

Protecting Minors from Sexual Abuse

*A Call to the Catholic Faithful in Canada
for Healing, Reconciliation, and Transformation*



CANADIAN CONFERENCE OF CATHOLIC BISHOPS

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PREFACE

The protection of minors has been a major priority of Catholic leadership in Canada and the faithful in general since the 1980s. While the historical engagement of the Canadian Conference of Catholic Bishops (CCCCB) in the area of prevention remains relevant and valuable to this day,¹ important changes effectuated by the Holy See in 2010 regarding the canonical response to cases of sexual abuse perpetrated by clergy would require the updating of diocesan norms. A *Circular Letter* issued by the Congregation for the Doctrine of the Faith on 3 May 2011 made it clear that episcopal conferences were to assist dioceses with the implementation of these new canonical procedures. Attentive to the lessons learned through the experience of the Catholic Church in Canada of dealing with sexual abuse, and responding to the call of the *Circular Letter*, the bishops of Canada established in September 2014 an *ad hoc* committee to elaborate a new CCCC document. This document would bring the Conference's current norms up to date with a unique emphasis on the priority of protection as well as prevention, emphasizing the need for a proactive rather than a reactive response.

Over the next four years, the *ad hoc* committee members laboured on a draft of the present document. Various consultants from different sectors of the Church and diverse professions, including psychology, psychiatry, secular and canon law, social work, insurance, journalism, and theology were invited to review and contribute to this text. In a particular way, the **Guidelines**, being the canonical norms contained in Part II, were assessed by the Congregation of the Doctrine of

the Faith to ensure compliance with the expectations of the Holy See, which it so confirmed. Following the approval *in principle* of a proposed outline of the document by the bishops at their 2015 annual plenary meeting, the final version, upon completion, was ultimately approved *for publication* by the Permanent Council on 20 June 2018.

At this time, confident of the encouragement received from so many individuals and speaking on behalf of this Episcopal Conference, I offer the present document, *Protecting Minors From Sexual Abuse: A Call to the Catholic Faithful in Canada for Healing, Reconciliation, and Transformation*, as a resource to Catholic bishops and major superiors in Canada. I offer it, as well, in their name, to all of the Catholic faithful and all men and women of good will, in the spirit of transparency and accountability, as a sign of the commitment of the bishops of Canada to the healing of victims and the protection of minors. To each of the dedicated and generous individuals involved in its redaction, I extend sincere and profound gratitude. With my fellow bishops, I join my own prayers and actions for a future which will be rid of the evil, the ignorance, and the errors responsible for so much pain and suffering. May the content of this document inspire, instruct, and transform all those who read it, most especially the leadership of the Catholic Church in our country.

Solemnity of Saints Peter and Paul, Apostles
29 June 2018

✠ Lionel Gendron, P.S.S.
Bishop of Saint-Jean-Longueuil
President of the Canadian Conference of Catholic Bishops

FOREWORD

The day I was ordained bishop, 15 August 2002, reporters questioned me about the sexual abuse crisis confronting the Church. The crisis was surfacing in many parts of North America, so I was not surprised, but that day I had no idea of the role that the crisis would play in informing my episcopacy and forming me in my ministry. That formation continues to this day.

On 6 August 2006, I went to a parish to preside at the 11:00 a.m. Sunday Eucharist. At that point, more than forty women had come forward to recount their ordeal of having been sexually abused as children at the hands of their parish priest, now deceased. At his trial a few days earlier, he had pleaded guilty to forty-seven counts of indecent assault. Although he had served in many different parishes in the Diocese of London over five decades, this parish particularly became the epicentre for the crisis. I knew I had to be there with the survivors, their families, and the parishioners.

In my homily that Sunday, I sincerely apologized to the survivors for the abuse they had suffered and for the failure of the Church to protect them from their parish priest. I committed myself as bishop to do my utmost to rid this diocese of the scourge of clergy sexual abuse. That has proven to be a formidable task. Many more victims came forward and many other cases surfaced. I have, however, not been deterred from my commitment. From the beginning, I spoke openly and honestly about the crisis and the damage that had been done by the grave sins and errors of the past.

A video of the homily I gave was shown in all of our parishes the next Sunday. The impact it had on our parishioners was huge. My speaking so publicly about this scandal freed others to talk of their experiences, their anger that it was happening in the Church, and their determination that we do whatever was necessary to bring a stop to it.

The following is a summary of what I have learned from this crisis, how I felt about it, and what action has been taken:

At the parish facing the sexual abuse crisis, I said publicly that I was willing to meet personally with any survivor and any member of her family. Those who met with me told me what it had been like to be abused by someone who, for them, represented Jesus and how they felt when the people who should have protected them, their parents, teachers, other priests, and bishops, did not believe them. Many of them had to carry this pain alone for decades.

The sexual abuse these women suffered had terrible and lasting psychological effects. It was heartbreaking for me to listen to their stories of the pain and the devastation which the abuse had caused in their lives. They had not outgrown the damage done to them as children but were carrying the abuse with them as adults and suffering its horrible effects in their everyday relationships. Because a priest had abused them, their faith was deeply affected. Though some have made their way back to a faith community, many have left the Church and have no desire to return.

One of the key lessons I learned is that the survivors and their families should be the centre of our attention. Our highest priority needs to be our care for them. If we had

listened to them and their cries for justice, many tragic failures of the past could have been avoided.

Those of us in the diocese who deal with abuse cases realize how important it is for survivors to drive the process. Each of them is a unique individual dealing with his or her pain in a unique way. Each individual, however, comes forward expecting that the Church will do everything possible to prevent clergy sexual abuse from ever happening again.

The Diocese of London provides counselling to survivors who request it. In today's society, justice is ordinarily seen as financial compensation paid to victims for the harm done to them. We have settled with many victims. Some have told me, however, that the money did not bring them the healing they were seeking. The Gospel vision of justice involves healing and reconciliation. My hope is that survivors and their families will be open to reconciliation with the Church.

With each settlement in the past, the diocese and survivors (after) signed confidentiality clauses by which they were bound legally not to speak about the content of the settlement. For many survivors, giving voice to their experience is essential to their healing. Our diocese no longer includes the confidentiality clause in settlement agreements, unless it is requested by the survivor.

In 1989, under Bishop John Sherlock's direction, the Diocese of London developed a policy for dealing with sexual abuse by priests. The diocesan policy was revised in 1994, following the publication by the Canadian Conference of Catholic Bishops (CCCCB) in 1992 of *From Pain to Hope*.² When the crisis came to a head for us in 2006, I appointed

one of our priests to be the bishop's delegate and announced that he would be consulting the people of the diocese and professionals about how best to develop strategies and safeguards to protect our people and prevent abuse from happening. The *Safe Environment Policy*³ of the diocese, published in 2008 and updated in 2014 and again in 2016, is the core of our prevention strategies. In addition to outlining our process for dealing with accusations of sexual abuse, it includes a Code of Conduct for priests. Clergy who have abused a minor are permanently removed from ministry. Regularly, when priests, deacons, and lay ecclesial ministers gather, the *Safe Environment Policy* is reviewed.

Immediately following the conviction of the priest, our diocese met with other community groups to seek their help in providing support to the large number of survivors. Many of the survivors had lost all trust in the Church. We realized that on our own we could not offer them the support they needed at this critical time. If we were to be guided by their needs, we would have to partner with other concerned groups. These discussions led to the project called "From Isolation to Action" (FITA).

A number of community partners participated in FITA, such as local sexual assault crisis centres, the Ursuline Sisters, the Ministry of the Attorney General of Ontario, and the diocese. Its purpose was to enable the survivors to come together as a group to support one another and to give voice to their experiences. FITA had a significant role in the development of the new *Safe Environment Policy* of the diocese. It helped in the organization of two workshops for all of the clergy and lay ecclesial ministers of the diocese to

raise awareness and educate them about sexual abuse. Three educational posters for the prevention of child sexual abuse were created and distributed in churches, schools, and other institutions. FITA produced a 115-page manual, so that others could benefit from our experience, and made it available to the bishops of Canada and other Christian Churches.

For Catholics, it was once unthinkable that priests would abuse children. This culture of disbelief affected the whole Church. Listening to the stories of survivors, I learned that in many cases they were victimized twice: first by the abuse itself, and then by the refusal of others to believe them. Some were made to feel guilty for making an accusation against a priest, and some believe even years later that they themselves are at fault for having been abused. There is no room left in the Church for this kind of thinking.

