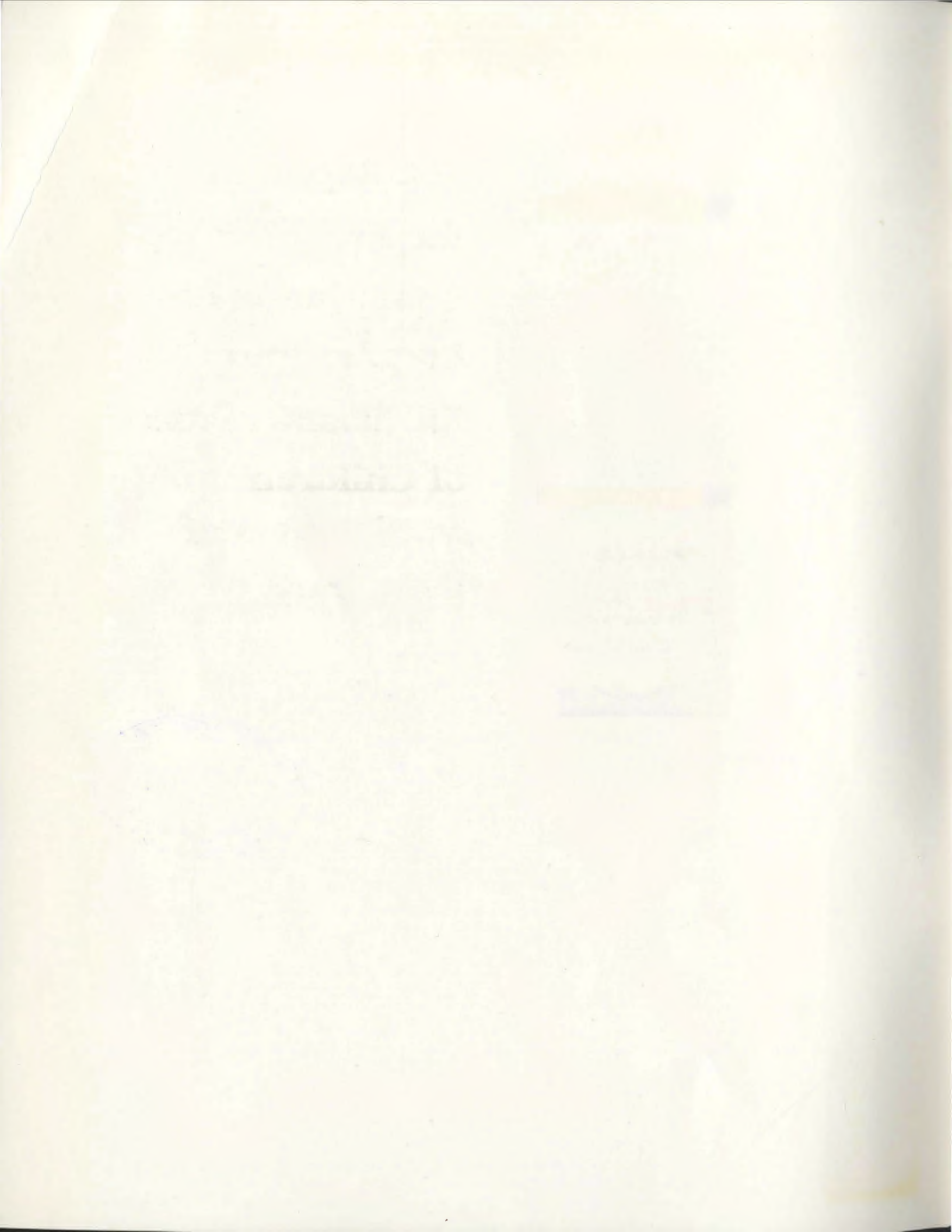

**The Report of
the Archdiocesan
Commission of
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the Sexual Abuse
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by Members of
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*Conclusions
and
Recommendations*

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CENTRE FOR NFLD. STUDIES
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NOTE

This document contains the conclusions and recommendations of the two-volume *Report of the Archdiocesan Commission of Enquiry into the Sexual Abuse of Children by Members of the Clergy*. The Commission's complete Report must be consulted for a full understanding of the evidence and considerations which are the basis for its findings.

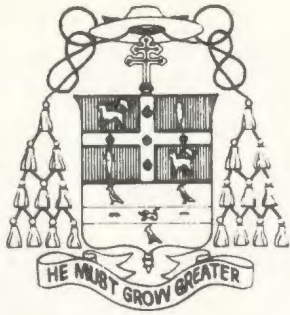
Volume One of the Commission's Report sets out the circumstances and events surrounding the abuses, describes some of the relevant features of the phenomenon of child sexual abuse, and delineates the context of power, organization and management within which they took place. Volume One then examines the volatile environment created by these elements and how the abuses escaped public notice for such a long time. The impacts of the abuses on the victims, their families and the whole Archdiocesan community, and the present and future needs resulting from these events are then assessed. The final chapter presents the conclusions and recommendations which are reproduced in this volume.

The documents that make up Volume Two provide a background to the main Report of the Commission. The documents in Volume Two were not written by the Commission but were either solicited or commissioned from independent agencies or individuals. "Child Sexual Abuse: A Review of the Literature", written by Cheryl Hebert and Carmel Wyse, was commissioned to provide a fuller overview of recent thinking about the complex and still enigmatic problem of child sexual abuse in our society. Jocelyn Aubut, Chief of Psychiatry at Institut Pinel in Montreal, responded with another view of the problem and provided an analysis of the important issue of informed consent.

The third component of Volume Two is a series of briefs invited by and submitted to the Commission. These submissions represent the words of those individuals, institutions and agencies who cared enough and took the time to express their views - their beliefs, their faith, their advice and sometimes their anger - about the Church and its problems. They have profoundly affected the work of the Commission.

A fourth component, a study of opinions undertaken by Omnifacts Research, assesses the views of Church and other related matters expressed by the youth of the Archdiocese - who are, after all, the Church's future - in the aftermath of the public disclosures of child sexual abuse. Volume Two concludes with a report by the chartered accountancy firm of Peat Marwick Thorne. It was commissioned, after allegations of financial mismanagement (related to the incidents of child sexual abuse), to assess the finances and financial management of three parishes in the Archdiocese.

The tables of contents of Volumes One and Two are included as an appendix to the present document.



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MANDATE OF SPECIAL COMMISSION OF ENQUIRY INTO SEXUAL ABUSE OF CHILDREN BY MEMBERS OF THE CLERGY ARCHDIOCESE OF ST. JOHN'S

The abiding concern of the people of God in the Archdiocese of St. John's for persons who are injured and suffering has been heightened by the recent incidents of sexual abuse of children by some members of the clergy. In a spirit of compassion and with the desire to heal and help the persons who have been harmed, to promote the spiritual and psychosocial well-being of the clergy and to seek means to prevent further incidents of this kind, a Special Archdiocesan Commission of Enquiry is established by the Archbishop of St. John's.

The mandate of this Commission is:

1. To enquire into factors which might have contributed to the sexual abuse of children by some members of the clergy: which factors may include family background, education, lifestyles, mutual support systems, or any other pertinent circumstance.
2. To enquire how such behaviour could have gone undetected and unreported for such a long period of time.
3. To make recommendations to provide for the spiritual, psychological and social healing of the victims and their families.
4. To make recommendations that will ensure that the Church has effective procedures for becoming aware of, reporting and dealing with incidents of deviant behaviour that might occur.
5. To make recommendations respecting the selection of candidates for the priesthood, the promotion of wholistic growth of the clergy, the fostering of healthy relationships between clergy and laity and the provision of support for the clergy to help them cope with deep psychosocial problems.

The Commission will determine its own procedure. Bearing in mind the delicacy and complexity of this Enquiry, the Commission is asked to carry out its mandate as expeditiously as it can and hopefully to submit its report to the Archbishop by the end of this year 1989. The report will be made public.

Members of the Special Archdiocesan Commission of Enquiry into Sexual Abuse of Children by Members of the Clergy are:

Honorable Gordon A. Winter, O.C., LL.D., Kst.J., Chairman
Sister Nuala P. Kenny, B.A., M.D., F.R.C.P. (c)
Reverend Everett MacNeil, B.A., M.A., J.C.L.
Frances G. O'Flaherty, B.A., B.S.W., M.S.W.
Dr. John A. Scott, Ph.D.

Introduction

In the fall of 1987 one victim came forward with an account of sexual abuse which was to shock the Archdiocese of St. John's and the whole Newfoundland community. This individual decided to tell his story so that others might be spared the pain with which he had had to struggle for more than a decade. His was not an easy decision and its consequences were not without new pain.

As a result of his and other disclosures, on January 12, 1988 three charges of gross indecency were laid against James Hickey¹. By the time the formal court proceedings began more than 25 charges of sexual offences had been laid, all for crimes against male children and all committed within the Archdiocese of St. John's. The offences spanned 17 years. In September 1988 Hickey pleaded guilty to 20 sexual offences involving children and was sentenced to five years in jail. He is now serving his sentence in the Federal Penitentiary at Dorchester, New Brunswick.

Following Hickey's highly publicized conviction, charges of child sexual abuse were brought against five other priests then serving in the Archdiocese and against two other priests living in the lay state within the Archdiocese. On December 15, 1988 John Corrigan pleaded guilty to five charges of gross indecency and to two charges of sexual assault against boys from two parishes near St. John's. He was sentenced to five years in jail. On May 19, 1990 Gordon Walsh was found guilty of one count of gross indecency and one count of indecent assault and was sentenced to eighteen months in prison.

Another priest living in the lay state, Anthony Bennett, pleaded guilty to one count of gross indecency and received a suspended sentence. Reverend Edward Sutton was acquitted following a trial, and proceedings have been stayed against Reverend Frank Slattery. As the main Report was being prepared Patrick Slaney was awaiting trial, as was another priest living in the lay state, Brendan Foley.

