

DRAFT ONLY

SEXUAL ABUSE

BY PRIESTS AND RELIGIOUS:

A STATEMENT OF PRINCIPLES

(7-4-96)

(What follows is the latest text of this document produced by the Professional Standards Committee and the effects that the legal opinion obtained from Mr Frank Costigan QC by CCI would have on it. Words in italics are those Mr. Costigan wishes to see removed, words in bold are those he wishes to see added)

1. We, the bishops and the leaders of religious institutes of the Catholic Church in Australia, acknowledge and deeply regret (*the fact*) that a number of priests and religious have sexually abused children, adolescents and adults in their pastoral care.¹ (*On behalf of the whole Church they*) We offer to the victims of such abuse a sincere apology.
2. We recognise that the bringing to light of this abuse is (*for them*) a challenge (*to both personal and institutional change*).
3. The purpose of this document is to name the principles on which to base the Church's response to complaints of sexual abuse by priests or religious. It will be accompanied by a separate document detailing the procedures to be followed in particular cases.

SEXUAL ABUSE

4. Priests and religious enjoy a special position of trust and authority towards those who are in any way in their pastoral care, e.g. members of a parish, persons seeking advice, students at a church school or college. Any attempt by a priest or religious to sexualise a pastoral relationship through suggestive comments, unnecessary questions or physical contact involves a breach of trust, an abuse of authority and professional misconduct. (*A failure by the other person to reject such conduct does not imply a meaningful consent*) Even when it is the other person concerned who seeks to sexualise the relationship, it is the professional responsibility of the priest or religious to guard the boundary against sexual contact.
 5. Any form of sexual behaviour with a minor, whether child or adolescent, is always sexual abuse, and is both immoral and criminal.
 6. Unwelcome sexual approaches to an adult constitute sexual harassment or, in more serious cases, sexual assault and may be subject to various provisions of the
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1. There have also been cases of sexual abuse by other persons connected with the Catholic Church, both employees of Church agencies and volunteer workers, some clearly working in the name of the Church, others more marginally connected. It would be difficult to cover all of these categories in the one document, and there is obviously a special wrong when the offender is a priest or religious. Another document will be published at a later date dealing with abuse by other Church workers, and the present document will limit itself to priests and religious.

civil or criminal law. Even in cases where the civil authorities may not see grounds for taking action, Church authorities (*must be*) are aware of the elements of professional misconduct that can be present and the serious harm that can be caused and treat the matter accordingly.

THE VICTIMS

7. The bishops and religious leaders (*will strive to*) take seriously all allegations of sexual abuse against priests or religious. (*They will seek to avoid the further suffering that can be caused to victims when the effects of abuse are*) This avoids the suffering that would result to victims if the effects of abuse were) minimized, distorted or denied.

8. Victims of sexual abuse can experience fear, shame, confusion and the violation of their person. They can feel guilty, blame themselves and take responsibility for what has happened. Children and adolescents can suffer distortions in the process of determining their sexual identity, and even their identity as persons. Victims can go through a long period of silence, denial and repression. Other people can refuse to believe them, reinforcing their sense of guilt and shame.

9. The intensity of the effects of sexual abuse on victims will vary. Some of the factors involved are the age and personality of the victim, the relationship with the offender, the duration and frequency of the abuse, the particular form of the abuse, the degree of force used, the threats used to compel secrecy, and the degree of violation of trust and abuse of power involved.

THE OFFENDERS

10. In most cases of sexual abuse free choices were made and many serious and sacred obligations were violated before the offence took place. Vulnerable persons were carefully selected as potential victims and care was taken to threaten them not to tell anyone what had happened. These facts argue to a clear awareness by the offender of the wrong that was done. Indeed, offenders (*can*) frequently presented as not merely respectable but even as good and caring people. They (*can*) could be quite exemplary in their public life, and this (*can*) could actually become part of their allowing themselves a private life that (*is*) was in direct contradiction to the public perception.

11. At the same time, many offenders (*are*) were inadequate persons and some (*have*) had serious psychological problems. A significant number were themselves victims of sexual abuse in their earlier years. For many the abuse (*can*) could quickly become a compulsion that (*leads*) led to denial and self-deception.

