

Second inquiry: no clear-cut definition of excessive violence

Deetman recommends special mediation for victims of violence against women in the Roman Catholic Church

THE HAGUE, 11 March 2013 – Special mediation by professional mediators should be provided for female victims of (excessive) violence within the Roman Catholic Church to offer them healing, acknowledgement and reparation, in combination with financial compensation. Drs. W.J. (Wim) Deetman recommends that the Catholic Church should facilitate this mediation to show its concern about the violence that has been reported by victims. Deetman makes the recommendation in the final report of the follow-up inquiry conducted under his chairmanship into the abuse of and violence against girls within the Catholic Church.

The findings of this independent inquiry, which was carried out between August 2012 and the beginning of 2013, do not provide sufficient basis for a sharply defined, clear-cut definition of (excessive) violence that can be used widely and with retrospective effect. In the absence of a clear definition of (excessive) violence, the existing complaints procedure cannot be applied. Deetman recommends that complaints of violence should therefore be handled through this programme of special mediation.

This inquiry was a follow-up to the Commission's earlier inquiry, also under Deetman's chairmanship, into sexual abuse of minors (boys and girls) in the Catholic Church. The original Commission of Inquiry's final report was published at the end of 2011. The research organisation that carried out this follow-up study focused not only on sexual abuse, but also on (excessive) physical and psychological violence against female minors within the Catholic Church in the Netherlands since 1945. Both inquiries were commissioned by the Conference of Bishops and the Conference of Religious in the Netherlands (KNR).

Research questions and sources

The main objectives of the follow-up to the earlier enquiry were:

- to provide more insight into the nature, seriousness, circumstances and impact of sexual abuse and (excessive) physical and psychological violence against underage women within the Roman Catholic Church, as well as accountability for it;
- to define the term 'excessive violence' and explore the possibilities for gathering evidence about this violence in the context of expanding the complaints procedure and compensation scheme.

The final report of this follow-up inquiry contains a qualitative description of incidents of abuse and violence reported by victims, the findings from a study of the international literature concerning physical and psychological violence against underage women in relationships of dependency within the Catholic Church, a report of an extensive investigation of the archives, as well as some academic essays and background studies by independent experts on relevant topics.

The research organisation conducted dozens of interviews with victims, representatives of victim groups, experts, perpetrators, past and current authorities and individuals who are or were involved in an official capacity with the matters that were subject of the inquiry. On September 2012, the research organisation also arranged a private meeting with individuals who had come forward as victims.

The organisation received a (limited) number of 181 new notifications of sexual abuse from underage victims, in combination with violence or otherwise, for the follow-up inquiry. Seventy-nine of these notifications proved of use for the inquiry. The research organisation also included 71 reports of physical and/or psychological violence against male and female minors from the previous inquiry in this follow-up inquiry.

Some findings on sexual abuse

- The principal quantitative findings of this follow-up inquiry into sexual abuse of underage women do not differ from the findings of the Commission's earlier inquiry into sexual abuse of minors (boys and girls) in the Catholic Church. According to the Commission, there were between ten and twenty thousand victims in boarding schools and institutions, and several tens of thousands of victims in all, in the period from 1945 to 2010.
- There are similarities between new and earlier notifications in significant respects.
- More than forty percent of the incidents of sexual abuse of underage women that were investigated involved serious sexual abuse.
- The reports show that abuse of underage women occurred far more often in the home (forty percent) and in the parish (more than thirty percent). Sexual abuse of boys occurred far more frequently in institutions.
- Reports of sexual abuse in the lightest category of seriousness refer to male and female perpetrators working in the Catholic Church. The perpetrators of incidents in more serious categories of sexual abuse were mainly male.
- In half of the cases of sexual abuse, the abuse was accompanied by physical and/or psychological violence.
- The issue of sexual violence was already being discussed in convents in the 1960s: in courses, at meetings and during study days at various levels. The context of the discussions was always confined solely to the convent's own community and the relationships between the sisters themselves.

Some findings concerning physical and psychological violence, the environment and personal relations

- Most of the new and earlier reports refer to a combination of physical and psychological violence, together with sexual abuse or otherwise. There is also considerable similarity in the nature of the violent acts. The same applies to the frequency and duration of the violence, i.e. repeatedly and for a period of more than a year.
- The majority of the female victims were aged between six and 14 when the sexual abuse and/or violence commenced. Most of the incidents took place in the 1950s and 1960s.
- Whereas the sexual abuse of girls occurred mainly in the home and in the parish, violence against underage women seems to have been committed mainly in institutions such as children's homes and hospitals.
- The new and earlier reports of physical and psychological violence (unaccompanied by sexual abuse) suggest that it was usually committed by females, mainly female religious who were working as teachers or carers.