It takes great courage for survivors to disclose their abuse. Survivors have taught the Church how to protect our children better. No survivors should be made to feel guilty for having disclosed the abuse they suffered. Our diocese has learned that we need to create an environment which encourages them to speak out. We have also learned that a culture of silence and a false concern for the Church's reputation must be replaced by an entirely different culture, one of transparency and accountability.

From the priests of the diocese who are living with integrity and who want only to serve the people entrusted to their care, I have learned how much they have suffered and how debilitating this crisis has been for them. Not only have they been embarrassed by the heinous actions of a few, the

actions of these few individuals have caused every priest to be treated with suspicion and their motives to be questioned.

Our diocese has been hit hard by the crisis of sexual abuse. All of our people, including our priests, have had to carry the heavy burden of this scandal. This crisis has changed our Church. It has changed me. I know that if I am to be a good shepherd, I have to be firm in my commitment to do everything possible to bring an end to clergy sexual abuse in our diocese. Our *Safe Environment Policy* has served us well. For it to be effective, however, all of us have to be vigilant and work together to ensure the safety of our children. With the help of the Spirit, we must strive to be authentic witnesses of Christ's love, healing, and reconciliation.

The Most Reverend Ronald P. Fabbro, C.S.B.

Bishop of London

As Bishop of London, Ontario, The Most Reverend Ronald P. Fabbro, C.S.B., faced and continues to face and live with the sexual abuse crisis in his diocese. He served as a member of the Ad Hoc Committee on the Protection of Minors from 2013 to 2018.

INTRODUCTION

SEXUAL ABUSE AND THE CANADIAN CATHOLIC EXPERIENCE

Over thirty years ago, the sexual abuse of minors emerged as a major social and ecclesial issue in Canada. The 1984 Badgley Report, *Sexual Offenses Against Children in Canada* and its findings outlining the severity and magnitude of the harm involving children and adolescents, represented a milestone in raising public awareness about child sexual abuse.⁴ It drew attention to the sexual abuse occurring in homes, schools, sports teams, social institutions, and community organizations, while noting that the concern cuts across all social, religious, and political divides.⁵ As its Summary Report observed, “there are no simple or instant solutions. We believe that none can be realized without a strong commitment to develop a comprehensive and coordinated national approach involving all levels of government and non-government agencies. Child abuse is a largely hidden yet pervasive tragedy that has damaged the lives of tens of thousands of Canadian children and youth.”⁶

Around the time of the Badgley Report, growing knowledge and awareness of the sexual abuse of minors, particularly resulting from the scandal at Mount Cashel Orphanage in St. John’s, Newfoundland, as well as from other sexual abuse cases that came to light during the 1980s, prompted the Canadian Conference of Catholic Bishops (CCCCB) to circulate in 1987 possible guidelines which could be applied at the diocesan level in cases of sexual abuse by a

cleric.⁷ At its Plenary Assembly in 1989, the CCCB responded to victims of sexual abuse by clergy with deep concern and sympathy and mandated the establishment of a committee to elaborate additional policies to help individual dioceses.⁸ In 1990, Rix G. Rogers published *Reaching for Solutions*, his report as Special Advisor to the Minister of National Health and Welfare on Child Sexual Abuse in Canada.⁹ In the same year the Winter Commission Report¹⁰ appeared, and the following year the report of the Hughes Commission¹¹ was published, both casting greater light on the Mount Cashel case. Each of these documents highlighted the seriousness and complexity of the challenge facing the Catholic Church in Canada.

THE ISSUING OF *FROM PAIN TO HOPE* (1992)

Recognizing the need to respond to these and other instances of sexual abuse, in 1992, the CCCB issued *From Pain to Hope: Report by the Ad Hoc Committee on Child Sexual Abuse*. The first public document of its kind by an episcopal conference anywhere in the world, this report offered advice and guidance for all Catholics, including bishops and others responsible for priestly formation and for the clergy, together with recommendations on how to respond to what it recognized as a pervasive and extensive problem throughout society and within the Church itself.¹²

The vision and recommendations provided in *From Pain to Hope* were innovative for their times. The report included practical measures by which to address sexual abuse of minors perpetrated by clergy while also identifying some of the cultural and systemic factors which had contributed to the

crisis and the early, often inadequate, attempts to address it. In addition to serving Catholic dioceses and eparchies in Canada, *From Pain to Hope* was appreciated by episcopal conferences in other countries, as well.

Since the publication of *From Pain to Hope*, it has become even clearer that sexual abuse of minors by clergy and religious has had devastating effects, first and foremost on individual victims-survivors and their families, on all members of the Catholic Church – locally, nationally, and internationally – as well as on society as a whole. By and large, Catholics responded to initial public revelations of sexual abuse perpetrated by clergy and religious with feelings of disbelief, denial, anger, and shame. As victims have continued to come forward, Church leaders in Canada and elsewhere have had to address not only such feelings, but also so many broken lives, as well as their duty to repair the damage to individuals and to communities. They have also increasingly recognized that all members of the Church need healing from the harmful effects of sexual abuse.

WHY A NEW RESOURCE ON THE PROTECTION OF MINORS?

A quarter of a century after the publication of *From Pain to Hope*, many dioceses, seminaries and houses of formation, Catholic organizations, and the wider faith community have become increasingly proactive in raising awareness about sexual abuse and ensuring the establishment of safe ministry environments. Clergy and religious, lay pastoral workers, as well as those in initial formation, continue to benefit from seminars and training workshops on the prevention of sexual

abuse. Efforts have also been made with the support and guidance of community partners to help victims-survivors to heal. Drawing on key sources such as the Winter Commission Report, *From Pain to Hope*, and the directives of the Holy See, a number of dioceses and eparchies have issued protocols and have made accountability procedures and reporting mechanisms more widely accessible to the public, posting this information on their websites. The experience of the sexual abuse crisis in the United States, most recently magnified by allegations against Church leaders and by a Grand Jury report in Pennsylvania, and the studies in 2004, 2006, and 2011 of the John Jay College of Criminal Justice, published by the United States Conference of Catholic Bishops, have also helped to cast greater light on various aspects of the problem and continue to inform attempts in Canada to address it.¹³

The need for healing and reconciliation, for repentance and conversion, and for deep ecclesial renewal remain a challenge. The Catholic faithful in this country and elsewhere have been profoundly affected by the extent and depth of the revelations of sexual abuse in the Catholic Church. Media coverage, legal proceedings, the financial fallout combined with the failures of Church leaders to respond promptly and appropriately, and updated guidelines from the Holy See have necessitated a new resource with pertinent updates for our present times.

The protection of minors, the healing of victims-survivors, and the renewal of the Church as the Body of Christ depend not on human efforts alone, but on the grace of God. The willingness, commitment, and resolution of individuals to undergo profound conversion, rooting their lives in faith, hope,

and charity – virtues which must unite Christ’s disciples – are central to the process of healing and reconciliation. Not to be forgotten is the deep-seated Christian conviction that, in spite of sin in all of its forms, God’s mercy is stronger than anger, Christ’s forgiveness is more powerful than shame, and justice and compassion among Christ’s disciples have transformative power. Faith is what moves Christians from pain to hope. Hope is what transforms human devastation into new life, new possibilities, and the healing and reconciliation which are an experience of resurrection. With all of the above in mind, as a pledge in its ongoing commitment to ensure the protection of minors and the prevention of sexual abuse within Catholic pastoral environments in Canada, the CCCB issues this new resource entitled *Protecting Minors From Sexual Abuse: A Call to the Catholic Faithful in Canada for Healing, Reconciliation, and Transformation*.

WHAT ARE THE SCOPE AND AIMS OF THIS DOCUMENT?

This document aims to help Church leaders and all involved in Church ministry in Canada to become better informed about the sexual abuse of minors; to share in the responsibility of protecting minors and safeguarding pastoral environments; to identify how parishes and institutions can be more accountable and transparent in dealing with instances of sexual abuse of minors; and to understand better the tragic consequences of such abuse so as to ensure the adequacy of pastoral and administrative responses toward survivors and victims.¹⁴

The present document also presumes and builds upon the conviction that effective leadership and true responsibility involve transparency and the willingness to be accountable. For bishops and others in Church leadership, this means: 1) accountability to victims and their families; 2) accountability to the people whom they serve directly and to wider society; 3) accountability to one another – as members of the Church and as members of the College of Bishops or of one’s institute;¹⁵ and 4) accountability both to the demands of the laws of the Church and the laws of the land.

