of allegations of child sexual abuse within the Catholic Church**

Our inquiry revealed numerous cases where senior officials of Catholic Church authorities knew about allegations of child sexual abuse in Catholic institutions but failed to take effective action. It is also evident that other priests, religious (members of a religious institute) and lay members of the Catholic community were aware either of specific complaints of child sexual abuse or of rumours or gossip about certain priests or religious. While the knowledge and understanding of child sexual abuse may have developed and deepened in the last two decades of the 20<sup>th</sup> century, it is clear that Catholic Church leaders were aware of the problem well before that time.

### **Institutional responses to child sexual abuse before the development of national procedures**

We have concluded that there were catastrophic failures of leadership of Catholic Church authorities over many decades, particularly before the 1990s.

Those failures led to the suffering of a great number of children, their families and wider communities. For many, the harm was irreparable. In numerous cases, that harm could have been avoided had Catholic Church authorities acted in the interests of children rather than in their own interests.

Few survivors of child sexual abuse that occurred before the 1990s described receiving any formal response from the relevant Catholic Church authority when they reported the abuse. Instead, they were often disbelieved, ignored or punished, and in some cases were further abused.

The responses of various Catholic Church authorities to complaints and concerns about their priests and religious were remarkably and disturbingly similar. It is apparent that the avoidance of public scandal, the maintenance of the reputation of the Catholic Church and loyalty to priests and religious largely determined the responses of Catholic Church authorities when allegations of child sexual abuse arose.

Complaints of child sexual abuse were not reported to police or other civil authorities, contributing to the Catholic Church being able to keep such matters 'in-house' and out of the public gaze. Had Catholic Church authorities reported all complaints to police, they could have prevented further sexual abuse of children.

In some cases, leaders of Catholic Church authorities were reluctant to remove alleged perpetrators from positions that involved contact with children. Some alleged perpetrators were allowed to remain in religious ministry in the same positions and locations for extended periods of time after allegations of child sexual abuse were raised; in some cases there were further allegations of the sexual abuse of children. If appropriate protective steps had been taken, subsequent abuse may have been avoided.

In other cases, alleged perpetrators were moved to new positions in other locations after allegations were raised, where in some instances they continued to sexually abuse children. The removal of priests and religious from locations where allegations of child sexual abuse arose, and their subsequent transfer to new locations, was one of the most common responses adopted across Catholic Church authorities in Australia before the development of national procedures in the early 1990s. Some priests and religious brothers who were accused of child sexual abuse were moved on multiple occasions.

When the priest or religious left, sometimes hurriedly, untrue or misleading reasons were sometimes given for their departure. On occasions, the move was timed to avoid raising suspicion. In some cases, no warning, or no effective warning, was given to the new parish or school of the risk posed by the incoming priest or religious.

Until at least the early 1990s, alleged perpetrators often were sent away for a period of 'treatment' or 'reflection' before being transferred to a new appointment or being allowed to continue in an existing one. Some leaders of Catholic Church authorities believed that psychological or other forms of counselling could assist or 'cure' alleged perpetrators of child sexual abuse.

In some cases, priests or religious against whom allegations of child sexual abuse had been made were simply granted leave, or restrictions were placed on their ministry, such as by appointing them to administrative positions. These measures were not always effective in preventing them from having access to children.

Throughout this period, there was a system under canon law for disciplining priests and religious accused of child sexual abuse, under which the most severe penalty was dismissal from the priesthood or religious life and return to the lay state. However, the Catholic Church authorities we examined did not engage with these canonical processes for priests or religious accused of child sexual abuse in the decades before the development of national procedures in the early 1990s. Instead, bishops and religious superiors adopted a range of informal responses aimed at limiting the capacity of alleged perpetrators to engage in ministry or, at most, permanently removing alleged perpetrators from particular dioceses or religious congregations. These measures did not always prevent alleged

perpetrators from continuing in ministry in another Catholic Church authority, or continuing in other positions where they had access to children.

The clearest indication of the inappropriateness and ineffectiveness of institutional responses by Catholic Church authorities to alleged perpetrators of child sexual abuse in this period is that often they did not prevent the further sexual abuse of children. Some perpetrators continued to offend even after there had been multiple responses following initial and successive allegations of child sexual abuse.