- Roughly half of the cases of abuse and/or violence had previously been reported elsewhere, but often only years after the event.
- In-depth research in the archives, including those of nine congregations of sisters, provide no direct evidence of violence and violent incidents. The research organisation found no records of such incidents.
- The picture that emerges from the archives is one of a climate in the 1950s and early 1960s in which relations between the sisters and girls and the sisters themselves were cold and reserved.
- With the help of school conferences under the leadership of experts, the 1960s opened the way for a change to a relationship that more closely reflected the new prevailing views and the developments in the education world at that time.

Some findings concerning babies given up for adoption

- The problem of babies given up for adoption in relation to the Catholic Church is difficult to investigate due to the absence of specific reports or because the facts could not be investigated. The literature also provides little or no insight into the problem of babies given up for adoption as a result of sexual abuse of underage women in relation to the Catholic Church. In fact, the same applies for situations outside the church.
- Despite these constraints, the final report of the follow-up inquiry finds that unmarried mothers of every denomination gave up their babies for adoption in the decades around the Second World War. From the 1920s until the 1960s, institutions of different denominations that provided care for mothers campaigned jointly for the mother and child to be kept together and against the early surrender of the child for adoption. Catholic clerics (priests and clergy) actually mediated more often for the baby to be given up for adoption.

Finding concerning criminal offences

- The agreements that the Commission of Inquiry had made earlier with the Board of Procurators General applied in full to the follow-up inquiry: reviewing whether there are criminal offences that are not barred from prosecution by the lapse of time. The research organisation did not find any such offences. It did submit three time-barred cases to the public prosecution service for review because of the seriousness of the reported abuse.

Like its precursor, the follow-up inquiry was not a legal investigation into individual cases. Accordingly, this final report also does not render any judgment on what did or did not occur in a specific case and/or whether what has been said is true or not.

See also 'press release C. appendix for: (methodology of) archive study, babies given up for adoption, a further analysis of notifications, the background to and duration of the follow-up inquiry and sources.

Exceptional cases

On the basis of the follow-up inquiry, the conclusion might be that there were 'several exceptional cases of sexual abuse, not structural abuses within the active female congregations. If the sexual abuse of minors had been a serious and frequent occurrence in the female congregations, it seems plausible that it would have been raised directly or indirectly in the SNVR (*Stichting Nederlandse Vrouwelijke Religieuzen*)', according to the final report. The final report expresses doubts about 'whether that also applies for the use of physical and psychological violence towards converts and pupils. Physical violence was usually forbidden by the rules and customs, but was – also outside the convents – accepted within certain limits'. The final report therefore does not rule out the possibility that physical and psychological violence was used.

Plausibility of violence experienced

As already mentioned, it proved difficult to formulate a clear-cut definition of (excessive) violence. It is, however, essential to deal with complaints of violence of this type properly and expeditiously, Deetman feels. Nevertheless, it is also difficult to accurately qualify and quantify the violence and its consequences in a short procedure. This inquiry does provide descriptions that will help in dealing with complaints of physical and psychological violence. Partly in view of the limited number of notifications of exclusively physical and/or psychological violence, it would be better to handle them on the basis of a customised approach, according to Deetman. As has already been discussed with Minister of Security and Justice, I.W. (Ivo) Opstelten, Deetman will be asked to design the arrangements for this approach.

With the recommended approach, the principal concern will be to show the plausibility of the violence experienced rather than providing hard evidence to the standard required in criminal law. With this approach, every person who makes complaint of violence will be regarded as a victim if the violence they were subjected to falls within the limits of the description in the final report of the follow-up inquiry. This means that no investigation of the facts to determine the validity of the complaint will be required before mediation commences. If the complaint concerns exclusively violence, mediation will supplement the existing complaints and compensation procedure.

This special procedure is the answer provided by the final report to the research question: how can the complaints and compensation procedure of the Stichting Beheer en Toezicht be expanded to encompass complaints of physical and psychological violence, having regard to the possibility or otherwise of furnishing evidence?

Financial compensation

Deetman recommends a separate procedure for the mediation that falls under the auspices of the chairman of the current complaints committee and not under the responsibility of Stichting Beheer en Toezicht. Above all, this approach will make it possible to provide official recognition for victims and offer them reparation. The size of the financial compensation will then depend on what is discussed in the mediation sessions, in relation to the average of the amounts of compensation the Compensation committee has awarded up to now.

Mediation corresponds with the approach that was adopted earlier with respect to sexual abuse of minors within the Catholic Church in the Netherlands and other countries. The final report refers in particular to the congregations of the Salesians, the Brothers of the Immaculate Conception of Maastricht and the Brothers of Charity. Victims are overwhelmingly positive about the mediation provided by these congregations.

Annual monitoring

The former Deetman Commission will incorporate the findings, conclusions and recommendations of the follow-up inquiry in its periodic monitoring. The principals have promised to adopt the commission's recommendations in full. Every year the committee will monitor progress with the implementation of these recommendations, particularly with a view to further improving the position of the Catholic Church and the Stichting Beheer en Toezicht and their policies towards victims and preventing cases of abuse and violence in the future. The first monitoring report appeared on 28 September 2012. The second will follow in the second half of this year.

Note for the editor, not intended for publication:

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