Another result of the disclosures was that this Commission of Enquiry was established in May 1989. The Commission was asked to address two fundamental questions about the series of events which occurred within the Archdiocese: what factors contributed to the sexual abuse of children by some members of the clergy, and why it took so long before the Church became aware of their deviant behaviour.

In the course of its enquiry into the first question, the Commission found that at the centre of these sexual abuses were men, with fiduciary responsibilities, who abused their position of priestly status and power by acting out their regressed

¹ The Commission has chosen to use neither the title Reverend nor Father to refer to priests who have been charged and convicted of child sexual abuse.

sexuality with children. More specifically, these were instances where the sexual abuse of children – an extensive and chronic problem in society in general – was perpetrated by persons within the institutional Church, who utilized their special spiritual and social authority within the community in the commission of their crimes.

In the course of its enquiry into the second question, the Commission discovered that the Archdiocesan leadership did, in fact, have knowledge, since the mid-1970s, of deviant² or sexually inappropriate behaviour among some Roman Catholic clergy in this Archdiocese. This was long before victims publicly disclosed that they had been abused as children. However, instead of a proper and effective response to this knowledge, Church leaders either denied the problems, admonished the clergy involved, or established self-help programmes which proved to be inadequate.

The victims' courage in coming forward with their pain, sometimes to face the additional anguish of ostracism, must be respected and commended by all members of the Church community and by the community at large. The local Church's response to the pastoral and clinical needs of the victims lacked a sense of Christian compassion and contravened basic principles which govern the Church, the people of God. When the victims and their families needed their Church the most, it failed them. With the passage of time the pain which the victims and their families suffered has not waned; nor has the anguish felt by the whole Church community.

The Commission's Report was prepared with the image of the victims always in mind.

Factors. The Commission determined that the most effective way to address the first term of its mandate – the factors that might have contributed to the sexual abuse of children by some members of the clergy – was to examine it from two distinct perspectives. The first concerned the psycho-social dynamics of child sexual abuse as a phenomenon within society at large, and the second explored the Church-based factors, which may be specific to this Archdiocese.

Child sexual abuse is clearly not a pathology which has infected the Church alone, but is a part of the human condition. It is, nevertheless, a problem in which the Church shares as an active agent within society. A patriarchal (adult-male dominated) society has been reinforced by the authoritarian institutional Roman Catholic Church. Historically, as such attitudes became institutionalized in the policies and structures of Church and society, they provided a strong cultural and social support for oppression, where one person or group dominates or exploits those without power.

It is recognized generally that, within the Archdiocese of St. John's, the Church has played a powerful and formative role in family life, in education and in providing other social and pastoral support systems of all kinds. The Commission therefore enquired into elements in the current experience of the

² In this document and in the main Report *deviant* sexual behaviour refers to any breach of priestly celibacy.

Church, locally, nationally and internationally, which might have contributed to the sexual abuse of children by some members of the clergy.

Two of the congregations of Religious Sisters in the Archdiocese jointly presented to the Commission a brief which relates to the Church in the Archdiocese:

At this particular time in the history of our local church, we need to acknowledge that we are part of a sinful church and a sinful society. As religious communities, parishes, dioceses and nations we bear responsibility for the social sin we find in us and around us. As religious communities within the church, we lived for many years under the same oppressive structures and espoused many of the same patriarchal values as the other members of the church. With Vatican II came the call to renewal, to a more creative response to the movement of God's spirit in our day, a call which religious communities took very seriously. The renewal process called us to humanize our structures and policies and to replace patriarchal values with Gospel values, a process which involved much struggle and pain. (Volume Two, C93)

The Commission recognises that rising feminist consciousness has revealed important things that have been wrong with the practice of the faith and with our culture, and which therefore require changes in the structure of our institutions.³ This same feminist experience can further help to clarify and rectify other related areas of injustice, such as the sexual abuse and impoverishment of children.

Nevertheless, some of those who spoke to the Commission fear what they see as the feminization of our culture and of Church traditions locally, nationally, and globally. They are disturbed by the way, during the present crisis, some have treated the horrors of child sexual abuse as indistinguishable from the horrors of the abuse of women. Though this is also, tragically, endemic in our culture, such blurring is seen as a further betrayal of the children by politicised feminist interests, since it obscures those important features of these events which are specific to the abuse of children, especially the distinctive "voicelessness" of the child victims.

Definitions. The legal definition of a child is different in different parts of the country and varies with different legislative Acts. There is consequently some ambiguity about the upper age limit of a child within various provincial and federal laws. However, for the purposes of the Commission's Report a *child* is someone less than 18 years of age.

The Commission has defined the particular kind of sexual abuse with which it is concerned as the involvement of male children in any form of sexual activity

³ The recent Pastoral Reflection published by the Assembly of Quebec Bishops is entitled simply *Violence*, and points to the heritage of abuse directed at women in our culture which, in some ways, the Church has promoted by its teaching and pastoral practice. Recent Federal studies estimate that 1,000,000 Canadian children are living in poverty, and one may reasonably conclude that the rate of violence and enforced poverty is no lower in this Archdiocese than elsewhere in Canada.

with members of the Roman Catholic clergy. It recognizes that such sexual activity between a child or adolescent and a member of the clergy involves an abuse of power and betrayal of trust in such a way that the victim is unable to give informed consent for participating in such acts. It is consequently a profound violation of the personhood of the victim. The larger social issue of child sexual abuse and the problem of informed consent are considered in detail in Volume One, Chapter Three.

The Commission was not able to conduct a psychological assessment of the offenders in the Archdiocese, so that a formal or thorough diagnosis or identification of them was not possible. Instead, our evaluation has had to rely on a survey of recent literature about child sexual abuse and sexual abusers. Volume One, Chapter Three, and the literature review in Volume Two, provide detailed descriptions of different attributes of some kinds of sex offenders, victims and abusive acts.

The Victims. The young people who have come forward – and those who may continue to do so – to tell of the abuse they suffered are transforming our culture by their pain and courage. Inexperience and socio-cultural attitudes too often deprive children of the words they need to describe and disclose the abuses they have suffered. They are too often without a voice: but these young men have found their voices. This is remarkable in light of the experience of the countless adults, battered women, oppressed poor, and disenfranchised minorities in society who appear unable to catch the ear of many who claim to follow the teachings of Christ the Victim. As a result of the victims' experience and leadership, the people of God within the Archdiocese and beyond may achieve a more mature and responsible understanding of themselves and of their institutions. There is something prophetic in this tragedy, because it is the young who have prompted this maturing process.

The young men of this Archdiocese who were victims of sexual abuse as children have had to struggle to be heard. For their achievement, to say nothing of their suffering, the community owes them a deep debt of respect and gratitude.

The Commission

At the time of the first public revelations of the sexual offences with which the Commission's Report is concerned, the whole church community reacted with shock, disbelief, and then anger. While this anger was primarily directed at the priests who had sexually abused male children of the Archdiocese, the people's outrage did not end there. Given the volume of charges that were eventually laid, and the indecisive initial response by the local Church administration, allegations were made that the Church failed to respond to the pastoral needs of its flock and to the therapeutic needs of the victims and their families. It was further alleged that a "cover-up" involving Church officials had taken place. Some declared that the Church must have known about the deviant behaviour of its priests. Others argued that the Church must have known that at least the potential for this kind of abuse existed because it had occurred elsewhere in several churches in Canada and in the United States. It was also claimed that Church officials transferred priests around the Archdiocese because of suspicions of deviant sexual behaviour.

Concurrent with the public disclosure of events involving priests in the Archdiocese, disclosures of the physical and sexual abuse of children in the 1970s at Mount Cashel Orphanage, an institution operated by the Congregation of Christian Brothers, were thrust upon the already smarting consciousness of Roman Catholics throughout the Province. The public concern over the Mount Cashel incidents led to the appointment, on June 1, 1989, of a Royal Commission of Inquiry headed by retired Justice Samuel Hughes. The Royal Commission, a creation of the Government of Newfoundland and Labrador, is empowered under the *Public Enquiries Act*. It has been charged, in part, with the mandate to investigate events which occurred at the Mount Cashel Orphanage and the subsequent actions of government and the police in response to those events. The work of the Royal Commission continues.

The Church's own initial response to the crisis in the Archdiocese was tempered by legal caution. Church officials chose to adopt the public position that the charged priests were innocent until proven guilty. Although legally correct, this approach to the crisis disappointed those who expected a strong pastoral response directed toward the victims and their families. Fifteen months after James Hickey was charged, the Church community's reaction to continuing accusations against priests and to the Archbishop's management of the crisis since the initial disclosures led to calls for a thorough examination of the crisis. On March 8, 1989 the Superintendent of the Roman Catholic School Board for St. John's stated in a report to the Archbishop that

... the recent events put all priests under a cloud of spoken or silent suspicion. There is a great reluctance for some priests to associate with any school or school children All priests are in need of support and encouragement. However, this can be difficult when the confidence

and trust is shattered. The Roman collar, once worn with pride, is now becoming a source of embarrassment and suspicion.

The report made a number of recommendations, including the establishment of an external public enquiry; it stated that "anything short of an external review will be viewed with cynicism".

This was not the only demand for a public enquiry. St. Teresa's Parish contended in a report to the Archbishop that parishioners were convinced of the need for an open public forum to help re-establish the Church's credibility and to begin the task of rebuilding trust between laity and clergy. (See Volume Two, C160ff.) A meeting held at the Basilica Parish also resulted in a report being sent to Archbishop Penney which stated that there was "anger at the Church and [its] critically slow response" and that parishioners had "great difficulty in accepting the fact that this abuse could go on for so long without anyone being aware, especially the priests' confreres". A joint submission to the Archbishop by the Faith Development, Liturgy and Social Action Commissions also called for a full public examination of the events.