TO WHOM IS THIS NEW DOCUMENT ADDRESSED?

Protecting Minors From Sexual Abuse: A Call to the Catholic Faithful in Canada for Healing, Reconciliation, and Transformation offers advice and assistance on the protection of minors and the prevention of sexual abuse to the Canadian dioceses of the Roman Catholic Church and eparchies of the Eastern Catholic Churches in Canada, together with institutes of consecrated life. It is addressed primarily to bishops, major superiors,¹⁶ and all who, in view of their respective ecclesiastical responsibilities, hold positions of authority and have oversight over pastoral staff and volunteers within their respective jurisdictions. In view of protecting minors, and promoting the healing of persons and communities affected by sexual abuse, the document will also be of interest to victims-survivors, to those mandated by the competent ecclesiastical authority to work in ministry, to the wider community of Catholic faithful in Canada, as well as to Canadian society.

WHAT CAN ONE EXPECT TO FIND IN THIS NEW DOCUMENT?

This document draws together lessons learned concerning clerical sexual abuse of minors from the experience of Catholic bishops and the faithful in Canada. It takes into consideration new insights gained from contemporary scholarly research and reflection on this issue as well as the experiences of victims, perpetrators, church members and leaders. This document also includes updated and renewed understanding of the subject as reflected in the canonical directives revised in 2010 by Pope Benedict XVI¹⁷ and the *Circular Letter* from the Congregation for the Doctrine of the Faith addressed to episcopal conferences in 2011.¹⁸ Furthermore, it takes into consideration Pope Francis's priorities expressed in the establishment of the Pontifical Commission for the Protection of Minors in 2014 and his own updates to the guidelines of the Holy See.¹⁹

The present resource is organized in three parts. Part I provides a reflection on the Canadian experience and the effects of sexual abuse on Catholics in Canada since the publication of *From Pain to Hope* in 1992, with chapters devoted to lessons learned, the healing of individuals and communities, and signposts for the road ahead. Chapter One of Part I, which specifically addresses the lessons learned, also includes a series of corresponding recommendations or action points drawing on best practices for the protection of minors and the healing of victims. Part II provides guidelines for moving forward with updated canonical norms to assist in an effective and pastoral response to issues of sexual abuse. Part III offers a list of helpful resources including educational

material and web links to agencies promoting the protection of minors. The section on resources is followed by three appendices, including a complete list of recommendations and action points. The document concludes with a Glossary, list of Works Cited, and Index.

It is hoped that *Protecting Minors From Sexual Abuse: A Call to the Catholic Faithful in Canada for Healing, Reconciliation, and Transformation* will make a positive contribution and difference to how Catholic Church leaders in Canada and all concerned can fulfill their responsibilities regarding the protection of minors and the prevention of sexual abuse. It expresses the clear expectation of the CCCB that all bishops, major superiors, and others in Church leadership positions be more informed, responsible, vigilant, and effective in safeguarding pastoral environments. It also echoes the urgency and hope, recently articulated by Pope Francis in his *Letter to the People of God* (20 August 2018), that bishops and all the Catholic faithful each take up their part in creating an ecclesial culture which prevents situations of sexual or other kinds of abuse from occurring and which also prevents their being covered up and perpetuated.

PART I

**THE EFFECTS OF SEXUAL ABUSE ON
THE CATHOLIC CHURCH IN CANADA**

CHAPTER ONE

LESSONS LEARNED AND RECOMMENDATIONS

We would like to see our Church face, with clarity and courage, the decisions that must be taken in light of the failure that child abuse represents for society and the Church [...] These decisions will call for a change in the attitudes of those who are wholeheartedly to defend children and other vulnerable people in society. [...] We would like our Church to take firm steps which would leave no doubt as to its genuine desire to eradicate the phenomenon of child sexual abuse.

Canadian Conference of Catholic Bishops
From Pain to Hope, 40-41

Many bishops and major superiors²⁰ across Canada have dealt with alleged or actual cases of sexual abuse of a minor perpetrated by a member of the clergy or institute. While their experiences are varied, they have each learned many valuable lessons. Some have spent considerable time, energy, and resources on deepening their understanding of the problem so as to ensure better pastoral and administrative responses. A certain number have been involved in criminal trials and have had to manage significant fallout from financial settlements and public outcry. All bishops have been profoundly touched by the suffering of victims; many have recognized the need to give greater attention to the concerns of victims and to respond with better policies and protocols. They have also seen

how the sexual abuse crisis has eroded faith and trust in their communities and affected their own lives both spiritually and emotionally. This chapter outlines some of the lessons that bishops in Canada have learned in dealing with the issue of sexual abuse and demonstrates their continued commitment to its prevention and to the protection of minors.

LESSON ONE:

THE NEED FOR A PASTORAL ENCOUNTER WITH VICTIMS OF CLERGY SEXUAL ABUSE

For all victims, it is extremely difficult and painful to disclose an experience of sexual abuse. Indeed, any experience of sexual abuse – not only the kind which involves a religious leader – has serious potential to be experienced with shame and guilt as well as a sense of disgust towards oneself. If the disclosure is brushed-off, these feelings become amplified and others emerge. Victims may feel stigmatized, isolated, and betrayed. When victims come forward – and it can take several years or decades before they do – the manner in which they are received is critical to their own journey toward recovery. Many Church leaders have learned this lesson.

In the past, individuals making allegations were often treated in a way which they found to be dismissive, insensitive, and even demeaning. At this point in time, Church leaders are more aware of the need to respond to complaints not only with established procedures and best practices, but with greater pastoral sensitivity, expressed through a spirit of charity, welcome, and readiness to respond with appropriate care. For some victims, this shift in approach has given a sense

of safety, making it easier to come forward, while for others, encounters remain intimidating and difficult.

In more recent times, some bishops and major superiors, including Popes Benedict XVI and Francis, have held pastoral encounters with survivors. These meetings have been widely welcomed and appreciated as a positive response to the call for greater accountability, genuine pastoral concern, and recognition of the personal harm caused by sexual abuse. These encounters also represent an important shift in the Church's attitude toward victims, from one which was driven by a preoccupation with liability and image to a greater concern for the healing and accompaniment of abused persons in the spirit of Christian charity.²¹ This shift needs to be completed and to be deepened.

Those bishops and major superiors who have met face-to-face with victims describe these encounters as heart-wrenching. They have availed themselves of such opportunities to express deep remorse and to assure survivors that they are not responsible for the sexual abuse they experienced. While it may be difficult and even humiliating for a bishop to find the courage to meet survivors, Pope Benedict XVI has shown that it is not impossible. The words and sentiments he expressed to victims of clergy sexual abuse in his address to the Catholics of Ireland have become a touchstone for bishops, major superiors, and survivors everywhere:

You have suffered grievously and I am truly sorry. I know that nothing can undo the wrong you have endured. Your trust has been betrayed and your dignity has been violated. Many of you found that, when you were courageous enough to speak of what happened to you,

no one would listen. Those of you who were abused in residential institutions must have felt that there was no escape from your sufferings. It is understandable that you find it hard to forgive or be reconciled with the Church. In her name, I openly express the shame and remorse that we all feel.²²

The hope is that in addressing cases of sexual abuse bishops and major superiors will go beyond basic administrative responses, disposing themselves to receive allegations and respond appropriately, learn from past experiences, and reach out to victims with the willingness to accompany them on the path to healing.

Recommendations and Action Points

Bishops and major superiors will endeavour

- 1) to ensure that victims coming forward for the first time are received in a non-judgmental pastoral encounter where they are welcomed and commended for their courage;
- 2) to see that each encounter with a victim conveys the respect, compassion, and solicitude proper to pastoral leadership;
- 3) to ensure Church leaders or those appointed to receive complaints on behalf of the bishop/major superior are properly sensitized to the nature of sexual abuse and its effects;
- 4) to manifest readiness to accompany the person coming forward on the journey toward healing, helping to identify and address any spiritual and mental health needs;

- 5) to continue forming Church leaders in learning to walk and work with victims;
- 6) to pray in the community for victims of clergy sexual abuse and for all those affected by abuse (e.g., a prayer service, an annual day of prayer for survivors, a monthly inclusion in the Prayers of the Faithful of a petition for victims of clergy sexual abuse).

