

from
PAIN
to
HOPE

Report from the Ad Hoc Committee
on Child Sexual Abuse



Canadian Conference of Catholic Bishops

FROM PAIN TO HOPE

REPORT FROM
THE CCCB AD HOC COMMITTEE
ON CHILD SEXUAL ABUSE

JUNE 1992

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DEDICATION

**To the survivors of child abuse
who have risked publicly
disclosing their suffering;**

You have provided a voice for all who lost their childhood innocence to the tragedy of sexual abuse and have struggled to recover sexual and emotional balance. We thank you because your heroic action has been a prophetic catalyst for fundamental change in the way we relate to those who are mistreated.

**To the survivors of those institutions
where there was abuse and to the
families of all abuse victims:**

We proclaim our solidarity with you as we seek to follow Christ, the model of true compassion for all who are the victims of individual wrongs and alienating societal structures. We stand with all those who promote the rights of children as full persons.

I – FOREWORD

Members of the **Ad Hoc** Committee on Child Sexual Abuse have often been asked to explain the task assigned to us by the Canadian Conference of Catholic Bishops (CCCB). Generally, those asking were sympathetic to the difficulty of our task. Some even described it as a “Mission Impossible”.

Others seemed to question the Church’s political and institutional willingness to face the issue squarely, with all the challenges it presents, including a challenge to the credibility of the Church itself. More cynical persons believed that our Committee had been established simply to minimize the harm already done to the Church through shocking revelations in the media.

We acknowledge that media headlines, incriminating priests or religious as the actual or presumed perpetrators of sexual offenses against children, have been the source of very real suffering. In our opinion, the Catholic Church in Canada has lived through truly difficult times as we confronted the numerous accusations of reprehensible conduct on the part of some of its ministers. In the eyes of a good number of our fellow citizens, the Church has lost a great deal of credibility over the past few years due to these scandals and the suspicion that there were attempts to conceal these intolerable acts.

Yet, these disheartening facts did not weaken our determination to assume our responsibilities and, with integrity, take up the task entrusted to us. We were asked to propose ways and means to deal effectively with the results of the sexual scandals that have affected our Church, and ways and means to prevent recurrences of sexual abuse of children. Our Christian faith teaches us that hope and life can arise out of pain and suffering. Saint Augustine was bold enough to say that even sin itself might, retrospectively, become an unforeseen occasion of grace.

We are aware, however, that to have hope we must do more than just intensely desire life. Our Church will not move “from death to life” in dealing with sexual abuse without profound and radical change – change that reflects a genuine

search for truth, dedication to a Church of service, community renewal, and indestructible hope. This point is developed more fully in the sixth and seventh parts of our report.

We believe that we have discerned a new spirit and an array of means that point to a shining hope on the horizon and will ensure the triumph of life. These convictions, rooted in our faith, encouraged us to title our report: **FROM PAIN TO HOPE.**

The members of the CCCB **Ad Hoc** Committee on Child Sexual Abuse:

André Boyer

Rita Cadieux

Gerard Copeman

+ Roger Ébacher

+ Adam Exner

Nuala Patricia Kenny

+ James MacDonald

Notes:

- 1) Biographical notes on the members of the Committee can be found in Appendix 1.
- 2) Bernard Daly (former Assistant General Secretary of the CCCB) served as secretary of the **Ad Hoc** Committee April 1990 – May 1991; Marcel Lefebvre, professional staff of the CCCB, replaced him and edited this final report of the Committee.

II – ACKNOWLEDGEMENTS

As members of the CCCB **Ad Hoc** Committee on Child Sexual Abuse, we sincerely thank the leaders of the Canadian Conference of Catholic Bishops. They entrusted to us a very sensitive task, and gave us their complete confidence. This attitude of trust, openness and freedom of action has been evident throughout the whole process of the Committee's work.

We would not have been able to complete our task without the insightful and professional assistance of the four persons who chaired the various work groups studying key issues:

Rev. Francis MORRISEY, O.M.I.

chaired the group that revised the CCCB guidelines of 1987. Father Morrissey, professor of canon law at Saint Paul University, Ottawa, is an internationally known specialist frequently consulted on sensitive legal questions. In addition to chairing the first group, he was also a resource person for the third group. [GROUP I]

Mr. Paul McAULIFFE

chaired the work group on guidelines and supplementary policies for the pastoral care of sexually abused children and their families. Mr. McAuliffe works at the Catholic Children's Aid Society in Scarborough, Ontario; he is a member of the Ontario College of Professional Social Workers and supervisor of sexual abuse treatment and family support programs. [GROUP II]

Rev. Jacques GAGNÉ, O.M.I.

chaired the work group on guidelines and supplementary policies for the long-term pastoral care and future of priest abusers. Father Gagné is a professor in pastoral counselling at Saint Paul University, Ottawa, and for ten years, was the rector of the University Seminary. [GROUP III]

Dr. Jeannine GUINDON

chaired the work group on guidelines and policies for the selection and formation of candidates to the priesthood and religious life. Ms. Guindon is a professional psychotherapist and the founder of the **Institut de Formation et de Rééducation de Montréal**, which is well known and respected throughout the world. She was invited by Pope John Paul II to attend the 1990 Vatican synod on priestly formation as a lay auditor. [GROUP IV]

We thank these four professionals for their tireless devotion to this important cause. We hope they, in turn, will communicate our appreciation to all who collaborated with them. An alphabetical list of collaborators follows. The numbers in parentheses indicate the work group in which each was involved.

AMESSE, Mr. Stephen (1), Senate research assistant, Ottawa;

AUBUT, Dr. Jocelyn (3), psychiatrist, **Institut Pinel de Montréal**;

BELLEAU, Ms. Charlene (2), sexual abuse research coordinator, Cariboo Tribal Council, British Columbia;

BOYER, Mr. André (4), social worker; member, CCCB **Ad Hoc** Committee on Child Sexual Abuse;

BRADFORD, Dr. John (3), physician, Royal Ottawa Hospital;

BROWN, Ms. Colette (2), specialist in work groups for treatment of sexual abuse; member of the Catholic Children Aid's Society, and executive member of a sexual abuse treatment program attached to the Scarborough agencies;

COUTURIER, Sister Marie-Paule (1), licentiate in canon law, former superior general of her congregation; vice-chancellor, Diocese of Gaspé, Québec;

DOIRON, Rev. Michael, S.J. (1), superior of the Jesuit community in Ottawa;

DUNN, Mr. Brian (2), barrister and solicitor, board member of Catholic Charities in Toronto;

EVANS, Ms. Marguerite (2), registered nurse, doctoral student, theologian/ethicist;

FORDE, Dr. Francis (1), psychologist, Ottawa; long-term experience in counselling seminarians;

HEWITT, Mr. Adrian (3), lawyer, Ottawa;

KING, Mr. Jeffrey (1), lawyer, Ottawa;

LOFTUS, Rev. John, S.J. (3), therapist, director of the Southdown Centre, Aurora, Ontario;

LUGO, Ms. Elizabeth (2), vice principal, De LaSalle High School; member, Toronto Metropolitan Separate School Board;

MALONE, Mr. William (2), superintendent of education, Wellington County Separate School Board, Ontario;

MANCINI, Rev. Anthony (4), coordinator of Ministry to Priests Program, Archdiocese of Montreal, English sector;

McCANN, Mr. David (2), coordinator for St. Joseph's (Alfred) and St. John's (Uxbridge) Victim Helpline, Ontario;

McDEVITT, Sister Mary, I.H.M. (2), pastoral consultant for the Catholic Children's Aid Society of Metropolitan Toronto; former spiritual counsellor, Southdown Centre, Aurora, Ontario;

McFARTHING, Dr. A.M. (3), physician, Sudbury, Ontario;

MIAN, Ms. Marcellina (2), paediatrician; director of the Suspected Child Abuse and Neglect Program (SCAN), Hospital for Sick Children, Toronto;

O'HANLEY, Rev. Peter (1), priest actively involved in issues relating to sexual abuse and pastoral care (Saint John, N.B.);

O'REILLY, Rev. Michael, O.M.I. (1), professor of canon law, Saint Paul University, Ottawa; consultant to the Vatican Congregation for the Institutes of Consecrated Life and Societies of Apostolic Life;

OUELLET, Rev. Marc, P.S.S. (4), rector, Major Seminary of Montreal;

PAGÉ, Rev. Roch (3), professor of canon law, Saint Paul University, Ottawa;

PIGEON, Rev. Léo-Paul, O.M.I. (1), retired professor, Faculty of Education,
University of Ottawa;

PRENDERGAST, Rev. Terrence (4), S.J., professor, Regis College, St.
Michael's University, Toronto;

ROBILLARD, Msgr Jean-Marc (4), director of formation for future priests,
Diocese of St. Hyacinthe, Quebec;

SCHRER, Dr. Gilles (3), psychiatrist, **Institut Pinel de Montréal.**

To all who volunteered many hours of their time to help us formulate the most judicious recommendations possible, as well as to all who were consulted, we offer our profound gratitude.

Their work will not have been in vain if it assists the Canadian bishops to achieve their threefold objective:

- to deal effectively, justly and compassionately with cases of sexual abuse;
- to work towards eradicating the blight of sexual abuse within the ranks of the clergy;
- to contribute to the eventual elimination of this plague in society as a whole by educating and sensitizing the Catholic population.

Our solidarity with the Church must inspire us to move towards eliminating the evil itself, rather than remaining silent, as sometimes was done in the past.

III – MANDATE OF THE COMMITTEE

The **Ad Hoc** Committee on child sexual abuse by priests or male religious was created at the annual Plenary Meeting of the Canadian Conference of Catholic Bishops, October 23-27, 1989. On that occasion, the bishops expressed deep concern and sympathy for victims of sexual abuse committed by Church personnel. Concerned also for Catholics in those dioceses where these abusive acts had taken place, the bishops requested the Committee give priority to such issues as the long-term prevention of sexual abuse, the care and support for victims and their families, and the rehabilitation and future of offenders.

The Plenary Assembly of bishops gave the Permanent Council of the Conference responsibility for determining the precise mandate of this Committee and appointing its members. The Plenary Assembly also asked the Committee to develop a series of guidelines to help the bishops respond appropriately to allegations of sexual abuse by priests or religious in their dioceses.

The Permanent Council devoted much of its meeting of November 29-30, 1989, to this issue and appointed three bishops as members of the **Ad Hoc** Committee: Most Reverend Roger ÉBACHER (chairperson); Most Reverend Adam EXNER and Most Reverend James MacDONALD. The Council then delegated to the Conference's Executive Committee responsibility for selecting the four priest and lay members of the Committee according to certain criteria of representation and competence. The Executive Committee was also responsible for determining the precise mandate of the **Ad Hoc** Committee.

The members of the Permanent Council also provided some parameters for the work of the Committee. The following is an excerpt from the minutes of the Permanent Council meeting:

“The Committee's task will be to elaborate additional policies to help individual dioceses to assist victims, their families and friends, as well as heal and reconcile the parish and diocesan communities affected. It is not to conduct

extensive new investigations. Additional policies/guidelines could be foreseen in the following areas:

- 1) Completion/expansion of the 1987 suggested guidelines, in the light of their use in dioceses, other recent experiences, etc.
- 2) Additional guidelines/policies for the extended pastoral care of victims and their families.
- 3) Guidelines/policies for the extended pastoral care and future of priest offenders.
- 4) Guidelines (models) for diocesan community self-awareness (“auto-critique”) and prevention strategies and mechanisms, which foster and facilitate a fuller human support system for all priests and indeed for all parishioners.
- 5) Guidelines for affirmative activities at the local level, to help Church members join other people of good will to help break the cycle of sexual abuse.”

At the second meeting of the Committee, we reviewed the terms of our mandate and the way in which it was to be carried out. We decided to combine points 4 and 5 into a single project. In addition, we identified “the selection and training of candidates for the priesthood” as a specific question that needed to be addressed. To carry out our task, we formed four work groups and asked a special team of CCCB personnel to draft materials that could be used by local discussion groups.

IV – HISTORY OF THE COMMITTEE

The CCCB **Ad Hoc** Committee on Child Sexual Abuse met twelve times over two years (April, 1990 - April, 1992). In addition, each of the four work groups and the special team responsible for drafting the group discussion material met at least several times. In fact, one group alone held twelve meetings. This attests to the importance of the project for those involved and the dedication with which they carried out their work.

This capsule history of the Committee is divided into two main phases. In the first year, we studied intensely the issue of sexual abuse. At the same time, we responded to successive drafts of the discussion material prepared by the special team. In the second year, we received the reports of each work group and incorporated their findings into drafts of the Committee's final report. In addition, we maintained regular contact with the bishops responsible for the Committee's mandate, keeping them informed of the results of our on-going research.

A. Phase I

At our second meeting, August 2, 1990, we studied the recently released WINTER report. We noted the strong points of the report: its courageous tone; its sweeping recommendations calling for a profound change in the life of the Church; its reasoned recommendations; its emphasis on the process of healing; its discussion of efforts required to reduce and hopefully eliminate sexual abuse; and, despite the initial scandal, its mention of the long-term benefits and liberating power of the truth. Clearly it would influence our own work.

We also discussed the importance of assessing factors that might have contributed to the present situation, including the isolation of priests, abuse of power, problems of ecclesiastical administration, dissociation of preaching from real life, the formation of priests to meet their responsibilities, and spiritual and moral leadership in the Church.

In subsequent meetings, we reflected on whether the living conditions of some priests might contribute to deviant behaviour, e.g.: isolation; overload of pastoral work; an environment in which the concerns of laity are not easily heard; inadequate training or inadequate response to the training received; lack of true spiritual integration, and inadequate training in terms of moral responsibility.

Without claiming these are necessarily the determining factors, we began to explore preventive measures based on these preliminary reflections and on our professional experience.

We also had very candid discussions on a variety of related issues:

- How, in the face of revelations of allegations of sexual abuse by priests or religious, do we transcend discouragement and defeatism, and find the courage to respond justly and compassionately?
- How, in a spirit of openness and truthfulness, can we restore the confidence and credibility that the Church has unfortunately lost in the eyes of many Canadians?
- Are there structural causes within the Church and within society which explain the sudden rash of sexual abuse scandals? How can parishes repair the pastoral damage caused by wrong behaviour on the part of pastors?

In the sixth part of this report most of these questions will be discussed, with some specific recommendations.

Other problems were also raised during Committee meetings, which helped define more precisely the directives for the four work groups. These problems included, among others: the failure to fully implement the dynamic ecclesial communion proposed by the Second Vatican Council; how abuse by a priest is really a betrayal of a covenant; how diocesan practices could be revised in order to eliminate any suspicion or appearance of a cover-up by the ecclesiastical institution; ways of encouraging dioceses to examine how they respond to crises, and how to assess medium- and long-term consequences of abuse.

Gradually, we laid the groundwork for the second phase of the Committee's work. At the same time, the various drafts of the discussion materials were reviewed to ensure its orientation would be in accord with our findings.

B. Phase II

The second phase of the Committee's work consisted mainly of meeting the leaders of the four work groups to discuss the conclusions they had reached in their respective areas of responsibility. The Committee then took the main points of the four inquiries and consolidated them into the final report.

To assure the input from the work groups would not be lost, we formulated recommendations based on their research and addressed these to a number of persons or groups for implementation. The four work groups shed valuable light on the issue of sexual abuse and certain ways of remedying it. The appendices to this report give some indication of the painstaking work of the four groups.

V – GLOSSARY

In order to understand better the formal recommendations of the report and the texts included in the appendices, a glossary of frequently used terms may be helpful. Some expressions are described in simple terms. Others required a more strict definition to correspond to legal situations.