(12. *Bishops and religious leaders recognise that there can also be institutional causes of abuse and institutional failure to prevent its occurrence. They must ask themselves whether there were institutional reasons why offenders, when first conscious of a temptation to abuse, were either ashamed or afraid to seek help or, after a first offence had occurred, were unable to confront the seriousness of what they had done and ensure that it did not happen again.*)

THE CONTEXT

13. Until quite recently the extent of sexual abuse in our society was not known. This was in line with the secrecy that surrounded many aspects of sexual behaviour, and, in particular, any behaviour other than that between consenting heterosexual

HEALING FOR THE VICTIMS

21. Whenever the offender has been a priest or religious, Church authorities accept that they have a responsibility *(to give whatever assistance they can)* to bring healing to those who have been victims of abuse.
22. Each Church authority shall designate competent and understanding persons to whom all complaints of sexual abuse by priests or religious may be made and shall make available the names of these persons.
23. The persons designated shall listen fully, honestly and sympathetically to those laying complaints, both concerning the facts of the situation and the emotional and spiritual effects it has had on them. They shall assure complainants that, if the facts are truly as stated, abuse must be named for what it is and victims assisted to move the blame from themselves to the offender. They shall enquire what needs to be done immediately to ensure that complainants feel safe from further abuse. Whenever the allegations concern a possible criminal offence, they shall remind complainants of their right to take the matter to the police.
24. On receiving the report of the allegations, the Church authority shall, without in any way passing judgement on or prejudicing the rights of the alleged offender, take whatever action is necessary to ensure that other persons are shielded from possible abuse. The same authority shall also make an immediate offer of both psychological and spiritual assistance to the complainant.

N.B. The following paragraph was added after the text had been submitted to the lawyers, and so is not covered by the legal opinion.

25. Irrespective of investigations carried out by civil authorities, the church authority is required to make its own assessment of the facts of the matter and take such action as is warranted for the protection of the community and the good of all persons concerned. The complainant shall be kept informed of the progress of the investigation and of the resolution of the complaint by the church authority. No church investigation, however, shall be undertaken in such a manner as to interfere in any way with the proper processes of the civil law, whether they are in progress or contemplated for the future.
26. Whenever, either by admission or by proof, it is established that sexual abuse did in fact take place, the Church authority shall immediately enter into dialogue with victims concerning their needs and ensure *(that the church body concerned gives them such assistance and recompense)* they are given such assistance as is demanded by either justice or compassion.

ASSISTANCE TO OTHER PERSONS AFFECTED

27. *(The bishops and religious leaders shall seek to put in place some means of bringing both)* We shall strive to assist in the psychological and spiritual healing to all those persons who, in addition to the victims, have been seriously affected by acts of sexual abuse.
28. The effect on the family of the victim can be profound. Sometimes the disclosure is so terrible that the family would rather reject the victim than face the reality. Parents can feel guilty that they did not more effectively protect their child.
29. The parish, school or other community in which the abuse occurred will be deeply affected. The more popular and respected the priest or religious was, the greater will be the shock.

30. The family and close friends of the offender will be deeply hurt. They can find it difficult to know how to respond and how to act towards the offender.

31. All priests and religious are affected, and the thought that other people might be looking at them as potential child molesters is hard to live with. They have had to make changes in their manner of relating to all young people, and some good things have been lost in these changes.

32. The whole Church community has been affected, for all Catholic people have been dismayed by the stories they have heard. The (*credibility*) reputation of the whole Church has been affected and the religious faith of many has been disturbed.

AN RESPONSE TO THOSE ACCUSED AND TO OFFENDERS

33. Priests or religious accused of sexual abuse shall be presumed innocent unless and until guilt is either admitted or proved. All rights of alleged offenders must and shall be respected. If they are asked to step aside from the office they hold while the matter is pending, it is to be clearly understood that they are simply on leave and that no admissions are implied by this fact alone. Unless and until guilt has been admitted or proved, those accused may not be referred to as offenders or in any way treated as offenders.

34. If guilt has been admitted or proved, however, the response must be appropriate to the seriousness of what has happened. Serious offenders (*had power over and access to vulnerable people, they abused this power and*) who have abused their power must not be given such power again. Those who have made the best response to treatment recognise this themselves, and (*do not*) they no longer claim a right to return to ministry.