### **Development of national procedures**

In the late 1980s, Catholic Church leaders began to discuss the issue of child sexual abuse more formally at the Australian Catholic Bishops Conference (ACBC). In 1988 the ACBC established a dedicated committee to consider issues related to child sexual abuse, and the adoption of a series of national protocols from 1990 was an important step towards formulating a nationally consistent response. However, these protocols retained a focus on responding to the alleged perpetrators of sexual abuse rather than on the needs of victims, and their implementation by Catholic Church authorities was sporadic.

By the mid-1990s there had been a shift in understanding about the appropriateness of keeping alleged perpetrators in ministry where they would be in regular contact with children. At about the same time, members of the newly constituted Bishops' Committee for Professional Standards recognised that a new protocol focusing on the needs of victims was required. The formulation and adoption of Towards Healing and the Melbourne Response in 1996 were considerable achievements in this regard.

In November 1996, the ACBC agreed that Towards Healing would be implemented in March 1997. A month earlier, the then Archbishop of Melbourne, Archbishop George Pell, had announced that the archdiocese would proceed with the Melbourne Response. The introduction of the Melbourne Response shortly before the implementation of Towards Healing effectively meant that there would not be a uniform national approach.

### **Institutional responses to alleged perpetrators during and after the development of national procedures**

From the mid-1990s, there were some improvements in the responses of Catholic Church authorities to allegations of child sexual abuse. Alleged perpetrators began to be placed on administrative leave while complaints were investigated, and steps were generally taken to remove perpetrators from ministry if complaints against them were substantiated. However, these processes were not always followed, and some measures masked the reasons for the action taken. Further, processes to dismiss priests and religious appear to have been rarely used during the 1990s and early 2000s.

While the early protocols contained some provisions relating to alleged perpetrators of child sexual abuse, they did not comprehensively set out the obligations of bishops and religious superiors in responding to alleged perpetrators and convicted offenders. Furthermore, it appears that leaders of Catholic Church authorities were not always aware of or did not consistently follow these protocols.

The early protocols did not require leaders of Catholic Church authorities to report allegations to the police. Towards Healing did not mandate this until 2010. From the mid-1990s, leaders of Catholic Church

authorities continued not to report alleged perpetrators to police, leaving this to victims and survivors. This had the effect of keeping many complaints from the public gaze and in some cases meant that children continued to be at risk.

The early protocols saw the introduction of the approach that alleged perpetrators should be required to take leave from active duties while allegations were investigated. However, Catholic Church leaders in some cases did not take this action and alleged perpetrators continued in the same positions for extended periods of time after allegations had been raised. In other cases, alleged perpetrators were temporarily removed from religious ministry. Some were placed on types of leave such as sick leave, instead of administrative leave, which masked the reasons for which they were placed on leave. Some continued to have access to children. In the Catholic Church authorities we examined, it appears that, from the time that Towards Healing and the Melbourne Response were introduced, priests and religious were generally placed on administrative leave if allegations of child sexual abuse were made against them.

In some cases, leaders of Catholic Church authorities took steps to remove perpetrators from religious ministry when complaints of child sexual abuse were substantiated or if they were convicted. In other cases action was taken due to a concern about the level of risk posed by an alleged perpetrator. In the case of priests, removal from ministry was generally achieved through the 'withdrawal of faculties'.

Some bishops permitted priests to resign or retire following allegations of child sexual abuse, in circumstances where it was not made publicly known that allegations had been made against them. Other priests were bestowed with honorific titles, such as Pastor Emeritus, at the time of their resignation, despite being the subject of allegations or having made admissions of child sexual abuse.

Following the introduction of Towards Healing, bishops and religious superiors retained considerable latitude with respect to the measures they should take in response to perpetrators whose guilt had been admitted or proved. It appears that they took disciplinary steps under canon law to dismiss offenders in only a small number of cases during the 1990s and early 2000s. The reluctance of Catholic Church leaders to engage with canonical disciplinary processes may have been caused, in part, by confusion about those processes, as well as by a view that the Vatican tended to resolve matters in favour of offending priests. It may also have been due to the fact that formal canonical disciplinary processes took considerable time.

