

Witness Name: Survivors Network of those Abused by
Priests (SNAP) in Aotearoa New Zealand

Statement No: WITN0377001

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Dated: 28.04.2021

ROYAL COMMISSION OF INQUIRY INTO ABUSE IN CARE

**WITNESS STATEMENT OF THE SURVIVORS NETWORK OF THOSE
ABUSED BY PRIESTS (SNAP) IN AOTEAROA NEW ZEALAND –
*FOR FAITH-BASED REDRESS HEARING (PHASE 2)***

Preamble

1. Thank you for the opportunity to provide a Witness Statement for the Faith-Based Redress Hearing (Phase 2). This Statement supplements our Opening Statement (delivered on 22 March 2021) [WITN0377002] and Closing Statement (delivered on 29 March 2021) [WITN0377003]. The contents of this Statement are based solely upon the experiences of our members and what they have reported to us. A number of our members have also provided their own individual Witness Statements to the Inquiry.

2. This Statement addresses the following matters:
 - Pages 2 - 3: Who are SNAP?
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Who are SNAP?

3. The Survivors Network of those Abused by Priests (**'SNAP'**) in Aotearoa New Zealand is the national chapter of SNAP, a worldwide peer-support network of adult survivors of child sexual abuse by members of the clergy, in faith-based organisations and in other institutions. The New Zealand chapter of SNAP was founded on 24 June 2019 by Dr Christopher Longhurst, a survivor of clerical and religious child sexual abuse in the Catholic Church of Aotearoa New Zealand. We became a Charitable Trust on 28 May 2020, and we now have members throughout the country, and supporters from all over the world.
4. SNAP highly values its independence from any other organisation and is funded and operated by volunteers.
5. Our mission / *whakatakanga* is fourfold:
 - (i) To support Survivors: we share our stories and empower others to confront the truth. Together, we find healthy mechanisms for healing;
 - (ii) To protect children, vulnerable people, and adults at risk: we advocate for stronger child protection laws. We engage legislators, Members of Parliament and lawyers to do their jobs;
 - (iii) To hold predators accountable: we expose predators who threaten children and adults at risk, and we hold to account those who shield them;
 - (iv) To raise community awareness: we work with local media and host events to raise awareness.

6. Much of this Statement focuses on the adopted redress of the Catholic Church - *Te Houhanga Rongo, A Path to Healing* ('**APTH**') and the conduct of the National Office for Professional Standards ('**NOPS**') of the Catholic Church in New Zealand. However, our members come from a number of different faith-traditions, including but not limited to the Salvation Army, Jehovah's Witnesses, the Anglican, Baptist, Presbyterian and Methodist churches and the Catholic Church.
7. It is critical we acknowledge, therefore, that in this Statement we do not speak only to the experiences of our members who were abused in the Catholic Church, but to the experiences of all of our members whose lives have been devastated by abuse and by the redress processes which were supposed to protect them in their respective faith-based institutions.
8. We wish to thank the survivors who have appeared before the Royal Commission to date, along with the survivors, their whānau and their supporters who have assisted this Inquiry through reporting abuse. However, we also wish to acknowledge that these survivors will only reflect a fraction of the survivor community. As an organisation, we are receiving new information and disclosures from survivors and other sources almost every day.

What happened in faith-based institutions?

9. SNAP's members in Aotearoa New Zealand have reported numerous criminal acts, including rape, assault, harassment, false recording of records, religious abuse, spiritual abuse and other moral violations, perpetrated against children, young people, and adults at risk by priests and other religious figures across the country. As our members are continuing to tell us, this is not just 'historical abuse'; people are still suffering abuse throughout New Zealand today.
10. At SNAP, we know that the effects of such abuse are serious and long-term and are exacerbated by complex faith-based factors such as the grave breach of trust involved and shaming or controlling members using the power of clerical and religious authority, influence and titles. Some of the many effects that our

members have reported include Post Traumatic Stress Disorder; complex Post Traumatic Stress Disorder; depression; addiction and substance abuse; relationship difficulties and trust issues; low self-esteem; damage to self-identity; unwarranted and misplaced feelings of guilt, responsibility and shame; and powerlessness. This can create barriers to employment, to physical and mental wellbeing and to many elements of a 'normal life'.