The deep concerns expressed by the Church community and mounting levels of public scepticism about the Church's response to the crisis led to the appointment of this Special Commission of Enquiry in May 1990. To ensure its credibility and to answer the accusations that the Church was unwisely investigating itself, the Archbishop appointed a former Lieutenant Governor, the Honourable Gordon A. Winter, an Anglican, as the Chairman, and agreed that the Commission would establish its own procedures and that its report would be made public.

Unlike the Royal Commission, this Special Archdiocesan Commission of Enquiry was not empowered under any legislative authority. It was a creation of the Archbishop of St. John's and was not established under the *Public Enquiries Act*. Therefore, this Commission has had power neither to summon witnesses nor to require witnesses to give evidence upon oath or solemn affirmation. Nor has the Commission had any power to order the production of documents.

Being aware of the public's scepticism about the independence, integrity and utility of the Commission's work and its lack of legal powers, the Commission felt it necessary to follow a process modelled, where possible, upon that of a public enquiry. Early in its work the Commission recognized that nothing effective had been done to meet the pain and anger that people were feeling throughout the spring, summer and into the autumn of 1989. Some public airing of people's feelings was urgently required as a pastoral response to the sense of crisis which had gripped the Archdiocese. The Commission also realised that the success of its own work depended entirely upon the trust of the people of the Archdiocese. Without trust, people would not bring forward the information and insight the Commission needed to do its work. Without open and public encounters no trust could develop. It was determined, therefore, that the Commission would hold public meetings in the three parishes closest to St. John's and in the parishes in the Burin Deanery which had been most directly affected.

The Commission decided from the outset that the press, including television and radio news reporters, would be welcome at the public meetings, but that the

electronic media would not be permitted to use cameras and tape recorders during these meetings. This decision was made because of the Commission's firm determination, despite very considerable pressure from the electronic media, to respect the privacy of those who wanted or needed it. The Commission concluded that it had a responsibility not only to openness but also to those who wished to speak publicly to the Commission without having their identity compromised. Those who wished to speak to the media could do so freely, both before and after these meetings. Many did.

The first public meeting of the Commission was held in the Parish Hall in Portugal Cove on June 11, 1989. The hall was full, and the mood of the meeting was controlled anger. After the Chairman convened the assembly there was an awkward silence before the first speaker rose. The speaker struck a note which was to be repeated time and again through meetings held in Pouch Cove and Ferryland: the question of the Commission's independence of Church authority and the intent of its mandate. The anger of subsequent speakers was fixed on their feeling of betrayal. The people felt betrayed by the priests who had sexually abused their children, but an even more intense accusation was levelled at the Archdiocesan administration. The meeting ended with some slight sense that there had at least been a release of tension.

The tenor of the meeting held in Pouch Cove the next night (June 12) was, if anything, even more charged and more volatile. The anger was more precisely and insistently focused on Archbishop Penney himself. People were angered by what was perceived as his failure to respond as a pastor to the victims, their families and their communities. The apparent contradiction of a Church-appointed Commission freely investigating the Church itself was set out in stark and compelling language as an explanation of why no trust could be accorded the Commission. The meeting closed with a sense that the anger had become more bitter.

The deep distrust of the Commission which was a dominant feature of the first two public meetings did not really begin to dissipate until midway through the third meeting, in Ferryland, on June 13, 1989. One of the mothers of a victim from Portugal Cove stood up and said that she had attended all three of the Commission's public meetings, and had decided that it was "time to trust you". That comment signalled the real beginning of the Commission's work. It was after that meeting that the Commission began to be accorded some confidence and credibility, and more people began to come forward with information.

On July 6th the Commission held its fourth public meeting, at St. John's. Unlike the emotionally charged meetings in Portugal Cove, Pouch Cove and Ferryland it was much less charged and more business-like. At the first three public meetings there had been some formal briefs presented, but most people had spoken from their hearts. The St. John's meeting was dominated by formal briefs. The Commission interpreted this as a clear sign that the Commission had achieved sufficient trust and credibility to prompt many people to spend much energy and time preparing submissions of considerable substance.

But the Commission was concerned because there were no more than 250 people present. It seemed obvious that, although given the opportunity to

participate, prominent members and groups within the Archdiocesan Church community chose to abstain. It was also clear to the Commission that although the anger had retreated, it had done so without having been fully or appropriately accommodated. The Commission continues to be concerned that much anger and pain still remain and can only be released when the Archdiocese acknowledges guilt for what has happened and reconciles itself to those whom it allowed to be hurt.

In the autumn the Commission visited parishes in the Burin Deanery since a number of the priests charged with child sexual abuse had served in parishes there and because the Commission wanted a sense of the experience of the whole of the Archdiocese. The Commission held its fifth public meeting in Marystown on September 14th and private meetings with parish councils in Marystown, St. Lawrence and Lamaline. The tone of these meetings was similar to that of the St. John's meeting, and people had put a very significant effort into preparing the briefs and submissions which have contributed immeasurably to the Commission's work. The level of commitment encountered here and throughout the whole Archdiocese – to truth, to justice for those injured and to the hope for a more holy and renewed Church community – has inspired in the Commission a deep respect for the people of this Archdiocese. We hope it is reflected in the Commission's Report.

In addition to the information obtained from its public and private meetings the Commission invited comment in the form of written or verbal briefs from any person or organization with information of benefit to the Commission's work. A copy of the Request for Briefs is in Volume One, Appendix F and a list of all persons and organizations submitting briefs is included as Appendix G of that volume. Many of these briefs are presented in Volume Two. The Commission also established its own research and investigation programme. The Commission undertook, through independent professionals, to identify the factors which might contribute to child sexual abuse and to assess the impact of sexual abuse on victims, the repercussions of the crisis on Roman Catholic youth, the needs of offenders and the issue of informed consent, and to examine charges of financial irregularities in certain parishes. Volume Two contains the results of these research efforts.

To supplement the Commission's formal research initiatives, a series of private meetings was organized with key constituencies both within the Church community and within the community at large. Among others, the Commission met with victims and their families, with the Presbyterium, with representatives of parish councils and with three of the Archdiocesan commissions. The primary purpose of these, and of meetings with other outside groups, was to stimulate debate and dialogue on the Commission's mandate and to provide the Commission with an understanding of the needs of major interest and advocacy groups. Volume One, Appendix A lists all organizations and individuals consulted.

The investigative component of the Commission's work was conducted by Commission Counsel. Their primary charge was to interview all persons who might have information pertinent to the Commission's mandate. Certain accounts in the Commission's main Report include references to allegations made to Archdiocesan

authorities of suspicious or improper acts, some of which have been examined by police without charges arising. The Commission has chosen to report the allegations, however, since it is required by Term Two of its mandate to focus on issues of detection and reporting.

The Commission or its counsel interviewed all active, some former and some retired priests in the Archdiocese, two convicted priests, police officials and private individuals who were thought to have had knowledge, and reviewed where possible active and archival files of the Archdiocese. The Commission did not attempt to interview priests whose charges were before the courts. All of this led to the development of a substantial base from which the Commission could draw insight and information.

Much work is now being done to address the fundamental factors and issues which underlie the abuse of children in society. Still, a measure of culpability must be carried by the Church community and by society at large – community leaders, public officials, the media and private citizens – who have too often and for far too long denied, tolerated or ignored the existence of many kinds of child abuse.

Some who read Volume One of the Commission's Report will claim that it is too bleak and that it is preoccupied with negatives. It is, however, the nature of such enquiries – and the mandate of this particular Enquiry – to be primarily concerned with what has gone wrong. It was commissioned to enquire into sexual abuses of children, not to report on the many good and valuable works of the Church in the Archdiocese. It is hoped, nevertheless, that these conclusions and recommendations will help correct the present weaknesses that are detailed in Volume One of the Report, and that the recommendations will help the Archdiocese to build on its many strengths. While not the subject of this Enquiry, this is its objective and we hope it will become its modest legacy.

Conclusions and Recommendations

The Commission's Terms of Reference required it to examine the factors which may have contributed to the sexual abuse of children by members of the clergy, and to explore the events which occurred in the Archdiocese to determine why the abuse went undetected and unreported. The Commission was also instructed to make recommendations for the spiritual, psychological and social healing of the victims and their families; to recommend effective procedures for becoming aware of, reporting and dealing with incidents of deviant behaviour that might occur; and to make recommendations respecting the selection of candidates for the priesthood, the promotion of holistic growth of the clergy, the fostering of healthy relationships between clergy and laity, and the provision of support for clergy to help some of them cope with deep psycho-social problems.]

The sexual abuse of children which occurred in this Archdiocese is part of a larger and general problem within society. Child sexual abuse occurs in all parts of our society and throughout other cultures. It is not a problem unique to Newfoundland, to the Archdiocese or to the institutional Church. There are, nevertheless, factors involved in the abuses which occurred here that set them
 → apart from those which are most common in our society: the victims were
 → adolescent male children, and the offenders were Roman Catholic clergy. 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 sexual acts. It was consequently a profound violation of the personhood of the victim as well as a criminal act. Because of a combination of contributing factors, both direct and indirect, these abuses began and continued, without public knowledge, some for many years.

The Conclusions reached by the Commission in the course of its enquiry and recommendations concerning each element of its mandate are presented below.

Term 1 *To enquire into factors which might have contributed to the sexual abuse of children by some members of the clergy: which factors may include family background, education, lifestyles, mutual support systems, or any other pertinent circumstance.*

The factors which contributed to the incidents of child sexual abuse by some members of the clergy in the Archdiocese of St. John's are intricately woven into the fabric of our society and of the Church. An analysis of the evidence which the Commission has gathered and of the research it has conducted shows that

psychological, social and church-related factors were involved. (See Volume One, Chapters Three and Four.)