The delayed or limited use of canon law processes to dismiss those found to have committed child sexual abuse meant that some perpetrators remained in the priesthood or in religious orders for many years after their guilt had been admitted or established. In addition, the Vatican was very slow to respond to petitions for dismissal from Catholic Church authorities in Australia, and it is clear that the Vatican's approach to child sexual abuse by clergy was protective of the offender. One bishop told us that in a number of cases his requests to have offender priests dismissed from the clerical state were refused and he was instead directed to ensure that the priests live a life of prayer and penance.

### **Institutional responses to victims and survivors of child sexual abuse after the development of national procedures**

In several case studies we considered the experiences of victims and survivors of child sexual abuse who engaged with Towards Healing and the Melbourne Response. For some, participating in these processes

was a positive experience which contributed to their healing. However, others told us that their experiences were difficult, frightening or confusing, and led to further harm and re-traumatisation.

We recognise that many people who have engaged with the Towards Healing process since 1997 may have received greatly needed compassion and support and derived important benefits from their participation. However, some survivors have been disappointed by the process and critical of it. We heard from a number of survivors that the principles and procedures set out in Towards Healing were not followed by Catholic Church authorities. Some survivors told us that the personnel they engaged with did not communicate with them clearly or sensitively. In some cases, survivors felt they were not consulted about important decisions. Significantly, a number of survivors told us they perceived that the personnel they engaged with were insufficiently independent of the Catholic Church. Some told us they experienced a power imbalance between themselves and the Catholic Church representatives involved.

We made a number of observations in relation to the Melbourne Response in our report on that case study. We observed that the practice of Independent Commissioners meeting survivors in their barrister's chambers, an environment that may be threatening, if not overwhelming, was unlikely to provide a sense of confidence and security for a survivor. We said that the Archdiocese of Melbourne should meet the costs of lawyers for survivors, and should inform survivors of this at the outset of the process. We concluded that the archdiocese should review the terms of appointment for the Independent Commissioners to further clarify expectations concerning the rights of victims and the reporting of allegations to police. We also observed that administrators or decision-makers in a redress scheme should never give advice to applicants about likely outcomes of a report to police, even if they are independent of the relevant institution. We observed that the Melbourne Response is a scheme heavily dominated by lawyers and that a traditional legal process is unlikely to provide the most supportive environment for survivors of child sexual abuse.

In 2014, the Archbishop of Melbourne, Archbishop Denis Hart, announced a review of the Melbourne Response, the report of which he received in 2015. This review made recommendations including an increase to the cap on redress payments. In December 2016, Archbishop Hart announced that the cap on payments would be increased on 1 January 2017 and that additional payments would be made to survivors of child sexual abuse who had already received payments, to reflect the new cap.

In case studies we also considered the experiences of survivors of child sexual abuse who pursued civil litigation against Catholic Church authorities or negotiated redress directly with Catholic Church authorities. We heard that particular challenges arise in such cases, including the operation of statutory limitation periods and the need to identify a responsible party against whom to bring legal proceedings. We heard from a number of survivors who pursued civil litigation that Catholic Church authorities took advantage of the legal defences available to them and conducted litigation in a manner that did not adequately take account of the pastoral and other needs of survivors of child sexual abuse.

We also heard that in some cases, Catholic Church authorities avoided or resisted meeting with communities affected by child sexual abuse and failed or refused to provide pastoral support to communities who both needed and requested it. We heard of instances where Catholic Church authorities withheld information from affected communities, which meant that people were not alerted to possible cases of child sexual abuse or were left with unanswered questions.

### **Institutional responses to child sexual abuse in Catholic schools**

Child sexual abuse in schools represented a substantial proportion of the abuse we heard about in relation to Catholic institutions. Of the 2,489 survivors who told us in private sessions about child sexual abuse in Catholic institutions, 49.2 per cent told us about abuse in schools. Of the 1,049 named institutions in the Catholic Church claims data, 549 were schools. This data also showed that, of all claims made in relation to child sexual abuse in a Catholic school, 74 per cent involved religious brothers or priests.

In case studies we considered the responses of Catholic Church authorities to allegations of child sexual abuse in Catholic schools, including responses by teachers and principals, by Catholic education offices and by diocesan authorities and leaders of religious orders. Many of the responses were similar to those of other Catholic Church institutions, outlined above. Allegations were not reported to police. Alleged perpetrators were commonly left in positions where they had access to children or were moved to new locations, often remaining in teaching positions. In a number of cases alleged perpetrators who were not removed from positions where they had access to children went on to further sexually abuse children.