11. In faith-based contexts, our members have also told us of the distinct spiritual consequences a survivor may face. For example, a survivor may experience struggles with the 'divine authority' or the 'God concept', causing feelings of anger, abandonment or even a fear of God. A survivor may also experience religious doubts, questions about dogma or conflicts between their thoughts, feelings, and behaviours. A survivor may also be easily manipulated or groomed by a religious figure because of the spiritual and faith-based component, and especially because of the deference to religious authority.
12. Some people do not survive the abuse and succumb to taking their own lives. Even as a relatively small organisation with approximately one hundred and forty members across New Zealand, we are aware of at least fourteen people whose lives have ended prematurely as a result of abuse. Sadly, we have no doubt that the actual numbers are much greater.
13. The impact of abuse is not, furthermore, limited to the individual survivors. Members of the survivors' families, their whānau, friends, employers and work colleagues may also be significantly impacted. A survivor may shut these people out or destroy otherwise healthy relationships. These people, if also members of a faith-based community, may in turn begin to question their own faith, or otherwise deny and dismiss the abuse, as is all too often the easier option.
14. At SNAP, we have repeatedly seen faith-based organisations protecting their institutional reputations over the interests of victims and survivors. Many of our members report that they have looked to their respective Church leaders for healing and consolation but have found only further abuse and re-victimisation.

The abuse for them has therefore been two-fold or what is known as “double-abuse”,¹ because when they have sought redress from their faith-based institution, those institutions have, once again, misused their power to discredit and silence them. An example of this is the Catholic Church in New Zealand, as addressed further below.

15. Based upon the experiences of our members, SNAP believes that there are several factors which have contributed to this reality:

(i) Difficulties reporting abuse:

16. In SNAP’s experience, it is extremely common for victims and survivors to not report abuse for years or even decades after the abuse stops or they reach adulthood. Many never report at all. This may be due to fear, including fear of retaliation; of not being believed or supported; or of being blamed. It may also be due to misplaced guilt, shame, or lack of self-esteem. Some see no point in recalling a wounding incident in their life that they had little control over, where there is no effective redress available to them.

(ii) Church culture and faith-based factors:

17. In understanding the impact of abuse by religious figures, and the difficulties a survivor may experience disclosing such abuse, contextual and cultural factors must also be considered.
18. This includes the pressures that may be placed on a survivor, whether expressly or otherwise, by their community / whānau / family. For example, we are aware of members who have waited until their parents have died before disclosing abuse, to save their whānau from embarrassment, pain, or guilt. This may be due to fear their families may/will put the interests of the Church first, or fear of being estranged or disenfranchised from their whānau, friends and religious communities.

¹ See: The MEND Project, *What is double abuse and how to prevent it*, available at: <https://themendproject.com/double-abuse/> (accessed 17 March 2021).

19. We also have members who have told us of their concern of being labelled as “disobedient”, “dissident”, “lacking faith”, “demonized”, “apostate”, “an enemy of the Church” or “an enemy of God” if they disclose abuse. One of our members was told that they was “bringing the Church into disrepute” by making an accusation against a priest. Another member has stated that a NOPS report made “demeaning comments” about their “physical attractiveness, age, and intelligence.”
20. It is also important to understand the culture of silencing and secrecy which still exists in many faith-based organisations. For example, in SNAP’s experience, the Catholic Church in New Zealand has a long history of cover-up of sexual abuse. Even today, its very own Catechism (CCC.2489) states:

The good and safety of others, respect for privacy and the common good are sufficient reason for being silent.²

SNAP believes that this kind of teaching is used as a justification for coverup.

21. The confessional seal in Roman Catholicism (CIC, Can. 983 §1) is a further example of this:

The sacramental seal is inviolable; therefore, it is absolutely forbidden for a confessor to betray in any way a penitent in words or in any manner and for any reason.³

22. Whilst SNAP welcomes the direction from Pope Francis to end the ‘secrecy’ rule on child sexual abuse in the Catholic Church, the broad cultural habitus of the Catholic Church still, in the view of many of our members, emphasises ‘duty’ to avoid ‘scandal’ and the disgrace, shame and dishonour that such ‘scandal’ brings on the Church. Hence the institution’s ‘good image and reputation’ in the

² Catholic Church, *Catechism of the Catholic Church* (CCC). Libreria Editrice Vaticana. Vatican City, 1992.

³ *Codex Iuris Canonici* Code of Canon Law (CIC), 1983, Can. 983 § 1. See also CCC 2490: “The secret of the sacrament of reconciliation is sacred, and cannot be violated under any pretext.”

public square is considered more important than the evil perpetrated and the resultant suffering for victims.

23. Our members report how this secretive culture is deeply harmful and is, in fact, another form of abuse. They note the importance of openness, honesty, and transparency in both their individual healing journeys and in the redress of the faith-based institution(s) responsible for their abuse.