ALLEGATION

A statement or accusation of sexual abuse that is yet to be proven. (See Appendix 2: Diocesan Protocol).

CHILD

The legal definition of a child varies across Canada, according to federal, provincial or territorial legislation. In this report, child refers to a person who has not yet reached eighteen years of age. [Since the various applicable canonical and civil statutes mention different ages (for instance 7, 14, 16, 18, 19, 21), attention should be given to the applicability of such laws in a particular case.]

DIRECT VICTIM OF SEXUAL ABUSE AGAINST CHILDREN

The child who has been abused by an adult; or the adult survivor of child abuse.

DUTY TO REPORT

Every province and territory has legislation that requires the reporting of child sexual abuse or situations where the child is “in need of protection” or where the “security or development of a child is in danger.” The report is made to the local child protection agency or the police. While there are differences among the statutes about what is included in the term “in need of protection”, everyone has a duty to report sexual abuse.

The applicable statutory reporting requirements should be consulted to verify one's obligations.

ECCLESIASTICAL AUTHORITY

Either the diocesan bishop or the major religious superior, or his/her authorized representative.

EXTENDED PASTORAL CARE

The informed, understanding and healing support given by the Catholic community to the victims of sexual abuse and the offender, from the disclosure of the abuse and for as long as it is required, possibly throughout a lifetime.

INDIRECT VICTIMS BY RELATIONSHIPS

The parents, foster parents, siblings, extended family and close friends of the direct victim of sexual abuse.

LAY PASTORAL AGENT

A man or woman employed and remunerated by a parish or diocese for performing a specific pastoral duty under the responsibility of that religious authority (parish or diocese).

PREVENTION

“In the context of child sexual abuse, prevention means any measure aimed at preventing the occurrence of sexual abuse, detecting its early signs, and reducing its impact” (Government publication, Health and Welfare Canada, *Child Sexual Abuse: Guidelines for Community Workers*, Ottawa, Supply and Services Canada, 1989, p. 19).

RELIGIOUS

A member of a religious institute or of a society of apostolic life recognized by the Catholic Church.

Note that when they are assigned to pastoral work that reaches out to people outside their particular religious order, religious priests are responsible to two separate ecclesiastical authorities: the major superior of their order (depending on the religious province to which they belong) and the bishop of the area in which they perform their pastoral ministry.

Religious brothers, on the other hand (i.e., those who have not been ordained as priests), are responsible to their major religious superior (depending on the religious province to which they belong).

SECULAR

A structure or a system in society, as distinguished from Church structures or systems which are referred to as “ecclesiastical” or “canonical”.

SECULAR COURTS

The term applies both to criminal and to civil courts.

SEXUAL ABUSE

“Contacts or interactions between a child and an adult when the child is being used as an object of sexual gratification for the adult. A child is abused whether or not this activity involves explicit force, whether or not it involves genital or physical contact, whether or not it is initiated by the child, and whether or not there is discernible harmful outcome” (WINTER Report, Vol. II, p. A-20).

TREATMENT

“Specific intervention(s) by a qualified professional or specialist based on a statement of need and designed to limit, reduce or remedy individual and/or family dysfunction.” Both the abuser and the victim could benefit from treatment (Health and Welfare Canada, *Child Sexual Abuse: Guidelines for Community Workers*, p. 21).

VI – PERSPECTIVES ON THE MANDATE

The few pages summarizing the Committee's mandate cannot possibly convey the long path we have travelled in our two years of work. Nor can such an overview adequately explain the convictions that inspired us or the goals we set for ourselves when we accepted the task confided by the Canadian Conference of Catholic Bishops. Yet all of this background is essential in order to understand the proper context of the fifty recommendations presented in Part VII.

To aid readers, we have chosen, at this point in our report, to present the basic perspectives and conclusions that emerged from our discussions of the five aspects of our mandate as originally specified by the CCCB Permanent Council. We are fully aware that, despite all the time spent on our task, this will not be the final word on this difficult issue. One of our strongest and clearest convictions is that it will require the concerted effort of many people to stem the tide of sexual abuse against children.

A. Completion/Expansion of the 1987 Guidelines

As a first part of our mandate, we were asked to complete and expand the 1987 guidelines prepared by the Canadian Conference of Catholic Bishops. We noted, with satisfaction, that the bishops' decision was taken shortly after major government initiatives and preceded most professional corporate bodies in this respect. Three years before, the voluminous BADGLEY Report had been published. In August of 1987, the Minister of Health and Welfare named Rix ROGERS as Special Adviser on Child Sexual Abuse. Rix ROGERS was given the following mandate: "to prepare for the Minister a report on the long-range direction of federal child sexual abuse initiatives, their implementation and co-ordination" (*Reaching for Solutions: Report of the Special Adviser to the Minister of Health and Welfare on Child Sexual Abuse in Canada, 1990, p. 7* – cited elsewhere as Rix ROGERS).

In 1987, the ecclesiastical authorities had reacted in a predictable and normal manner, given the circumstances. In other words, they attempted to respond to

the crisis resulting from the scandal brought about by disclosures of child sexual abuse by priests or religious. Three years later, at the end of 1989, this led the bishops to ask that the guidelines be expanded and completed.

To accomplish this task, we decided to conduct a survey in order to gauge the actual impact of the 1987 guidelines. In summary, we found:

- many dioceses had discovered for the first time the implications of a problem of which they had not been aware;
- some dioceses had drafted a protocol or action strategy on this issue;
- in at least one instance, a major pastoral region encompassing some twenty dioceses had drafted a common protocol on the issue of child sexual abuse;
- bishops had begun to call upon the services of professionals from a variety of disciplines to help in this task.

Overall, the guidelines represented a promising first step, but could they provide long-term direction?

At that time, however, the public was not sufficiently conscious of an essential element in the problem of abuse. The ideal breeding ground for the development and repetition of child sexual abuse is a general conspiracy of silence, motivated by the fear of scandal and of major repercussions for the institutions directly or indirectly concerned. A family is shaken by an incestuous relationship between father and daughter coming to light; the good name of a profession is smeared by the publication of facts implicating some of its members in reprehensible acts against children for whom they are responsible. The Church finds itself in a position that contradicts its own message when a priest or religious is accused of child sexual abuse.

The spontaneous reaction of shamed self-defense must be avoided under the circumstances, lest one risk becoming, consciously or not, party to further cases of abuse. **The fear of scandal** often conditions our instinctive reactions of inadvertently protecting the perpetrators and a certain image of the Church or the institution we represent, rather than the children, who are powerless to defend themselves.

Five years of numerous painful experiences, a great number of excellent publications on abuse, and the opportunities afforded by seminars and various meetings have led many of our co-citizens to question their tendency to remain silent on the matter of child sexual abuse. More and more individuals no longer hesitate to break through the wall of silence surrounding instances of abuse, even if this leaves the impression that the number of cases is increasing. Disclosure brings these cases to light and helps to expose the conditions which may have contributed to their occurrence. Rix ROGERS noted pertinently: “Every public awareness and education effort related to child sexual abuse prompts more disclosures, thereby generating an immediate need for more support services” (Rix ROGERS, p. 54).

This situation of more or less conscious denial of sexual abuse by priests or religious allowed, in some cases at least, intolerable conditions to persist far too long. The Winter Commission report makes this point quite clearly.

The first disclosures were inadequately dealt with by the Archdiocesan administration. This allowed the threat of sexual abuse to continue, though the poor handling of the early accusations of abuse may be understandable in the context of the times, when most people were not aware of the prevalence and dynamics of child sexual abuse, or the damage that it causes. [The Report of the Archdiocesan Commission of Enquiry into the Sexual Abuse of Children by Members of the Clergy, St. John's, 1990, Vol I, p. 136.]

Ecclesiastical authorities may not have always been completely successful in distinguishing between **the individual and personal responsibility of a priest abuser and the indirect responsibility borne by the Church**. Consider the following analogy: well-meaning parents suddenly find themselves almost directly involved in a judicial process because their son or daughter (who has reached majority) is implicated in drug trafficking. We all know of cases where parents blame themselves, intervene in a sometimes awkward manner, and tend to act in ways that are undoubtedly inspired by their love as parents, but ill-advised from the point of view of fostering a re-orientation of their now adult child. In spite of their good will, these parents delay their child's coming to terms with the consequences of his or her acts.

Similarly, a clearer understanding of the individual and personal responsibility of the priest-abuser as contrasted with the indirect responsibility of the institution makes it possible now to develop a more adequate action plan. In our view, the

1987 guidelines laid insufficient emphasis on the fact that normally the direct and immediate responsibility for such actions rests with the abuser himself.

What is the situation today, five years later? On what grounds can we hope that our recommendations fulfill what we were asked to do, namely to complete and expand the work begun in 1987?

1. In contrast to what was done in 1987, we are not simply formulating guidelines to be communicated to the bishops alone to help them draft their own plans. The final report of the **Ad Hoc** Committee will be available to anyone interested in joining the fight against the current flood of child sexual abuse cases, regardless of the identity of the abusers. The bishops will no longer feel they are the only ones expected to take action.
2. Unlike the 1987 text, our recommendations are addressed to a much wider audience, including those at the crossroads of the Canadian Church and of Canadian society:
 - Catholic men and women of Canada
 - diocesan bishops
 - those responsible for priestly formation
 - those responsible for clergy
 - the Canadian Conference of Catholic Bishops.
3. In addition, a number of our recommendations are specifically intended to break through the wall of silence that has been and continues to be a key factor in allowing abusers to persist for years in their intolerable behaviour towards children. (In particular, see Recommendations #1, 2, 3, 9, 12, 32 and 38.)
4. Among other recommendations which go beyond what was dealt with in the past, we underline the following:
 - Recommendation # 6 asks that the **bishop's delegate** receive special training commensurate with his or her responsibilities.
 - Recommendation # 8, as complemented by Appendix 2, suggests that a "**current basic protocol regarding situations of sexual abuse**" be prepared and updated; we think that this measure responds to one of the

major problems encountered by those dioceses ill-prepared to react appropriately to an unexpected situation.

- Recommendation # 11 proposes the formation of an **advocacy committee for the victims**, as distinct from an **advisory committee** (see also Recommendation # 7).
5. There is no denying that the problem of abuse has increasingly become a focus of concern over the past five years. The Rix ROGERS report and the publications of the National Clearinghouse on Family Violence have done much to heighten public awareness of this issue. The special adviser to Canada's Minister of National Health and Welfare alludes to this fact. "On a more personal level, I am troubled that, despite thirty years of work in a major child-serving organization, I was not more aware of child sexual abuse as I entered the assignment two years ago [i.e., 1988]. How could it be that such a serious problem has escaped my attention?" (Rix ROGERS, p. 12). Thanks to media reports, as well as research and literature aimed at raising awareness on the subject of sexual abuse, we are certain that our recommendations will not go unheard.
 6. Lastly, in addition to the fifty recommendations we have formulated, we have great hopes for the group discussion document recently published under the title *Breach of Trust/Breach of Faith*. This gives Canadians a discussion materials on the subject of sexual abuse, which should encourage dialogue on a topic that, not so long ago, was taboo.

Group discussion of this issue, however, must take into account what has happened in Canadian society over the past thirty years. We have clearly witnessed a dramatic and ugly upsurge in pornography. It will be difficult for a civilization that indulges in depictions of violence, turns the female body into an object, and trivializes sexuality, to rediscover the reasons for respecting the privacy of children, including their sexual identity. Much remains to be done to turn around the values of our civilization, given the many opposing social and cultural hurdles which are buttressed by such powerful technical means as videos. Our guidelines, as well as our educational venture, must be set within a broader strategy that is not afraid to challenge certain contemporary trends with Christ's message of respect for each human person.

B. Pastoral Care to Victims and Their Families

The type of pastoral care the Church should offer to children who are victims of sexual abuse and to adults who were sexually abused in their childhood will appear in the fourth preliminary observation. It is one of the basic principles underlying our analysis: namely, “giving priority to the protection of children and more vulnerable adults” (see Part VII, Recommendations: Preliminary observations).

We believe that this touches on an essential part of the Church’s mission: compassion for the victims of injustice. This is true especially when the injustice is perpetrated by a member of the Church’s personnel. The direct and personal responsibility of the abuser for the deed should not prevent the ecclesiastical community from showing kindness and compassion to innocent victims. Too often in the past, the uneasiness felt by Catholics in such circumstances prevented them from responding adequately to victims. Consequently, the victims and their families once more felt rejected. The word “revictimization” has been used to denote this second ordeal.

Over the last two years, through our work groups, we have come to know the feelings of anger, shame and violence expressed by victims of abuse. These feelings ran particularly high against the administrative structures of the Church in cases where the abuser was a member of the clergy or a male religious. Victims denounced the system for its attitude, accusing it of being more interested in limiting damage to the Church’s image than in dealing with the serious violence that had been inflicted on the victims.

On occasion, the language directed against the ecclesiastical authorities was quite strong, and some people felt that these authorities did no more than react defensively to revelations of abuse. Beyond such language, however, an ardent hope could also be perceived: a hope that the Church would eventually find the courage and the will to reshape its attitudes and behaviour into a firm commitment to undertake pastoral action primarily directed towards the needs of the innocent victims of sexual abuse.

We are convinced that pastoral care for the victims of sexual abuse consists above all in compassion, justice and healing of a grave injury inflicted upon those

powerless to protect or defend themselves. Moreover, this pastoral concern is rooted in one of the most important commandments Jesus gave to his disciples: to care for the development of children in the candour, confidence, innocence and sanctity of their youth (see Matthew 18:2-5; Matthew 19:14; Mark 9:36-37; Mark 10:13-15; Luke 9:48; Luke 18:16-17). This commandment reflects the central message of the entire history of the Old Testament: the God of Abraham and of his descendants resolutely took the side of the weaker against the stronger who surrounded them, and came to the side of the poor against the powerful.

To be adequate, pastoral care for victims of abuse should have a twofold focus. First, pastoral care must aim to heal the wound caused by the abuse the child has suffered, employing great tact, discretion and understanding. The wound inflicted by sexual abuse cuts much deeper than a physical wound, as visible and as severely handicapping as such a wound might be. The wound caused by abuse is invisible and often rendered almost inaccessible through an unholy alliance whereby victims are convinced they must protect the abuser by their silence. Wounds such as these damage children to the very core of their being and their fundamental self-identity.

When the abuse is repeated over a long period of time or when the child is particularly vulnerable, the consequences of a wound inflicted in childhood may continue to trouble the person even into adulthood. The diocesan Church should, if necessary, contribute to the cost of the sometimes prolonged therapy required to heal the wound suffered by a child or by an adult when a child. The Church should also ensure that the offender contribute to the payment of the expenses incurred, even if only symbolically.

A second focus needed in pastoral care may be less evident at first glance. It involves restoring the confidence lost in an institution which, through the misdeeds of one of its ministers, betrayed this confidence. Children should be able to rely instinctively and implicitly on the good care of their parents. They come to learn, through repeated testing on their part, that their mother and father are always there, ready to meet their primary needs. As they pass from early childhood, the parents teach them that they can extend this act of implicit trust to other special individuals and that the capacity to care about the welfare of children can be found in other people, adults they meet on a regular basis, including members of the extended family, daycare workers, teachers and priests.

For children sexually abused by a priest or a religious, this entire system of protection and confidence is destroyed. The children feel that the basis on which they have built relationships with a small group of special people has collapsed beneath them. The damage done extends well beyond a deep psychological wound; it causes radical soul-searching about the meaning of life and the pertinence of all that has been taught about God and religion. This sort of spiritual crisis goes so far as to render impossible, **at least temporarily**, the capacity to forgive (see Appendix 8).