In relation to a number of cases we considered where alleged perpetrators were priests associated with Catholic schools, we concluded that the relevant bishop or archbishop knew about allegations of child sexual abuse, but failed to take appropriate action to protect children from the risk of abuse, sometimes for years. Their inaction left these priests in positions where they had ongoing access to children in Catholic schools. It was left to principals and teachers to attempt to manage the risk that these individuals posed to children.

In relation to Catholic schools in the Archdiocese of Melbourne, we found that the employment structure, where the parish priest is the employer of the school principal and staff for parish schools, is dysfunctional. There is a risk that having the priest as employer could act as a barrier to people reporting concerns about child sexual abuse. We recommend that parish priests not be the employer of principals and teachers in Catholic schools (Recommendation 16.6).

A common feature of cases we examined regarding Christian Brothers or Marist Brothers was that provincial leaders of these religious orders allowed religious brothers teaching in Catholic schools to remain in positions where they had access to children, or to move to different schools, despite allegations – in some cases numerous allegations – of child sexual abuse being made against them. During the time period considered by our case studies, the highly centralised structures for decision-making within the Marist Brothers and the Christian Brothers contributed to failures to respond appropriately to allegations of child sexual abuse.

### **Contributing factors in the Catholic Church**

We considered a range of factors that may have contributed to the occurrence of child sexual abuse in Catholic institutions or affected institutional responses to such abuse.

Child sexual abuse by Catholic clergy and religious may be explained by a combination of psychosexual and other related factors on the part of the individual perpetrator, and a range of institutional factors, including theological, governance and cultural factors. The same theological, governance and cultural factors that contributed to the occurrence of abuse also contributed to the inadequate responses of Catholic institutions to that abuse.

## **Individual factors**

Individual pathology on its own is insufficient to explain child sexual abuse perpetrated by Catholic clergy and religious. Rather, a heightened risk of child sexual abuse arises when specific factors in relation to an individual's psychosexual immaturity or psychosexual dysfunction combine with a range of situational and institutional factors.

Compared with perpetrators of child sexual abuse in the wider community, research suggests that Catholic clergy perpetrators are an atypical group. They tend to begin offending later in life and to be better educated, less antisocial and more likely to have male than female victims.

Factors that may influence whether a priest or religious is susceptible to sexually abusing a child may include confusion about sexual identity, childish interests and behaviour, lack of peer relationships, and a history of having been sexually abused as a child. Further, some clergy and religious perpetrators appear to have been vulnerable to mental health issues, substance abuse and psychosexual immaturity. We heard that personality factors that may be associated with clergy and religious perpetrators include narcissism, dependency, cognitive rigidity and fear of intimacy.

Although most of the perpetrators of child sexual abuse in the Catholic Church that we heard about were male adults, and most victims were boys or adolescents, it is a misconception that all perpetrators who sexually abuse children of the same gender as them are same-sex attracted. Research suggests that child sexual abuse is not related to sexual orientation: perpetrators can be straight, gay, lesbian or bisexual. Research has indicated that men who identify as heterosexual are just as likely as men who identify as homosexual to perpetrate child sexual abuse. Vatican documents that link homosexuality to child sexual abuse are not in keeping with current psychological evidence or understanding about healthy human sexuality.

## **Clericalism**

Clericalism is at the centre of a tightly interconnected cluster of contributing factors. Clericalism is the idealisation of the priesthood, and by extension, the idealisation of the Catholic Church. Clericalism is linked to a sense of entitlement, superiority and exclusion, and abuse of power.

Clericalism nurtured ideas that the Catholic Church was autonomous and self-sufficient, and promoted the idea that child sexual abuse by clergy and religious was a matter to be dealt with internally and in secret.

The theological notion that the priest undergoes an 'ontological change' at ordination, so that he is different to ordinary human beings and permanently a priest, is a dangerous component of the culture of clericalism. The notion that the priest is a sacred person contributed to exaggerated levels of unregulated power and trust which perpetrators of child sexual abuse were able to exploit.