(iii) Standing of the Church:

24. Some members have also reported that they have found it hard to challenge and disclose abuse due to the standing of their respective Church and Church leaders. The power that religious organisations and leaders hold over their members - and the immense wealth of such institutions along with their social, political, and supposedly moral standing - creates significant and unique barriers when it comes to reporting abuse, uncovering the truth, accountability and law enforcement. For the same reasons, some members report difficulties recognising the treatment they suffered as truly a form of abuse.
25. Ordained and consecrated persons possess great moral and ecclesiastical authority. In all religions of which SNAP has experience, our members were taught to trust, and be unquestionably guided by the religious leaders who abused us and also by those who enabled the abuse by shielding the abusers (namely, the Bishops and Congregational leaders). Clericalism suggests that such persons have a unique, special relationship with the Divinity, which cannot be challenged. Indeed, in the Catholic context, such is the closeness of the relationship that can develop with priests, that they become spiritual “fathers”, and religious teachers, spiritual “brothers” or “sisters”. This kind of language has abetted the abuse.
26. In addition to the difficulties around reporting, SNAP’s members have also described how this can lead to a lack of accountability. We have seen cases where it has been claimed that the religious leaders are ‘working for God’,

despite the fact they are paid a stipend by the Church that engages them, such that the Church authority is not (it is claimed) responsible for their behaviour.⁴

(iv) Lack of training:

27. Our members have also raised concerns about the inadequate training that members of the clergy and other religious figures receive. Whilst such persons may receive extensive theological training, SNAP is concerned that training in other areas such as psychology, counselling, psychotherapy, professional boundaries, supervision, and record-keeping is often deficient. Good social and communication skills are, in many religious persons, lacking. We have also found that clear codes of conduct for members of the clergy are often inaccessible and / or non-existent.

(v) Public Relations Exercises:

28. SNAP members are concerned to see churches in New Zealand promoting safe-spaces at parishes and schools while failing to do what is necessary to actually create safe parishes and safe schools by applying their own policies in practice and holding perpetrators to account. SNAP believes that churches in New Zealand, such as the Catholic Church and the Anglican Church, are running aggressive public relations exercises without any substantial behavioural change in processes addressing their deficiencies.

What are the problems with the redress process?

29. At SNAP, a significant number of our members have either been through, or are currently going through, redress processes set up by the faith-based institutions responsible for their abuse. For the reasons noted above, these processes, and the ways in which faith-based institutions respond to disclosures of abuse, is absolutely critical. Regrettably, however, SNAP's

⁴ See, for example: NZHRRT 18 [2018], *Kapiarumala v New Zealand Catholic Bishops Conference Strike Out Application*, available at: <https://www.justice.govt.nz/assets/Documents/Decisions/2018-NZHRRT-18-Kapiarumala-v-New-Zealand-Catholic-Bishops-Conference-Strike-Out-Application.pdf> (accessed 17 March 2021).

members are continuing to report overwhelmingly negative experiences of these processes.

30. We refer here, by way of illustrative example only, to the adopted redress process of the Catholic Church in Aotearoa New Zealand, *Te Houhanga Rongo – A Path to Healing* (“**APTH**”) and to the conduct of the National Office for Professional Standards (“**NOPS**”). However, and as noted at the outset of this Statement, the general themes raised are not unique to our Catholic members. These same difficulties our members have raised, occur across other different faith-based institutions.
31. Based upon the experiences of our members, SNAP’s key concerns are as follows:
 - (i) **Complaints policies are not readily available and / or are otherwise inaccessible to survivors who are children / adults at risk or otherwise vulnerable:**
32. Some of our more vulnerable members have reported confusion around the existence of a complaints process; their entitlement to make a complaint; who they should direct their complaint to; and what the possible outcomes may be. One member has stated that their experience indicates that recommendations from NOPS were ignored by local Church authorities. For example, a request to the Catholic Diocese of Palmerston North to address risks to vulnerable people and people at risk in that Diocese was not addressed. The risk factor was not mitigated even after an investigative report concluded that such risks required attention.
- (ii) **Redress processes can cause harm to survivors and re-traumatise them:**
33. Our members have reported that principles and procedures laid out in protocols such as APTH, created for responding to complaints by victims and survivors of sexual abuse perpetrated by clergy and religious of the Catholic Church in New Zealand, have not been properly observed.

