

**SUBMISSION
TO
THE FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE
OF THE VICTORIAN PARLIAMENT
FOR
THE INQUIRY INTO THE HANDLING OF CHILD ABUSE BY RELIGIOUS
AND OTHER NON-GOVERNMENT ORGANISATIONS
BY
CATHOLICS FOR RENEWAL INC.
www.catholicsforrenewal.org
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EXECUTIVE SUMMARY

- Catholics for Renewal Inc was established in April 2011 as a national community-based group of Catholics committed to renewal of the Catholic Church so that it is Christian in all respects, in the pursuit of its mission and in its governance. (para 1)
- It is urgent for the Victorian government to address how religious and other non-government organisations respond to the criminal abuse of children as proposed by the *Cummins Inquiry*, to ensure that the State meets its responsibilities in addressing a significant area of child sexual abuse of grave concern to the Victorian community. (para 6)
- The extent of sexual and other abuse of children by religious personnel continues to be elusive due to factors such as limited reporting by intimidated children, the difficulty of successful prosecution, and poor record keeping. (para 18)
- It is hard to imagine a more exploitative abuse of the expectations and respect that Catholic children have for religious personnel, than the distinctive and evil effects of sexual abuse of minors. (para 20)
- The Church's response to the identification of religious personnel sexually abusing children was commonly to protect its reputation and that of the abuser, with little regard to a known victim or the exposure of future victims, and less regard for the Christian teachings that should have guided its response. (para 26)
- Dr Marie Keenan's ground breaking work in clerical child abuse in Ireland, published this year, locates the problem of such abuse not just within the individual psychology of the perpetrators, but also within the very cultural fabric of the priesthood and the governance structures and practices of the Church. (para 28)
- The institutional Church has in recent times belatedly acknowledged its complicity in this scandal and taken some steps to improve its handling of sexual abuse complaints. (para 31)
- Church leaders minimise the Church's own role in perpetuating the abuse, and their consequent responsibility
 - to identify problems inherent in Church decision making, and
 - to introduce reforms to Church governance. (para 33)
- In a recent pastoral letter concerning the Parliamentary Inquiry, Catholic Church leaders in Victoria have apologised again for the sexual abuse of children under the Church's care, and committed to "*continuing to take decisive action to protect our children*". The letter does not however apologise for the Church's past '*decisive actions*' to protect both perpetrators and the Church's reputation at the expense of innocent children. (para 36)

- The Church's child abuse complaints system fails to identify and prosecute offenders at the first sign of abuse. The internal complaints-based system appears to be based on a demonstrably false assumption that child victims will in fact complain, and such complaints are an adequate means of identifying and dealing with abusers. (para 39)
- The Church has forfeited any dubious claim to self regulation, an inappropriate and unjustifiable proposition for private policing of grave criminal conduct. (para 42)
- Cardinal Carlo Maria Martini, a highly regarded cardinal who resisted attempts to elect him Pope in 2005 due to his terminal illness, gave his final interview just before his death on 31 August 2012, in which he rebukes the church — and by implication its leadership — for being “200 years out of date”. (para 44)
- Papal primacy and an ordained male hierarchical structure of governance are arrangements which are feudal in origin, and clearly in tension with modern values of good governance emphasising transparency, inclusivity and accountability. (para 45)
- The governance philosophy and practices of the Church involve a strong requirement of ultimate obedience to the *Pope, involving for some a level of loyalty that can arguably be seen in practice as 'blind obedience'*. Keenan has observed that “*the role of obedience in the current crisis of child sexual abuse cannot be underestimated*” (para 46)
- Church leaders were often aware of the abuse of children by particular priests or religious in their charge but failed to act properly on that knowledge to protect the child from harm, with apparent endorsement from the Vatican. Many Church leaders shamefully colluded in covering up abuse and reassigning abusers to other ministry appointments. (para 51)
- There has been little discussion of the role of the Church's “*theological beliefs and . . . structures that engender and maintain patriarchal views*” in the sexual abuse crisis, or questioning of a system of governance based on strong centralised global control, an inappropriate culture and structure, and institutional self-preservation. (para 54)
- Can a system of governance whereby all ultimate power is vested in **males** who are **celibate** and **often socially isolated**, and increasingly **aged**, understand and respond to social and spiritual needs of communities? It is difficult to conceive of any modern organisation with these features being seen as adequately responsive and accountable in the modern world. (para 55)
- The capacity of the Church to respond appropriately to the horror of the rape of children by some priests is further prejudiced by a totally celibate, totally male, and increasingly aged hierarchy. (para 57)
- Catholics for Renewal believes that a strong linkage has been established between the inadequacies of the Church's governance and its self-protective response to the sexual abuse of children. (para 58)
- The *Cummins Report* saw mandatory welfare reporting as inappropriate for preventing the concealment of child abuse within religious organisations, and stressed the need for mandatory criminal reporting by all religious personnel at all levels. (paras 61, 62)
- The Archdiocese of Sydney has stated that priests “*who have committed crimes against children or pose a risk to them are **permanently removed** from public ministry*”. (para 71) and “*The policy of the (Sydney) Archdiocese is for allegations of sexual abuse to be reported to the police so that they can be investigated and dealt with through the justice system*”. (para 85)
- The Victorian Church protocols do not require evidence of child abuse to be reported to State authorities for investigation and, where appropriate, prosecution. (para 75)
- State legislation to breach the ‘seal of confession’ would be ineffectual and would simply isolate the perpetrators from a potentially helpful source of guidance and contrition.