Clericalism caused some bishops and religious superiors to identify with perpetrators of child sexual abuse rather than victims and their families, and in some cases led to denial that clergy and religious were capable of child sexual abuse. It was the culture of clericalism that led bishops and religious superiors to attempt to avoid public scandal to protect the reputation of the Catholic Church and the status of the priesthood.

We heard that the culture of clericalism continues in the Catholic Church and is on the rise in some seminaries in Australia and worldwide.

### **Organisational structure and governance**

The governance of the Catholic Church is hierarchical. We heard that the decentralisation and autonomy of Catholic dioceses and religious institutes contributed to ineffective responses of Catholic Church authorities to child sexual abuse, as did the personalised nature of power in the Catholic Church and the limited accountability of bishops.

The powers of governance held by individual diocesan bishops and provincials are not subject to adequate checks and balances. There is no separation of powers, and the executive, legislative and judicial aspects of governance are combined in the person of the pope and in diocesan bishops. Diocesan bishops have not been sufficiently accountable to any other body for decision-making in their handling of allegations of child sexual abuse or alleged perpetrators. There has been no requirement for their decisions to be made transparent or subject to due process. The tragic consequences of this lack of accountability have been seen in the failures of those in authority in the Catholic Church to respond adequately to allegations and occurrences of child sexual abuse.

The hierarchical structure of the Catholic Church created a culture of deferential obedience in which poor responses to child sexual abuse went unchallenged. Where senior clergy and religious with advisory roles to diocesan bishops or provincials of religious institutes were aware of allegations of child sexual abuse, often they did not challenge or attempt to remedy the inadequate responses of their bishop or provincial, or believed that they could not do so.

The exclusion of lay people and women from leadership positions in the Catholic Church may have contributed to inadequate responses to child sexual abuse. In accordance with contemporary standards of good governance, we encourage the Catholic Church in Australia to explore and develop ways in which its structures and practices of governance may be made more accountable, more transparent, more meaningfully consultative and more participatory, including at the diocesan and parish level. We recommend that the ACBC conduct a national review of the governance and management structures of dioceses and parishes, including in relation to issues of transparency, accountability, consultation and participation of lay men and women (Recommendation 16.7).

We accept that diocesan bishops and provincials of religious institutes are increasingly making use of professional expertise in the management of their various institutions, including in the administration of their responses to child sexual abuse. We also accept that the Catholic education and Catholic community services sectors have increasing lay involvement in their governance, operate professionally and are subject to significant government regulation.

### **Leadership**

In its responses to child sexual abuse, the leadership of the Catholic Church has failed the people of the Catholic Church in Australia, in particular its children. The results of that failure have been catastrophic.

It appears that some candidates for leadership positions have been selected on the basis of their adherence to specific aspects of church doctrine and their commitment to the defence and promotion

of the institutional Catholic Church, rather than on their capacity for leadership. This meant that some bishops were ill equipped and unprepared for the challenges of dealing with child sexual abuse and responding to emerging claims. Catholic Church leaders in Australia have prioritised protecting the reputation of the church at the expense of the welfare of individuals when responding to child sexual abuse.

Meaningful and direct consultation with, and participation of, lay people in the appointment of bishops, as well as greater transparency in that process, would make bishops more accountable and responsive to the lay people of the Catholic Church, including in responding to child sexual abuse. We recommend that the ACBC request that the Holy See amend the appointment process for bishops (Recommendation 16.8).

We also recommend that each religious institution in Australia ensure that its religious leaders are provided with leadership training, both before and after their appointment, including in the promotion of child safety (Recommendation 16.36).

### **Canon law**

The disciplinary system imposed by canon law for dealing with clergy and religious who sexually abuse children contributed to the failure of the Catholic Church to provide an effective and timely response to alleged perpetrators and perpetrators. We heard that canon law as it applied to child sexual abuse was cumbersome, complex and confusing. We recommend that the ACBC request that the Holy See amend a number of provisions in canon law.

We recommend that canon law should be amended so that offences related to child sexual abuse are framed as crimes against the child rather than 'delicts' against morals or a breach of the obligation to observe celibacy (Recommendation 16.9).