LESSON TWO: THE NEED TO UNDERSTAND SEXUAL ABUSE PROPERLY

Since the 1990s,²³ due to the concerted efforts of child welfare agencies in tackling child sexual abuse, the institutional response to victims coming forward with allegations has improved considerably. All Canadian provinces and territories now have mandatory reporting laws for suspected child abuse and there is no statute of limitations for reporting indictable offences.²⁴ Legal reforms have also led to the development of more rigorous safeguarding policies in a number of governmental and non-governmental institutions in which staff are now required to report abuse. The stories victims have shared have also helped to expand the understanding of what constitutes abuse, encouraging others who have been abused to come forward who previously might not have considered their experience legitimate. As a result, many more cases have come to light in recent times than might ever have been known, contributing greatly to the ongoing efforts to correct myths and address past failures.

From a clinical point of view, the effects of sexual abuse are better known. As noted above and in the following chapter (2.1), sexual abuse is now treated as a distinct pathology with deep-seated and long-lasting effects requiring specialized intervention.²⁵ Sometimes a survivor can be so psychologically and emotionally wounded that he or she remains unable for many years to speak about the abuse he or she suffered.

The psychological profile of offenders, while still incomplete, is also better understood. For example, the offender's prehistory is now an important source of information shedding light on whether the abuse is a means to satisfying innate sexual attraction to minors or a way of resolving other issues connected to a personal history or a situation. There is greater awareness of variations that can exist among offenders in terms of the strength of pedophilic interest as well as the extent to which sexual interest may be exclusively focused on children and youth or whether it can also include adults.²⁶ Finally, there is also recognition that sexual abuse is often connected to the dynamics of power.

From a societal point of view, the understanding of sexual abuse has improved in Canada. Until the appearance of the Badgley Report in 1984, the majority of victims were still largely invisible to civil authorities, medical practitioners, and social workers, not to mention the public at large.²⁷ Sexual abuse was believed to be rare and remote from the lives of "respectable" citizens. Its deep-seated effects were not yet fully appreciated.²⁸ Individuals who came forward risked bringing shame upon their families and communities. It was not uncommon for victims to be blamed and shunned. A hostile climate such as this silenced victims and allowed

abuse to remain undetected and hidden even for years: it engendered secrecy and denial, prolonged suffering, delayed the identification of offenders, perpetuated ignorance, and interfered with the awareness that institutions, which had been established for the welfare of children, could themselves be environments in which sexual abuse took place.²⁹

Like many others, bishops and major superiors tended to have an inadequate understanding of pedophilia and ephebophilia. They sometimes acted on an erroneous or naïve understanding of the pathology of offenders. When Church leaders began in the 1970s to regard sexual offenses against children and youth through the dual lens of psychology and psychiatry, they turned to clinicians for advice and trusted their recommendations concerning whether to return offending clergy and members of institutes back to ministry. Unfortunately, the advice they received proved too optimistic. It became clear with time that the diagnosis and treatment of offenders was extremely difficult and the incidence of recidivism very high. Today, clinicians are better able to distinguish between situational offenders and those with fixed sexual proclivities who would always be at risk of reoffending. This has resulted in more reliable judgments and more appropriate precautions on the part of those responsible for dealing with offenders.

Also like many others, bishops and major superiors were ill-equipped to handle allegations and unprepared to accompany survivors on the path to healing. Some responded inadequately or even dismissively to those coming forward. Communication with civil authorities, fellow Church leaders, and the wider community was sometimes uncoordinated and

protocols were often lacking in precision and detail. Only with the intensification of public pressure resulting from victims, from media coverage, and with a greater willingness to learn from past mistakes, have Church leaders and others come to recognize the need for clear procedures to help guide them in responding to allegations. Many of today's Church leaders exercising their ministries in the aftermath of the sexual abuse crisis have grown in the awareness of their responsibility – both pastoral and administrative – and are more committed than ever to helping victims seek healing and justice.

Recommendations and Action Points

Bishops and major superiors will endeavour

- 1) to be well informed on the nature and effects of sexual abuse by drawing from the experience of victims and from the growing field of human, psychological, and social sciences in this area, making good use of peer-reviewed literature, seminars, courses, professional expertise, and other resources (see Part III, **Resources**, [102]);
- 2) to provide the members of a diocese/eparchy or institute, including lay staff and volunteers, with ongoing training on the nature and effects of sexual abuse with a view to fostering compassion for victims, correcting myths, and overcoming the stigma associated with being a victim of sexual violence;

- 3) to implement safe recruiting procedures for all pastoral staff and volunteers, including identity verification, criminal record check, background check (e.g., contacting referees or previous superiors/employers), interview and assessment, as well as psychological evaluations for prospective candidates to ordained ministry or consecrated life prior to entering a formation program;³⁰
- 4) to improve communication across diocesan boundaries to ensure that Church leaders are apprised of the necessary information to make prudent decisions about pastoral work assigned to clergy, religious, and lay associates who are being transferred, with similar procedures for seminarians and religious;
- 5) to engage wider efforts which promote understanding of sexual abuse, safeguarding, and the destigmatization of victims (e.g., the Annual Anglophone Safeguarding Conference³¹);
- 6) to remain fully informed concerning the latest requirements of the applicable federal and provincial/territorial laws;
- 7) to support the mandate and efforts of the Canadian Centre for Child Protection.³²

LESSON THREE: THE NEED TO RESPOND MORE EFFECTIVELY TO ALLEGATIONS

The Canadian experience of sexual abuse has led Church leaders to the profound recognition of the need to take complaints seriously and to act upon them immediately and effectively. Bishops and major superiors should not assume that what is being alleged has not happened; they must respond with openness to the individuals bringing forward allegations and related concerns.³³ Without prejudice to the basic presumption of innocence with respect to the accused, bishops and major superiors are required to launch a preliminary investigation with sincere interest in seeking the truth. At the same time, they are required to limit the exercise of the accused individual's ministry, placing him or her on "administrative leave,"³⁴ while also discerning an appropriate pastoral response. Whenever allegations involve a minor, Church leaders themselves must inform police or other designated civil authorities and are required to cooperate fully with them as they investigate criminal wrong-doing.³⁵ When the events being reported happened in the past, and the alleged victims are no longer minors, victims must be informed of their right to approach the police, or other civil authorities, should they so wish.

Once the preliminary investigation of local Church authorities has concluded – whether the allegations of sexual abuse of a minor are present or historic, and regardless of whether the alleged victim is no longer a minor – if the allegations have a semblance of truth (*"notitiam saltem verisimilem habeat"*), the Congregation for the Doctrine of

the Faith is to be informed. Unless the Congregation takes over the case because of special circumstances, as a rule it will indicate how local Church leadership is to apply the relevant canonical norms.³⁶ Where possible and pastorally advisable it would also be important to keep the faithful informed of developments during the preliminary investigation while respecting the requirements of due process and confidentiality.

Recommendations and Action Points

Bishops and major superiors will endeavour

- 1) to implement reporting mechanisms and ensure they are easy to understand, accessible, and clearly publicized (e.g., to provide on the diocesan website the contact information, such as a dedicated phone number, of the person responsible for receiving allegations or complaints);
- 2) to implement a clear process for responding to allegations in a timely manner according to the established protocol of the diocese/eparchy or institute and the requirements of canon and secular law;
- 3) to institute an interdisciplinary advisory committee (consisting of a victim, psychologist, spiritual director, canonist, lawyers, insurance broker, law enforcement officer, social worker, communications professional, etc.) in order that the response and follow-up are comprehensive and fully compliant with the norms of the Holy See, the present **Guidelines** of the Canadian Conference of Catholic Bishops (CCCCB), the local diocesan protocol, the relevant federal or provincial/territorial statutes, insurance requirements, and best practices;

- 4) to inform the alleged offender of the preliminary investigation and of his/her right to legal counsel (both canonical and secular) and the opportunity to seek guidance during the preliminary investigation from a spiritual director and psychologist;
- 5) to ensure full cooperation with the civil authorities;
- 6) to take appropriate measures to respect the basic presumption in law of an accused person's innocence until proven otherwise with due regard for public safety;
- 7) to keep the community informed in a timely manner of developments during the preliminary investigation while observing the obligations of due process and confidentiality.