Therapy to heal this second wound is often long and difficult. Some have argued that this second wound is akin to that produced when a natural father abuses his own son or daughter. **Confidence can never be restored simply through words.** A lasting change in behaviour and attitude is required. A new type of relationship must be built between the child (or the adult still suffering from the consequences of childhood abuse), and the representatives of the Church which betrayed that confidence. The transformation needed for the Church to gradually restore the confidence it has lost in the eyes of sexual abuse victims will be discussed later. For the time being, let us say these transformations will involve a humble admission of the facts, the implementation of effective preventive measures, greater solidarity between priests and lay persons, greater support on the part of teams of priests, and a commitment by ecclesiastical authorities to cooperate in addressing the wrong. This perspective is reflected more precisely in a number of the recommendations found in Part VII.

The establishment of an **advisory committee**, either diocesan or interdiocesan, “to whom [...] is referred any issue of sexual abuse or any allegation of sexual abuse” (Recommendation # 7), is specifically intended to provide bishops with a support team able to assist them in carrying out their obligations to victims. This multidisciplinary team should include at least several persons who already have professional expertise in the area.

A **committee for the victims** (see Recommendation # 11) should also be formed with the specific task of providing “**individualized support**” to each minor who is the alleged victim of sexual abuse by a priest. The different tasks assigned to this committee clearly indicate the attention which a pastoral response must give to the particular consequences of acts of sexual abuse committed by priests or male religious.

In the same spirit of concern for the victims and of real commitment to preventing child sexual abuse, we recommend that the bishops “**communicate to priests and the religious personnel concerned** the duly approved text of the diocesan protocol” (Recommendation # 9). This protocol must explicitly note each citizen’s obligation of reporting all cases of sexual misconduct, regardless of the perpetrator. Respecting civil legislation on reporting is a key element in the prevention of further abuse.

Concern for victims is also reflected in the receptiveness advocated in Recommendation # 10: To “**provide a sympathetic and attentive hearing within the Church to each victim of sexual abuse committed by a priest or a religious.**” This attitude will obviously need to be shown in concrete fashion by responsible individuals and by mechanisms set up to respond to the varying needs and situations.

In addition to this receptiveness, we suggest that the bishops “**provide victims, after sentence has been pronounced against a priest for sexual abuse, the services of qualified resource persons** who can provide the pastoral support wanted, counselling and, if necessary, therapy” (Recommendation # 12).

We believe these specific recommendations express the concern for justice which the Church should show victims and survivors of sexual abuse committed by priests. These should be uppermost in our thinking and in our pastoral practice.

C. Pastoral Care and Future of Priest Offenders

We were aware of the very difficult task which the third part of our mandate entailed: How to deal within the Church with priests who had been found guilty of sexually abusing children? Should there be any possibility of returning to active ministry after a criminal sentence and a prison term? If so, under what conditions?

We chose to approach the problem of child sexual abuse by priests from three specific angles: pastoral, legal and clinical. At the outset, we lamented the lack of compiled scientific research specifically concerning the target group of sexually deviant priests. As a result, little or no systematic data was found on the following points:

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- the proportional representation of priests among all adult male abusers,
 - the sexual orientation of priest abusers, the number of victims, patterns of abuse,
 - the incidence of drugs or alcohol,
 - the possibilities of rehabilitation, and the long-term prospects.

Recommendation # 50 recognizes this shortcoming and invites the Canadian Conference of Catholic Bishops to call for “immediate and continuing research in the social sciences regarding the complex reality of human sexuality (both homosexual and heterosexual orientations), the sexuality of celibates, as well as the issues linked to the deviant expressions of sexuality”.

Some specialized studies do exist and offer valuable data backed up by limited but controlled experiments. Our recommendations are based on this clinical experience.

Child sexual abuse by priests or male religious must certainly be seen within the larger context of an entire society where people experience difficulty in coming to live in harmony with their sexuality. The Church, however, must not use this fact as a pretext for shirking its responsibility in this area or for avoiding its duty to deal frankly and humbly with the problem of some of its ministers being involved in such abuse. This presents a major challenge for the Church to re-examine its traditional attitudes towards both sexuality and relationships of power. In addition, professional clinical experience involving priests accused of sexual abuse reveals clear shortcomings in their formation in how to relate interpersonally, control their sexual urges, integrate their personalities and live as celibates.

In dealing with the problem posed by the return of a priest to his pastoral ministry after being convicted on charges of sexual abuse and incarcerated for a more or less lengthy sentence, we had to confront very clear-cut and divergent opinions. Some people refuse even to consider the possibility. Others insist with equal vigour that human beings have immense potential for radical conversion. With the assistance of experienced clinicians, we were able to formulate a recommendation which, in our view, avoids the exaggerations of a somewhat dogmatic position on the matter, and at the same time accounts for a variety of experiences that have been thoroughly scrutinized by the experts. Recommendation # 20 suggests that bishops:

Decide, in consultation with the treatment centre, **about the possible return to active ministry** of a priest who, having been convicted of child sexual abuse, having served his sentence, or having received a suspended sentence, asks to resume his ministry. Such a decision must give the protection of children first priority and, correspondingly, evaluate the potential risk constituted by the priest's eventual return to the ministry. Appendix 9 outlines the services available from treatment centres in such cases.

The bishop should neither promote re-entry of priests at all costs, nor refuse re-entry of priests under any circumstances. The bishop or the religious superior should make the decision in consultation with the treatment centre. The following points should be kept in mind:

- *a complete and reliable diagnosis and prognosis has to be available;*
- *the priest would have to accept or at least recognize the problem exists;*
- *there would need to be adequate probation time between the period of incarceration and eventual acceptance of re-entry;*
- *the priest would have to agree to maintain a relatively low profile in the community;*
- *an effective system of monitoring would have to be available;*
- *other mechanisms such as support groups and aftercare programs would need to be available in the diocese which can and will provide continuing support and guidance to the priest;*
- *an assurance that any ministerial assignment would avoid bringing the priest into contact with potential victims (namely, individuals or groups with similar characteristics to previous victims, or with persons who themselves had been previous victims of sexual abuse);*
- *in each individual case, the relationship between the occurrence of the offence and the existence of a personal crisis or risk factors would have to be assessed. (It should be emphasized that not all sex offenders have the same motivations or behaviour patterns.)*

Prudential judgements are necessarily difficult, since risks can occur outside the identifiable ministerial context.

We realize that our solution is neither as appealing nor as easy to apply as the extreme positions for or against re-entry. However, we think that it has the merit of being true to the problem in all its complexity, and accepts the arduous moral discernment that must be applied to the questions of life.

Despite the extremely strong negative reactions aroused in the public because of child sexual abuse by priests or male religious, one must strive to maintain an attitude of charity towards those accused and even towards those found guilty. Our legitimate desire to protect children to the utmost must not lead us to be unjust towards the adults who inflicted such serious wrongs upon

them nor to decide summarily that such individuals must bear the scarlet mark of shame for the rest of their lives.

Before considering the return to ministry of a priest found guilty of sexually abusing one or more children, a certain number of specific conditions must be duly verified by an accredited professional therapeutic centre. Furthermore, a request such as this can be accepted only when a number of other strict conditions are met, as seen in the major recommendation just quoted.

This central recommendation regarding the future of delinquent priests is complemented by a number of others. It is recommended that the accused priest be placed on administrative leave with pay from the time there are reasonable and probable grounds to believe an allegation of sexual abuse until completion of the investigative or judicial process (see Recommendation # 41); and that during the period of incarceration, both those responsible for the diocese and fellow priests be asked to visit the priest periodically, **“offering him all the moral support needed, and never forgetting that he is a fellow human being, a child of God in need of compassion”** (Recommendation # 42).

Furthermore, the possible re-entry itself is accompanied by a number of important precautions: the enlightened opinion of the presbyterium (see Recommendation # 21); the possibility of instituting a re-entry committee (see Recommendation # 22); clear information given to the community in which re-entry is to take place (see Recommendation # 43). We obviously disapprove of a practice which may have happened in the past, namely that a priest who had committed child sexual abuse was accepted in another diocese without any information about this being given to the bishop of the receiving diocese and, *a fortiori*, to the receiving parish.

To conclude, we will mention two analogous but slightly different cases. It may happen that a priest committed acts of child sexual abuse in the recent or distant past but that the parents involved declined to initiate legal proceedings against him under criminal law. When informed of such a case, and in the absence of a reporting obligation (because the young person concerned is now over sixteen or eighteen, depending on the province or territory in which he or she now resides), the bishop should conduct an ecclesiastical

investigation, insist that the priest acknowledge the facts of the case, possibly recommend treatment, and, if necessary, temporarily suspend him from his pastoral duties.

Similar action may be necessary when a priest is acquitted in criminal court as a result of insufficient evidence, but serious doubts remain about his moral responsibility and about the likelihood and probable nature of the alleged acts. Prudence and the obligation to protect potential victims should guide the bishop in making decisions concerning the future of such priests and the type of ministry with which they might be entrusted. The points listed in Recommendation # 20 could be used with the adaptations deemed necessary.

On the basis of the cases known to us, we believe that actual instances of re-entry will, in all likelihood, be infrequent. Nonetheless, the attitude and basic message of Jesus challenges us. He came that we may have life and have it in abundance (see John 10:10), and he said he did not wish death for sinners, but rather their conversion: "I did not come to call the virtuous, but sinners" (Matthew 9:13).

D. Selection and Formation of Candidates to the Priesthood

At our second meeting on August 2, 1990, we decided to combine the fourth and fifth aspects of the original mandate assigned to us and to add a new issue: the selection and training of candidates to the priesthood. We decided to form a fourth working group to study this issue, in order to benefit from the expertise of specialists in this area. [The fifth aspect, on long-term prevention and community involvement, originally numbers four and five of our mandate, is discussed in Section E.]

Why did we decide to create a work group specifically for a question which was not explicit within our mandate? In our view, the imperative nature of early prevention of sexual abuse by priests or religious has to be embedded in the very process of selecting and forming candidates for the priesthood. From the earliest moment in formation, attention must be paid to the strengths and weaknesses of the candidates, and taken into consideration in an individualized program based on an integral human formation process, as described in Appendix 5.

The formation of candidates to the priesthood in the Catholic Church is a long and complex process which includes various dimensions: theological, spiritual, communal and pastoral formation within a framework which usually requires three or four years of study and one or two years of pastoral experience. We could not possibly review the specific content of all that is treated in the biblical, theological and pastoral formation of future priests. Instead, we focused specifically on the personal capacity of the candidate to integrate his knowledge and abilities, and on ways of enhancing the capacity a person has for actual personal conversion, as opposed to his potential for merely accumulating knowledge. The potential for profound integration must be already present even before the candidate comes to the seminary. The implications of this are seen in Recommendation # 24 which suggests that those responsible for priestly formation:

Advocate, in the groups which journey with priesthood candidates in order to discern their vocation, **that the candidates be accompanied by a spiritual guide who can also serve as mentor** (for example, an adviser who is a wise and experienced counsellor, and whose life work is proven and inspiring).

This accompaniment, even for a candidate journeying outside such a group, helps the candidate to come to know Jesus Christ better and develop a significant relationship with him. In the case of an aspiring candidate who has recently undergone a conversion experience, discernment of his vocation over several year is advised.

Admission criteria should also be based on the personal strengths of the individual and on the integration of his life experience in terms of transforming his own self rather than in terms of acquiring new knowledge. The last sentence of Recommendation # 25 clarifies this point: "Special attention will be paid to the harmony or disharmony which exists between the candidate's chronological age and his life-style."

We do not wish to suggest that the formation of future priests has until now been inadequate. Nonetheless, we think that improvements are possible and desirable, and, with the assistance of the specialists we consulted, we suggest a number of main objectives for an integral human formation of future priests:

- **"Implement a selection process for candidates** which focuses more on the candidate's personal fundamental strengths, rather than on factors

of vulnerability, without however disregarding the latter” (Recommendation # 26).

- **“Personalize” the whole process of the candidate’s formation**, paying special attention to each candidate’s personal strengths, history, age, the progress of his achievements, and his development towards maturity” (Recommendation # 27).
- **“Pay particular attention to the candidate’s progress in the following areas:** his assumption of commitments and becoming truly responsible for his own personal development; concern for others; his life-style and the attainment of a certain financial independence; the adequate satisfaction of his basic needs and the presence of a healthy balance in life; his emotional stability” (Recommendation # 28).
- **“Examine with the candidate his own insight into himself**, and identify the strengths and weaknesses of his key life experiences” (Recommendation # 29).

These four emphases are different avenues leading to the integral human formation described in Recommendation # 30 and Appendix 5. They set a goal as well as a strategy, without, however, implying that we think we have discovered new or infallible means of formation. Some bishops and directors of seminaries may have experimented successfully with slightly different means of reaching the same objective of autonomy, integration, increasing maturity, acceptance of responsibility, and personal insight into oneself. Some would rather in this type of educational process bring together small groups of candidates belonging on the same level. The goal remains the same: a genuine sense of responsibility in the young man undergoing training, that is, fostering his ability to look for the good of others and not for his own immediate gratification (involving children or adolescents).

The reason for insisting on personal integration is that, in our view, the sexual abuse of a child by a priest, especially if repeated on one or more victims, is possible only in the individual who undergoes dissociation and whose existence is compartmentalized among pastoral duties, theoretical knowledge, and behaviour. Insight into oneself, true maturity, and a deep spiritual life grounded on the person of Christ do not co-exist with the kind of personality-splitting typical of the actions of a priest who abuses children sexually.

Even though we do not intend to enter into the many means that could be used to improve priestly formation, we wish at this point to include two recommendations related to this topic. First, there is a need for the best possible consultation between the various resource persons who assume specific responsibilities in the formation of candidates, and we underscore the need of involving women in the process of formation (see Recommendation # 31). Secondly, the explicit mention of a factor which, up to now, may have been omitted from the various topics of the curriculum: We ask seminaries to “**foresee, within the formation process of seminarians, the presentation of up-to-date statistics on the present-day phenomenon of family violence**; noting especially the frequency of child sexual abuse, and paying special attention to child sexual abuse by priests (i.e., its incidence, the psychological profile of offenders, the factors of risk, pastoral care of victims, etc.)” (Recommendation # 32).

At this point, we wish to turn to recommendations pertaining to the life of priests already engaged in ministry. Even though these extend beyond the formation stage of candidates for the priesthood, they relate directly to the same concern of preventing cases of abuse. Our first concern was for priests in their early years of ministry, according to Recommendation # 34: to “appoint, in consultation with the diocesan bishop, **an experienced priest to be available to newly ordained priests who can act as a mentor for them**, to assist them in the transition from the seminary life to the many forms of pastoral experience in the local Church community.” In addition, provisions have been made for sustaining the spiritual direction of newly ordained priests (see Recommendation # 35) and setting personal and ministerial goals at the time of their first assignments (see Recommendation # 36).

A second aspect of prevention concerns priests after the first years of their apostolic work. This requires making provision for the periodic up-dating and the life-long on-going formation of the clergy (see Recommendations # 37 and 38) and individual support to priests experiencing a major personal or pastoral crisis (see Recommendation # 39). In preparing these recommendations, we strove to go beyond wishful thinking and commendable, but often fruitless, resolutions. We want to be quite specific about the preventive action we advocate.

