

# ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE: LESSONS AND LEARNINGS FOR THE PEOPLE OF GOD

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When the Royal Commission commenced its work more than five years ago it had three tasks: to bear witness to what had happened, to provide just responses to those abused and to recommend ways to create child safe institutions.

Fundamental to our work was to hear from those directly affected – the victims and survivors of childhood sexual abuse. Nearly 17,000 came forward. We gave voice to their stories through private sessions, case studies, written accounts, forums and community engagement initiatives. We published 4,000 de-identified narratives.

## **Fact from Fiction**

The Commission has debunked some long held and often claimed myths or inaccuracies in relation to the Church and abuse in Australia:

- Child sexual abuse has been present within the Catholic Church for much of its history and is not a phenomenon only of the last century or more specifically the more permissive 1970s and 80s. Despite many positive changes in the church's understandings, policies and practices it remains a contemporary issue and significant present day risks exist.
- Child sexual abuse in religious institutions and the Catholic Church was more extensive than admitted or expected with some specific institutions having very high levels of reported allegations of abuse.
- Abuse was not just an issue of bad conduct by a few 'rotten apples', rather there were systemic issues that enabled abuse to occur and hindered effective, just and compassionate responses especially prior to the mid-1990s.
- Many contributing factors collectively gave rise to personal and institutional failures including unhealthy clericalism, mandatory celibacy and inadequate selection, training and formation of religious

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and clergy. The absence of professional development and ongoing pastoral supervision exacerbated such weaknesses. And homosexuality was not generally a contributing factor to the sexual abuse of children.

- Poor governance, inadequate leadership, and an unhealthy culture that preferred secrecy and the Church's own interests contributed to the collective failure of the Catholic Church. The interests of children, and then later adult survivors, were not paramount or even adequately addressed until at least the mid 1990's.
- Many of the improvements in good governance and child safe practices in the Church's human service ministries appear not to have been adequately adopted in the operation of parishes and dioceses, at least until more recently.
- The Catholic Church in Australia did eventually take decisive action to address the complaints and needs of survivors especially with the adoption of *Towards Healing* (and many claims were satisfactorily dealt with), but inconsistent practices and implementation, and aggressive defences to civil claims led to much criticism, injustice and unnecessary pain to many.

### **Some important numbers**

As of May 2017, 15,249 people had contacted us about child sexual abuse that fell within our Terms of Reference. Of these, 7,382 people told us about child sexual abuse in religious institutions. As of May 2017, we had heard from 6,875 survivors in private sessions, of whom 4,029 (58.6 per cent) told us about child sexual abuse in religious institutions. We heard more allegations of child sexual abuse in relation to the Catholic Church than any other religious organisation, followed by the Anglican Church, The Salvation Army and others.

The numbers prepared to share their stories are alarming and cannot be minimised.

For instance by the end of the Commission's work, 32% of all those who came forward identified an institution run by a government, yet nearly 37% identified an institution run by the Catholic Church. Whilst the church ran many schools and other institutions, they were far less than those run by governments.

In relation to schools more than 76% of those who reported abuse in schools,

identified a non-government school – 74% catholic, 26% independent.

Only 34% of all private session attendees indicated that they have advised the relevant institution of their abuse.

The occurrence of child sexual abuse in religious institutions should be considered against the backdrop of the roles that religious organisations have played in Australian society. In particular, religious organisations have provided educational and social welfare services to a large number of children, and have received considerable amounts of government funding for this service provision.

The Catholic Church claims data showed that the average age of claimants at the time of the first alleged incident of child sexual abuse was 11.4 years for all claimants, 11.6 years for male claimants and 10.5 years for female claimants. Of those who made a claim, 78 per cent were male and 22 per cent were female. The largest proportion of first alleged incidents of child sexual abuse occurred in the 1970s. The average duration of abuse was 2.4 years. There was an average delay of 33 years between the date of the first alleged incident of abuse and the date the claim was made.

### **Characteristics of child sexual abuse specific to religious institutions**

We heard about some aspects of institutional child sexual abuse which were specific to religious institutions.

We heard that such abuse generally occurred in the context of a religious community. We heard about some religious communities that could be described as ‘closed’, where children had limited interaction with the broader community. We also heard from survivors about growing up in religious communities with little or no education about sex, and about how this left them vulnerable to sexual abuse.

In devout religious families, parents often had such high regard for people in religious ministry that they naturally trusted them to supervise their children. People in religious ministry were considered to be representatives of God. Many parents were unable to believe they could be capable of sexually abusing a child. In this environment, perpetrators who were people in religious ministry often had unfettered access to children.

We commonly heard about perpetrators who ingratiated themselves into the family and became regular visitors to the home. Sometimes perpetrators stepped into the role of ‘father figure’ or exploited particularly vulnerable

families such as those experiencing marriage breakdown or mourning a death.