34. This has resulted in victims and survivors being retraumatised, and clerical and religious sexual predators remaining in our local community with impunity.
35. Almost all our members who have been through the redress processes report feeling much worse afterwards and suffering further emotional and psychological harm. Some members have even reported that this was “worse” than their initial abuse. Their reports of the NOPS process include the following:
- i. They were not offered any emotional support or counselling during the process. The published guidance document from NOPS on *Te Houhanga Rongo, A Path to Healing* (dated 2007 - with amendments as at 2010) expressly provides that there will be “ongoing support for the person making the complaint”, with an independent support person to:

represent the needs of the complainant and assist, where appropriate, with the care of the complainant and with communication between the complainant and the committee [WITN0377004]⁵

The February 2020 updated edition similarly states that:

Support will be offered to the Complainant to assist them through the investigative process. Advice will be given regarding the availability of counselling or therapy, and access to a diocesan-based Pastoral Companion whose role is to help the Complainant with the process. [WITN0377005]⁶

Despite this, SNAP is not aware of any cases where a support person has been assigned, despite requests for such support.

- ii. They struggled to understand the processes and laws of evidence, as they were not ‘fluent’ in legal processes (those who had the assistance

⁵ A Path to Healing (2007 edition), n 3.16(b), p.13.

⁶ A Path to Healing (2020 edition), n 3.6(b), p.4.

of a lawyer faced less difficulties with this, but still reported finding the legal and evidential technicalities somewhat overwhelming);

- iii. The process was very adversarial, highly stressful and anxiety-inducing. Some members felt they were being put on trial, including being repeatedly questioned by the investigator(s) who had been engaged by NOPS to investigate their claim. Some members did not understand the relevance of the investigator's questions. This adversarial atmosphere made it hard for some members to engage with the process, as their response to this was simply to 'shut down' and, therefore, be silenced once again;
- iv. The 'independent investigator' was on the Church's payroll and even had a contact email address on the domain of the New Zealand Catholic Bishops Conference (NZCBC) [WITN0377006];⁷
- v. The process, and some of the people they were expected to engage with such as the investigators, lacked sensitivity and compassion in terms of the survivor's unique needs and trauma. Some members, for example, explain that they found it difficult to tell their story in a concise manner due to lack of self-confidence. Further, they explain that the emotional hurt and anger generated by recalling their abuse made it hard for them to give a clear and objective account. Although these are common difficulties faced by survivors, they report feeling that these difficulties were being used to undermine them and to call their credibility and the strength of their evidence into question;
- vi. Some survivors tried their best to assist their appointed investigator, including consenting to their family members and other associates being contacted to provide corroborative evidence, but the investigator did not follow up all their lines of enquiry. This left the survivor feeling helpless and as if the outcome of their claim (to fail) had been pre-determined;

⁷ See paragraph 41 below.

- vii. The process took far too long, and this had an adverse impact not only on the survivor's mental health but also on their ability to obtain 'justice' and closure for what happened to them. Many members have noted here how 'justice delayed is justice denied';
- viii. Some of our members have filed complaints that have been in process for several years, without any imminent resolution, despite repeated requests and follow-up attempts from the complainants, and despite promised follow-up from NOPS officials. Still no concrete information has been forthcoming. We know of at least two complaints lodged with NOPS in 2017 that remain today unresolved.
- ix. They were not kept regularly updated throughout the process, causing significant anxiety and ongoing feelings of hopelessness and disempowerment. Some members report they felt like giving up as a result (and SNAP is aware of cases where this is exactly what happened);
- x. Whilst the NOPS process promises "compassion", "justice" and "fairness" in principle, this was not the case in practice. Instead, members experienced a process of 'delay, dismiss, deny and defend' from both NOPS and the investigators. **[WITN0377004]**⁸
[WITN0377005]⁹

36. Some further observations include:

- *“Initially they [church authorities] acted kind, but then they ignored the promises made to ‘investigate’ my allegations”;*

⁸ A Path to Healing (2007 edition), n 5, pp.1, 2, 3 & 17.

⁹ A Path to Healing (2020 edition), n 6, pp.1 & 2.