E. Church Joint Affirmative Activities against Sexual Abuse

Consolidating aspects 4 and 5 of the original mandate produced a broad objective, encompassing both an educational strategy and the special dynamics of ecclesial community life. The Permanent Council had described the latter aspect of the mandate as follows: “to suggest guidelines/policies for diocesan self-awareness (“auto-critique”) and prevention strategies and mechanisms which foster and facilitate a fuller human support system for all priests and indeed for all parishioners” (*For Your Information*, #1423 [05.12.89]). Although it might not be immediately evident, the internal dynamics of ecclesial communities can be very relevant to cases of child sexual abuse by priests or religious.

As the supporting statements contained in the Winter Commission report indicate, we are becoming increasingly aware that the sexual abuse of a child by an adult represents, if not physical violence, at the least the assertion of power by an adult over a child to make him or her the adult’s “object” or “possession”. This is clear in cases where a father sexually abuses his own son or daughter, and it is also true when the abuser is a summer-camp counsellor, a teacher, a guardian or a parish priest. Parental authority or delegated parental authority is perverted into a relationship of power and domination rather than an expression of service and availability.

The members of the Winter Commission saw the same link between a model of Church life and the imposition of this style on relations between its ministers and members of the People of God. In their words, “the relationship that was established between offender and victim involved an abuse of power and betrayal of trust in which the victim was unable to give informed consent for participating in the sexual acts” (WINTER Report, Vol. I, p. 30).

Relatively recently in our history, Catholic priests in Canada could, on account of their ministry and their status as priests, exercise considerable authority over the day-to-day lives of their communities. This excessive power, unchecked by any kind of social control, placed certain individuals beyond the reach of legitimate questioning and made it possible to prevent detection. The fact that priests were placed on a pedestal was actually a kind of trap. This contributed to their becoming more and more isolated from the people they served

and not developing healthy relationships built on simple friendship – something essential to a balanced humanity.

We agreed that important changes have taken place in the Catholic Church over the past thirty years. The Second Vatican Council, in the **Dogmatic Constitution on the Church**, emphasized that the two complementary dimensions of communion and the institutional hierarchy were both necessary for an adequate understanding of the mystery of the Church. Numerous conciliar texts have emphasized the fact that, according to Jesus' own teachings, the authority granted to officials at various levels of the hierarchy of the Church must be lived as a form of service, not power:

“You know that among the pagans the rulers lord it over them, and their great men make their authority felt. This is not to happen among you. No, anyone who wants to be great among you must be your servant, and anyone who wants to be first among you must be your slave, just as the Son of Man came not to be served but to serve, and to give his life as a ransom for many” (Matthew 20: 25-28).

We are aware that steps have been taken in all corners of the country to develop a more communal Church, and to ensure that the authority of hierarchical officials is understood and exercised as a form of service rather than power. The wording of Recommendation # 46 acknowledges the changes and transformations that have occurred.

We believe, however, that much remains to be done before our Christian communities begin to resemble what Jesus envisioned for them. We feel that this conversion, besides corresponding to a desire clearly expressed by Jesus, will have a positive impact on many aspects of life in the Church. We believe in particular that an attitude of humility and service will make parochial and diocesan communities more unified, more responsive, more able to deal with the crises that assail them, and more concerned with building a dynamic model of parochial life that can become a valuable source of support for the priests serving that community (see Recommendation # 5).

We dealt with the question of an educational strategy for the prevention of sexual abuse by creating a special team to prepare and pilot a collection of dis-

discussion materials for the general public. It can be used as a tool for raising awareness and promoting education on all aspects of child sexual abuse.

The special team completed its assigned task in March, 1992, with the publication of discussion materials in English and French on sexual abuse. This publication contains additional documentation on the most recent information on the issue, as well as material for discussion groups, and recommends a series of five meetings on the following themes: Sexual Abuse of Children in our Church; the Dynamics of Child Sexual Abuse; Factors in Society and Church That May Contribute to Child Sexual Abuse; Personal and Community Responsibility in Child Sexual Abuse; and Preventing Child Sexual Abuse. The booklet is available from the Publications Service of the CCCB, under the title *Breach of Trust/Breach of Faith: Child Sexual Abuse in the Church and Society: Material for Discussion Groups*. (The French title is: *Comme une brisure ... Les agressions sexuelles contre les enfants dans l'Église et dans la société.*)

We believe the publication and wide distribution of these discussion materials has engaged our Church in a movement of hope, and there has been positive response to the booklet. In trying to shatter the conspiracy of silence that was a major factor in the repeated incidence of abuse in the past, we call upon all Catholics to make a commitment to react vigorously against all forms of sexual abuse, including that perpetrated by ministers of the Church.

We feel that the most appropriate way for the Church to address the wrongs committed by some of its ministers against children is to cooperate closely with the child sexual abuse programs already begun by Health and Welfare Canada: "That the federal and provincial/territorial governments continue to support community-based primary prevention, public awareness programs so that all sectors of society are encouraged to participate in the prevention of child sexual abuse" (Rix ROGERS Report, Recommendation # 17).

SUMMARY: WHERE DOES THE CHURCH STAND?

At the beginning of the sixth part of our report, we expressed the firm conviction that the concerted effort of many people will be needed to stem the tide of sexual abuse against children. To conclude this section, let us state where the Catholic Church should stand in the context of this plan for action.

- **On the side of openness and truth**

We would like to see our Church guided by a spirit of openness and truth when responding to allegations of child sexual abuse by a priest or a religious. We want our Church to cooperate fully with child-protection agencies and the judiciary, not claiming preferential treatment for one of its ministers when suspected or formally accused in such cases.

- **On the side of extensive cooperation by Catholics**

In our minds, our Church would be socially irresponsible if it participated in the fight against child sexual abuse only when one of its ministers is implicated. We know that such cases represent only a small proportion of the total number of cases in our country.

We would like to see our Church, inspired equally by belief in the cause itself and by a sense of responsibility, actively encourage all Catholics to co-operate fully with Health and Welfare Canada in its efforts to curb family violence and, in particular, child sexual abuse. Our Church should call its members to unite with those who condemn such forms of aggression.

- **On the side of transforming persons and institutions**

We would like to see our Church face, with clarity and courage, the decisions that must be taken in light of the failure that child abuse represents for society and the Church itself. Indeed, it is simply intolerable that a society should degenerate to the extent of closing its eyes to the injustices which are destroying the foundations on which children build their identity.

These decisions will call for change in the attitudes of those who are wholeheartedly to defend children and other vulnerable people in society. They also call for change in institutions themselves, both those in civil society and those within the Church.

Child sexual abuse flourishes in a society that is based on competition and power and which is undermined by sexual exploitation and violence against women. Contemporary society has shown itself quick to reject traditional values, to be unable to offer new ones, and to be unfair to women and children. The challenge to transform society becomes enormous when we begin to realize the terrible social cost when child abuse is tolerated.

Another contributing factor to child sexual abuse is a Church that too readily shelters its ministers from having to account for their conduct; that is often tempted to settle moral problems behind a veil of secrecy which only encourages their growth; that has not yet fully developed a process of internal reform in which the values of familial communion would predominate. Challenges for personal conversion and institutional change are far from lacking. We would like to see our Church take firm steps which would leave no doubt as to its genuine desire to eradicate the phenomenon of child sexual abuse.

Such is our understanding of the findings which flow from our mandate. We will let our readers study the recommendations we have made and decide for themselves whether or not we have been true to it.

VII – RECOMMENDATIONS

Preliminary observations

- 1) Most of the following recommendations concern the sexual abuse of children by priests. Those for whom these recommendations are intended will easily make the adaptations needed for cases that have some similarities but remain different – for example, sexual abuse by deacons or male religious; abuse committed by lay personnel of the Catholic Church; or the sexual abuse of adults.
- 2) The recommendations made to Church authorities call for the maximum reconciliation of the following three principles:
 - justice towards all who are implicated
 - diligence
 - respect for civil authorities and their proper jurisdiction in these matters.
- 3) The following recommendations try to reconcile two attitudes essential for an adequate Church response: compassion and responsibility.

Compassion towards the victims of abuse will be demonstrated by showing that the Church does care and will do everything possible to respond to the situation. The same compassion should also affect the response of the Church to those who are accused. The Church must manifest the compassion of Christ.

Responsibility calls for getting to the truth of a difficult situation, while firmly maintaining the principle that a person is innocent until proven guilty. It also calls for a search for appropriate remedies, various forms of response and, eventually, reconciliation through the actions of an authorized representative of the Church.

Both compassion and responsibility are facets of the Church's love. How the Church responds will be a determining factor in eliciting positive cooperation on the part of all those involved in this painful situation.

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- 4) A certain number of guiding principles underlie the recommendations we are making and indicate the spirit in which we have laboured. These guiding principles include:
- giving priority to the protection of children and vulnerable adults;
 - taking allegations of sexual misconduct seriously, independently of esteem for and the reputation of the accused;
 - presuming an accused person’s innocence until proven otherwise;
This presumption of innocence should not, however, disregard a healthy need for prudence. Necessary measures must be taken in order to avoid all risk of future abuse.
 - respecting both the civil and canonical legislation which is applicable in these cases, while avoiding any undue interference;
 - respecting the rights of all persons implicated in allegations of sexual misconduct and in the proceedings following an allegation;
 - carefully avoiding any word or gesture that risks dissuading someone from carrying out his or her duty of reporting a case of child sexual abuse.
- 5) Despite the technical, clinical or juridical character of many of the recommendations made in this report, those to whom these are addressed are invited to implement them thoughtfully and humanely. To do otherwise would risk injustice.

A. Recommendations to the Catholics of Canada

We recommend that our Catholic brothers and sisters of Canada:

1. **Move beyond the fear and shame they experience** when confronted with cases of child sexual abuse perpetrated by adults (even when these are priests or religious whom they esteem and admire), and so become free to search out the truth about this socially tragic issue. By so doing, Catholics will be able to break silence and become actively involved in addressing and eradicating this social affliction of which we are becoming more and more aware.

We suggest that Catholics who have become aware about questions concerning the prevention of sexual abuse take the initiative in promoting a frank dialogue within the Christian community.

2. **Become involved, in a spirit of generosity, determination and hope, in the whole process of healing the sometimes serious and long-lasting after-effects that mark those who have been victims of child sexual abuse, and those near to them who are also often profoundly affected.**

Such involvement is rooted in a strong trust in divine grace. It will demand that many people acquire new skills and abilities.

3. **Support those who, with great difficulty, struggle to allow a painful truth to be heard, despite the conspiracy of silence which develops so readily as a way of self-protection against the fear of scandal.**

The Committee suggests that Catholics take advantage of the mechanisms put in place by the institutional Church for responding fairly and openly to all instances of child sexual abuse alleged to have been committed by priests or religious. The Committee also invites Catholics not to trivialize or minimize the seriousness of child sexual abuse by priests or religious.

4. **Become informed about the requirements of provincial and territorial reporting laws on child sexual abuse** (see Recommendation # 6 and Appendix 2), and become involved in information, education and prevention programs on child sexual abuse.

5. **Support, sustain and encourage in their mission and daily lives the thousands of Canadian priests** who, living their ministerial vocation in dignity and honesty, are unjustly smeared by the misconduct of a small minority of their colleagues.

Finding the adequate means by which Catholic individuals and communities can actualize this recommendation is closely linked with the need for new models of parish community life, as we have suggested in Part 6. There is need for considerable creativity in this regard.

B. Recommendations to the Canadian Catholic Bishops

We recommend that the Catholic Bishops of Canada:

6. **Appoint** in their respective dioceses a priest, hereinafter called the **bishop's delegate**, for issues regarding sexual abuse or allegations of misconduct or sexual abuse (c. 1717- § 1). Any allegation of sexual abuse by a priest should be referred to this delegate (or to the **deputy delegate**), whether such allegations are doubtful or appear to be founded on fact. [Here and in the remainder of the text, "c." refers to the number of an article or "canon" in the Code of Canon Law.]

A **bishop's deputy delegate** should also be appointed at the same time as the delegate, who would have the same duties and functions as the bishop's delegate, in the latter's absence or incapacity.

The bishop's delegate and the deputy delegate should participate in a special training session before taking on the delicate responsibilities entrusted to them. Social workers and specialists in police investigation should be involved in their training.

It is recommended that the delegate or the deputy delegate not be the judicial vicar of the diocese; if a process of canonical adjudication is later initiated, the person who carried out the preliminary inquiry cannot act as judge in the judicial process (c. 1717 - § 3).

The delegate should be empowered and directed by the bishop to act immediately (i.e., within twenty-four hours or as soon thereafter as possible), with a view to determining in a discreet and pastoral manner whether there are reasonable and probable grounds to believe there was child sexual abuse by a priest. If such is the case, the delegate must ensure that any applicable child protection laws for reporting are complied with immediately (see Appendix 2: Diocesan Protocol). The priest under inquiry should be placed on administrative leave with pay, according to Recommendation # 41.

7. **Establish**, in their respective dioceses (or group of dioceses), an **Advisory Committee of at least five persons** to whom, under the authority of the bishop's delegate, is referred any issue of sexual abuse or any allegation of sexual abuse.

The membership of the Advisory Committee, without being too large, should be as diversified as possible; in addition to the delegate (as chairperson) and the deputy delegate, it should include a canonist (who must not be the judicial vicar), a civil lawyer, a professional person experienced in the treatment of those who have suffered sexual abuse, or a professional specialized in the treatment of persons who suffer from sexual integration disorders. The Advisory Committee's members should include men and women, parents, and professionals or others with experience well suited to deal with emotionally charged issues.

Experience shows that rather than increase the size of the Advisory Committee, it is preferable for it to invite specialists as required (for example, in criminal law, education or communications).

- 8. Mandate the Advisory Committee to prepare and maintain a current basic protocol regarding situations of sexual abuse;** after being prepared and updated, the protocol should of course be approved by the diocesan bishop in order to be implemented.

Integral to this protocol should be a decision-making process which is prompt, reasonable and fair to all those involved. The protocol should also ensure that appropriate action is taken when facts are established or suspicions are linked to circumstantial evidence, according to the civil and ecclesiastical laws involved. [Appendix 2 lists elements necessary to prepare an adequate diocesan protocol].

There are those who favour a common protocol for a civil province; others maintain that because of regional differences it is better to choose from a variety of protocols. In any case, dioceses can inform one another of their experiences in this regard.

- 9. Communicate to priests and the religious personnel concerned the duly approved text of the diocesan protocol.**

Priests and religious personnel thus become aware of both their responsibility to oppose any possible instance of child sexual abuse and also their obligation to report every allegation of sexual misconduct (even if the alleged abuser is a colleague).

- 10. Provide a sympathetic and attentive hearing within the Church to each victim of sexual abuse committed by a priest or a religious.**

Victims often need to express their sufferings and conflicting feelings. Sometimes it is better that the victims have the opportunity of addressing someone chosen from the staff of the Church, since they had been betrayed by one of its ministers.

- 11. Form a Committee for the Victims,** distinct from the Advisory Committee (see Recommendation # 7) but of an equally multidisciplinary composition, **which will provide individualized support** to each minor who is the alleged victim of sexual abuse by a priest until the competent civil authorities have concluded whether the allegations are valid. This support does not imply, at this stage, any admission regarding the guilt of the accused.

This support will include, if necessary, arrangements for treatment and counselling, as well as any other form of assistance considered necessary by the victim or his/her representative and judged pertinent. Such support must not however entail meetings with the child, unless proper authorization is obtained from police or judicial authorities, in order to avoid unwarranted interference.

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12. **Provide victims**, after sentence has been pronounced against a priest for sexual abuse, **the services of qualified resource persons** who can provide the pastoral support wanted, counselling and, if necessary, therapy. The diocese of course may refer to existing outside facilities.