Survivors also told us that as children they were threatened or blamed for the sexual abuse they experienced, often in ways that manipulated their religious beliefs – such as the threat of being sent to hell if they resisted sexual abuse or disclosed it. The use of threats and blame in the name of God had a powerful effect on children.

We heard that some children experienced sexual abuse that involved the use of religious rituals, symbols or language and in confession. Some survivors described such experiences as amounting to a type of ‘spiritual abuse’, which profoundly damaged their religious beliefs and trust in their religious organisation.

### **Impacts of child sexual abuse in religious institutions**

The impacts of child sexual abuse in institutional contexts can be devastating. There can be distinctive impacts where the abuse is inflicted in a religious context.

Some survivors told us they felt a sense of spiritual confusion or spiritual harm after being sexually abused as a child by a person in religious ministry. Many survivors said they lost their religious faith. We heard that children were raised to have the utmost respect for the religious organisation their family was a part of, and were often taught that people in religious ministry, such as priests, were God’s representatives on earth. Some perpetrators used this status to facilitate child sexual abuse. Some children felt that they had been abused by God or that God must have willed the abuse to happen.

The impacts of child sexual abuse extend beyond victims. Their parents, siblings, partners, carers and children can be significantly affected, as can other children and staff in institutions where abuse occurs. The impacts can be intergenerational and can affect entire communities.

We heard that some religious families were torn apart when children disclosed that they had been sexually abused by people in religious ministry, because parents were unable to believe that people in religious ministry could be capable of perpetrating such abuse. Some survivors told us that negative reactions from family members when they disclosed abuse led to alienation between them and their family members for years, in some cases a lifetime.

We also heard that some survivors were not believed, or were ostracised by their religious community, after disclosing experiences of child sexual abuse. Many survivors told us they had experienced suicidal thoughts or had attempted to end their life after being sexually abused in a religious institution as a child. Some survivors described ‘clusters’ of suicides in affected communities. In some cases we heard about children who took their own lives.

While many survivors told us they lost their religious faith as a result of being sexually abused, others told us their spirituality or religious faith helped them to cope.

### **Common institutional responses to child sexual abuse across religious institutions**

Despite many differences between religious faiths, there were remarkable similarities in the institutional responses to child sexual abuse across religious institutions. Common failures were very evident especially prior to the mid-1990s.

Our case studies demonstrated that it was a common practice of religious institutions to adopt ‘in-house’ responses when dealing with allegations of child sexual abuse. Sometimes there was no response at all. Often, alleged perpetrators were treated with considerable leniency. ‘In house’ responses ensured that allegations remained secret, and shielded religious institutions from public scrutiny or accountability.

Leaders of religious institutions often showed insufficient consideration for victims at the time they disclosed child sexual abuse. They frequently responded with disbelief or denial, or attempted to blame or discredit the victim. We also heard of instances where children who disclosed sexual abuse in religious institutions were punished or suffered further abuse. Leaders of religious institutions often minimised the sexual conduct that was reported to them and wrongly concluded that there was no criminality in the alleged actions. In other cases religious leaders knew that actions were or may have been criminal. However, leaders of religious institutions typically did not report allegations to police.

Leaders of religious institutions were often reluctant to remove alleged perpetrators of child sexual abuse from positions in ministry or employment after suspicions of child sexual abuse were raised or allegations were received.

In some cases perpetrators made admissions of behaviour amounting to child sexual abuse, yet religious leaders were still reluctant to take decisive action.

Some leaders of religious institutions made serious errors of judgment in the face of compelling evidence of child sexual abuse, by giving alleged perpetrators a ‘second chance’ with continued or successive appointments.

This included moving alleged perpetrators to new positions in different locations where they were offered a ‘fresh start’, untarnished by their history of sexual offending or previous allegations. The communities that perpetrators were moved into were in some cases not made aware of the risks these individuals posed.

Leaders of religious institutions also commonly allowed alleged perpetrators to continue in ministry or employment with little or no risk management or monitoring of their interactions with children.

Across religious institutions, the inadequacy of internal disciplinary systems and the limited use of disciplinary measures meant that some perpetrators of child sexual abuse were not disciplined at all; some were disciplined, but in a minimal way; and others were disciplined, but only many years after allegations were raised or they were convicted. This often meant that perpetrators who were in religious ministry retained their religious titles, and lay perpetrators remained attached to religious institutions in circumstances where it was plainly inappropriate for them to do so.

People who responded to allegations of child sexual abuse in religious institutions sometimes encouraged perpetrators to retire or resign as a way of dealing with these matters ‘quietly’. This included, for example, allowing perpetrators to retire or resign on false grounds, such as for health reasons.

### **Common contributing factors across religious institutions**

Multiple and often interacting factors have contributed to the occurrence of child sexual abuse in religious institutions and to inadequate institutional responses. Our work suggests these include a combination of cultural, governance and theological factors.