LESSON FOUR:

DEALING WITH OFFENDERS

A further consequence of the sexual abuse crisis relates to the treatment of offenders once they have been found guilty. In this regard, Church authorities must be attentive to many different needs. One of the priorities is to respect the public's general expectation for accountability and to respond with transparency to appropriate requests for information about an offender. In dealing with the experience of sexual abuse over these past years, Church leadership has become more conscious of its serious responsibility to ensure that justice is served and that the public is protected from the recurrence of sexual abuse. This concern for victims and society at large is expressed in the new canonical measures to be applied when

dealing with a cleric who is found guilty of sexual abuse. The chosen course of action depends on many variables. One possibility completely restricts the offender from public ministry and the holding of a public office in the Church, or at least excludes any contact with minors. With this option, the offender is given treatment and support in a restricted and controlled environment where youth and others are out of harm's way.³⁷ If this measure proves impractical or when the gravity of the offence warrants, the alternative is to impose more severe ecclesiastical penalties and to dismiss the offender from the clerical or religious state.³⁸

Church leaders exercising their mission of mercy and compassion are expected to offer pastoral care to all affected by the abuse – firstly to victims and their families, to the faithful affected, and no less to offenders.³⁹ One of the challenges in dealing with offenders is that the Church, while informed by contemporary concerns (such as “zero tolerance,” accountability, transparency, the requirements of secular law and public expectations), is also called to model itself after Christ's teachings. For this reason, mercy cannot be excluded because, as taught by Jesus, there is also a duty of charity toward the one who has sinned (cf. Matthew 6:9–15; Luke 17:3–4).⁴⁰ Mercy in this sense is not what many in general perceive it to be. It is not unilateral forgiveness without justice or accountability. Rather, it is an attitude that takes full account of the need to redress the harm done to victims while offering offenders the possibility to seek healing through conversion. From the Church's point of view, part of the response to sexual abuse offenders must include the hope of their eventual return to God. For this reason, in addition to serving the demands

of justice and ensuring public safety, the Church requires that offenders make amends for the harm they inflicted and scandal they caused.⁴¹ In seeking forgiveness, they are asked to express sorrow and contrition and to undertake appropriate acts of penance. The leadership of the Church continues to learn how to live within the tension that exists between justice and mercy as well as how best to respond to public expectations.

Recommendations and Action Points

Bishops and major superiors will endeavour

- 1) to identify and address public safety concerns vis-à-vis an offender;
- 2) to tackle as best as possible the complex issue of pastoral and canonical responsibility toward offenders;
- 3) to extend appropriate pastoral assistance as much as possible with due regard for justice and public safety;
- 4) to respond with transparency to appropriate requests for information about an offender.

LESSON FIVE: THE NEED FOR BETTER SAFEGUARDING PRACTICES AND TRAINING

In addition to what Church leaders have learned about responding to allegations of sexual abuse and in dealing with offenders, is the recognition of the need for better safeguarding practices for the protection of minors. Experience has taught everyone how crucial it is to adhere to an attitude of “zero

tolerance.” This attitude is marked by policies and programs designed to ensure that every allegation of sexual abuse is taken with the utmost seriousness and not one incident tolerated; it conveys clearly that no one who has sexually abused a minor will be in active ministry. Pope Francis underscored the importance of this position in Church dealings with cases of sexual abuse: “Let us find the courage needed to take all necessary measures and to protect in every way the lives of our children, so that such crimes may never be repeated. In this area, let us adhere, clearly and faithfully, to ‘zero tolerance.’”⁴² Zero tolerance for abuse extends to all Church personnel – clergy, members of institutes, and laity – and has broadened the scope of safeguarding policies to encompass all staff and volunteers working in Church settings or on behalf of the Church. Many dioceses in Canada now stipulate that individuals should not be permitted to work in pastoral environments unless they have passed appropriate screening, including a background and criminal record check.

Furthermore, the ongoing training and education of all who work in pastoral settings – clergy and members of institutes as well as lay staff and volunteers – has ensured the greater effectiveness of best practices. Training in the highest standards of pastoral conduct must entail sensitization to attitudes and behaviours that reflect concern for the protection of minors. Such training should include instruction on appropriate boundaries and on interacting with minors in areas which are open and visible to other adults. Experience has shown the value of involving families and community organizations in both crafting and implementing safeguarding policies. It has also proven advantageous to engage the general

public through basic education about sexual abuse, fostering compassion for victims, correcting myths, and overcoming the taboos which still attach to this topic. In addition to seminars and workshops, as well as scholarly conferences and post-secondary courses, improved access to local diocesan policies, particularly through diocesan websites, has helped raise public awareness and made it easier to know how and where to bring a complaint forward.

Recommendations and Action Points

Bishops and major superiors will endeavour

- 1) to take all necessary steps to ensure that safeguarding is prioritized in the diocese/eparchy or institute;
- 2) to implement/update a diocesan safeguarding policy conforming to the highest standards of responsible ministry, including instruction on appropriate boundaries in pastoral relationships (e.g., through a code of conduct);
- 3) to ensure the safeguarding policy of the diocese/eparchy or institute is easy to understand and readily accessible to the public, e.g., posted on the diocesan website, printed as a booklet, etc.;
- 4) to support fellow bishops and major superiors in their safeguarding efforts;
- 5) to submit all policies, protocols, and practices to third-party auditing at least once every four years;
- 6) to ensure all pastoral staff receive proper safe environment training, including how to recognize the signs of abuse and how to report suspected sexual abuse;

- 7) to seek the input of parents, civil authorities, educators, and community organizations in crafting diocesan policies and providing appropriate training for all pastoral staff;
- 8) to see that the **Guidelines** included with the present document together with the policies and protocols of the diocese/eparchy or institute form the basis of any safe environment training program;
- 9) to ensure safeguarding policies are regularly updated, taking into account any new needs and circumstances;
- 10) to recommend that each of the institutes situated within the territory of a diocese/eparchy have their own up-to-date safeguarding policies and that a copy be provided to the local bishop for his records.

LESSON SIX: THE EFFECTS ON CLERGY, MEMBERS OF INSTITUTES, AND LAITY: COPING WITH SHAME

The vast majority of clergy and members of institutes who live their calling with integrity and fidelity have been profoundly humiliated by colleagues whose grave sins and crimes have harmed those whom they were meant to serve. Moreover, many are disappointed that some Church leaders in the past failed to respond to sexual abuse allegations adequately.

A number of clergy and members of institutes are also conscious of how others can view them with suspicion and mistrust. This is due in part to the intense publicity given to

“pedophile priests.” Sometimes, clergy and religious who are innocent and otherwise dedicated to their vocations, by trying to avoid hostile treatment, and possibly out of an exaggerated sense of self-protection, become overly formal, detached, and even aloof in their interactions. This artificial distancing affects the quality of their ministry as well as their own psychological and spiritual well-being. For similar reasons, many clergy and religious have withdrawn from ministry with children and youth. As a consequence, younger generations of Catholics are growing up without knowing the faith representatives ministering in their communities. Furthermore, the laity involved in various forms of evangelization and whose ministries can already be very challenging for a variety of reasons are finding themselves without support because of the remoteness or absence of a meaningful relationship with the parish priest and local bishop.

In those communities which have been directly affected by the scandal of sexual abuse, many clergy and members of institutes are suffering from low morale and isolation. They carry on their ministry in an atmosphere marked by distrust and suspicion in which they are seen merely in a functional capacity, for example, as providers of the Sacraments. Some are frustrated, perceiving themselves as highly regulated by codes of conduct but insufficiently supported by their Superiors in their pastoral assignments. Alienation, loneliness, and resentment often combine with fatigue and discouragement, exposing clergy and members of institutes to burnout, emotional problems, psychological difficulties, and feelings of unhappiness. Some seek to cope by turning to unhealthy and addictive behaviours; others abandon their calling. For many

who remain, the weight of ministry and the questioning of their own value and purpose can lead to a vocational crisis which requires attention by Church leaders and the faithful. In this context, it is clear that clergy and members of institutes must invest time and effort to develop healthy lifestyles, wholesome friendships, and a deep spiritual life in order to nourish their God-given vocations and to remain life-giving in their service to God and others.