It is the Committee for the Victims (see Recommendation # 11) that is involved in this process.

13. **Designate, if this has not already been done, one competent person who will be responsible for dealing with the media** and who will answer all questions concerning sexual abuse or allegations of abuse in the diocese; this person should not be the bishop's delegate (see Recommendation # 6).

Designating one mandated spokesperson allows for better mutual understanding and collaboration with the media, and helps avoid a variety of statements which could give the impression of divergent or contradictory declarations (see Appendix 7).

There will be openness and trust in relations with the media when based on the following principles:

- *Acknowledging the right of the public to know what information of general nature is available;*
- *Protecting the right of the accused to a fair trial;*
- *Safeguarding the right of the victims to maximum privacy;*
- *Safeguarding the right of the state to initiate legal proceedings.*

The spokesperson should especially be diligent in providing information to the parish community whose priest is under suspicion.

14. **Decide**, when there are allegations of child sexual abuse by a priest, **on the advisability and timing for introducing a preliminary canonical inquiry**. Canonical proceedings should not be pursued at the same time as the secular proceedings (criminal and civil). The decision should be made by the bishop and his judicial vicar in consultation with the bishop's delegate (see Recommendation # 6).

*The precise canonical details about the **canonical preliminary inquiry** are found in Appendix 3 of the present document. Information on both the **administrative procedure** and the **canonical trial** is found in Appendix 4. As a point of fact, few dioceses conduct a canonical penal process in such cases.*

*For the sake of clarity, in this report we group everything together that concerns **the preliminary canonical investigation** (Appendix 3) and **the administrative proceedings and the canonical penal process** (Appendix 4), in case they might be lost in the series of different recommendations addressed to the bishops.*

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15. Ensure, whether or not additional canonical procedures are undertaken, **that the canonical norms are carefully observed by the diocesan authorities.**

Because religious authorities are subject to ecclesiastical legislation, they therefore must be able to document their defence if charges are brought against instances within the jurisdiction of the Holy See.

The juridical formulations used in the foregoing should not be construed as neglecting the fact that the bishop (or the religious superior) is the primary pastoral care-giver for the accused at a very difficult moment in life. This pastoral care should be characterized by understanding of, and respect for, the person accused and by a non-judgemental attitude.

16. Provide, to the extent possible, depending on prevailing laws, **the maximum confidentiality** for all written documents related to allegations of sexual abuse by a priest. The documents should be recorded as having been prepared for the benefit and assistance of the diocesan counsel.

This rule of confidentiality should also be applied, as much as possible and with due respect for the existing canonical or civil laws and regulations, for the benefit of the victims and their parents.

Legal experts might remark on the many precautions taken in the wording of this recommendation: “to the extent possible”, “depending on prevailing laws”, “the maximum confidentiality”; “as much as possible and with due respect for the existing canonical or civil laws and regulations”. The authors of this recommendation are very aware of the difficulties concerning privileged confidentiality: each case is special (the reader is referred to Appendix 6).

17. **Identify, in each diocese, experts from many disciplines involved in the serious study of issues connected with sexual abuse**, in order to approach the whole problem from a multidisciplinary perspective (in its legal, psychological, sociological, spiritual, moral and pedagogical dimensions). This will make it easier to propose a form of therapy which takes into account the varied aspects of this complex problem.

*There is one pre-requisite before a priest implicated in child sexual abuse can begin specialized treatment: he must have begun to re-examine his own emotional, spiritual and sexual life. He should be capable of recognizing that this admission of his own limitations and failings is a **sine qua non**, and that it is vital for him to cooperate with competent people in the field of psychiatry, counselling and spirituality who are ready to help him. It is of paramount importance that he seek to overcome denial and resistance to truth if he wishes to be as free as completely possible for the rest of his life.*

*It would be useful to consult a recent document from the Family Violence Prevention Division (**Health and Welfare Canada**), which has been produced by the **Canadian Child Welfare Association (CCWA): National Inventory of Treatment Programs for Child Sexual Abuse Offenders** (April, 1989), 125 pages.*

For the therapy required for priests implicated in child sexual abuse, the specialists can help locate an appropriate clinic, that is, with personnel specifically trained in the treatment of sexual abuse; having access to a variety of up-to-date tools for diagnosis; and offering different forms of treatment adapted to specific individual needs. The contract between the diocese and the clinic should specify that professional information acquired during the course of treatment can be shared with the diocesan authorities.

For the therapy required by victims and their families, see Recommendations 11 and 12.

- 18. Verify with insurance companies the particular clauses of a contract required so that the diocese can fulfil its obligations in regards to maximum pastoral support to all persons concerned, as well as appropriate services for counselling and therapy.**

In the same context, the diocese or religious institute could establish a contingency fund, where applicable, in view of covering legal, medical and psychotherapeutic expenses. These contingent measures should consider taking into account possible revelations of cases dating back several decades.

The priest who has been convicted should be asked to contribute as much as possible, even if it be only in a symbolic way, towards paying the expenses incurred because of his conduct.

- 19. Manifest particular pastoral care for the sufferings of the parish community when one of its priests is accused or convicted of child sexual abuse; and encourage the parish congregation to participate in the recovery process by offering assistance and understanding to those affected.**

Among those affected by the accusation or sentencing of a priest for child sexual abuse, we must not forget his brother priests, whether in the same parish or neighbouring parishes. They feel through association the negative impressions circulating on the priestly ministry.

- 20. Decide, in consultation with the treatment centre, about the possible return to active ministry of a priest who, having been convicted of child sexual abuse and having served his sentence or having received a suspended sentence, asks to resume his ministry. Such a decision must give the protection of children first priority and, correspondingly, evaluate the potential risk constituted by the priest's eventual return to the ministry. Appendix 9 outlines the services available from treatment centres in such cases.**

The bishop should neither promote re-entry of priests at all costs, nor refuse re-entry of priests under any circumstances. The bishop or the religious superior should make the decision in consultation with the treatment centre. The following points should be kept in mind:

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- a complete and reliable diagnosis and prognosis has to be available;
 - the priest would have to accept or at least recognize the problem exists;
 - there would need to be adequate probation time between the period of incarceration and eventual acceptance for re-entry;
 - the priest would have to agree to maintain a relatively low profile in the community;
 - an effective system of monitoring has to be available;
 - other mechanisms such as support groups and after-care programs need to be available in the diocese which can and will provide continuing support and guidance to the priest;
 - an assurance that any ministerial assignment would avoid bringing the priest into contact with potential victims (e.g., individuals or groups with characteristics similar to the previous victims, or persons who had previously been victims of sexual abuse);
 - in each individual case, the relationship between the occurrence of the offence and the existence of a personal crisis or risk factors would have to be assessed. (It should be emphasized that not all sex offenders have the same motivations or behaviour patterns.)

Prudential judgements are necessarily difficult, since risks can occur outside the identifiable ministerial context.

21. Obtain the informed opinion of the diocesan presbyterium about reintegrating a priest into the ministry after his period of incarceration, and give this advice full consideration.

The ways for consulting the diocesan presbyterium will be set by each diocese. In most cases, the dioceses will establish representative groups, that is, the members of the Priests' Council, of a special committee (see Recommendation # 22), or of the advisory committee to the clergy office, etc.

22. Institute in each diocese, if required, a re-entry committee to assist the bishop in his decisions regarding reintegration. Members of this committee should be recruited from among those who already know the facts, and from people in neighbouring parishes or the actual parish where the priest would be accepted for reintegration into pastoral ministry. This committee would be under the responsibility of the bishop's delegate or the priest responsible for diocesan clergy, who should evaluate all the factors discussed in Recommendation # 20, and meet with the priest who is seeking to return to active ministry.

The personal intervention of the diocesan bishop is recommended in such circumstances. The priest who would be reintegrated should be prepared to meet with the members of the parish council or with a group of parishioners to ask for their support, understanding and prayer.

23. Offer to priests who have completed a prison sentence for of child sexual abuse, and who cannot meet all the established conditions for re-entry into pastoral ministry, **one of the following options:**

- to remain as priests under a formal prohibition of exercising any pastoral ministry whatsoever; in this situation, they should be independently capable of earning their living for their own sake and for the good of the Church;
- to retire, if they have reached the age to do so and if they are financially able to provide for their own needs;
- to ask for their laicization voluntarily;
- to accept canonical penal proceedings which could result in their being removed from the clerical state.

C. Recommendations to Those Responsible for Priestly Formation

Preliminary note

Those responsible for priestly formation receive a mandate from the diocesan bishop to prepare the future priests of a particular diocese. These persons cooperate at different levels (for example, archdiocesan, interdiocesan, civil province or larger pastoral region) in order to develop common policies which then are submitted for the approval of the bishops concerned. However, it is the diocesan bishop who commits to those responsible the specific task of forming his priests.

Those responsible for priestly formation will readily recognize in this report the main emphases of a particular movement in psycho-education. This movement has inspired the whole dynamic behind a formation plan we consider especially appropriate to the contemporary world and Church. Even though we believe this movement has already proven itself in many formation and therapeutic settings in Canada, we do not claim that it represents the only valid approach. We invite those responsible for priestly formation to make the necessary adjustments in order to achieve, perhaps through different means, the same basic objectives as envisaged by this particular movement.

The following recommendations do not pretend to be a replacement or substitute for a complete program for the formation of future priests in its full philosophical, theological and spiritual dimensions. Nor are these recommendations intended to replace the orientation document approved by the Holy See in 1980 to which we will subsequently return. Their purpose is rather to indicate some of the conditions needed for the psycho-affective development of the candidate to the priesthood in order to foster the interiorization of his vocation, the strengthening of his commitment, and the integration of his vocation as a priest and his pastoral work.

We recommend that those responsible for priestly formation:

24. **Advocate**, in the groups which journey with priesthood candidates in order to discern their vocation, **that the candidates be accompanied by a spiritual guide who can also serve as mentor** (for example, an adviser who is a wise and experienced counsellor, and whose life work is proven and inspiring).

This accompaniment, even for candidates journeying without such groups, helps the candidate to come to know Jesus Christ better and develop a significant relationship with him. In the case of an aspiring candidate who has recently undergone a conversion experience, vocation discernment over several years is advised.

- 25. Propose and enforce criteria for a candidate's admission to the priesthood** based on his personal fundamental strengths, as these relate to the stages of the candidate's human growth. Special attention should be paid to the harmony or disharmony which exists between the candidate's chronological age and his life-style.

A candidate who applies to a formation centre in his twenties is still attempting to integrate Gospel values into his decision making. A candidate in his thirties has already met the earlier challenges of his professional life and his community commitments. He must become more autonomous in his choices and deepen his sense of pastoral commitment. Lastly, a candidate in his forties has already arrived at mid-life and should be capable of renouncing external expectations, accepting solitude as part of a more intense interior life, and understanding that celibacy has a spiritual significance and also provides greater availability in terms of priestly ministry.

- 26. Implement a selection process for candidates** which focuses more on the candidate's personal fundamental strengths, rather than on factors of vulnerability, without however disregarding the latter. In the same spirit, it is recommended that there be an initial meeting with the candidate and those responsible for his formation even before there is psychological testing.

Most bishops ask that those responsible for formation be assisted in the formation process by experts on the team of an accredited centre, so as to obtain a detailed assessment of each candidate. The results of the psychological tests, recorded in a report given to the candidate and, with his permission, forwarded to the rector of the seminary, are an important and indispensable part of his admission file.

- 27. "Personalize" the whole process of the candidate's formation**, paying special attention to each candidate's personal strengths, history, age, the progress of his achievements, and his development towards maturity.

The objective is life as a priest, with achievements to be realized and challenges taken on during the course of the journey (see Appendix 5).

- 28. Pay particular attention to the candidate's progress in the following areas:** his assumption of commitments; his becoming truly responsible for his own personal development; concern for others; his life-style and the attainment of a certain financial independence; the adequate satisfaction of his basic needs and the presence of a healthy balance in life; his emotional stability.

*It would be helpful to refer to a document prepared through a joint effort of representatives from seven English-language seminaries in Canada and members of the CCCB Secretariat. Its final version was approved September 28, 1978, by all the bishops of the English-speaking sector of the CCCB. The document was submitted by the Conference to the Congregation for Catholic Education as a revision of the 1971 "ratio fundamentalis" for English Canada and later published under the title, **The Program of Priestly formation**, Ottawa, CCCB, 1981, 35 pages.*

Those responsible for priestly formation should also be attentive to the following factors: the candidate's functional or dysfunctional relationship with the members of his family, particularly with the authority figures (father and mother); his emotional development in relationships with women and men; as well as the special case of an only child, etc. This is intended to help the candidate acquire the self-knowledge necessary for progressing in his interpersonal and community life.

It would be advantageous for those involved in the formation process to know the seminarian's family background in order to better understand the origins of certain dysfunctional relationships between a candidate and his family. This would help a candidate overcome specific obstacles to his personal growth (for example, an alcoholic parent, a difficult relationship with a brother or sister, a parent's over-authoritarian attitude, the trauma of abuse at an early age).

29. Examine with the candidate his own insight into himself, and identify the strengths and weaknesses of his key life experiences.

A human formation counsellor, as distinct from the spiritual director, should be appointed who will guide each candidate in his integral human formation. Some seminaries prefer a formation process involving small groups of seminarians, but with the same objective of the candidates obtaining better insight into themselves. This group work could, as needed, be complemented with an individualized approach.

The human formation counsellor, with special training in the basic principles of human development, should be clearly and unambiguously concerned with the external (observable) behaviour of the candidate, which includes the manifestations of his psychosexual identity. This form of accompaniment should help the candidate acquire and develop a greater self-awareness and to take a more conscious possession of his integrated self. He will be required to do this throughout his life in order to live his commitment to celibacy. This personal accompaniment should be recognized, by common agreement, as being in the external forum, thus leaving the human formation counsellor free to participate in the evaluation of the candidate and of his call to the diaconate and priesthood.

Human formation counsellors should be chosen from among men and women who are well established in their faith and convinced of the essential reality of the ministry of priests, and should have the necessary training to do this important task. It would be hoped that those involved in such formation would be able to acquire, and integrate into their own respective areas of responsibility, a vision of integral human formation and of the role of the human formation counsellor.

30. Advocate the formation of priesthood candidates within the context of integral human development. This implies in particular:

- a clear view of the theological identity of the priest, and a global (holistic) view of the human person which integrates all the dimensions of human identity;
- the practice of supervised reflection on their human experiences, so that candidates might have a deeper understanding of themselves and the capacity to make choices that are clear, free and consistent with their vocation;
- the development of altruistic and impartial relationships with others, in a spirit of collaboration with lay people (men and especially women).

For a fuller explanation of what integral human development involves, see Appendix 5.

The concept of integral human development must be understood as a process in which the seminarian can gradually grow in human maturity, in an atmosphere of trust and accountability, with the help and accompaniment of the human formation counsellor (or a formation group), as well as with the collaboration of other resource persons, in particular the spiritual director. Growth in maturity reveals itself through increased self-awareness and the deliberate integration of the various facets of personal identity. It is linked to the age of the candidate, his background and his understanding of life, as well as to the quality of his relationships with others. Such growth is realized through a process of self-revelation of the seminarian's life experience (with particular attention to his accomplishments). Its objective is to actualize the candidate's strengths, from the approach and perspective of human growth and development.

31. Foster agreement and collaboration among the various resource people who have special responsibilities in the formation of candidates (including the academic, spiritual, human, pastoral, artistic, missionary, and community dimensions).

It is important to emphasize how necessary it is that women be among those who collaborate in the formation of candidates for the priesthood. The involvement of women is considered essential at all stages and in every aspect of the formation (including teaching, counselling and pastoral work).