There should be no provision in canon law that attempts to prevent, hinder or discourage compliance with mandatory reporting laws by bishops or religious superiors. While we do not make any findings about the proper interpretation of canon law in relation to mandatory reporting to civil authorities, it appears that during the 1990s and early 2000s, the Holy See considered that bishops were not free to report allegations of child sexual abuse by clergy to civil authorities. However, the Holy See's approach to mandatory reporting changed significantly in 2010. We recommend that canon law be amended so that the 'pontifical secret' does not apply to any aspect of allegations or canonical disciplinary processes relating to child sexual abuse (Recommendation 16.10).

We conclude that the emphasis in canon law on the 'pastoral approach', which requires bishops and religious superiors to treat withdrawal from ministry and dismissal from the priesthood or religious life as a 'last resort', has been a significant obstacle for bishops and religious superiors who wanted to initiate a canonical disciplinary process. It has also contributed to the mistaken view that child sexual abuse was a forgivable moral failing rather than a crime that should be reported to police. We recommend that canon law be amended to ensure that the 'pastoral approach' is not an essential precondition to the commencement of canonical action relating to child sexual abuse (Recommendation 16.11).

Other aspects of the canon law disciplinary system that should be reformed include the statute of limitations ('prescription') on initiating a canon law process, given that many victims take years to disclose their experience of abuse (Recommendation 16.12), and the 'imputability' defence, which allows responsibility for a delict to be reduced if the individual has a diagnosis of paedophilia (Recommendation 16.13).

A number of the issues we identified have impeded the permanent removal from ministry of priests or religious against whom complaints of child sexual abuse have been substantiated, or the dismissal of priests or religious convicted of offences related to child sexual abuse. We recommend that if a complaint of child sexual abuse against a person in religious ministry is substantiated, the person be permanently removed from ministry. Canon law should be amended to this effect (Recommendations 16.14 and 16.55). We also recommend that canon law be amended to ensure that priests and religious who are convicted of a child sexual abuse-related offence in a civil court are dismissed from the priesthood and/or religious life (Recommendations 16.14 and 16.56).

Further, we recommend that decisions of Vatican Congregations and canonical appeal courts with respect to priests and religious accused of child sexual abuse be published in a timely manner (Recommendation 16.16).

## **Celibacy**

While not a direct cause of child sexual abuse, we are satisfied that compulsory celibacy (for clergy) and vowed chastity (for members of religious institutes) have contributed to the occurrence of child sexual abuse, especially when combined with other risk factors. We acknowledge that only a minority of Catholic clergy and religious have sexually abused children. However, based on research we conclude that there is an elevated risk of child sexual abuse where compulsorily celibate male clergy or religious have privileged access to children in certain types of Catholic institutions, including schools, residential institutions and parishes.

For many Catholic clergy and religious, celibacy is implicated in emotional isolation, loneliness, depression and mental illness. Compulsory celibacy may also have contributed to various forms of psychosexual dysfunction, including psychosexual immaturity, which pose an ongoing risk to the safety of children. For many clergy and religious, celibacy is an unattainable ideal that leads to clergy and religious living double lives, and contributes to a culture of secrecy and hypocrisy. This culture appears to have contributed to some clergy and religious overlooking violations of celibacy and minimising child sexual abuse as forgivable moral lapses committed by colleagues who were struggling to live up to an ideal that for many proved impossible.

We recommend that the ACBC request that the Holy See consider introducing voluntary celibacy for diocesan clergy (Recommendation 16.18). We also recommend that Catholic religious institutes implement measures to address the risks of harm to children and the potential psychological and sexual dysfunction associated with celibacy (Recommendation 16.19). Further, we recommend that, to promote healthy lives for those who choose to be celibate, Catholic Church authorities improve their processes of selection, screening and training of candidates for the clergy and religious life, and their processes of ongoing formation, support and supervision of clergy and religious (Recommendation 16.20).

## **Selection, screening and initial formation**

It is apparent that initial formation practices were inadequate in the past, particularly before the 1970s, in relation to the screening of candidates for admission, preparing seminarians and novices to lead a celibate life, and preparing them for the realities of a life in religious or pastoral ministry. The initial training of priests and religious occurred in segregated, regimented, monastic and clericalist environments, and was based on obedience and conformity. These arrangements are likely to have been detrimental to psychosexual maturity, and to have produced clergy and religious who were cognitively rigid. This increased the risk of child sexual abuse.