Psychological. Solid research on the clinical aspects of both the deviant sexual behaviour of offenders and the impact the abuse has on child victims is limited. This is partly because incidents of child sexual abuse have not been well reported until recently, and thus the understanding of contributing factors, incidence, impact and treatment is as yet inconclusive. Most of the recent literature concerns female children who were sexually abused by male offenders, usually a parent or other close authority figure, because this is the most prevalent kind of child sexual abuse. However, the events reviewed by the Commission do not fit this pattern since the victims, though children, were post-pubescent males.⁴

The available evidence does not support the view that any of the sex offenders under consideration should be classified as pedophiles, a category of sex offenders who have a sexual preference for pre-pubescent children. Rather, based on its evidence, the Commission has concluded that the convicted offenders exhibited regressed homosexual behaviour when they abused their victims; however, their actual sexual orientation may or may not be homosexual. In any case, their sexual orientation does not seem to be fully distinguished and the sense of their own sexuality appears undeveloped.

Social. Child sexual abuse is a widespread societal problem which has been linked to general attitudes toward children, to sex-role stereotyping and to the way sexual relationships are perceived in society.

Current research does not provide reliable, definitive evidence to establish a causative relationship between personal backgrounds and the sexual deviance of the offenders. Nor has a correlation between family background and the perpetrators of child sexual abuse been established in the events which occurred in the Archdiocese.

Major socio-cultural factors, however, such as traditional socialization within the context of a patriarchal family and society were probably indirect contributors. The way many children are raised countenances the use of physical discipline and expects unquestioning obedience to power, which implicitly condones violence and requires compliance with adults. Sexual stereotyping, where males dominate women and children, further perpetuates a sense of powerlessness and vulnerability.

Traditional male socialization and traditional attitudes towards sexuality may have also contributed to the sexual abuse of children in other ways. Traditional male socialization values male dominance and independence. It allows some males to engage in sexual acts isolated from the context of a caring and equal relationship; such people may fail to integrate sex and intimacy, and limit their display of intimacy and affection to the performance of a sexual act.

⁴ The Commission has accepted the definition of a child as a person under the age of eighteen years.

These factors are exacerbated by society's approach to discussing and teaching sexuality in the family and in school. The approach has too often been negative and repressive. The effect is two-fold. First, there is a lack of awareness and understanding about sexuality; the sexual expression of individuals who fail to understand their own and others' sexuality may become distorted and destructive. Sexual activity may be confused with sexual violence and unequal relationships may be established. The extreme example of this distortion is child sexual abuse. Second, suppression of open discussions about sexuality creates an atmosphere which may make it much more difficult for a victim to disclose. The guilt and shame a victim already feels as a consequence of the abuse can be heightened by the prospect of disclosing to those whose treatment of the subject has been disapproving or silent.

Within the Archdiocese and elsewhere, victims of child sexual abuse have been wrongly blamed for their own victimization. The offender often contrives to gain the victim's apparent co-operation, but this in no way mitigates the offence. There is evidence that alcohol was offered to many of the victims for this purpose, and in some instances the offender drank excessively. But even without such inducements an adolescent is particularly vulnerable because an offender takes advantage of an adolescent's confused sexual feelings and offers friendship during a difficult period. Offenders may use other tactics that boost the self-esteem of adolescents to make them feel privileged by the offender's friendship.

Sexual activity between a child and a member of the clergy involves a further abuse - an abuse of power and a betrayal of trust. In these cases the victims were unable to give informed consent. The offenders were important figures and the relationship between them was fiduciary - founded on authority, loyalty, dependency and trust. Because these authority figures were priests, a spiritual dependency was also exploited. This made it difficult for the victims to recognize or understand that the relationship with the offenders was abusive, that it was a violation of both body and self. Victims of child sexual abuse are not to blame for being victims.

Church-related. In addition to the psycho-social factors which underlie the sexual abuse of children, factors related to the Church also had a direct bearing on the occurrence of child sexual abuse by priests in the Archdiocese.

The position the offenders occupied in the community provided them many opportunities for sexual abuse because they were given unquestioned and unsupervised access to male children. But their status as priests was used in other ways as well. Child sexual abuse is a deviant sexual act based in power and manipulation. When priests of this Archdiocese sexually abused children, they exploited special power that derived from their positions as spiritual and community leaders. In doing so, they violated their trust as pastor, their priesthood, and betrayed an important fiduciary relationship. As we have seen, much of this power, apart from that conferred by faith, developed with the Church's history in the Newfoundland context, where it reached a position of nearly absolute authority in everyday life.

This pattern of power has not been good because it often left the Church in the Archdiocese and the priest in the parish with too much influence, unchecked by social – and sometimes even legal – balances. It also precluded a healthy scepticism about some of the men who occupied positions of authority in the Church. Such misplaced faith in individuals not only gave the offenders the opportunity and power to effect the abuses, but also encouraged suppression and denial of the disclosures. Who would believe a mere boy who said bad things about a priest?

The public perception of the position of the clergy also led to isolation of the priest and his inability to integrate socially with parishioners. When difficulties developed from this kind of isolation, or from other factors, there was no adequate Church structure in place to assist the priest. Within the Archdiocesan administration there has also been poor co-operation and communication, sometimes culminating in debilitating animosity and heightened isolation.

Much of this misuse of power and the misunderstanding of the right relationship between priests and parishioners is the result of the poor ecclesiology within the Archdiocese. Neither the priests nor the lay members of the Archdiocese have been adequately led to the vision of the Church which continues to emanate from the Second Vatican Council.

Term 2 *To enquire how such behaviour could have gone undetected and unreported for such a long period of time.*

It is evident from the events which occurred in the Archdiocese (described in Volume One, Chapter Two) that the Commission's Terms of Reference contain an inaccurate assumption. As a result of its investigation the Commission has determined that the Archdiocese was aware of allegations of child sexual abuse by some members of the clergy. Indeed, accusations of child sexual abuse were reported to officials of the Archdiocese as early as 1975. At that time these officials were advised of complaints against James Hickey; the Vicar General, Monsignor Morrissey, was told by different priests on two separate occasions that allegations had been made.

The Commission has determined that between 1975 and 1989 the Archdiocesan administration had heard rumours, reports or formal accusations of sexual misconduct between priests and children on many occasions. Nevertheless, neither the current nor the previous Archdiocesan administration took decisive or effective steps to investigate further, to halt the abuse, or to inform parishioners of the risk to their children.

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.

During the mid-1980s, despite the heightened awareness within society about the problem of child sexual abuse, Archdiocesan authorities seem to have continued following a minimal response policy to what was, by this time, a

continuing series of informal and formal complaints. This was the case even when an individual known to the Archbishop came forward and disclosed to him that he had been abused as a child by one of the Archdiocese's still-active priests.

The accumulating evidence included visits from the police and other professionals, from parishioners and from other priests. Some priests were aware or suspicious that some colleagues were not following their commitment to celibacy, but simply chose to look the other way. They believed that if some priests were engaging in sexual activity, it was with adults, but never with children.

In December 1987 the Canadian Conference of Catholic Bishops (CCCC) released guidelines (Volume One, Appendix D) which bishops could consult if they were confronted with allegations of deviant behaviour – including child sexual abuse – by members of the clergy. The guidelines set forth specific actions that should be undertaken to protect the rights of the victim and the rights of the accused priest, and detailed the responsibilities of the bishop. Based upon the evidence before the Commission, it has concluded that Archbishop Penney did not follow procedures recommended by the CCCC. Nor did the Archdiocese develop its own protocol until March 1990, two and a half years after the public disclosures of the child sexual abuse began.

If action was taken on the problem of sexual deviancy, the individuals were sent to out-of-province facilities, a procedure that came to be seen as a panacea for nearly any kind of behavioural problems within the Presbyterium. This approach, despite its limited utility, allowed the Archdiocesan administration to assume that sufficient action had been taken, and thus to avoid the acknowledgement of wrongdoing within the Archdiocese and awareness of serious problems among the Presbyterium.

Other approaches, such as the Ministry to Priests Program (MPP), also did little to address very real and potentially devastating problems experienced by priests. Some of these problems continue to be unresolved today.

While the local Church's attitude toward the accused was sympathetic and treatment – however ineffectual – was offered, it showed little compassion toward the victims. Church officials aligned themselves with the accused; their response to victims was thus inappropriate and un-Christian, and this compounded the victims' initial sense of betrayal by the Church.

What the Commission has found, then, is an institution which wields extensive power within the parish, the Archdiocese and the Province but is crippled by serious weaknesses in personnel, support mechanisms, administrative structures and management.

While weak organizational structures and poor government within the Archdiocesan Church were not direct causes of the sexual abuse of children, they allowed the abuse to continue. Lack of leadership, combined with weak communications, increased some priests' sense of isolation and created a sense of confusion. And the offenders may have felt that no one was watching them.

Serious management errors in response to the initial suspicions of wrongdoing in the 1970s were compounded by continuing inaction. This lack of

action also raises questions about the appropriateness of Archbishop Penney's responses in light of the *Child Welfare Act* then in place.⁵ When the accusations could no longer be denied, the Archdiocesan response was weak, defensive and unworthy of the Church.

The Commission thus concludes that the events which occurred in the Archdiocese cannot be passed off as the manifestation of a disease: both the offenders and the Church management must be held accountable. The Church administration in the Archdiocese chose to deny the abuses and discount the victims' disclosures of criminal activity. Rather than reporting the allegations to civil authorities, the Archdiocesan administration chose to accept repeated denials of the allegations and allowed the abuses to continue.

Term 3 *To make recommendations to provide for the spiritual, psychological and social healing of the victims and their families.*

The victims and their families were seeking, and to this day continue to seek, freedom from the tyranny which the offenders inflicted on them. A victim will more readily shed the persistent self-doubt and shame once his assailant admits the guilt was his own, not the child's and not the family's. Since the offenders themselves have not apologised directly to those whom they abused and have thus failed to help deliver their victims from the sense of shame they feel, it falls naturally to the Church to act both in the place of the abusers and in its own right to effect this liberation. The Archdiocese has failed to recognize or to meet this urgent need; the public statements which have so far been issued by the Archdiocese have rather added to the pain. The Archdiocesan response was inappropriate, especially given its pastoral responsibilities to all the people of God. It showed no real leadership but appeared to limit its response to concerns about potential legal liabilities.