Moreover, it will be noted that the collaboration recommended goes beyond a team of "directors" or those responsible. Collaboration should result in an experience of community life in which there is a true life sharing among all the members of the community, both those responsible for giving the formation and the candidates, in an atmosphere of confidence and clarity about the goals and criteria of the formation process.

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32. **Foresee**, within the formation process of seminarians, **the presentation of up-to-date statistics on the present-day phenomenon of family violence**; noting especially the frequency of child sexual abuse, and paying special attention to child sexual abuse by priests (i.e., its incidence, the psychological profile of offenders, the risk factors, pastoral care of victims, etc.).

Such a formation program should reflect clearly and unequivocally the position of the Church in this regard:

- a) *Child sexual abuse has been committed by priests in the past and could happen again in the future;*
- b) *Child sexual abuse is tolerated neither by the Church nor by society;*
- c) *In the course of their ministry, priests can become aware of situations of child sexual abuse and should know how to respond properly in such circumstances. In particular, they should know the requirements of provincial legislation for reporting (see Recommendation # 8 and Appendix 2).*
- d) *In times of personal crisis, certain priests may feel overwhelmed by the urge to act out their sexual fantasies. Church authorities must be able to listen to their problems **before** abuse actually occurs, and provide a pastoral and clinical response. Once a sexual offence has been committed against a minor, the canonical and secular laws must be allowed to follow their course without hindrance, since the life of a child could be seriously affected (see Appendix 6, which compares the concurring requirements of confidentiality and reporting).*

33. Ensure that those responsible for the formation of seminarians **provide the diocesan bishop and/or the clergy office with a profile of each deacon to be ordained priest**, which would be helpful in determining what first assignments are appropriate for the priest.

This profile should be prepared in an open manner and in collaboration with the different resource people on the formation team and with the candidate himself. It would show the candidate's various accomplishments with respect to the aims and objectives of the formation process. In some dioceses, the profile is prepared in progressive and gradual stages and given to the bishop at the time of ordination.

D. Recommendations to Those Responsible for Priests in a Diocese

Preliminary Note

The carrying out of the recommendations concerning the life and ministry of priests ultimately comes under the diocesan bishop. However, at least in dioceses with several hundred priests, the bishop will usually entrust the immediate and direct pastoral responsibility to the Clergy Office (responsible for both religious and diocesan priests).

We recommend that those responsible for priests:

34. **Appoint, in consultation with the diocesan bishop, an experienced priest to be available to newly ordained priests as their mentor,** and to assist them in the transition from seminary life to the many forms of pastoral experience in the local Church community.
This priest could be the pastor with whom the newly ordained is called to serve or, preferably, a priest in a neighbouring parish.
35. **Put in place, when opportune, a plan of action (including time for meeting, resource persons, etc.) for sustaining the spiritual direction which the newly ordained priests began during the years in seminary.**
This form of support is crucial to maintaining and furthering a sustained life of daily prayer, the development of which can be observed. The new priest obviously remains responsible for his own spiritual growth.
36. **Invite newly ordained priests to set personal and ministerial goals for the period of their initial assignments;** these goals should be reviewed periodically, especially when the priest takes on new pastoral assignments.
Attention should be paid in these evaluations to the various facets of a priest's personal identity: the use of his physical energies, productiveness in his work, awareness of his responsibilities and talents, his psychosexual integration, receptiveness to others, the meaning he gives to his life, etc.
37. **Prepare policies regarding the need for periodic up-dating, renewal and specialized training.** This will foster a life-long, on-going formation of all the priests of the diocese.
This implies that the means and resources which the priest can call on to enhance his personal and professional development be well publicized.

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- 38. Provide priests with regular opportunities for up-dating their pastoral knowledge through seminars. These seminars should periodically address the issue of child sexual abuse, from three angles:**
- new scientific knowledge;
 - Church policy as well as civil and criminal laws;
 - issues concerning moral theology, professional ethics, and the theology of sexuality.
- 39. Pay particular attention to priests who are experiencing a major personal or pastoral crisis, offering them counselling, if requested or judged necessary. In such circumstances, immediate consideration must be given to evaluating whether it is preferable to allow the priest to continue his ministry or to invite him to take on another type of work which would be more suited to this temporary situation.**
- 40. Make sure that an accused priest is informed about the availability and possibility of supportive treatment or counselling during the judicial process, and is encouraged, according to the advice of his counsellor, to use these services (see Recommendation # 17).**
- 41. Place a priest accused of child sexual abuse on administrative leave with pay, from the time there are reasonable and probable grounds to believe that child sexual abuse occurred until completion of the investigative or judicial process. This leave does not imply either the guilt or the innocence of the person under investigation.**

When a priest has been financially assisted by his diocese in order to choose and retain legal counsel, it is suggested that suitable arrangements be made, when possible, for the priest to reimburse the diocese for its financial outlay, should he be found guilty.

- 42. Ensure that the bishop's delegate, the diocesan vicar general or the bishop himself (or the religious superior, if such is the case) continue caring for the incarcerated priest, visiting him periodically, offering him the moral support needed, and never forgetting that he is a fellow human being and a child of God in need of compassion.**

The incarcerated priest should be treated as a priest with his rights as long as he has not been canonically removed from the clerical state. Fellow priests and lay persons should also be encouraged to visit him in prison.

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- 43. Clearly inform the parish council or representative parishioners, in an open and responsible manner, before appointing a priest who has been reintegrated into the pastoral ministry, and ensure that the receiving parish community will support the initiative of this appointment.**

This sharing of information is not without problems, given the additional pressure it puts on the candidate for re-entry. Nonetheless, experience tends to indicate that those few who are involved in the situation will be fully supportive.

E. Recommendations to the Canadian Conference of Catholic Bishops

We recommend that the Canadian Conference of Catholic Bishops:

44. **Prepare and implement a code of professional ethics for clergy and pastoral agents.**
45. **Continue to co-operate** with the Canadian Religious Conference, according to the situation as it evolves, **in working towards healing as initiated with the Native peoples** following revelations concerning the former Indian residential schools (this is in reference to the meeting in Saskatoon, March, 1991).
46. **Support and foster the present involvement of the diocesan Churches of Canada** in their efforts to emphasize baptismal priesthood and promote an ecclesial communion in which the ministerial priesthood serves the priesthood of all the faithful.

Throughout the country we see a progressive transformation in the way certain diocesan structures function, e.g.: greater accent on the partnership of women and men; clearer expressions of the ministries of priests and pastoral agents; diocesan synods, etc.

We recognize that there is a direct connection between a certain model of Church life and the deviations we deplore in the behaviour of some of the Church's ministers. We do not claim this relationship is one of cause and effect but suggest, based on certain studies, particularly the Winter Commission, that a model of Church life in which priests live their ministry as if it were an undebatable power, provides a more favourable environment for committing and continuing acts of child sexual abuse (see Winter Commission, Vol. I, pp. 137-138). However, rather than belatedly putting hypothetical blame on outdated social structures that still exist, we ask the CCCB to support and promote all that is being done to implement the true spirit of the Second Vatican Council. Indeed, it is through fidelity to their own vocation of renewal and conversion that our diocesan churches will indirectly become less vulnerable to possible deviations by some of their ministers.
47. **Explore ways of participating in a telephone service designed to provide assistance to troubled youth.** Dioceses or groups of dioceses could consider a similar project at the local or regional level.
48. **Collect suggestions and recommendations** submitted by local groups throughout Canada, using the discussion materials prepared by our **Ad Hoc Committee**, and provide the best follow-up possible.

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- 49. Have the competent authorities undertake an up-dated outline of the “ratio fundamentalis” for the formation of future priests (see Recommendation # 28).**

*This updating could take advantage of three recent studies: the Synod document on this subject, the evaluations from the apostolic visitations of the Canadian seminaries, and findings of the work group that was commissioned by the **Ad Hoc** Committee.*

- 50. Call for immediate and continuing research in the social sciences** regarding the complex reality of human sexuality (both heterosexual and homosexual orientations), the sexuality of celibates, and the issues linked to the deviant expression of sexuality.

According to some researchers, it is urgent to establish a scientific basis on which clear guidelines can be made for the treatment of sexually dysfunctional priests.

CONCLUSION

The two years of study we undertook, in response to the request of the Canadian Conference of Catholic Bishops, have taught us a great deal about the insidious character of sexual abuse. Within the limits of our studies, our discussions and the reports of our work groups, we have been able to come to a better understanding of the extent of the devastation caused by this abuse.

The devastation touches **the whole community** to one degree or another: the families and friends of the victims; those in their immediate community (school, neighbourhood, parish, scout troop, sport's club, activities centre, etc.); and the groups linked to the abusers (teaching staff, medical institutions, clergy, psychologists and psychiatrists, therapists, etc.). In varying degrees, these persons or agencies were obliged to live in an atmosphere of mistrust, suspicion, insidious accusations and at times contempt.

But abuse also causes **profound damage**. We became aware of the traumas that still resound within adults who lived through repeated abusive experiences in the past. Many or most have had to go through a long process before being able to recover, as adults, some belief in their own personal worth. Groups and institutions felt stigmatized when it was revealed that some of their members had been implicated in incidents or allegations of abuse. Our Church, people and clergy, has been deeply affected by the devastation. These profound effects on others, as well as on the actual victims, illustrate how the consequences of evil are transmitted and how difficult it is to control their damaging spread, even when the abusers are not numerous.

Rather than let ourselves be discouraged by these devastating effects, we chose to rely upon another kind of infectiousness. Goodness is also able to spread among people! We remembered the words and actions of Jesus and how some were scandalized by the contacts he maintained with publicans and sinners. This reminded us that the effects of the Good News can also be contagious.

We began our work firmly rooted in the hope that life and resurrection will triumph over the seeds of death, provided we remain true to the message of the one who told us he is the Resurrection and the Life, and who showed us the paths that lead to him: truth, humility, conversion and forgiveness.

The path of **truth** becomes immediately evident. All our considerations convinced us that child sexual abuse occurs and will continue in a climate of deception, hypocrisy and lies. This is why our suggestions and recommendations are clearly oriented towards the search for truth: The truthfulness of statements made to the media. Personal truthfulness and honesty in the preparation of candidates for the priesthood. Insistence on the truth throughout the therapy of the abusers. Truthfulness with those few parishes asked to accept a priest who is being reintegrated into the ministry.

The path of **humility** is no less important. Even if only a tiny fraction of Canada's 11,000 priests in active ministry have been implicated in cases of abuse, the Church must humbly admit that some of its ministers are in flagrant contradiction to the message they have been commissioned to preach. In this spirit of humility, we suggest that more energy be put into correcting wrongs, than into safeguarding appearances; into humble care of the wounded, than into attempts to justify; into effective forms of education and careful research into ways of improving services for children, the poor and the most vulnerable in our society.

The path of **conversion** is also most necessary. Priest abusers are not numerous, but they are a painful indication that something is lacking within the Church. It is in this spirit that we have drafted a number of recommendations calling for: particular attention to all the measures of prevention possible in the formation of future priests; multiple ways to assure better pastoral and spiritual care for newly ordained priests; new insistence on communities and forms of fraternal support; and the progressive transformation of how our parish communities and their pastors live the insights of the Second Vatican Council.

Forgiveness is certainly not the easiest path the Lord has indicated to us. In cases of sexual abuse it can, at times, become confused with other paths erroneously called "the road to pardon". We must never forget, for example, that sacramental forgiveness can be used as a kind of security or a form of "cheap grace", to use Dietrich Bonhoeffer's expression. Nor should we demand premature forgiveness on the part of victims, particularly as a means of more or less silencing the demands of justice or concealing an unhealed wound. In this report we have tried to indicate what truly leads to forgiveness and how to avoid becoming side-tracked.

Knowing well that we have not said the final word in response to these difficult questions, with humility we ask our readers: "Are we right in believing that we, as Church, can pass from pain to hope?"

APPENDIX 1

BIOGRAPHICAL NOTES ON THE COMMITTEE MEMBERS

ANDRÉ BOYER

Born in Montreal; married and father of two children. Member of the Quebec Professional Social Workers Corporation, Canadian Social Workers Association and Quebec Professional Chartered Administrators. University education in social services (Sherbrooke University, Quebec), followed by further training in administrative management. Work experience in social services: first of all in the adult delinquency field, then working with families with socio-economic difficulties and, for the last 20 years, in the scholastic field.

Employed by Social Services of Metropolitan Montreal Centre, he holds the title of Division Head, School Social Services, for the three French school boards of the City of Laval. He is also commissioner for the Commission de la protection des droits de la jeunesse du gouvernement du Québec. He is personally involved in various social and community organizations.

RITA CADIEUX

Born in Shawinigan, Quebec; widow and mother of two sons. Master's degree in social work (University of Montreal); further graduate studies at McGill University and Case Western University, Cleveland, Ohio. Professional experience: community worker, social development officer and administrator of social programs; works with minority and disadvantaged groups; federal public service (Department of Citizenship and Immigration, Secretary of State, Canadian Broadcasting Corporation, and Canadian Human Rights Commission). Para-professional activities: General Assembly of the United Nations (1969), UN Commission on the Status of Women (1973-76), UN Sub-Commission on the Prevention of Discrimination and the Protection of Minorities (1984-87).

GERARD COPEMAN

Born in Quebec City; priest of the Diocese of Sault Ste. Marie, Ontario. Served as secretary and master of ceremonies to the bishop; parish assistant and pastor of several parishes; diocesan director of the Cursillo movement; director of the Diocesan Office of Social Justice; chair of the Priestly Renewal Committee (1981 - 1986); chair of the Diocesan Personnel Committee (1986 - 1992); member of the National Council and English Education Committee of the Canadian Catholic Organization for Development and Peace (1982 - 1987); diocesan consultor (1989 - 1994). Studies in social justice at St. Michael's College, Toronto. Elected vice-president of the National Federation of Councils of Priests (English Sector) (1986 - 1990); elected president of the same federation 1991 -); member of National PLURA (1984 - 1987); member of Ontario PLURA (1984-1993).

✚ ROGER ÉBACHER

Born in Amos, Quebec, from a family of 15 children. Archbishop of Gatineau-Hull since 1990. Licentiate in theology (University of Ottawa); doctorate in philosophy (Institut catholique de Paris). Diverse pastoral ministry: college professor in Amos; diocesan director of pastoral ministry; pastor; episcopal vicar; vicar-general of the diocese of Amos; Bishop of Baie-Comeau (1979-1988); and Bishop of Gatineau-Hull (1988 -). Responsibilities in the Canadian Conference of Catholic Bishops: member of the Liturgy Commission and of the sub-committee on liturgical broadcasting; member of the Permanent Council. Involvement in the Assembly of Quebec Bishops: member of the Committee on the Laity and the Family.

✚ ADAM EXNER, O.M.I.

Born at Killaly, Saskatchewan; family of eight children. Archbishop of Vancouver since 1991, after having been successively Bishop of Kamloops, B.C., and Archbishop of Winnipeg, Manitoba. Licentiate in philosophy (Gregorian University, Rome); licentiate in theology (Gregorian University, Rome); doctorate in theology (University of Ottawa). Pastoral ministry: professor of moral theology at St. Charles Scholasticate, Battleford, Saskatchewan; rector of the Scholasticate; professor of moral theology at Newman Theological College, Edmonton, Alberta. Positions held in Canadian Conference of Catholic Bishops:

member of Pastoral Team and of the Permanent Council; member of the Theology Commission and of the Commission for Christian Education (English Sector).