In several of the religious institutions we examined, the central factor, underpinning and linked to all other factors, was the status of people in religious ministry. We repeatedly heard that the status of people in religious ministry, described in some contexts as ‘clericalism’, contributed to the occurrence of child sexual abuse in religious institutions, as well as to

inadequate institutional responses.

The power and authority exercised by people in religious ministry gave them access to children and created opportunities for abuse. Children and adults within religious communities frequently saw people in religious ministry as figures who could not be challenged and, equally, as individuals in whom they could place their trust.

Within religious institutions there was often an inability to conceive that a person in religious ministry was capable of sexually abusing a child. This resulted in a failure by adults to listen to children who tried to disclose sexual abuse, a reluctance of religious leaders to take action when faced with allegations against people in religious ministry, and a willingness of religious leaders to accept denials from alleged perpetrators.

In some cases, it is clear that leaders of religious institutions knew that allegations of child sexual abuse involved actions that were or may have been criminal, or perpetrators made admissions. However, there was a tendency to view child sexual abuse as a forgivable sin or a moral failing rather than a crime.

Others inappropriately saw an allegation of child sexual abuse as an ‘aberration’ or a ‘one-off incident’ and not as part of a pattern of behaviour.

Consequently, rather than being treated as criminal offences, allegations and admissions of child sexual abuse were often approached through the lens of forgiveness and repentance. This is reflected in the forgiveness of perpetrators through the practice of religious confession, as well as encouraging victims to forgive those who abused them.

Many leaders of religious institutions demonstrated a preoccupation with protecting the institution’s ‘good name’ and reputation.

### **Catholic Church**

I acknowledge that particularly since the mid-1990s the Catholic Church has been active in seeking to respond to child sexual abuse within its institutions. This included redress arrangements, counselling and support services, appointment of safeguarding officers and changes to professional standards arrangements. The appointment of the Truth, Justice and Healing Council was a very significant initiative. Yet the history of the Church’s response over time has been found to be inadequate and deeply flawed especially in past times, lacking in justice and compassion in many instances.

Fifteen of our case studies examined responses to child sexual abuse in Catholic institutions, including schools, residential institutions, and places of worship and during religious activities.

As of 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
- 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
- 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).

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 with the highest rates, included: the St John of God Brothers; the Christian Brothers; the Benedictine Community of New Norcia; the Salesians of Don Bosco; the Marist Brothers; the De La Salle Brothers.

There were however great variations between dioceses and orders raising the question as to why. The differences indicate systemic issues played a part in creating in some institutions an environment in which abuse could take place and remain unreported.

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

Our inquiry revealed that sexual abuse has been a long standing issue for the Catholic Church going back to the first millennium. In Australia there are numerous examples of child sexual abuse matters being known of as early as the 1870s. We identified numerous more recent 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 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 20th 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 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.

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.

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.

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.

### **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 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.

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 recognised 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.

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 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. The role of legal advice given and accepted without regard to values and mission of the church was deeply concerning,

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.

### **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.

### **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. Despite considerable changes to the conduct of many of its human services and the adoption of sound governance arrangements,



including through incorporation, there remains much confusion as to what constitutes good governance especially in the diocesan structures.

In accordance with contemporary standards of good governance, we encouraged 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.

### **Leadership**

In its responses to child sexual abuse, the leadership of the Catholic Church has failed the people of the Catholic Church in Australia (especially prior to 2000), 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 recommended that the ACBC request that the Holy See amend the appointment process for bishops.

### **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.

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 recommended 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.

### **Celibacy**

While not a direct cause of child sexual abuse, we were 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 acknowledged that only a minority of Catholic clergy and religious have sexually abused children.

However, based on research we concluded 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 recommended that the ACBC request that the Holy See consider introducing voluntary celibacy for diocesan clergy.

### **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.

### **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.

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 recommended the creation of targeted programs for these purposes. I believe this is an urgent priority.

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

We were 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. In some cases we heard that children experienced sexual abuse perpetrated by Catholic priests in confessionals.

We recommended 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.

Whilst the Church has a profound commitment to maintaining the confessional seal in the Commission's view we believe that the protection of children must be paramount. There is a clear conflict that confronts the Church that cannot be resolved by the mantra that the seal of confession is sacrosanct – end of discussion. The protection of children is an equally sacred obligation of the Church as demonstrated by Christ in the Gospels. Because of the high risk of recidivism, even by those who confess, we recommended 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.

During our public hearings on the Catholic Church, it emerged that Catholic leaders 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.

The Commission's recommendations provide a blueprint for going forward. They need deep consideration, and they call for courage and commitment. They will demand a steadfastness in their implementation. They will require resourcing, good processes and openness to the possibility of real reform.

Further recommendations can be found in the full version of this article (see the link in the initial footnote).