The community's reaction to the events has added to the stigmatization and pain experienced by the victims and their families. A certain kind of "scarlet letter" syndrome has been allowed to develop in certain communities where victims came forward. The "scum of the Cove" is a term that the Commission has heard applied to some victims. In addition to the public condemnation, in some instances victims have been persecuted by family members and friends who still do not believe that the convicted offender actually committed an offence. There is a persistent but erroneous belief that the victims are responsible for the crimes of the offenders.

⁵ Section 49 of the *Child Welfare Act* (1972) stated,

(1) Every person having information of the abandonment, desertion, physical ill-treatment or need for protection of a child shall report the information to the Director or a welfare officer.

(2) Subsection (1) applies notwithstanding that the information is confidential or privileged

(3) Any person who fails to comply with or otherwise contravenes any of the provisions of this section is guilty of an offence.

The events under review have had a profound impact on the whole Church community and on the community at large. The Commission has encountered a certain amount of denial throughout the Archdiocese. This is typified by the view that the Archdiocesan response should have been to ask parishes not directly affected simply to take up a collection to help out those suffering in parishes where the abuses occurred. Such a view is neither adequate nor appropriate and reflects an implicit denial of the seriousness and pervasiveness of the conditions which permitted the abuse to occur. As a Church community, the whole Archdiocese must acknowledge and accept that these criminal abuses did occur in the local Church. There is a need to acknowledge the victims and accept a communal ownership of what has happened.

It is therefore recommended:

1. **that the Archdiocesan Church formally acknowledge its share of guilt and responsibility, and that the Archdiocesan administration apologize in such a way as to remove any suggestion that the victims were to blame.**

The first crucial step toward addressing the specific needs of victims and families is the development of an appropriately designed programme of compensation to the victims and their families, a programme which grows out of a recognition that this is required not only to serve the needs of the victims and their families but also because the Archdiocesan community as a whole needs to rebuild for its future. It is also reasonable to assume that there are still many unidentified victims who continue to suffer and who may yet come forward to seek services.

It is therefore recommended:

2. **that the Archdiocese of St. John's provide reasonable monetary compensation to the victims;**
- * 3. (a) **that the Archdiocese establish immediately, and fund, a Victims Advocacy Board;**
(b) **that the Board be composed of knowledgeable and concerned members of the community, operating at arm's length from Church administration;**
(c) **that the Board adjudicate appropriate levels of monetary compensation for victims seeking this remedy;**
(d) **that the Board's mandate be for a limited time based on an assessment of the number of known and possible victims of the present crisis.**

The second step requires that the Church address the treatment and service needs of victims and families. Without effective treatment the effects of child sexual abuse may persist over many more years. Sometimes victims manage to

suppress the memories of these events if their lives become reasonably stable – if they find employment, form relationships, marry, and achieve a semblance of social normality. However, this stability may be shattered, even years after the abuse has ended, by stressful personal events such as parenthood or the onset of middle age with its attendant self-doubt and depression. External events, such as reminders of physical and sexual abuse, can also trigger painful memories. Others may suffer further persistent consequences in the form of chronic emotional problems, somatic complaints, impaired sexual function, substance abuse and dysfunctional interpersonal relationships.

The events which occurred in the Archdiocese have also had a tremendous impact on the families of the victims. In addition to the internal shock, confusion, and doubts, families experienced disbelief in and rejection of the Church and the community.

Before the spiritual reconciliation of victims with the Church can begin, their psychological healing must be addressed. It must be clearly understood that the psychological healing process has its own time line. It varies with each individual. The first step in the process, the disclosure, must be viewed by the victim and by the community as an essential element in the overall healing process. This process should include the development of services for adult survivors of child sexual abuse so that a response will be available for victims whenever disclosure occurs. Services must also be comprehensive, ranging from crisis intervention to long-term follow-up. No service system will be complete if an ancillary level of preventive services is not developed to educate children, youth and the community about sexuality.

When victims seek help it is essential that the services be provided in an atmosphere of trust, with a sensitive, non-judgemental approach. At every level of intervention the goal must be to restore the victim's positive self-image and sense of his personal identity. Although victims may have worked through the immediate issues surrounding disclosure and the court procedure, they may need continuing counselling and support for extensive periods after the abusive relationship has ended. For treatment to be effective there must be a comprehensive assessment to determine the range of services required.

These services should be co-ordinated through a resource network that is truly responsive to the victims' needs. The intervention must include information that will empower the victims to seek further assistance as they proceed through the later developmental phases of their lives. The components of an intervention follow-up service system may include, but should not be limited to, counselling to assist with family issues; information about sources of compensation, the impact of abuse and victims' rights; on-going counselling and support to deal with emotional and psychological effects and problems; and practical help with problems relating to school, employment and housing.

In planning future services the Archdiocese should participate in the development of strategies which would enable mental health services to expand their existing programmes and respond quickly to families as they enter the disclosure and reporting phase of child sexual abuse. Programmes directed towards families should provide a supportive, non-judgmental response to guide the family

through the crisis phase of intervention; they should present a clear message of understanding to the families that they are not responsible for the crisis; and they should validate that the family's feelings of anger, loss, confusion and doubt are a normal response to this crisis.

The Archdiocese has traditionally played a role in the delivery of social services within the community. Through its established presence in the community's medical and education system and through a revitalized and expanded role for the Church's administrative structures, the Archdiocese can make a significant contribution to the community's capacity to respond to clinical problems and to develop and implement prevention strategies. Within the Church community this can be accomplished in three ways: first, by integrating and strengthening existing services that address the needs of victims and their families; second, by expanding the mandate of certain Archdiocesan commissions to address community-related needs which stem from the present crisis; and third, by using the Church's educational resources to make students and parents more aware.

However, despite the Archdiocese's strengths in this area, the demands of the present problem are far beyond the Archdiocese's capacity to provide effective intervention except in co-operation with other agencies. Delivery of these services must therefore be the shared responsibility of government, churches, community agencies and other institutions. It follows that existing government and non-denominational voluntary agencies would be the principal service providers to victims and their families for the crisis intervention and follow-up services they require.

There are a number of other practical reasons for sharing this responsibility. The Archdiocese's small population base, the strained Provincial economy and limited professional resources all make it sensible to utilize existing services and expertise wherever possible. Also, because of the Church's ineffectual initial response to the disclosure of the problem, services offered by the present administration may be viewed with scepticism and even rejected for that reason. Many victims would not seek treatment from an agency that is identified with the betrayal of trust which was at the heart of the original problem.

The current strain throughout the prevention and response system stems from inadequate financial and human resources. This is made evident by the limited counselling and support currently available for victims and their families, particularly outside the immediate St. John's region of the Archdiocese. The same deficiencies also exist for treatment programmes which address offenders.

Furthermore, because child sexual abuse is a societal problem, the approach must be broadly based to achieve the fundamental social change necessary to eradicate this behaviour.

It is therefore recommended:

4. that the Archdiocese complement and support the expansion of Archdiocesan, other denominational and non-denominational agencies providing services to victims, their families and other affected parties;

5. that the Victims Advocacy Board be appropriately staffed to administer requests for assistance, to complete assessments and referrals, and to facilitate the delivery of therapeutic and rehabilitative services to victims and families;
6. that the Archdiocese assign the Family Life Commission responsibility for the crisis intervention and counselling services currently provided to victims and their families by the Archdiocesan Committee on Child Sexual Abuse;
7. that the Archdiocese assign additional resources to the Family Life Commission to strengthen its capacity to deliver crisis intervention and counselling services to victims and their families;
- * 8. (a) that the Family Life Commission establish resource centres in each Deanery outside the St. John's area;
(b) that these family life offices develop a capacity to address community development issues stemming from the child sexual abuse problem.

The healing process for victims and their families must be comprehensive. During the healing process special attention must be paid to the spiritual dimensions of the problems caused by the Church's inadequate response to the initial disclosures. The Commission is concerned that interventions made by non-professionals acting in a therapeutic role can complicate the healing process. Therefore, therapists must be engaged who have either the experience or can be trained to deal with the psychological and the spiritual dimensions of the problem. Currently, students in some professional schools are not receiving the specialized training that is necessary to work in the field.

In anticipation of the increased demand for such properly trained professionals, universities should be developing training programmes to produce therapists and counsellors with the necessary assessment and treatment skills, through their professional schools of social work, clinical psychology, nursing and medicine.

It is therefore recommended:

9. that the Archdiocese develop a bursary programme to train professional counsellors and therapists required to staff its family life offices and resource centres;
10. that the Archdiocese work with the professional schools at Memorial University to increase the recognition that child sexual abuse is an area that requires specialized knowledge and training, and to develop the curricula needed to prepare students to respond more effectively to their clients.

Term 4 *To make recommendations that will ensure that the Church has effective procedures for becoming aware of, reporting and dealing with incidents of deviant behaviour that might occur.*

The protection of our children is a basic Christian principle and is also embodied in law. If people are to develop programmes which have the prevention and eventual elimination of child sexual abuse as their primary objective, fundamental social change must first occur. Before the process of change can start, however, society will have to accept that sexual abuse of children is symptomatic of a deep and underlying fault in our social values. Society tolerates, and thereby tacitly promotes, the misuse of power and authority over children. The type of comprehensive social change required must grow from community development strategies which redefine and recognize the role and value of all members of society, including children.

As a society we must question the ideology that the family is sacrosanct and its internal conduct is exempt from questioning by outsiders. The fact that most abuse goes on either within the family structure or within institutions that create family-like settings, such as residential centres for children, cannot be ignored. Problems of wife battering and elder abuse must also be addressed in conjunction with those of child abuse. There must also be recognition of the stresses and strains many families are facing in our society.