NUALA PATRICIA KENNY, M.D. FRCP (C)

Born in New York, USA; member of the Sisters of Charity of Halifax. Fellow in Paediatrics of the Royal College of Physicians and Surgeons of Canada (1975); and certified by the American Board of Paediatrics. Present responsibility: professor and head of the Department of Paediatrics at Dalhousie University; Faculty of Medicine and chief of paediatrics at the Izaak Walton Killam Hospital for Children in Halifax. Member of many professional and scientific organizations, notably the Royal College of Physicians and Surgeons of Canada, Canadian Medical Association, Canadian Paediatric Society, Assembly of Canadian Paediatric Department Heads and National Council for Bioethics in Human Research. Dr. Kenny also served as a member on the Commission of Enquiry into Sexual Abuse by Clergy in the Archdiocese of St. John's, Newfoundland (Winter Commission). She lectures extensively in paediatrics, health organization and bioethical topics.

✦ *JAMES MacDONALD, C.S.C.*

Born in Whycocomagh, Nova Scotia, one of nine children. After joining the Congregation of Holy Cross, he studied at St. Joseph's University, New Brunswick; Holy Cross Novitiate, North Dartmouth, Massachusetts; University of Notre Dame, Indiana, and Holy Cross Seminary, Ste. Genevieve, Quebec. He was ordained in 1953. As a Holy Cross Father his ministry included: director of vocations; provincial steward: provincial director of personnel; vice-provincial steward, provincial director of personnel; vice-provincial; membership on the Holy Cross mission band; superior of Holy Cross houses of formation; parish priest and dean of the Waterloo Deanery (Diocese of Hamilton, Ontario). In 1978, he was appointed Auxiliary Bishop of Hamilton; in 1982, Bishop of Charlottetown, Prince Edward Island, and, in 1991, Archbishop of St. John's, Newfoundland. As a member of the CCCB he has served on several national commissions, the Permanent Council and the Executive Committee.

APPENDIX 2

DIOCESAN PROTOCOL

The eighth recommendation of the report invites each diocesan bishop to “**mandate the Advisory Committee to prepare and maintain a current basic protocol regarding situations of sexual abuse**; after being prepared and updated, the protocol must of course be authorized by the diocesan bishop in order to be implemented.”

Why prepare a diocesan protocol?

Basically, because a number of parties must act on the same case, their respective responsibilities differ, the order of their intervention must not be haphazard, children must receive maximum protection, different jurisdictions deal with the same problem, and children must be spared as much as possible the trauma of having to testify repeatedly concerning an event which caused them great distress.

In fact, where there is an allegation of child sexual abuse against a priest, the following parties are liable to intervene at one time or another: the direct or indirect witness or witnesses of the facts which led to suspicion; a representative of the Church establishment (i.e., the bishop’s delegate); someone acting in the name of the government child protection agency; someone entrusted with the police inquiry; the child’s parents; the child; the respective lawyers; social workers; therapists; a judge; witnesses from the school environment; representatives of the media; etc.

Furthermore, the respective responsibilities of all the parties liable to intervene are quite specific: pursuant to provincial legislation, there is the duty to report child sexual abuse to the local child protection agency or the police; the bishop’s delegate cannot take the place of the police or judiciary authorities to conduct an investigation, which would, in effect, contravene most provincial or territorial laws; the person acting on behalf of the government child protection agency must receive the report and determine whether the abused child’s safety or development are at risk; the police force must investigate and, depending on the outcome, recommend for or against bringing the case before a criminal court; the local

Crown Attorney must weigh the evidence and decide whether indictment is warranted. The responsibilities of other parties are also quite specific.

On the other hand, the actual sequence of these interventions must never be left to chance or improvisation because the very requirements of both the investigation and the logical ordering of its various stages serve a purpose no one should think of trivializing. The children's higher interest, that is, their maximum protection, requires the efficient joint effort of all parties involved.

Finally, preparing a diocesan protocol serves a secondary purpose of no little importance: sending out a clear message to the effect that any form of child sexual abuse by adults is unacceptable in any society, *a fortiori* when perpetrated by men whose priesthood or religious calling is dedicated to protecting the weak.

What is a joint-intervention protocol?

It is a document in which are set out, to the greatest possible extent, the times and specific objectives of the intervention of the various parties involved in reacting to a given event. In the case at hand, the event is the following: an allegation of sexual abuse by a priest or religious against one or more children. Diocesan authorities must prepare a document in which are established the chronology of necessary actions, the names of those responsible for each intervention, and the interaction between Church and state interventions with respect to the same event, namely the allegation that A sexually abused child Y.

The joint-intervention protocol differs from diocesan policies on sexual abuse. Whereas the latter could and should extend to the whole area of prevention and therapeutic support for victims and their parents, the former is more akin to a traditional "customary" or crisis-response tool prepared for use in unforeseen circumstances where efficient joint action is needed which is respectful of the various levels of jurisdiction, geared to the protection of the child, etc. This type of document is, in some respects, analogous to the contingency plans developed by public protection agencies which deal with potential emergencies or catastrophes (PCB fires, toxic material spillages, hospital fires, major gas leaks).

How to prepare a diocesan protocol?

Two complementary avenues are available for the preparation of a diocesan protocol on allegations of sexual abuse by a priest or religious against one or more chil-

dren: on the one hand, experience and, on the other, a rationalization based on the consideration of all pertinent parameters.

Experience is the first avenue. It can be the direct experience of a diocese with similar cases or the experience of another diocese with a similar situation. It can also be the experience that other authorities have formalized in a protocol created outside the Church. The following is a good example: **Child Abuse Protocol: An Investigative Procedure to Coordinate Response in the Regional Municipality of Ottawa-Carleton (September, 1990)**. This agreement was prepared by a liaison sub-committee of the Police and the Children's Aid Society of the region, after a broadly based consultation undertaken by committee members with their respective organizations, in addition to consultation with the Crown Attorney's office, Probation Services, the Ministry of Community and Social Services, and the Community Advisory Committee on Child Abuse. [Le document comporte une version française intégrale sous le titre: *Protocole concernant les enfants maltraités.*]

We may also refer to the following document: **Inter-Ministry Child Abuse Handbook: An Integral Approach to Child Abuse and Neglect**, Victoria, B.C., Ministry of Social Services and Housing, 1988, 125 pages. The latter involves the collaboration of five departments: Attorney General, Education, Health, Social Services and Housing, and Solicitor General.

The second avenue – which is a complement to the first – is the consideration of all pertinent parameters:

- A. Lawyers should have in-depth knowledge of the various Criminal Code provisions pertaining to child sexual abuse;
- B. Lawyers should be acquainted with the current provincial legislation pertaining to the duty to report child sexual abuse. The following list of the relevant statutes for 1990 is provided for convenience only. It is assumed that the applicable legislation will be consulted by lawyers at the local level.
 - Newfoundland: Child Welfare Act, section 49: 1, 2, 3;
 - Prince Edward Island: Family and Child Services Act, section 14: 1, 2, 3, 4, and 5;
 - Nova Scotia: Children's Services Act, section 77: 1, 2, 4; section 82;

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- New Brunswick: Family Services Act, section 30: 1, 2, 3, 4, 5, 6, 7, 8, 10;
 - Quebec: Loi de la protection de la jeunesse, sections 39, 43, 134;
 - Ontario: Child and Family Services Act, 1984, section 68, 1-8; section 81,1;
 - Manitoba: Child and Family Services Act, section 18, 1-6;
 - Saskatchewan: Child and Family Service Act, sections 12, 1-4;
 - Alberta: Child Welfare Act, section 3, 1-6;
 - British Columbia: Family and Child Services Act, section 7, 1-4;
 - Yukon: Children's Act, section 117, 1-3;
 - Northwest Territories: Child Welfare Ordinance, section 30.1, 1-6; section 35, 1.
- C. Canonists should have in-depth knowledge of the pertinent Church legislation (see, in particular, Appendices 3 and 4);
- D. Diocesan authorities should have in-depth knowledge of contemporary communications requirements (see, in particular, Appendix 7).

Why not propose a standard protocol?

Some Committee members and bishops were hoping that our report would propose a standard protocol for adoption in all Canadian dioceses. In spite of the obvious appeal of such a suggestion, there were a number of reasons against implementing it. First, the various provincial laws on reporting, despite their basic similarity, show differences which must be respected. Moreover, the coordination of interventions between the child protection agencies and the office of the local Provincial Crown Attorney can vary from province to province. Finally, the basic diocesan organizational structure is not identical in all dioceses.

Nonetheless, we earnestly stress the importance of interdiocesan consultation within a pastoral district or a province. In fact, we already did this in the explanatory notes following Recommendation # 7 and have mentioned the value of the expertise other dioceses can provide in this respect.

APPENDIX 3

THE CANONICAL PRELIMINARY INQUIRY *

1. It should be remembered that, both in the secular courts and in the canonical penal system, a person is presumed innocent until proven otherwise. Therefore, care should be taken to ensure that this principle is always observed, even when encouraging a thorough yet sensitive inquiry.
2. It should also be noted in a canonical inquiry that the accused person is not bound to admit to an offence, nor may an oath be administered to the accused (canon 1728, § 2) who should be informed of this provision before being questioned, even in a preliminary inquiry.
3. At no time after an allegation has been made should the diocesan bishop or any of the priests involved in the process hear the sacramental confession of the accused. The seal of confession is, of course, inviolable (see canon 983, § 1).
4. The delegate shall be empowered at any time to carry out his or her responsibility personally, or to appoint any number of persons, “examiners”, who may or may not be members of the committee, to assist in conducting a preliminary inquiry into an allegation (see Recommendation # 7). The purpose of such an inquiry is to obtain information determining whether or not there are reasonable or probable grounds to believe that there has been a situation of sexual misconduct.

If the case is one that would be the object of reporting laws, the delegate shall make the necessary contact with the secular authorities.

5. In the case of a minor, a person selected for this purpose by the delegate would, if possible, and according to the instructions of the delegate, meet with

* Excerpt from the Work Group I report. This report was submitted on November 15, 1991.

the parents on behalf of the diocese to offer pastoral support and show care and concern for those involved.

If such support is not desired, at least advice should be available to them as to where to obtain appropriate professional counselling for themselves and the minor.

If there are reasonable grounds to believe that abuse might have taken place, and if the parents accept, professional help should be offered immediately if it is available in the area. If it is not available, the parents and minor child could be referred elsewhere.

It would be important to explain to the parents that the matter has to go through legal processes, and that no judgement can be made before such processes have taken place and the matter resolved.

In all matters relating to this phase of the inquiry, professional secrecy is to be observed.

6. If the delegate determines the allegation to be frivolous or unsubstantiated, the inquiry will be terminated and the diocesan bishop and the accused priest will be so informed. If the priest in question is a religious, the competent superior shall also be informed.

If, however, in the meantime, the allegation has become public, appropriate steps must be taken to repair damage done to the priest's reputation.

7. An accused priest is encouraged to engage the services of a lawyer who shall not be the diocesan lawyer. Suitable arrangements would have to be made regarding the covering of legal expenses, taking into account the financial situation of the diocese.

Furthermore, considering the seriousness of these cases, if the accused is called for questioning at this stage of the preliminary canonical process, or if the case is to be treated administratively, it seems only just that he also have the aid of a canonical advocate. However, he should be informed that anything he says might be used against him in a secular criminal proceeding or in a civil lawsuit.

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8. If the delegate has reason to believe that there may be an allegation against a priest who does not hold an appointment from the diocesan bishop (e.g., certain religious, visiting priests), the delegate shall immediately communicate with and advise the ecclesiastical superior of the priest regarding the possible allegation.
 9. In the case where the accused priest holding an appointment in the diocese is a religious, the competent superior shall notify the diocesan authorities if the superior consents to the application of the diocesan procedures. The delegate conducting the inquiry shall report the outcome to the superior, and shall answer such legitimate inquiries about the progress of the matter that the superior may make.

If, on the other hand, the institute's own procedures for dealing with such matters have been invoked, a report of the outcome shall be made to the diocesan bishop's delegate, and the superior shall from time to time answer any legitimate inquiries that the delegate may make.

10. Upon completion of this phase of the preliminary inquiry, a meeting could then be held with the appropriate civil counsel present; it would comprise the diocesan bishop or his representative, the diocesan lawyer, the accused priest and counsel for the accused. At this time, having heard the delegate, the diocesan bishop could make an interim disposition that would be made in respect of the priest's functions in the diocese (see below, No. 14).
11. If secular proceedings are taking place, it might be preferable to delay any further canonical inquiry until the matter has been resolved before the secular courts.
12. If, on the other hand, there are no secular proceedings, and if the accused admits that the allegations are true, the delegate shall immediately present a report on the investigation to the diocesan bishop.
13. If, however, the priest denies the allegations which have at least the semblance of truth, then the preliminary canonical inquiry prescribed by canon 1717 could proceed to a second phase, ensuring that the rights to due process are fully respected.

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14. If the priest admits the allegations, or if the delegate finds that indeed there is matter for further action, the priest is to be given an administrative leave within twenty-four hours or as soon thereafter as possible, and an appropriate place chosen for him to reside pending the outcome of the inquiry. At no time, though, should he return to the parish or to the pastoral work where he is assigned (if such is the case) or approach the persons involved. If appropriate, a penal precept (cf. c. 1319) could even be issued to this effect.

Furthermore, the priest's faculties to preach (c. 764) and to hear confessions (c. 974, § 1) should be removed. He would also be asked not to celebrate Mass publicly. While such measures could be painful, they are necessary to protect the good of the community.

APPENDIX 4

THE ADMINISTRATIVE PROCEDURES AND THE CANONICAL CRIMINAL TRIAL (cc. 1717 - 1731) *

1. If the ecclesiastical authorities concerned decide to proceed to the second phase of the preliminary canonical inquiry, the matter is taken up again by the delegate (see Recommendation # 5) who will conduct it. The lawyers designated above (# 7 of Appendix 3) or members of the committee (see Recommendation # 6) may be invited to participate. Great discretion is required in this phase of the inquiry, since care is to be taken that it does not call into question anyone's reputation (cc. 1717, § 2; 220).
2. If the delegate, after hearing those who are bringing the complaint, is of the opinion that there is indeed reason to proceed further, the accused is to be given the right to be heard (right of defence, c. 1720, 1°).
3. If there is reason to proceed further, the priest, with his consent, is then referred to the selected treatment centre for appropriate assessment, if this has not already been done.
4. If the priest could be considered to be responsible for his actions (cf. c. 1321), the committee (see Recommendation # 7) should meet to decide whether it is appropriate to recommend that the matter be referred to the diocesan bishop.
5. If the diocesan bishop or the competent religious superior decides to proceed in an administrative manner, then he may impose the appropriate penalties according to the norm of law. It should be noted, however, that a priest cannot be deprived of the clerical state by an administrative process at the diocesan level or by the religious superior (cc. 1342, §2; 1425, § 1, 2°).

* Excerpt from the Work Group I report. This report was submitted on November 15, 1991.

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6. In those instances where the diocesan bishop determines that the case is to be judged by a canonical penal process, he passes on the evidence to the promoter of justice in order to begin a canonical penal trial.
 7. If the promoter of justice considers it opportune to begin a canonical trial, the provisions of canon 1722 can then be applied: the accused can be prohibited from the exercise of sacred ministry or of an ecclesiastical office and position; or, residence in a certain place or territory can be imposed or forbidden, and so forth.
 8. The judge would then summon the accused and the evidence is presented. The accused must have a canonical advocate, appointed freely by himself; if, however, he does not designate someone to represent him, then the judge is to appoint such an advocate (c. 1481, § 2). The accused or the procurator-advocate has the right to present his defence and, in fact, has the right to make written submissions or speak last (c. 1725).
 9. The procedures prescribed by canonical legislation would be applied throughout this process.
 10. If the priest is found guilty at the conclusion of the trial, then the appropriate canonical penalties are to be applied (not excluding possibly depriving him of the clerical state).
 11. In imposing penalties on a priest, except in the case of dismissal from the clerical state, care must always be taken that he does not lack what is necessary for his worthy support (c. 281).