- *“I expected Catholic leaders to be adamant in their promises to respond fairly and with compassion, though the response [from NOPS] demonstrates another reality”;*
- *“The [church redress protocol] gives the public appearance of a responsible redress scheme, but its principles and processes are not followed and therefore not applied in concrete cases”;*
- *“Frequently, officials wanted us to tell all the ‘details’ and in some cases, later tried to use those statements as evidence against us”;*
- *“Sometimes it was suggested that we were bad for even saying such a thing, that somehow it was our fault”;*
- *“While [APTH] promises an honest and compassionate response, instead the [NOPS agency] was used to cover up abuse complaints through the guise of a well-crafted redress process”.*

(iii) Evidential standards:

37. SNAP is also hearing from members that NOPS is sometimes expecting survivors to prove their abuse ‘beyond reasonable doubt’, resulting in justice being denied in cases where evidence has been destroyed or is otherwise unavailable due to the lapse of time. This is despite the fact that the APTH Guidance document expressly refers to ‘the balance of probabilities’. [WITN0377004]¹⁰ [WITN0377005]¹¹
38. Some members describe how the application of this higher standard, and consequent determinations that their complaints could not be upheld, left them feeling like they had not been believed. Others describe feeling like they were being blamed, either for not bringing a complaint earlier or even, in some cases, for being abused. It is a central philosophy of SNAP that there is only dignity in surviving abuse and that abuse is never the fault of the victim.

¹⁰ A Path to Healing (2007 edition) 4.23, p.23.

¹¹ A Path to Healing (2020 edition) 3.61, p. 11.

(iv) NOPS lacks independence and is not fit for purpose:

39. Many of our members report a lack of confidence in NOPS as the body that oversees and implements the APTH process. This is not least because NOPS is not independent of the Catholic Church and any claim that an institution can investigate itself lacks credibility.
40. We have experienced how the philosophy behind the operations of NOPS - of being defender, prosecutor, jury, judge and reconciler – has resulted in conflicting objectives and in dysfunctionality. Given that NOPS has no power of subpoena, it cannot command affected persons to partake in its inquiry.
41. We are aware that the investigators engaged by NOPS, who are described in the APTH Guidance document as “independent” persons, are not in fact independent. As already noted, one of our members was alarmed that their investigator even had an email addresses that ended in “@nzcbc.org.nz”, thus being directly engaged by, and associated with, the New Zealand Catholic Bishops Conference. [WITN0377006] Members report this being a serious concern and highly triggering for them when engaging with the investigators, particularly in cases where correspondence was not being handled by a lawyer.
42. Due to this lack of independence, we always encourage our members to report to the Police in the first instance and to not embark on the APTH process without the assistance of a lawyer and support person such as an independent counsellor or therapist. Some of our members have opted not to pursue APTH at all, thus being denied justice and redress, due to their fundamental lack of confidence in this process.

(v) The NOPS process lacks transparency:

43. A further complaint that our members have raised is the lack of transparency in the NOPS process, with inadequate information sharing and inadequate explanations for the decisions being made. This creates distrust and division and is harmful to survivors. Members have told us that they have felt

- disbelieved, side-lined, and dismissed, in a process they have been told is there to uncover the truth. [WITN0377005]¹²
44. SNAP is aware, from the document that is provided by NOPS to complainants at the start of the redress process, that investigators are asked to prepare a written factual report for the consideration of the Complaints Assessment Committee. The Committee then considers the report and decides “*whether or not, on the balance of probabilities*” the complaint should be upheld. Following this, the Committee makes a recommendation to the Bishop or Congregation Leader as to whether or not the complaint should be upheld, as well as recommendations as to any appropriate resolutions. [WITN0377004]¹³ [WITN0377005]¹⁴
45. Some of our members, whose complaints have not been upheld by the Committee, report that they did not understand the reasons for this, as no clear explanation was provided by NOPS. Some also had no information as to who the members of the Committee were, and therefore what their experience / expertise / backgrounds were.
46. Some members advise that, whilst they were able to obtain a copy of the investigator’s report, the report was so heavily redacted that they were still unable to understand the contents and conclusions drawn. This has led several members to question how they can be expected to have trust and confidence in a process that denies them access to the most basic information.
47. Some members have also reported that their complaints were not upheld simply on the basis that there had been no previous allegations against their perpetrator and ‘good character’ evidence. SNAP does not feel this is a valid reason for rejecting a complaint, given the complexities attached to disclosing abuse and the fact that reported cases are very unlikely to represent the true extent of abuse by an individual. One member, for example, stated:

¹²A Path to Healing (2020 edition), p.3: Principle 3, Natural Justice and Fairness: “*In any inquiry the quest for truth will be paramount...*”;

¹³ A Path to Healing (2007 edition) 4.23 p.23.

¹⁴ A Path to Healing (2020 edition) 3.61, p. 11.

“Some Church officials tell us that they are sure that the perpetrator would never do such a thing. We must have misunderstood or misinterpreted their attention...”