Sexual stereotypes that restrict and inhibit the personal growth and potential of both men and women and that prevent the full development of mutual respect and mutually supportive relationships must also be challenged. Women must be encouraged to be stronger and more assertive, and men must be given permission to develop and express their feelings and emotions. The involvement of fathers in the nurturing and care of children must be promoted.

Healthy attitudes towards sex must be developed through open discussion and communication in the family, churches and schools, to change the expression of sexuality in our culture. Media advertising and other materials that exploit and violate the dignity and worth of the people portrayed must be challenged. Positive images of women and men and the way they relate to each other, with appropriate portrayals of children, must be encouraged.

Efforts to prevent child sexual abuse have increased since the late 1970s with the introduction of numerous education programmes and the development of agency policies and protocols aimed at detecting and reporting child sexual abuse. Children have been the main target group for education, with parents and professionals designated as key audiences for receiving and delivering the information. Education programmes have focused primarily on personal safety issues affecting children with the aim of "street proofing" them. Although "street proofing" programmes constitute an important approach to teaching children their rights, a number of authors and clinicians express concern that too much emphasis is being directed at the child rather than at adults in general, or potential abusers in particular.

In addition to the concerns about the general focus of current prevention programmes, concerns about content are also expressed. There is a general

concern that over-simplification may result when the topic is being made understandable to children. In particular, topics relating to sexuality are avoided because they are often deemed controversial.

The evidence is unclear whether prevention programmes are successfully teaching children the behaviours thought to be useful in either preventing abuse or removing themselves from abusive environments. It is not known whether the information children are given in these programmes actually translates into action.

Some of the general issues which affect the planning and implementation of programmes include lack of experienced staff to deal with child abuse (because of high turn-over and "burn-out" caused by the emotional and physical strain of dealing with the sexual abuse issues), difficulties in finding training materials, securing initial and long-term funding, and problems in community networking.

It is therefore recommended:

- 11. that an evaluation be conducted of the family life and prevention programmes which are now directed towards children in schools in the Archdiocese;**
- 12. that the Archdiocese, through the Catholic Education Council, develop and implement in all schools, programmes which appropriately address sexuality, including child sexual abuse.**

In other jurisdictions where the problem of child abuse has become prominent, there has been a tendency to emphasize the administrative and bureaucratic duties of child welfare workers instead of providing quality professional services. To ensure that the clients' needs are not sacrificed to meet the agency's procedures, caseloads must be limited to a maximum of 35 clients for professionals working directly with victims of child sexual abuse.

At the community level, the child sexual abuse scandal has been felt primarily as an assault on traditional values held by family and religious institutions. The spiritual and moral belief systems that bound community members to one another in the past are still being seriously questioned, if they have not been altogether destroyed.

Although individual community members may feel the need for personal counselling or therapy the principal focus of intervention should be strengthening community ties. The ultimate goal of intervention must be the affirmation of a faith community within the wider context of a cohesive social system. This does not mean a return to the catechetical practices of the past but, in the spirit of the Rite of Christian Initiation of Adults, the positive development of a belief system that respects individual differences within a generally stable community environment.

The Church has a major role to play in addressing the needs of the community in this growth process. Clergy and laity must join together to develop the various strategies proposed for this purpose. While the personal treatment services needed for victims and their families should remain at arm's length from the Archdiocesan Church at present, the community initiatives recommended by

the Commission should be identified with a Church that is animated by all aspects of its pastoral role.

It is therefore recommended:

- 13. that a renewed and strengthened Family Life Commission assume the community development role now played by the Archdiocesan Committee on Child Sexual Abuse.**

The way in which the Church responded to the events which occurred in the Archdiocese demonstrates a great need for education about the dynamics of child sexual abuse as well as about underlying socio-cultural factors which exacerbate the problem. Public education must be used to inform the public about the direct and indirect causes of child sexual abuse, and to eradicate attitudes which blame victims and thus inhibit disclosures.

Promoting public awareness and education about the problem is an important step in reaching victims and changing attitudes; however, there can be dangers in moving in this direction if resources are not available to meet the increased demand. The lack of an adequate response system may mean further traumatization of victims, possible injustice to alleged offenders, burn-out of dedicated professionals, negative publicity and backlash from the system. Yet, not to address this form of prevention might result in the neglect of children who have not disclosed, give a sense of false comfort that the problem is under control, and permit public and official complacency. Although inadequate financial and human resources affect the quality of education and prevention programmes that are directed towards professionals, the general public and children, because these services are educative rather than therapeutic, some may be provided by the present education system and the local parishes.

The detection and reporting of incidents of child sexual abuse is a responsibility of all members of the Church community and the community at large. The isolation and degradation felt by victims requires a community approach that will send a clear message to victims telling them that they are not responsible for the abuse. They also need to be told that information, support and counselling are available, and that they will be believed and treated with respect and confidence if they choose to use the services provided. This kind of service aims to reach victims who have disclosed and are looking for help, but who may be unaware of assistance or are afraid to seek it. It also seeks to help victims who have not disclosed, or other people who want to understand the dynamics of abuse.

Outreach can be achieved through a variety of initiatives, such as disseminating pamphlets and booklets, media exposure, public talks, setting up information or crisis lines, and establishing resource centres. It can also be achieved by using existing channels, such as schools, church groups, youth groups, social service agencies, hospitals, police departments and public buildings (eg shopping malls). Obviously it can only work if good quality services are in place for people to use. If done properly, outreach can reduce the stigma attached to the abuse and help the victims come forward to talk.

Generally there is a pressing need to develop policies and programmes aimed at addressing the values and attitudes toward children in our society. The strategies must attempt to control and eradicate abusive behaviour by creating structures that secure some measure of equality and justice.

The Commission feels that a number of strategies can work toward achieving those basic objectives. To ensure that there is a successful implementation of strategies, however, there has to be an acceptance of ownership of the problem by the political, economic, legal, social and moral elements of the community and recognition of the problem as a priority by all institutions and groups. When the community at large accepts ownership and responsibility, prevention efforts will become broader, encompassing more than the personal safety programmes that are currently directed towards children. Accepting ownership will also enhance the development of effective policies, procedures and protocols in the community.

It is more than two years since the child sexual abuse problem became manifest in the Archdiocese. It has struggled through the crisis stage without adequate supports. To a limited extent this Commission of Enquiry has provided a form of intervention for the community, but there is still a pressing need for public education programmes in the Archdiocese to continue the healing, given the intensity of the reactions that the Commission encountered in the communities that it visited.

It is therefore recommended:

14. **that the Family Life Commission teach community development techniques at the parish and community level so that members of the local church feel empowered to initiate changes which will promote healing and growth;**
15. **that the Archdiocese develop and deliver public programmes aimed at raising awareness of the problem of child sexual abuse;**
16. **that the Diocesan Pastoral Council and Area Pastoral Councils be involved actively in planning the development and delivery of public awareness programmes.**

Education programmes should direct public attitudes towards a healthy understanding of sexuality with concomitant goals of discouraging sexual stereotyping and homophobia. They should also inform the community about the nature of child sexual abuse and foster the development of non-abusive relationships within families and between children and persons in relationships of authority and trust.

As well as increasing awareness in the general public, there is also a need for continuing education for professionals who are more directly involved in the problem. The few professionals currently involved in developing solutions have expressed concerns about the inadequacy of the policies, procedures and protocols that currently exist in many of our social institutions. There is stress and strain experienced by professionals and serving agencies which are trying to respond to

the major problems of child sexual abuse. Professionals working in the area, including teachers, social workers, doctors, lawyers, judges, child-care workers, nurses, psychologists and psychiatrists, are inadequately trained to deal with this problem. Professionals must learn more about the factors which contribute to the sexual abuse of children, about the signals that should raise suspicions of abuse, and about the consequences that this kind of abuse has on victims and their families. There is also an important role for knowledgeable volunteers, such as members of the pastoral councils, in prevention efforts.

It is therefore recommended:

- * 17. that the Archdiocese develop in-service and continuing education for all relevant professional disciplines involved in addressing child abuse problems;
- * 18. that the Archdiocese require and provide training for all volunteers who become involved in prevention programmes.

Teachers have said that they are not trained to identify the signals that an abused child is in their class. They are also not trained to address the needs of victims once they have disclosed. According to the *Schools Act* (1970), each school board in Newfoundland is responsible for the safety and well being of all students under its jurisdiction. Therefore, the issue of child abuse must be addressed there, too.

It is therefore recommended:

- 19. that the Roman Catholic school boards in the Archdiocese establish social worker positions in schools;
- 20. that the Roman Catholic school boards in the Archdiocese establish guidance counselling positions in the schools and that these counsellors not be required to teach;
- 21. that the Archdiocese, through the Catholic Education Council and the Roman Catholic school boards in the Archdiocese, devise procedures for the detection and reporting of child sexual abuse;
- 22. that all teachers and guidance counsellors of the Roman Catholic school boards in the Archdiocese receive in-service training in matters relating to sexuality and the dynamics of child sexual abuse;
- * 23. that the Roman Catholic school boards regularly evaluate their child abuse policies, procedures and programmes to ensure compliance and effectiveness.

For many reasons, inter-agency support and co-operation among agencies involved with child sexual abuse are underdeveloped. Development of opportunities for inter-agency networks is necessary. Enhanced staff collaboration,

support and the co-ordination of services will help improve knowledge of the issue and existing services for victims and offenders.

It is therefore recommended:

- 24. that the Archdiocese support an annual inter-agency conference on matters related to child sexual abuse.**

With the general rise in reported incidents of child sexual abuse, the increasing public debate about its cause, and a growing awareness of the problems that sexual abuse is inflicting on our society, many organizations have developed basic policies and procedures for handling allegations of misconduct. By the mid-1980s the Church began to develop a set of basic guidelines which could be used to guide the actions of Canadian bishops should they be confronted with allegations that members of the clergy were involved in sexual abuse. In August 1987, the Canadian Conference of Catholic Bishops issued guidelines that were prepared by a noted Canadian canon lawyer. These guidelines were distributed to all Canadian bishops on December 1, 1987. The guidelines conclude with the statement that "the spiritual well-being of the children and of the parents is of primary concern - *Salus animarum suprema lex* (c. 1752)".