Although from the 1970s there have been improvements in the selection, screening and formation of candidates for the priesthood and religious life, it appears that these have largely been implemented in an ad hoc and inconsistent manner. In particular, there is still a lack of consistency between seminaries and houses of religious formation in relation to the selection and screening of candidates. We recommend that the Catholic Church adopt a national protocol for screening candidates and that bishops and religious superiors draw on wide-ranging professional advice in their decision-making in relation to the admission of individuals to ordination or the profession of vows (Recommendations 16.21 and 16.22). We also recommend that guideline policy documents relating to the formation of clergy and religious be revised to explicitly address child sexual abuse and its prevention (Recommendation 16.23).

We also heard that certain models of formation may be instrumental in inculcating a culture of clericalism. We recommend that the ACBC and Catholic Religious Australia conduct a national review of current models of initial formation (Recommendation 16.24).

## **Oversight, support and ongoing training of people in ministry**

It is apparent that Catholic clergy and religious have not received adequate training in relation to professional responsibility, the maintenance of healthy boundaries, and ministerial and professional ethics. It is clear that inadequate preparation for ministry, loneliness, social isolation, and personal distress related to the difficulties of celibacy, have contributed to the sexual abuse of children.

Processes for the management and oversight of clergy and religious in their working ministry have been poor. Bishops and religious superiors have limited capacity to personally oversee the activities of clergy or religious, and, especially within dioceses, 'middle management' structures have been inadequate. We heard that there has been a view, particularly on the part of some Catholic clergy, that following ordination they do not need ongoing training. We heard that the Catholic Church in Australia has developed a code of conduct for clergy and religious that includes standards in relation to professional development, professional supervision and appraisal. However, we also heard that most clergy do not fully comply with ongoing formation activities.

Improved and updated policies and practices in relation to the oversight, support and ongoing training of all people in religious and pastoral ministry in the Catholic Church are essential to reducing the risk of child sexual abuse and ensuring better institutional responses to abuse.

We recommend the development and implementation of mandatory national standards to ensure that all people in religious or pastoral ministry in the Catholic Church in Australia undertake regular

professional development, undertake professional/pastoral supervision and undergo regular performance appraisals (Recommendation 16.25).

We also heard that specialised programs for the screening, induction, and professional support and supervision of priests and religious recruited from overseas are inadequate. We recommend the creation of targeted programs for these purposes (Recommendation 16.46).

### **Sacrament of reconciliation (confession)**

We are satisfied that the practice of the sacrament of reconciliation (confession) contributed to both the occurrence of child sexual abuse in the Catholic Church and to inadequate institutional responses to abuse. We heard in case studies and private sessions that disclosures of child sexual abuse by perpetrators or victims during confession were not reported to civil authorities or otherwise acted on. We heard that the sacrament is based in a theology of sin and forgiveness, and that some Catholic Church leaders have viewed child sexual abuse as a sin to be dealt with through private absolution and penance rather than as a crime to be reported to police. The sacrament of reconciliation enabled perpetrators to resolve their sense of guilt without fear of being reported. Also, the sacrament created a situation where children were alone with a priest. In some cases we heard that children experienced sexual abuse perpetrated by Catholic priests in confessionals.

We recommend that any religious institution with a rite of religious confession implement a policy that confession for children be conducted in an open space and in a clear line of sight of another adult (Recommendation 16.48).

We make recommendations in our [Criminal justice](#) report (Recommendation 33) and in [Volume 7, Improving institutional responding and reporting](#) (Recommendation 7.3) in relation to the introduction of a 'failure to report' offence, and amending laws concerning mandatory reporting to child protection authorities to ensure that people in religious ministry are included as a mandatory reporter group. We also recommend that there should be no exemption to obligations to report under mandatory reporting laws or the proposed 'failure to report' offence in circumstances where knowledge or suspicions of child sexual abuse are formed on the basis of information received in or in connection with a religious confession (Recommendation 7.4 and Recommendation 35).

During our public hearings on the Catholic Church, it emerged that Catholic archbishops and canon lawyers were unclear about whether information received from a child during the sacrament of reconciliation that they had been sexually abused would be covered by the seal of confession, and about whether absolution could and should be withheld if a person confessed to perpetrating child sexual abuse, until they report themselves to civil authorities. We recommend that the ACBC seek clarification on these matters from the Holy See, and make public any advice it receives (Recommendation 16.26).