If a person is truly in need because he has been dismissed from the clerical state, the diocesan bishop or the proper Ordinary is to provide in the best way possible (c. 1350).

12. During these processes and throughout any follow-up period, the priest, in addition to financial support, should be given appropriate personal support.
13. Likewise, pastoral assistance should be continued in various ways for those directly involved and for their families, until such time as there is an agreement or evidence that this is no longer necessary or appropriate.

APPENDIX 5

THE FORMATION OF CANDIDATES FOR THE PRIESTHOOD *

- **WHAT is Integral Human Formation?**

Integral human formation is a process whereby an individual seminarian, with the guidance and accompaniment of a human formation counsellor – as well as the contribution of the other formative resources – can strive for, attain, and grow in personal human maturity by an increased self-awareness and the deliberate integration of the various facets of his identity, that takes into consideration the candidate's age, his context, the meaning of his life, as well as his relationship with others.

- **WHY Integral Human Formation?**

There is a need to take up this area of a seminarian's formation in a systematic, organized, and skilled manner, so that it can be inserted into the overall formative process of the candidate for priesthood, insuring that his spiritual, academic, and pastoral training will include development and growth in human maturity.

- **HOW does Integral Human Formation take place?**

Integral human formation is a process of personal accompaniment involving the human formation counsellor and the candidate within a community of formation.

Integral human formation focuses on the candidate's differentiated self-identities (his body-self – productive-self – individual self – psychosexual-self – psychosocial-self) and aims at the integration of all the facets into his one **self-identity**:

* Excerpt from the Work Group IV report. This report was submitted to the CCCB **Ad hoc** Committee on Child Sexual Abuse in January, 1992.

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- in regular meetings with the human formation counsellor, for the duration of the entire formation period;
 - by a series of questions and dialogue intended to shed light on the candidate's behaviour, decisions, choices, and day-to-day experiences;
 - on a journey of discovery, self-evaluation and accountability for achievements and challenges needing to be met prior to ordination.
- **WHO is the HUMAN FORMATION COUNSELLOR?**

The **human formation counsellor**, who must be a member of the formation team, may be male or female, and should possess a knowledge of the constitutive elements of human development, the process of self-representation, and basic counselling skills. He or she must be a person of faith, open to the mind of the Church and the needs of the people of God and be committed to the essential ministry of the ordained priest.

- **WHAT are the Human Formation Counsellor's RESPONSIBILITIES?**

The human formation counsellor's responsibilities include the following:

- establishing a relationship of mutuality and an atmosphere of trust;
- leading a candidate in a process of self-representation, in order to facilitate awareness and growth, by actualizing his personal vital strengths;
- aiming at establishing the candidate in self-confidence and self-esteem as necessary qualities for a free and autonomous response in following Jesus Christ through the priestly ministry;
- helping the seminarian become more aware of his psycho-sexual identity by addressing the subject of sexuality in a clear and unambiguous way;
- helping the candidate see himself as part of the formation community by drawing attention to how the seminarian interacts with his peers, as well as the other formation resource personnel.

APPENDIX 6

PRIVILEGE AND CONFIDENTIALITY *

1. Privilege and confidentiality in the context of this discussion relate to the privilege or confidentiality that attaches to communications, whether they be oral or written.
2. Confidential statements are not necessarily privileged. Some confidential statements may be privileged.
3. Whether a communication is confidential is dependent upon the circumstances under which it is made and arises out of the relationship between the parties to the communication. Unless a communication is made in circumstances which give rise to the confidential nature of it, it cannot be subsequently clothed with confidentiality.
4. A privileged communication is one in respect of which a court would not require any party to the communication to reveal the communication in a judicial proceeding.
5. A privileged communication is a confidential communication which is specifically recognized by a statutory enactment or meets four criteria established by the common law.
6. The test as to whether or not a communication may be privileged as a matter of common law is as follows:
 - 1) the communication must originate in a confidence that it will not be disclosed;
 - 2) this element of confidentiality must be essential to the full and satisfactory maintenance of the relation between the parties;

* Excerpt from the Work Group III report to the CCCB **Ad hoc** Committee on Sexual Abuse, submitted in January, 1992.

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- 3) the relation must be one which, in the opinion of the community, ought to be sedulously fostered; and
 - 4) the injury that would inure to the relation by the disclosure of the communications must be greater than the benefit thereby gained for the correct disposal of the litigation.
7. A confidential communication which would qualify under the four criteria set out above may be abrogated by statutory enactment.
 8. In the context of the specific considerations of this working group, child protection legislation is of paramount importance.
 9. This paper will deal only with child protection legislation in effect in Ontario. Where applicable in other provinces in Canada, reference should be had to the law of those provinces. It is likely that most jurisdictions have comparable child protection legislation in place.
 10. "Child" is defined under the Child and Family Services Act of Ontario to be a person under 18 years of age. The provisions of that Act, however, in respect of all obligations to report abuse of a child, relate to children under the age of 16 years. The age of majority is generally 18 years of age and over in most jurisdictions but provisions in the Criminal code and provincial legislation relating to child protection vary, depending upon the particular application of the legislation. For purposes of this discussion, the terms "child" or "minor" relates to any person under the age of 18 years but in specific instances the applicable legislation should be consulted.
 11. In Ontario, for example, under the Child and Family Services Act, a person who performs professional or official duties in respect of a child and who in the course of his or her professional duties has reasonable grounds to suspect that a child is or may be suffering or may have suffered abuse, is required forthwith to report this suspicion and the information on which it is based to a children's aid society having jurisdiction. This requirement is mandatory even where the information reported is confidential or privileged.
 12. Persons who perform professional or official duties with respect to a child include physician, nurse, dentist, pharmacist, psychologist, school teacher, school principal, social worker, family counsellor, priest, rabbi, clergyman, day

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- nursery personnel, youth and recreational worker, peace officer, coroner, solicitor, and a service provider or an employee of a service provider.
13. A privileged communication between a solicitor and client is specifically excepted but it should be noted that if the solicitor is performing a professional or official duty with respect to a child, then the communication is not privileged.
 14. A privilege in respect of communication between a priest and penitent does not exist in many jurisdictions including Ontario, but has been given statutory effect in Quebec and Newfoundland and in all 50 states of the United States. In the many common law jurisdictions including Ontario which have not enacted a statutory privilege, the courts may nevertheless not require the disclosure of a communication between a priest and penitent but this is determined on a case by case basis.
 15. A priest should be aware that if he makes any admission to his superior, his peers or any health care professional, such admission is probably not privileged. Even though the communication is made in confidence, it may be one which must be reported to a children's aid society or other designated authority or law enforcement agency, and the person to whom the communication is made may be compellable to testify as to the content of the communication. It is also important that the person receiving the communication be aware of these obligations to report what may appear to be a confidential communication.
 16. A communication which is otherwise privileged may lose the protection of that privilege if it is disclosed to a third person who does not fall within the cloak of confidence. In other words, if the confidentiality of an otherwise privileged communication is breached, it cannot be reinstated.
 17. There are two situations in respect of which a confidential communication must be disclosed:
 - a) where the confidential communication is one required to be disclosed under child protection legislation, and
 - b) where a party to the confidential communication which is not otherwise privileged is required to testify in a judicial proceeding.

With these two exceptions, disclosure of a confidential communication cannot be enforced even though not privileged.

18. Of the four criteria or tests outlined above, the most difficult in application is the fourth, which requires the weighing of the injury to the relationship against the benefit to be gained for the correct disposal of the litigation. This ultimately is a policy consideration and the law in this area continues to develop. Any extension of the privilege is dependent on convincing the tribunal that the public interest would benefit from a non-disclosure of particular communications.
19. Should a witness refuse to testify about a confidential communication which has been held not to be privileged, the court may not excuse the witness from answering but has a discretion in respect of the penalty to be imposed for refusing to reveal the confidential communication.
20. Every individual has a privilege against self-incrimination. This is not a privilege which attaches to a communication but is the right to remain silent in the face of accusations and a right not to be forced to testify against oneself in judicial proceedings. Although the privilege is absolute, it should be noted that in some circumstances an adverse inference may be drawn from silence in the face of accusation.
21. If a communication is received in circumstances from which it is clear that the communication is made in confidence, then those who receive the confidential communication are obliged to maintain confidentiality and may incur liability for improper disclosure.

APPENDIX 7

MEDIA RELATIONS *

1. The guidelines for media relations need not be any more complex than these:
 - protect the right of the accused to a fair trial;
 - protect the ability of the state to proceed to trial;
 - give the media as much general information as possible;
 - be available;
 - tell the truth.
2. In communicating with the media, the focus should not be seen as primarily limiting the liability of the Church. Nothing must be said about the particulars of the incident or those affected – because in so doing, it may infringe either or both upon the right of the accused to a fair trial on the one hand; or the ability of the state to proceed with prosecution, undefeated by the simple defence that the right to a fair trial has been compromised by comments made public before the trial. The press knows this prohibition exists, and accepts its valid application – but it must not be used as a device to avoid any communication at all.
3. Interested media should be made to feel welcome. Interviews should be granted readily, or may even be suggested before the media makes the approach. Indeed, relations with the press should ordinarily be established before a crisis occurs. This permits reporters to know and trust the Church's communicators when crises do occur.
4. What the media do not know or understand, cannot be accurately reported with clarity or without some distortion. Briefing or “background” papers

* Excerpt from the Work Group III report. This report was submitted to the CCCB *Ad hoc* Committee on Sexual Abuse in January, 1992.

should be written centrally and provided to the press at all levels to ensure deeper understanding of the issues. Such papers should be concise, written in plain language, and explanatory. They should explain in simple terms the most complex issues: the nature of celibacy, the roles assigned to hierarchical levels in the structure of the Church, the nature and application of Canon Law, and so forth. These materials and a plan for their distribution should be prepared at the appropriate time.

5. The spokesperson for the Church, not only when dealing with the media, should tell the truth. There is nothing wrong with admitting that the Church is in shock. There is nothing wrong with admitting that we cannot, at a particular moment, see the answers. There is nothing wrong with admitting that the Church authorities and the People of God are troubled, concerned, and devoting themselves to discovery and prayer in a difficult situation. While these have been posed as “negatives”, such admissions are, in fact, validations to all concerned. They are reassuring because they are open and truthful. The spokesperson should feel comfortable speaking from the heart. The Church will be far better regarded if it admits that it does not have all the answers, rather than appear to be concealing answers and forcing reporters to play hide-and-seek. Devious and evasive responses are destructive to the relationship between the Church and the media. They indicate lack of confidence in the Church’s ability to confront problems as well as immaturity in the spokesperson.
6. Media communications must be placed in an appropriate modern context. They represent an important integral part of the Church’s outreach to the People of God and society as a whole, and should be approached in this context.

APPENDIX 8

CHILD SEXUAL ABUSE BY A PRIEST OR RELIGIOUS

Spiritual and religious issues *

Victims of sexual violence experience crises in their spirituality and conflicts in religious values. Victims struggle to integrate their beliefs and values with the losses imposed by sexual assault. They may challenge the values practiced and held by their religion, and they may question the existence of God. Victims may also express anger and distrust toward the clergy person who is trying to help them.

Spiritual crises are compounded by experiencing rejection or judgmental responses from clergy or church. These victims become further alienated from their religious community or sink deeper into despair and shame. Clergy must listen nonjudgmentally and openly to the content and feelings expressed by victims. By allowing the victim to evaluate and struggle with spiritual and religious issues, clergy can play an important role in the victim's process toward resolution and healing. Spiritual hope, guidance, and support, offered in a nonintrusive manner, create a nurturing climate for the victim to move from spiritual crisis to spiritual growth.

It is difficult for victims to resolve the contradiction of being a good person, of "following all the rules," with the experience of having a most degrading violation of their spiritual and physical being perpetrated against them. It simply does not mesh with the religious values they have learned, implicitly or explicitly: "If you are good, good things will happen to you," or "if bad things happen to you, you must be a bad person." Some victims thus conclude that they must have done

* Chris Servaty, "Support Counseling with Victims of Sexual Assault", *Sexual Assault and Abuse: A Handbook for Clergy and Religious Professionals*, edited by Mary Pellauer et al, Harper & Row, © 1987, pp. 137-138. Given as an Appendix in the Work Group II Report.

something wrong or that they really are inherently bad or sinful in God's eyes. Whatever the clergy counselor's perspective on original sin, such theological positions need to be disentangled from the specific facts about sexual assault. These victims need patient guidance and consistent feedback that they are not to blame and that they did nothing to deserve the sexual assault. They also need continual validation that they are truly good people.

Another spiritual area that causes great confusion for victims is whether they really ought to "forgive and forget". This is not a realistic nor healthy practice for victims, particularly in the first three stages of recovery. They can find inner peace by clearly placing responsibility onto the perpetrator, a process that allows integration to occur and is actually a "letting go" process for the victim. The "forgive and forget" practice too often becomes a form of minimization and denial and does not serve to heal the internal wounds of the victim. Healthy anger, focused on the perpetrator, acts as an energizing and healing force for the victim. The victim always has the right to deny forgiveness to the offender.

A third area of spiritual crisis involves loss of hope. Victims are naturally very sensitive to, and consequently may feel overwhelmed by, the violence in their lives and in the world around them. This reinforces their feelings of insecurity and powerlessness. They may temporarily lose their coping skills for maintaining a spiritual balance and perspective. If this balance is not regained, the victim may become immobilized with depression and despair. Clergy can play a powerful role in instilling hope by reminding the victim of what is of value in that person's life, of what control the victim does have to make choices, and of those who care about the victim, including the clergyperson. When victims question whether they will ever feel hopeful again, encourage them to accept this struggle as part of the grieving process and assure them that they will indeed heal spiritually.

APPENDIX 9

SERVICES IN SEXUAL BEHAVIOURS CLINICS *

The functions of the clinic at this level are to:

- (a) Assess the extent of the sexual problem (e.g., paedophilia), precipitating factors, and associated problems (e.g., alcoholism, sexual dysfunction, etc.);
- (b) Provide opinion as to treatability, treatment objectives and modalities (e.g., length and cost of treatment);
- (c) Evaluate the priest's capacity to acknowledge his sexual problems. This opinion should be formulated pragmatically to help avoid the many interpretations assigned to the word "acknowledge". The following examples can illustrate the possible evolution of acknowledgement:
 - (i) A priest says he is a victim of false accusations or has no memory of the events;
 - (ii) A priest says he had contacts with the victim, but they were not of a sexual nature;
 - (iii) A priest says he had sexual contacts with the victim, but the victim solicited these, or was consenting, and there was "no harm done";
 - (iv) A priest says he had sexual contacts with the victim and there have been consequences for the victim. He feels these contacts happened because of factors which were not, and still are not, under his control;
 - (v) A priest recognizes that he is having problems in sexual or non-sexual areas of his life, or both. He recognizes the factors associated with the development of his problems, and the situations in which he is at risk. He wants to change and recognizes he needs help.

* Excerpt from the Work Group III report. This report was submitted to the CCCB **Ad Hoc** Committee on Sexual Abuse in January, 1992.

ACKNOWLEDGEMENTS

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