There is no evidence that the Archdiocese of St. John's had a policy in place at the time of the first disclosures by victims, and the Commission has also concluded that the Archbishop did not follow the CCCB's guidelines. The Archdiocesan response lacked direction or effectiveness; as a consequence the impact on victims, their families and the whole community was seriously aggravated.

In 1988 the Archdiocesan Interdisciplinary Committee on Sexual Abuse was established. Its initial membership was composed of the Vicar General, the Archdiocesan lawyer and a psychiatrist. A fourth member, with a social work background, was appointed in 1989. The mandate of the Committee, as established by the Archbishop, is to handle sexual abuse complaints against priests and lay employees of the Archdiocese.

In March 1990 the Archdiocese forwarded to the Commission its policy for dealing with complaints of child sexual abuse. The fact that it took the Archdiocese over two years to produce such a document is cause for concern. In the policy reviewed by the Commission, the Vicar General has the responsibility to determine whether a complaint has validity. The Commission questions whether the Vicar General is the appropriate official to conduct the investigations. It would seem more prudent for him to supervise any internal investigation of a complaint. The investigative aspects of the Committee's work should be undertaken by a priest or priests who are designated by the Committee as its investigators. Those priests should be skilled in conducting interviews with victims and the accused. Once selected, investigators should receive an intensive programme of professional training in all aspects of sexual abuse, particularly child sexual abuse.

Under the proposed Archdiocesan procedures, if the complainant is a child the Vicar General will not interview either the victim or his or her family. Under

such an arrangement the local Church officials may create the appearance that the Church is avoiding its pastoral responsibilities to the victim, thus allowing a legalistic approach to dominate the Church's response.

The Commission consequently has serious reservations about this statement of Archdiocesan policy for dealing with allegations of sexual abuse.

It is therefore recommended:

25. that the Archdiocese revise and re-orient its policy and procedures for handling complaints of sexual abuse to incorporate the following principles:
 - adherence to the Criminal Code and all applicable Provincial laws
 - adherence to all applicable canon laws
 - applicability to all employees of the Archdiocese
 - applicability to all priests (Archdiocesan and Religious) and members of lay Religious orders and congregations living or working in the Archdiocese
 - provision of an immediate pastoral response to the alleged victims and their families, regardless of the age of the alleged victims
 - provision of immediate access to the counselling and treatment resources of the Archdiocese
 - maintenance of the public's confidence throughout any investigation (internal and civil) either by reassignment to non-pastoral duties or by imposing a canonical penalty on the accused
 - provision of timely public information, where appropriate
 - assurance that the accused's rights under Canon and Civil law are protected
 - requirement that detailed written records of all actions taken by the Archdiocese be maintained
 - applicability to all persons less than 18 years of age;
26. that future communications coming from the Archdiocese reflect a more sensitive understanding and awareness of the dynamics of child sexual abuse and the impact it has on victims;
27. that a pastoral response not overshadowed by concerns for legal liabilities be used to address any future incidents of child sexual abuse;
28. that the Archdiocese inform the community of its legal responsibilities to report any suspected form of child abuse and of the legal protection available to victims and informants alike, so that community members can act quickly and effectively whenever concerns about child abuse arise.

The Commission has reviewed a variety of policies and procedures from other Canadian Dioceses, from American Dioceses, from other denominations and

from non-Church organizations. Most follow a similar approach for handling a complaint of sexual abuse because they outline the Church's civil and canonical responsibilities. However, the approach embodied in the policy of the Diocese of Baton Rouge (see Volume One, Appendix D) is particularly appropriate in the Commission's view. Its clarity and attention to the needs of the victim are two of its more notable characteristics.

It is therefore recommended:

29. that the Archdiocese review and reflect on the policy and procedures for handling complaints of sexual abuse in the Diocese of Baton Rouge with the intention of producing a revised protocol which has a clearly enunciated victim-oriented philosophy, where the spiritual being of people is of primary concern (Canon 1752);
30. that the Archdiocese inform the community of the full range of services that are available to deal with child sexual abuse, especially emergency services and crisis counselling;
31. that the Archdiocese publish the policies in the *Monitor* and that it distribute copies of the policies to each parish in the Archdiocese and to civil authorities.

There are two compelling reasons for addressing needs of offenders: first, the people of God should offer forgiveness; second, offenders are members of society and if they are not treated they present an ongoing risk to children and adults who may be further victimized. To ensure that both sides of the sexual abuse equation are addressed, there is a need to develop assessment and treatment programmes for offenders. These programmes should range from community-based to institution-based, with mechanisms which allow for monitoring offenders. It must be noted that the safety of the victims and the community must be the primary concern when planning services involving the offender.

Assessments need to be carried out by highly qualified staff, and risk factors regarding the threat of re-offending need to be carefully appraised. Offenders must be held responsible and accountable for their behaviour by the criminal justice system and treatment services must complement, not replace, the sentencing and incarceration. Treatment services will need to provide thorough assessment procedures to plan the most effective and appropriate therapy and determine risk factors.

Relapse prevention procedures are necessary so that sex offenders can be taught to identify the internal and external conditions that increase their risk of offending again. External controls to prevent relapse or re-offending, including continued incarceration, monitoring by parole services or other professionals, and limited access to children and to certain locations, are also required. So, too, are long-term follow-up services for every sex offender. This is especially critical since the first nine months after discharge is the period marked by the highest recidivism rate among sex offenders.

It is therefore recommended:

- * 32. that convicted priests be offered therapy after they have completed prison terms and that rehabilitative costs be borne by the Archdiocese;
- 33. that there be a follow-up and monitoring programme for all convicted priests after therapy, and that the Archdiocese be responsible for the programme's implementation and administration;
- 34. (a) that the Archbishop ask the Archdiocesan Interdisciplinary Committee on Sexual Abuse to initiate an investigation of convicted priests to determine whether they should be retired or have canonical penalties imposed;
(b) that in the event a convicted priest is not retired or had canonical penalties imposed, there be a periodic and mandatory re-assessment of his ministry in consultation with appropriate parish councils;
- * 35. that convicted priests never be assigned to pastoral responsibilities in a parish unless the parish council is informed and consulted about the assignment;
- * 36. that convicted priests never be given a pastoral responsibility for children.

Several of the priests charged with sexually abusing children in the Archdiocese are incardinated to the Archdiocese of St. John's, but they are essentially living in the lay state even though they are not formally laicized. In these particular cases, the Archbishop has unnecessarily borne public responsibility for some of their actions even though he has had no direct control over their activities for some time. The Commission understands that there are other priests, apparently living in the lay state and in some instances not even resident in the Province, for whom the Archbishop has canonical responsibility. The Commission feels that such a circumstance must be addressed expeditiously.

It is therefore recommended:

- 37. that the Archbishop recommend to the CCCB that it urge the Holy See to re-examine the effects of incardination, with the bonding and obligations they imply for a bishop, in relation to non-practising priests who are neither suspended nor laicized.

Term 5 *To make recommendations respecting the selection of candidates for the priesthood, the promotion of holistic growth of the clergy, the fostering of healthy relationships between clergy and laity and the provision of support for the clergy to help them cope with deep psycho-social problems.*

The recommendations which follow deal with many matters concerning spiritual and social growth and support within the Archdiocese, but the

Commission was not required and has not attempted to propose an integrated plan for rebuilding the Church in the Archdiocese. Although there is much rebuilding to be done, such an undertaking is beyond the scope of the Commission's mandate. The following recommendations address, instead, the most urgent matters and those specifically related to the focus of the Commission's mandate.

In view of the obviously diminished numbers of priests and of the logistical difficulties noted in the Volume One of the Commission's Report, it is likely that the Archdiocese will need to consider some innovative options for priestly recruitment, formation and continuing education. The Archdiocese will also need to accept that the familiar parish structure of past generations is no longer possible, and that increased lay involvement will be necessary if the institutional Church is going to survive.

The Commission notes that some initiatives in this regard are already under way both locally and nationally. Committees currently at work in the Archdiocese are examining lay needs and the impact of reduced numbers of priests. Once this process is complete it will then be possible to identify the sort of increased role lay persons will be willing to play within the parishes and, consequently, what will be required of the ministerial priesthood.

This transition must be achieved effectively and without allowing further mistrust and animosity to develop within the Church community. Frank and effective communication will be essential to this process, so new priests will need greater skills of communication and management if they are to be effective in this changing environment.

All seminary rectors interviewed by the Commission indicated deep awareness of the need to train people for increasingly complex and demanding ministries in our society. They also indicated interest in providing continuing education for priests during their years of ministry. This is seen, by some seminaries, as an important field to develop during the years to come.

It is therefore recommended:

38. (a) that the Archdiocesan Vocations Commission be directed to prepare a study of the ministerial priesthood needed in this Archdiocese in the future;
 - (b) that the study complement and respond to the work of the Year 1990 Committee and the Archdiocesan Renewal Committee;
 - (c) that in conducting this study, public workshops dealing with the Code of Canon Law be provided for interested lay and clerical participation, with submissions and summaries of discussions published in the *Monitor*;
39. that the Archdiocese invite the administration of at least one seminary to participate in the process of reflection recommended in 38 above, with the objective of initiating further development in seminary teaching and curriculum;

40. (a) that seminarians, as part of the pastoral year experience, be required to work under the direct supervision of the chairperson of at least one parish lay ministerial team active in the Archdiocese;
- (b) that the relevant parish council be consulted about a candidate's suitability for ordination.

There was an urgent call by members of the laity for the establishment of a more open and responsive system of communication within the Archdiocesan community. This was seen as a means of eliminating both the dangerous lack of accountability of the Archdiocesan administration and the feeling of many that they have no effective voice within the Church.