Arguments for exempting matters arising in the sacrament of Reconciliation do not however seem to preclude the possibility of priest confessors giving conditional absolution, dependent on a 'penance' of reporting the sin/crime to the police. (paras 95-96)

- The Church has an accountability to God and to the people of the Church, and it also has an accountability to the State on matters pertaining to the State. It will take humility for the Church's institutional leadership to acknowledge their failings - individually and collectively - and accept that its governance arrangements prejudiced its response to the abuse of children in its care. (para 100)
- There is a need for legislative change and also for change within religious and other non-government organisations to implement good governance structures and practices that ensure high levels of accountability including alertness to any criminal abuse of children and that all evidence of criminal abuse of children is brought to the attention of civil authorities. (para 102)

RECOMMENDATIONS

Catholics for Renewal **recommends** that:

A. The Crimes Act 1958 (Vic) should be amended to create a separate reporting duty where there is a reasonable suspicion a child or young person who is under 18 is being, or has been, physically or sexually abused by an individual within or associated with a religious or other non-government organisation.

B. The separate reporting duty proposed in A should define a criminal offence for personnel at all levels of religious or other non-government organisation, including senior church leaders with responsibility for the oversight and assignment of religious personnel, should they fail to report to the Police for investigation any evidence of acts of child abuse or suspected abuse committed by another person within or associated with that organisation.

C. An exemption to Recommendations A and B for information received during the Catholic Church's sacrament of Reconciliation would be appropriate if the Government accepts that the Church has given adequate guidance to its priests that absolution for sins of child sexual abuse should normally be dependent on a penance of reporting such a serious crime to the police and that absolution be conditional on the performance of the penance.

D. Having regard to:

- a) systemic failures in organisations responding to criminal abuse of children, particularly the Catholic Church,
- b) dysfunctional responses facilitated by a system of governance based on
 - i. strong centralised global control,
 - ii. discriminatory structures,
 - iii. inappropriate culture, and
 - iv. institutional self-preservation,

the Inquiry should find that religious and other non-government organisations, should adopt clear and unambiguous modern governance structures, policy and practice and ensure:

- gender balance and accountability in decision making structures,
- informed and transparent decision making on evidence of child abuse,
- reporting evidence of child abuse to civil authorities,

- consistent Australia-wide practices for responding to allegations of child abuse, and
- appropriate assignment and supervision policies for accused and convicted personnel.

E. The Inquiry should record a finding that the bishops and religious leaders of the Australian Catholic Church should adopt one national Code of Conduct covering all Catholic Church workers, including priests and clergy, specifying:

- clear standards of behaviour in dealing with children and the specification of prohibited categories of sexual conduct or "forbidden behaviours";
- a duty of all Church personnel at all levels to report evidence of sexual abuse of children to civil authorities, whether or not the subject of complaint;
- the conditions governing the assignment of Church personnel accused and /or convicted of sexual abuse of children and the supervision arrangements to accompany future assignments; and
- sanctions for breaches of the Code, including termination of employment and removal from ministry.