It has become obvious that the effects of the sexual abuse crisis are not confined to clergy and members of institutes alone. The laity too are ashamed and embarrassed that representatives of their faith community are implicated in the sexual abuse scandal. Many who remain profoundly attached to Christ and his Gospel no longer feel comfortable identifying themselves as Catholics or proclaiming their faith in public. Their hesitation has weakened local communities and the credibility of the Church's witness to the Gospel precisely when it is required most. At this critical time of healing, the need for mutual support and coresponsibility among clergy, members of institutes, and laity is paramount. All are being asked to take up the call to revitalize the Church by engaging new, more collaborative forms of ministry.

Recommendations and Action Points

Bishops and major superiors will endeavour

- 1) to acknowledge and address the spiritual and emotional impact of the sexual abuse crisis on the vitality of the Church, helping clergy and laity to overcome their shame, confront negative images and stereotypes, and ultimately serve with joy and serenity;
- 2) to ensure that communities affected by abuse are offered adequate accompaniment, support, and encouragement on the journey toward healing;
- 3) to ensure clergy and pastoral staff who have been affected by a sexual abuse scandal receive adequate support;
- 4) to work toward a new understanding of the role of clergy in society and the spiritual underpinnings necessary for healthy ministry;
- 5) to encourage life-giving pastoral commitments despite challenging conditions for ministry and evangelization;
- 6) to promote and encourage ministry to children and youth with proper safeguards in place;
- 7) to expand on new forms of ministry which rely on greater collaboration with the laity in the spirit of mutuality and coresponsibility;
- 8) to invest time and effort in healthy, wholesome friendships, and regular prayer;
- 9) to ensure that particular issues which affect the mental health of clergy and lay pastoral associates, such as isolation, burnout, pornography, and alcohol, to mention a few, can be addressed with professional and spiritual help.

LESSON SEVEN: THE NEED FOR BETTER INITIAL AND ONGOING FORMATION

The protection of minors and the pastoral approaches which serve this end are extremely important themes which must be raised in the context of priestly formation, both in its initial phase as well as later on through ongoing formation. In the past, some persons lacking affective, emotional, and psychosexual maturity were able to pass undetected through an inadequate seminary formation program more focused on spiritual and theological training than on pastoral and human development. Insufficient knowledge and inadequate practices about human formation resulted in the ordination and religious profession of various ill-prepared candidates, leading to some of the devastating consequences which emerged years later.

Since the publication of Pope Saint John Paul II's *Pastores dabo vobis*,⁴³ human formation has become one of the four pillars of the seminary program in conjunction with spiritual, intellectual, and pastoral training. In fact, human formation is first in the order of priority and must therefore be given careful attention, for on it rests the emergence of a mature, responsible ordained or consecrated person in the service of the Church in today's world. In the selection and admission of a candidate to the seminary, it is imperative that he be properly screened, tested, and interviewed to ascertain his emotional and psychosexual development. The same is true of both female and male candidates to institutes. Moreover, a robust program of human formation must continue to be in place throughout the years of formation so as to assist the formation

team in evaluating the maturity and suitability of a candidate over a span of several years.

The recently promulgated *Ratio Fundamentalis Institutionis Sacerdotalis*⁴⁴ highlights the importance of the human dimension of priestly formation:

The greatest attention must be given to the theme of protection of minors and vulnerable adults, being vigilant that those who seek admission to a Seminary or House of formation or who are already petitioning to receive Holy Orders, have not been involved in any way with any crime or problematic behaviour in this area. Formators must ensure that candidates who have had painful experiences in this area receive special and suitable accompaniment. Specific lessons, seminars and courses on the protection of minors are to be included within programmes of initial and ongoing formation. Adequate information must be provided in an appropriate fashion to areas dealing with sexual exploitation and violence, such as, for example, child trafficking, child labour, and the sexual abuse of minors and vulnerable adults.⁴⁵

An ongoing commitment to human and spiritual maturity must also be made by those who have already received Holy Orders or who have professed vows. Experience has demonstrated that psychological, emotional, relational, and spiritual problems can arise even after a significant number of years in ministry, making on-going formation and education as well as regular spiritual direction a necessity throughout an individual's life. According to the circumstances, psychological and other kinds of professional counselling should also be considered if required. Moreover, at this time when Church leaders are very dependent on international clergy and members of institutes to meet pastoral needs in our country, care must be taken for the enculturation of those who have been trained

and formed for ministry overseas in contexts where matters of human sexuality, interpersonal relationships, and boundaries may have been addressed differently.

Recommendations and Action Points

Bishops and major superiors will endeavour

- 1) to place greater emphasis on the human dimension within initial formation programs, ensuring its integration with the spiritual, intellectual, and pastoral facets of *Pastores dabo vobis*, the *Ratio Fundamentalis* (2016), and the directives of this Episcopal Conference⁴⁶;
- 2) to provide opportunities within the diocese/eparchy or institute for holistic ongoing formation – spiritual, intellectual, human, and pastoral – based on an informed assessment of the new and increasingly complex needs of clergy and religious; and, to make a personal commitment as leaders to the same, guiding by way of example;
- 3) to ensure that specific training is offered to address matters such as the experience of victims, the impact on families and communities, detection of abuse, ministry to survivors, and relevant laws (canon and secular);
- 4) to ensure initial and ongoing formation to address the attitudes and behaviours necessary for long-term safeguarding;
- 5) to encourage and further develop different ways of fostering and growing a sense of community, friendship, and solidarity among clergy and religious (e.g., study days, times of recollection, annual retreats, etc.);

- 6) to implement adequate procedures for screening candidates for ministry, which may include a multi-disciplinary selection committee;
- 7) to assess regularly screening procedures for their effectiveness and adequacy;
- 8) to evaluate regularly programs for personal and human formation in light of the highest standards of safeguarding in ministry;
- 9) to address with candidates for ministry the topics of psychosexual maturity, interpersonal boundaries, leadership and service in ministry, and the abuse of status and authority;
- 10) to ensure that all clergy and religious who have been invited to serve the Catholic faithful in Canada are fully updated on local policies, protocols, and practices, as well as expectations regarding interpersonal boundaries.

LESSON EIGHT: LEARNING ABOUT THE LEGAL PROCESS

In the Canadian experience, many victims of sexual abuse have sought justice through criminal proceedings and civil lawsuits. While there are benefits to these approaches to the extent that each can provide some degree of closure, they also involve drawbacks, which have left some victims disappointed in their search for healing. The insistence on objectivity (e.g., the victim's credibility, evidence, etc.) can depersonalize interactions. Rigorous questioning and testimony often subject victims to retraumatization. Due process itself can be

methodical and therefore slow, causing frustration on both sides. Pressure from news media can also add to the stress and discomfort of victims whose stories have become public.

Church leaders too are confronted with certain disadvantages. The formal and impersonal nature of the legal process can interfere with their sincere desire to express compassion and their willingness to foster reconciliation. In appealing to the legal right of each party to protect its interests, a Church entity can be seen as trying to stall proceedings or to seek an unfair legal advantage for itself at the victim's expense. There have been instances when advice from lawyers or insurers counselling those involved not to speak directly to victims or alleged offenders has sometimes interfered with proper pastoral care and the journey toward healing. In such instances, Church leaders have had to learn through difficult lessons not to let legal methods or financial repercussions interfere with their pastoral responsibilities. While Church leaders need prudential advice of all kinds, including legal counsel, they are more aware now of how certain approaches can militate against the duty of Christian charity. As a result, they are more open to exploring alternatives.

Monetary settlements, which can represent one of the advantages for victims seeking justice, can also pose challenges to Church members. Such settlements are often substantial and their impact is usually felt across the affected community of the faithful with consequences impacting the vitality of the local Church. The lay faithful sometimes resent the sale of ecclesiastical properties or the use of their donations to finance indemnifications. As a further consequence, parishioners have sometimes rejected or resisted the invitations of bishops and

major superiors to participate in healing and reconciliation efforts. Canadian Church leaders have learned the importance and the need to appreciate the reasons for such reactions and resentments. They are coming to understand the obligation to respond to hostility with humility and to approach feelings of betrayal and disappointment on the part of their congregations with respect and courage.