48. The NOPS guidance also provides that, if a complainant is not satisfied with the investigation or decision, they can “*request a review* [of process]”. **[WITN0377004]**¹⁵ **[WITN0377005]**¹⁶ Due to the lack of transparency in the process, however, some members have reported feeling powerless to challenge either the investigation or the final decision.
49. We are aware of a case where the review process was not properly followed, with the outcome, as opposed to the process, being reviewed. Further details of this will be provided in the individual Witness Statement of the member involved. **[WITN0237001]**
50. This raises the issue of competency in delivery and the adequacy of performance measures, to ensure that all policy and procedures are actually performed to the expected standard. No such process exists that is available to complainants, that reports on what has been undertaken in a transparent manner.
51. When issues of competency in performing required tasks, and transparency of process and evidential compliance with APTH, arose in **WITN0237001**’s case, **WITN0237001** states that the Chair of the National Safeguarding and Professional Standards Committee (NSPSC), who is charged with overseeing the work of NOPS and responsible for APTH, refused to engage on the matter. **WITN0237001** states that the Chair contended that this was an employment issue only, relating solely to the Director of NOPS and no one else. **[WITN0377007]** **WITN0237001** rejects that claim on the basis that, despite being an employment issue, the quality of the work undertaken, depth of investigation, review of process and transparency are all matters of public interest.

¹⁵ A Path to Healing (2007 edition) n. 6.1, p.29.

¹⁶ See A Path to Healing (2020 edition), n. 3.89, p.14.

(vi) The 'redress' offered by the NOPS is inadequate and degrading:

52. The decision to pursue a claim, and seek financial redress, is often a matter of last resort for many survivors. Many of our members have attempted, unsuccessfully, to obtain accountability and closure through other means and see the civil redress as their only remaining option. Whilst, therefore, accusations that complainants are 'money hungry' are completely unfounded, SNAP's members are still concerned that the modest monetary redress offered by the relevant Church authority through the APTH process (as administered by NOPS) is wholly inadequate.
53. The primary remedy that the APTH process offers is an 'ex-gratia' payment. Ex-gratia payments are not designed to compensate survivors, but to 'acknowledge' their suffering. They are made out of moral not legal obligation. They are not about compensation, punishment, or penalty.
54. Our members, many of whom are impecunious as a result of their abuse, have reported extremely low payments. The payments reported range from \$5,000 NZD for sexual assaults to \$25,000 NZD for the most serious acts of abuse. Our members have told us that this is insulting and undermines the significance and seriousness of their abusive experiences and the profound knock-on effects of this on their lives. This includes, as noted above, loss of earning capacity, costs of therapy and treatment and other necessary vocational support.
55. Some members have also reported that, by the time the NOPS process came to an end, they were desperate for money as the process had taken so long. As such, they accepted the amount offered but later felt their desperate situation had been exploited to avoid paying out more.
56. In addition to concerns about monetary redress, our members have raised concerns about the non-monetary remedies offered by NOPS. We have heard from members that 'apologies' are often conditional, 'legally framed' and therefore insincere and superficial. Some members have requested concrete

evidence of the changes made in response to their abuse, in order to safeguard others in the future, but have been met with silence.

(vii) There are no consequences for perpetrators or the institution and no accountability:

57. The NOPS guidance provides that if a perpetrator admits the offence or is convicted of a criminal offence, or if the complaint is upheld, then the Bishop or Congregation Leader “*will decide the appropriate action to take*”. This “*may include*” restricting or removing the person from ministry or “*taking steps*” to dismiss the person.
58. SNAP’s members are very concerned that, despite it being established that a religious figure has committed abuse, the Bishop still generally has discretion as to what action to take.¹⁷ The APTH Guidance document states at page 12 that:

Only the Bishop can decide whether or not a priest or religious who has had a complaint of sexual abuse or sexual misconduct upheld under Te Houhanga Rongo - A Path to Healing or is convicted under canon and/or civil law of sexual abuse, can resume public ministry in their diocese. Each case must be decided individually...[WITN0377005]¹⁸

59. There is no universal duty of mandatory reporting in faith-based institutions in New Zealand, there thus being no requirement to bring allegations or concerns to the attention of the civil authorities. This fails to protect both the complainant and other persons who may have concerns about abuse but fear ramifications if they report this. Complainants need statutory protection, similar to that found in the provisions of the Protected Disclosures Act 2000. This is particularly required where the person’s employment is threatened e.g. in a school.