35. (*At the same time, bishops and religious leaders must ask themselves which is the safer course of action; on the one hand, to do no more than dismiss offenders from the priesthood or religious life and thus send them out into society unsupervised, without therapy or constraints on their contact with the type of person against whom they have offended, or, on the other hand, to place them in a supervised setting with ongoing therapy and in a work that would not involve contact with possible victims. Bishops and religious leaders accept that they*) We accept that we have a serious and ongoing role in seeking to ensure that offenders are held accountable for what they have done, come to a true appreciation of the enduring harm they have caused, seek professional help in overcoming their problems, and do whatever is in their power to make amends. In order to carry out this responsibility, Church authorities need to have some contact with offenders and some form of influence over their conduct. In order to achieve change, they need to hold out to them something more than the prospect of unending condemnation. They need to be able to tell them that there can be forgiveness, by human beings as well as by God.

36. The type of work that can be given to an offender will depend on the nature, degree, extent and duration of the abuse, the degree of certainty as to whether all past offences have come to light, the clinical diagnosis, the willingness to seek therapy and the response to that therapy, the seriousness of the after-care program, the length of time that has elapsed without further offences, the consent of those with whom the offender would work, the availability of supervision in the workplace, and the availability of work not involving minors or other vulnerable people.

PREVENTION FOR THE FUTURE

We are making every effort to reduce the risk of abuse by priests or religious. This includes the identification of the causes of abuse, the selection and training of candidates and community education.

(37. The bishops and religious leaders shall undertake serious work aimed at reducing the risk of abuse by priests or religious in the future. This work can be presented under the headings of identifying the causes of abuse, the selection and training of candidates and community education.

IDENTIFYING THE CAUSES OF SEXUAL ABUSE

38. Five lines of enquiry immediately suggest themselves.

39. Sexual abuse is an abuse of power in a sexual form. An investigation of the causes of abuse must include an investigation of the use and abuse of power by priests and religious.

40. Many offenders were themselves victims of sexual abuse in childhood. What can be done to help them to seek assistance in the healing of this abuse before they run the risk of themselves becoming abusers?

41. Have people with wounded backgrounds leading to a propensity to abuse entered the priesthood or religious life in order to flee from their background or cope with its wounds? Have some wounded people felt attracted to work with children or young people, but have been unaware at the time that this attraction contained unhealthy and dangerous elements?

42. Has there been a poor preparation for a celibate lifestyle? While there is no statistical evidence to suggest that celibates are more likely than married people to commit sexual abuse, a celibate lifestyle requires a most serious preparation or it can leave a person with a serious psychosexual immaturity.

43. Has there been an absence of a forum in which priests and religious could comfortably explore psychosexual issues? Have anxieties consequently gone underground because priests and religious had to live up to expected images of perfection? Have these buried anxieties then sometimes been acted out in compulsive and disowned ways?

44. The investigation must look at all aspects and examine all possible theories, for in this field prevention is the only acceptable solution.

SELECTION AND TRAINING OF CANDIDATES

45. There is no simple means of separating in advance those who will later abuse sexually and those who will not. There are some signs to look for, e.g. victims of sexual abuse should always seek professional assistance in coming to terms with what has happened to them or they run a risk of themselves becoming abusers; those who tend to abuse power are more at risk than those who do not; psychosexual immaturity can direct sexual attraction towards other immature people, i.e. minors. It does not follow, however, that every victim of abuse, every strong leader and every immature person will become a sexual offender.

46. Despite this, the general remark can be made that the more mature and integrated a person is, the less likelihood there is of abusive behaviour.

Consequently, the process of selection and training of candidates for priesthood and religious life must be seriously scrutinised and upgraded.

COMMUNITY EDUCATION

47. Matters concerning sexual abuse by priests and religious will be better handled if there is a deeper understanding of the issues by the whole Catholic community. Some of the areas in which this community understanding would be most useful are:

- accepting the fact of abuse and the consequences it has for victims, naming it for what it is and placing the blame on the offender, not the victim;
- looking for warning signs that abuse might be occurring and learning how best to intervene;
- never protecting an offender;
- learning what is entailed in the care of victims of sexual abuse, what to do and what not to do to assist in their healing;
- learning how to assist in the healing of whole communities and parishes;

COMMITMENT

48. *(The bishops and religious leaders of the Catholic Church in Australia commit themselves)* We commit ourselves to the principles presented in this document. *(They)* We invite the whole Church to assist *(them)* us in offering whatever healing is possible to victims of abuse and in preventing *(any further)* abuse in the future.