In the Canadian context, mediation represents an out-of-court alternative through which victims can seek acknowledgement and satisfaction not only for the harm they suffered but also appropriate compensation for damages. This approach allows both parties to settle without going to trial and has offered a more amenable alternative during litigation. Settlements arising from mediation are reached by negotiation and compromise in which the parties interact in good faith with the help of a skilled legal mediator. The results may not always appear completely satisfactory to all those involved, but since the process is more personal, it is often experienced by both sides as less adversarial. Even if mediation remains demanding, victims and Church representatives, assisted by their legal counsellors, are more directly involved in redressing an alleged injustice by means of dialogue and good will within a more humane interaction. The hope is for victims to come away from mediation feeling that their stories have been heard, while for Church leaders it is to feel that their concern, sorrow, and regret have been properly expressed.

The search for justice has helped everyone to acknowledge the reality of sexual abuse and the importance for victims and Church members to attain some kind of closure by developing a more robust culture of accountability and responsibility.

Experience has also demonstrated, however, that the process by which most victims can move forward with their lives is not primarily legal, but one rooted in a more holistic understanding of the need for physical, psychological, and spiritual healing. Each of these needs can be met gradually over time, but the journey toward healing can often be life-long.

Recommendations and Action Points

Bishops and major superiors will endeavour

- 1) to seek out the services of expert legal counsel (both canonical and secular);
- 2) to remain up-to-date on the relevant canonical and secular legislation as well as the **Guidelines** of this Episcopal Conference;
- 3) to root the victim's legal rights in the need to redress injustice and to foster Christian charity and the expression of compassion in the interests of healing and reconciliation;
- 4) to withstand pressures which may allow legal methods or financial repercussions to interfere with a genuinely pastoral response, ensuring that any advice received remains at the service of the Gospel;
- 5) to cease requiring confidentiality clauses in settlements of cases of sexual abuse and to waive those given in the past;⁴⁷
- 6) to strive for an outcome which satisfies the desire for accountability and transparency, and which enables all parties to achieve a sense of closure;
- 7) to address any feelings of betrayal and disappointment on the part of the faithful with respect and courage.

LESSON NINE:

A CALL TO GREATER AUTHENTICITY

In Canada, as in many parts of the world, much has been done to address the reality of sexual abuse; nevertheless, the sexual abuse crisis has negatively impacted the Church's mission, its humanitarian work, and its calls for justice and integrity, particularly with respect to children and youth in the domains of education and family. Furthermore, the sexual abuse of minors has made it more difficult for many of Canada's Catholic faithful to take up the challenge of the New Evangelization and to propose the Gospel in the aftermath of the crisis and in today's increasingly secularized environment. Dealing with these multifaceted demands is beyond human capacity alone, particularly if lasting change and renewal of church life is to be realized. The task is a profoundly spiritual one requiring God's grace and a united effort by all members of the faith community.

From all that has been learned in the Canadian experience of the sexual abuse of minors there is an evident call to all members of the Catholic Church in this country to strive for greater authenticity and to engage in a process of regaining credibility. Although the response to this call starts by addressing past failures, it must be followed by a firm commitment to put into action the necessary ways and means of avoiding past mistakes and ensuring that minors will be protected now and in the future.

Recommendations and Action Points

Bishops and major superiors will endeavour

- 1) to recognize that the sexual abuse crisis is a symptom of a disorder in a Church called to undergo a profound pastoral conversion and purification in order to accomplish its mission with greater transparency and accountability;
- 2) to work toward a culture of dialogue at every level of a diocese/eparchy or institute;
- 3) to continue to pursue institutional practices which foster accountability, transparency, and responsibility;
- 4) to model through words and actions a pastoral attitude rooted in repentance and conversion;
- 5) to collaborate with fellow Church leaders, especially on a regional basis, in implementing effective mechanisms of accountability;
- 6) to include in the guidelines of the diocese/eparchy or institute a commitment to article 3 and article 19 of the *United Nations Convention on the Rights of a Child*,⁴⁸
- 7) to invest time and create opportunities at the local level, involving the Catholic faithful who are ready to minister in a spirit of coresponsibility, in order that shared concern for all in the name of Jesus Christ produces a more responsible environment for everyone and particularly for the protection of minors;
- 8) to establish practices where clergy, religious, and laity can be mutually accountable to each other for their actions and attitudes;
- 9) to exercise their ministry as pastors collaboratively and in communion with those entrusted to their care.

CHAPTER TWO

THE HEALING OF INDIVIDUALS AND COMMUNITIES

...Everything possible must be done to rid the Church of the scourge of the sexual abuse of minors and to open pathways of reconciliation and healing for those who were abused.

— Pope Francis
*Letter Concerning the Pontifical Commission
for the Protection of Minors*
2 February 2015

In his call to help and accompany those who were sexually abused by clergy and religious, Pope Francis has urged all Church leaders and the entire Catholic faithful to open “pathways of reconciliation and healing.”⁴⁹ Elsewhere, he has specifically referred to accompanying survivors and their families on “the painful path of healing.”⁵⁰ In order to help bishops and major superiors respond to such a call, this chapter highlights some of the relevant points derived from recent research and experience regarding certain aspects of the trauma of survivors. Likewise, it underscores the challenges and complexities they face in their attempts to find healing. It also draws attention to some of the wider implications in Canada associated with the sexual abuse of minors and the unique challenges the Church in this country faces in trying to respond to them.

2.1 The Impact of Sexual Abuse on Victims: Acknowledging the Hurt and Its Effects

The numerous psychological repercussions and behavioural manifestations which result from sexual abuse

are particular to the experience of each survivor. In general, these effects can be profound and difficult to overcome, even with therapy.⁵¹ Very specific effects, as well, are associated with sexual abuse when it is carried out by individuals with whom there is an intimate connection, such as family members or friends, or by persons who occupy positions of trust and authority in the community, including individuals who represent God. In the latter case, apart from misleading victims about moral standards of behaviour, sexual abuse also affects how they go on to perceive God, the Church, and religion in general. Many bishops in Canada have been witness to victims leaving the Church and even abandoning their faith. They regard this turning away as an additional tragedy because it leaves victims without the healing and consolation which can be found through the prayer life of a community of faith. Moreover, since some victims can feel responsible for the abuse they suffered, they can also feel culpable for the sins and crimes of their abusers, with personal feelings of guilt further complicating the healing process.

2.2 The Healing Process: Its Challenges and Complexities

Healing from the wounds of sexual abuse does not happen in isolation; it calls forth a community effort with particular need for the specialized intervention of professionals who can address the victim's needs on multiple levels: the mind (i.e., memory and emotions), the spirit (i.e., the capacity for transcendence), the heart (i.e., the ability to respond affectively to others and the world), and the body (i.e., physical wounds as well as one's relationship to one's own body and sexuality). The healing process, therefore, engages a variety of diverse disciplines and requires the collaboration of individuals

in various professional and social spheres – psychology, spirituality, and medicine, assisted by support within the Church and the wider community – to work together for the survivor’s best interests. These various disciplines, however, if they are to be instrumental in the healing process, must exchange knowledge, experience, and expertise. They must be aware of each other’s contributions and respect each other’s area of competency in a collaborative effort. This is an ideal that is not always easy to achieve in practice. When bishops and major superiors meet victims of sexual abuse in order to facilitate their healing, they must be open to appreciating the advances and complexities of the different spheres of professional intervention as well as the necessity and value of working with the wider community. Healing is a process that cannot be forced or rushed. For both victims-survivors and members of the Church, it requires time, understanding, and a willingness to work with the unpredictable process of how it unfolds.

Psychological Healing

Psychological healing is a key component in the victim’s journey to recovery. Counselling allows survivors to identify particular wounds and may augment the efficacy of the treatment of associated mental health disorders, such as posttraumatic stress, extreme anxiety, depression, and addictions. Victims receiving counselling are afforded the needed opportunity to discuss with a trusted professional their experience of having been abused. In this context, they not only gain insights into the traumatic effects of sexual abuse, but are able to give voice to emotions which, if suppressed, cause further harm. Victims are helped to

overcome feelings of shame and guilt; to reduce levels of fear and hypervigilance; to regain trust in others; and to engage in healthy relationships. They are encouraged to work on self-care and to remain involved and active in society.