¹⁷ We note, however, that the guidance document also provides that: “*A bishop or congregational leader is required to report certain complaints of abuse by clergy to the Congregation for the Doctrine of the Faith in Rome (Motu Proprio Sacramentorum Sanctitatis Tutela issued in 2001 and modified in 2010)*” Further guidance on this is needed. [WITN0377005]

¹⁸ A Path to Healing (2020 edition), n. 3.70, p.12.

60. Noting the culture of secrecy that exists in the Catholic Church and other churches, and the consequent disinclination to report and act upon abuse that may exist, our members are concerned that some perpetrators are therefore remaining in post; are not being held accountable for their actions; and are continuing to present a risk to society at large. For many of our members, orchestrating a change in practice to prevent others suffering what they have suffered has been their sole reason for bringing a claim. When nothing happens, these efforts feel futile.

(viii) Further forms of coverup:

61. SNAP believes that the safeguarding structure of the Catholic Church in New Zealand is being used to obstruct and cover up abuse complaints. For instance, the National Safeguarding and Professional Standards Committee responsible for APTH, has stonewalled a formal complaint lodged by SNAP on 15 May 2020 against NOPS for non-compliance of APTH principles and procedures.
[WITN0377007] [WITN0377008]

What needs to change?

62. For APTH (and indeed any faith-based redress process) to entrust the confidence of our members, the following changes would be required as an absolute minimum:

(i) Any redress process must be survivor focused and survivor led:

63. Survivors must feel empowered and in control of the process. If the survivor consents, they must be offered support (emotional and practical) throughout the process and steps must be taken to ensure their active engagement. We would note here one of SNAP's founding philosophies and operative principles, based on a quote from Judith Herman, a world leader in the area of trauma and recovery: that:

*No intervention that takes power away from the survivor can possibly foster her [or his] recovery, no matter how much it appears to be in her [or his] immediate best interest.*¹⁹

64. All decisions made during the process must be clearly and transparently communicated to the survivor, with adequate information and explanation to ensure the survivor can understand the decision and, if necessary, has the ability to challenge it.

65. At SNAP, we are strongly of the view that a perpetrator's right to privacy should always be secondary to a child's or vulnerable adult's or person at risk's right to safety. This should be operationalised throughout any redress process, including when it comes to disclosure of documents and the redaction process.

(ii) Complaints policies and processes must be clearly accessible and transparent and followed:

66. Survivors, including children, adults at risk and persons who are otherwise vulnerable, must be able to easily access complaints policies. They should be supported to understand their eligibility for making a complaint; who they can report to; what the process will involve (including guarantees as to the applicable standard of proof); and what the possible outcomes will be. The same must apply in relation to the review / appeals process.

67. To facilitate this, SNAP notes that a paradigm shift - a change of culture - will be needed throughout the Catholic Church (and indeed in other faith-based institutions), where the 'fallibility' of the clergy is acknowledged, and abuse is no longer viewed as a taboo subject. To this end, we would ask for greater training – lead by survivors and survivor groups – on safeguarding and how to respond to disclosures of abuse.

(iii) Redress must be designed to properly compensate survivors and facilitate their rehabilitation:

¹⁹ Judith L. Herman MD, *Trauma and Recovery: The Aftermath of Violence*, Basic Books, 1997, p. 133.

68. SNAP requests that 'ex-gratia' payments be replaced by compensation, including for physical / psychiatric harm; loss of earning capacity (past and future); ongoing treatment and counselling costs; and any other forms of vocational support that may be required (including, for example, engagement of a case manager and / or financial advisor).
69. Other forms of additional, non-monetary redress must also be readily available and not tokenistic. If an apology is requested by a survivor, this must be genuine, personal to that individual and include details of the action / changes that have been made in direct response to their complaint (with evidence of actual, ongoing implementation). This could include, for example, details of changes to training; oversight and supervision; compulsory background checks and vetting; and duties of mandatory reporting.
70. Religious figures who have been convicted of a criminal offence, or who have had a complaint against them upheld, must face consequences for this. This should include automatic removal from office, rather than this being left to the discretion of the Bishop or Congregational Leader, as is the case with the Catholic Church.
71. SNAP calls for a universal zero-tolerance policy for child sexual abuse or engaging in its cover-up, and **a universal duty of mandatory reporting**, with failure to report knowledge of - or reasonable suspicions of - child abuse or other forms of ill-treatment to civic authorities **being a criminal offence**. Further, SNAP calls for this requirement to override any secrecy entitlements that may be granted under the provisions of the New Zealand Bill of Rights Act 1990, with regard to the freedom to practise religious belief. We are aware from the *Tāwharautia: Pūrongo o te Wā* - Interim Report, that the Royal Commission's Policy Team is considering this as an Inquiry-wide issue.
72. SNAP wishes to stress, however, that faith-based institutions must not simply blame individual perpetrators or see incidents of abuse as 'isolated' or unconnected incidents; attention must be paid to the greater, systemic issues and to the structures of the institution, in which abuse has been allowed to