Many of the problems associated with communications may be a further consequence of the generally poor sense of ecclesiology in the Archdiocese. The vision of the Church emerging from the Second Vatican Council and the revised Code of Canon Law remains underdeveloped within the Archdiocese. Several speakers and briefs spoke of victims and their families not knowing where to turn and of the laity as having no effective communication with the Archdiocesan leadership on matters of real importance. As one parish priest noted, the lines of communication are broken, even non-existent, and confusion prevents the laity from taking responsibility. Thus the people of God are kept powerless. There is no effective forum for reflective interaction among administration, priests and the laity.

It is therefore recommended:

41. that, in fidelity to their pastoral mission, all parish pastoral councils throughout the Archdiocese develop a policy of reflecting on and implementing the requirements of the Code of Canon Law throughout all aspects of their work;
42. (a) that the Archbishop direct the Communications Commission and the *Monitor* to develop an independent forum of informed debate within the Archdiocese focused on matters relating to the promotion of justice and human dignity and aimed at defining and effecting the renewed Vatican II vision of Church within the Archdiocese as it prepares to enter the third millennium.
- (b) that the independence and effectiveness of the *Monitor* be ensured through the creation of an editorial board to operate at arm's length from the Archdiocesan Administration.

The Archdiocese has established an extensive network of commissions and committees involving both laity and clergy. Generally, however, the experience has been one of deep frustration. Initiatives, the Commission was told, are chronically blocked by ill-will, competing visions of Church, or by the incapacity of Archdiocesan leaders to mediate, coordinate and sanction the efforts of these bodies or to follow through on commitments made to and through them. Concerns about the lack of recognition and/or delegation of pastoral and other

duties both to ordained and lay members of the people of God in the Archdiocese were echoed in the comments of the Council of Priests and of parish councils.

Thus the Commission is persuaded that there is need for a radical change in the way the Archdiocese is governed. Many of those who addressed this issue, however, expressed little faith that effective change was likely, given the authoritative structures which still lie at the core of Roman Catholicism. Even within the vision of Church expressed in the Code of Canon Law, committees and councils within the Church remain essentially "advisory". There was evidence of determination on the part of many, however, not to allow the deep values of the Christian faith in its Roman Catholic expression to be lost to the community or to its young people through poor, absent or inappropriate leadership. An incessant theme at all the Commission's public meetings was that the laity must begin to accept and exercise their proper role and take up their community ministries. As the Code and the documents of the Second Vatican Council make clear, the "sacramentally grounded ministry" of the laity and the clergy must be fostered – not frustrated – by the diocesan bishop.

The Commission's evidence makes it clear that the Archbishop does not use advice well. His is a "closed management"; this has led to the existence of many ineffective and isolated structures within the Archdiocese. Since the Archbishop establishes all Archdiocesan structures they report only to him and they are kept as consultative or advisory bodies. The Archbishop is not, therefore, required to act on or even to respond to their recommendations.

It is therefore recommended:

43. that the Archdiocese institute an urgent study of organization, management and communications throughout the Archdiocese with a view to adopting improved strategies;
44. that the Archbishop report annually to all properly constituted Archdiocesan committees/ councils/commissions on actions taken or not taken in respect of recommendations and advice provided by those bodies.

The Commission found no evidence that parish councils were informed or consulted before the assignment of a new priest, even one who might be regarded as "at risk" to themselves or to others. It seems increasingly clear, however, that pastoral ministry must more fully engage the participation of the parishioners if stability and vitality are to be ensured.

It is therefore recommended:

45. that in considering the appointment of a priest to a parish, the Archbishop adopt a consultative process involving all the resources available to him including the Deans, parish councils and personnel committees.

The strong message presented to the Commission by lay persons and priests alike was that the community's resources – both clerical and lay – are being wasted because of an outmoded style of Church thinking and authority. The issue was presented in two ways. First, increased lay participation was seen as an essential corrective to what is recognised as an unhealthy tradition of priestly power within the Archdiocese. Second, the gifts of the laity were seen, in particular, as having great potential in education, and in bringing life to the long-overdue vision of Church put forward by Vatican II. Adult education, focused on an understanding of the Vision of Church initiated by the Second Vatican Council, was seen as an urgent need throughout the Archdiocese.

It is therefore recommended:

46. that the Catholic Education Council and the religious teaching congregations be invited to co-sponsor with the Archdiocese, a community involvement process aimed at integrating the adult education needs of parishes with the evangelizing work of the schools and school boards;
47. that the Catholic Education Council review with school boards their policies concerning school formation programmes paying particular attention to the Rite of Christian Initiation of Adults and to the resources of the Archdiocesan parish communities;
48. that the Archdiocese, through the Catholic Education Council establish a working group whose primary purpose would be to define the appropriate roles of the school and parish in sacramental preparation, liturgies, and school activities;
49. that the Diocesan Pastoral Council be responsible, in conjunction with the Faith Development and Liturgical Commissions, for the development of adult in-service training programmes for those lay ministries approved for development.

The laity are not alone in their feelings of frustration, disappointment and outrage about the events which occurred in the Archdiocese. Within the Archdiocese many priests are discouraged, in distress, and also need relief and care. Many of these feelings, though exacerbated by recent events, go back over many years. There has been, for instance, unresolved conflict and confusion within the Presbyterium about the changes intended by the Second Vatican Council but which have not yet been fully achieved. Some feel their talents are not recognized or appropriately used; others have experienced a real conflict in ministry or parish assignments. Still others expressed concerns about how and when pastoral assignments were made and the apparent insensitivity to developing interpersonal relationships and community life.

Difficulties in the development of the intimate, mature, responsible celibate relationships combined with a failure of understanding of the needs of priests as human beings, create an increasing isolation of the priesthood. This "private

priesthood" pulls men above and away from the community when they and their communities most need to come together. It is self-defeating for priests and destructive of true communion.

It is a major concern that changes since Vatican II required more and more meetings and committee work and consultation by the priests with their parish members, but that the final responsibility - and blame - remains ultimately with the priests. This increasing burden is carried by fewer and fewer priests as a result of departures and reduced numbers of vocations.

There was general agreement among the priests that there is insufficient positive feedback about their performance, and that they hear only critical and negative comments. On the other hand, many lay persons who spoke to the Commission indicated that they are intimidated by the parish priest and had no vehicle for comments and criticisms. Similarly, many of the laity feel that priests have too much control over money, while some priests themselves feel that they are always worried about money and spend far too much time generating funds for Church needs.

Another sad paradox is that while some laity clamour for more power within the Church, some in a highly confrontational manner, many priests anguish over not finding enough help with parish activities and committees, despite begging and pleading for parish council and committee members. Many priests were concerned that involvement in the parish is a casual activity on the part of some laity who could come and go as they wish without ever having to assume full responsibility for the consequences of their decisions.

The mutual roles of priests and people are, consequently, not defined. There is urgent need for a forum for priests and people to come together to re-think and re-commit to Church. As a Eucharistic community, the Roman Catholic Church needs its priests. Their roles and responsibilities must be appropriate for the Christian community of tomorrow. The community must commit itself to challenge, support and pray with its priests as the vision of Church becomes clearer.

It is therefore recommended:

50. (a) that to restore a level of health and vitality to the Presbyterium, all priests active in ministry throughout the Archdiocese be required to take leave of at least six months duration;
(b) that leaves be planned to permit each priest the opportunity to review his commitment to the ministry and to the Archdiocese;
(c) that the cycle of leaves be instituted for all priests so that it is completed within the next three years.
51. (a) that priests be required to take a full year leave during every seventh year of ministry;
(b) that those advising the Archbishop in making parish assignments treat the sabbatical requirement as an obligatory element when scheduling the work of members of the Presbyterium.

This sabbatical programme should be determined one year in advance through consultation with the Archbishop and the Diocesan Pastoral Council, and might be spent either in directed spiritual renewal, academic or other skills development, or some combination of these. The results of the sabbaticals should be shared with the Presbyterium, perhaps through the presentation of a report.

It is therefore recommended:

52. **that the Archdiocese and individual parishes immediately initiate programmes of lay leadership and introduce training programmes for those lay ministries approved for development in order to maintain pastoral services during the sabbatical leaves taken by priests.**

The Commission has reason to believe that there are likely to be members of the Presbyterium with a homosexual orientation. North American data suggest that among clergy generally, approximately 30% are homosexual in orientation. The Commission's information suggests that this estimate is valid for the Archdiocese. However, in view of the climate of homophobia which the Commission has noted within the Archdiocese, increased pastoral attention must be given to improve the level of understanding of human sexuality and to cooperate with the whole Church in fostering a more fully developed moral and pastoral theology of sexuality.

The issue of celibacy was repeatedly raised in the meetings of the Commission, not only as a possible factor contributing to the incidence of child sexual abuse, but as an important issue contributing to the dependency pattern noted above and in the further isolation and alienation of priests from the communities in which they minister.

It is therefore recommended:

53. (a) **that the Archbishop press the CCCB to initiate and support the development of a national programme of research and study which might contribute to the development of the Church's theology of sexuality;**
 (b) **that the study take account not only of advances in understanding derived from human and medical sciences, but also of the insights of contemporary theological, philosophical and biblical studies;**
54. **that the Archbishop join with other bishops across Canada to address fully, directly, honestly and without reservation questions relating to the problematic link between celibacy and the ministerial priesthood.**

The Commission has evidence that priestly dependency is particularly high in the Archdiocese. Priests do not feel they have become respected and independent adults. This basic profile was identified during the early 1980s when the Archdiocesan clergy were assessed as part of the MPP. One consequence of this dependency is generally poor morale among many of the priests. The Commission is concerned that the revised Code of Canon Law maintains the

framework for this dependency and that the Church's traditional patriarchal structure encourages it.

It is therefore recommended:

55. that a study be initiated of patterns of remuneration for priests with special attention to the question of introducing a career pattern which reflects service, authority and experience to ensure that individual priests are provided with the means to develop and exercise mature and responsible personal freedom and autonomy.

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