occur. Indeed, SNAP would go so far as to say that it is the whole, fundamental ecclesiastical structure that is the problem, and not just the individual perpetrators involved. This structure emphasises “duty” to avoid scandal, along with remaining silent; the ecclesial notion of secrecy in Church administration; doctrinal teachings that the right to communicate truth is conditional (CCC 2488); and the idea that the use of discreet language is preferable (CCC 2489).

(iv) Redress processes must be managed by a body that is truly independent of the relevant faith-based organisation:

73. To secure the trust and confidence of survivors, and assuage suspicions of institutional self-protection, our members have told us that an appropriately empowered independent Statutory authority must be set up for investigating and providing redress for abuse in faith-based institutions.
74. This Statutory authority should be a secular body that operates outside of church hierarchy structures, and not be under the mandate of any Church. We believe that this is the only medium that can overcome the deficiencies noted above.

Concluding remarks

75. In Phase 1 of the Faith-Based Redress Hearing, our members heard from Ms Sally McKechnie on behalf of the Bishops and Congregational Leaders of the Catholic Church in Aotearoa New Zealand, about the importance of redress in responding to victim survivors and assisting with their healing. We also heard how the Bishops and Leaders are “*committed to the complete elimination of all forms of abuse in the Catholic Church*”.²⁰ We heard similar commitments in the past from a number of other faith-based institutions.
76. Despite this, the redress process of the Catholic Church, which has been used as a case study throughout this Statement, is continuing to harm survivors and

²⁰ Royal Commission of Inquiry into Abuse in Care, *Opening Statement from the Catholic Church for the Faith-based Redress Hearing*, 22 March 2020. <https://www.abuseincare.org.nz/library/v/218/opening-statements-from-22-march-including-snap-and-the-catholic-church-for-the-faith-based-redress-hearing>

indeed has been proven by our members to fail as a 'path to healing'. It isolates victims and survivors by excluding them from the process; it harms and retraumatizes them through rigorous, brutal, and unnecessary 'investigation' techniques; and it insults and degrades them by providing wholly inadequate redress. Most significantly, it too often results in victim and survivor complaints not being upheld, without any clear or substantive reasons given as to why.

77. Our members who are victims and survivors have found little or no consolation or justice in pursuing their cases through the APTH process. SNAP has numerous examples of disillusioned members who regret taking this avenue to seek redress. Beyond this 'regret', our members have also suffered psychological and psychiatric harm, and many have been disincentivized from reporting abuse. The consequences of this are very real and, as we have sadly learned, can threaten a person's very survival.
78. Whilst, therefore, SNAP welcomes the commitment from the Bishops, Congregational Leaders and other Church officials to eliminate abuse, we remain concerned that, without concrete evidence of how these commitments are actually being honoured in practice, this amounts to nothing more than empty promises, designed to create nothing more than a favourable impression for themselves and their followers. We would ask, respectfully, that the Commissioners have this at the forefront of their minds when making their final recommendations.
79. We also hope that this Inquiry will lead to the production of a list of abusers across New Zealand, including the names of visiting priests, clergy and religious with abuse allegations reported in other countries; those who have died or left this country; and those who have left the priesthood. We believe that this list is important because some abusers in New Zealand are still in ministry, particularly those with allegations that were not substantiated. Therefore, children and other vulnerable persons remain at risk.
80. Commissioners, we thank you again for the opportunity to provide evidence on this most critical and urgent aspect of the Royal Commission's work and would

welcome any further collaboration the Commission may deem appropriate to ensure we continue to support our survivor community.

Statement of Truth

This Statement, which is made on behalf of the Survivors Network of those Abused by Priests (SNAP) in Aotearoa New Zealand, is true to the best of my knowledge and belief and was made by me knowing that it may be used as evidence by the Royal Commission of Inquiry into Abuse in Care.

(1)

Signed

GRO-C

Dr Christopher Longhurst (core participant on behalf of SNAP)

Dated:

28/04/21

(2)

Signed

GRO-C

Mr John O'Malley (core participant on behalf of SNAP)

Dated:

28/4/21

GRO-C