At the same time, psychological counselling presents victims and those wishing to help them with unique difficulties and complexities. In addition to the divergent schools of thought and methods within the profession of psychology, victims seeking counselling for sexual abuse trauma are often required to make a substantial and even indefinite time commitment to a process which is emotionally demanding and financially burdensome. Such factors may make therapy inaccessible for some. Furthermore, where qualified practitioners are lacking in a given geographic area, therapy may not be an option. It is also worth noting that not all therapists are sufficiently aware or considerate of the religious background of the victim and are therefore unable to work effectively with them. In spite of these issues, healing cannot take place without some attention to the psychological needs of a survivor of sexual abuse.

Spiritual Healing

While the importance of the psychological dimension of the healing process is generally recognized, it is also accepted that spiritual healing is significant in its own right, but particularly for those victims who were connected to and involved with the Church. Because human beings are a unity of soul and body, any wound to the body or mind also affects the capacity for a healthy spiritual life. As mentioned above, the trauma of abuse frequently results in invisible wounds that damage the survivor's image of God and ability to relate to

God. Guilt, self-blame, fear, and anger, so often experienced by those who have been sexually abused, can destroy or limit their capacity to trust God and others, leaving them with a sense of loss and spiritual abandonment, which seeks to be healed.

When circumstances have allowed, some victims have indeed experienced degrees of spiritual healing through the embrace of a welcoming faith community as well as through prayer and the Sacraments. Because faith can bring healing to survivors, they should be offered all of the spiritual and pastoral resources of which they may wish to avail themselves in order to bring healing to their lives. To be sure, grace does not often act instantaneously and, for many, spiritual healing is a long road that may not always be easy to travel. Nonetheless, Catholics who have been abused remain as members of the Church, which is Christ's body, and their healing, therefore, involves a spiritual journey of accompaniment, where they can experience God's love and the care and support of the Church. As part of that journey, it is hoped that survivors will encounter fellow Catholics, persons ready and willing to pray for the integral healing of those who suffer the wounds of abuse, for "if one member suffers, all suffer" (1 Corinthians 12:26).

Forgiveness and Healing

The ability to move beyond pain, anger, and resentment by all those affected by sexual abuse – victims, perpetrators, and the faith community – to a place of greater peace and serenity often coincides with the experience of forgiveness. Reaching the point of being able to forgive and to receive forgiveness is a long process and may be more a sign of healing taking place rather than a step toward healing itself. To be sure,

forgiveness is an essential part of the journey to reconciliation and a helpful means to achieving a greater sense of peace; but it can only occur when the persons who have been injured are ready to move in its direction. For some victims, forgiveness can occur within the Church. For many others, that possibility has been sought elsewhere.

The experience in Canada has in fact demonstrated the need for Church leaders to be cautious when using the language of forgiveness. For some survivors, its early invocation can be seen as a way to downplay the harm they experienced or to delegitimize their profound pain. Pressure to forgive, either self-imposed or external, also risks burdening victims not yet ready for it with a variety of uncomfortable emotions. For these reasons, it may be helpful to view forgiveness as a destination to be attained gradually in stages. The journey often begins with subtle changes in outlook on the part of the victim and perpetrator as well as the community of faith. It manifests itself in a growing sense of compassion and a greater willingness to let go of past hurts.⁵²

Community Support and Healing

For healing to occur, survivors not only need professional care and spiritual guidance but the help and support of a nurturing community. There are various ways in which community members can come together to support survivors and address the effects of sexual abuse on their lives. Whatever the means may be for a community to support survivors, a key component for such efforts appears to be care through compassion. Survivors can experience compassion through their involvement or participation in compassion-

based ministries at the parish level where they would be welcomed in a context of pastoral care and accompaniment. These ministries include care for shut-ins, such as the elderly, the sick, and the dying, as well as those who suffer addictions. Compassion-based care has also proven helpful in supporting other ministries to vulnerable populations: women's shelters, support groups of various kinds, outreach to those exploited by human trafficking. Compassion-based ministries can also be adapted to help those who have experienced sexual abuse. An initiative of this kind exists in the Diocese of London, Ontario, in its program, "From Isolation to Action" (FITA).⁵³ Those who wish to help survivors but cannot be directly involved in such efforts may still mediate Christ's healing grace through prayer. Local or diocesan initiatives such as prayer services or even an annual day of prayer for abuse victims can be very meaningful ways of helping and supporting survivors.

A survivor, no less than anyone who has been hurt, needs the friendship, support, and love of others. Specifically with respect to the victims of sexual abuse, the whole community and particularly the community of faith must do all it can to foster an environment of acceptance and compassion. If community healing is to occur, then community members must understand that the survivor of sexual abuse and his or her family are on a journey to recovery. In journeying with each other, there must be respect for the fact that the effects of abuse are often severe, deep-seated, and long-lasting. Moreover, community members must see and accept their crucial role in the outcome of these healing efforts.

To be avoided is any pressure on victims to move forward artificially or to remain silent about the abuse. Members of a community must be willing to accompany victims on their journey of recovery without imposing their own expectations on them. They must clearly send out the message to survivors that they are not to blame for what happened to them. Community members must also acknowledge the pain of survivors and seek to overcome any barriers that can interfere with or prevent their healing and integration.

2.3 The Wider Implications of Sexual Abuse

In addition to its direct and principal effect on victims, sexual abuse of minors has wider implications on society. It affects families of both victims and offenders, including the members of schools, institutions, or parishes where the incidents of abuse took place or where the offender worked, as well as the members of a diocese or eparchy, or religious institute to which the offender belongs.

Families

A wealth of anecdotal evidence now substantiates how sexual abuse deeply impacts the family of both survivors and offenders. In cases of sexual abuse involving Church personnel, particularly where the abuser was known to the family, parents often struggle with feelings of guilt. It is not unusual for them to blame themselves for entrusting their child to the abuser, for failing to detect the abuse or its possibility, and for their inability to undo its harmful effects. These feelings are intensified in families whose involvement in the Church may have been generous or where the abuser may have offered emotional and spiritual support to a family in a

vulnerable state, such as in single-parent situations. In pastoral contexts such as these, where minors are groomed for abuse, the violation of trust is especially acute and the capacity for religious belief profoundly damaged. Isolation is a common result for families that suffer this kind of abuse: they can feel disbelieved by Church leaders and shunned by fellow church-goers for denouncing the abuse, and they can feel abandoned, disoriented, and alone should they decide to leave the Church. Families also face considerable stress as they try to provide for the victim's treatment and their own care. Costs can strain financial resources. Victims can turn to illegal drugs, suicide, or running away from home to cope. Each of these outcomes is extremely destabilizing. Under such pressure, a high incidence of interpersonal conflict and relationship breakdown within the survivors' families is not uncommon.

Bishops in Canada recognize the need to assure families that the children, youth, and vulnerable adults in the care of their parishes and institutions are protected from harm. They must also encourage families to take up their essential role in preventing abuse, safeguarding pastoral environments, reaching out to victims, as well as extending compassionate care toward survivors. It is important for Church leaders to acknowledge the right and responsibility of parents to insist that all dioceses/eparchies and religious institutions have adequate safeguards in place to prevent abuse and effective procedures to respond to allegations of abuse, for the "future of humanity passes by way of the family" which is the "building block" of both society and the Church.⁵⁴

Parishes

Experience has shown that revelations of sexual abuse by clergy profoundly impact parish life and communities, especially when the abuse occurred within the parish itself. Parishioners often make their grief and anger known by distancing themselves from the Church. Attempts to rebuild a parish community after the disclosure of a sexual abuse incident must address the parishioners' lack of trust and even suspicion of an incoming new pastor or bishop as well as other daunting realities such as declining attendance, low morale, strained finances (e.g., stemming not only from litigation, but dwindling collections and fewer volunteers), and the parishioners' embarrassment at being associated with a parish or diocese where abuse has taken place. In some cases, parishes affected by sexual abuse are unable to recover from the impact and can be forced to close their doors. It is clear that if a parish is to survive, it must undergo its own process of healing. Bishops are called to facilitate this process as generously as possible, for they know that parishes are key to the life and vitality of a diocese/eparchy. The parish is where the people of God come together to be nourished through the word of God and the Sacraments; it is where faith life is animated and ministries are exercised; and it is where the community of faithful disciples is formed and informed. The parish is "at the heart of both the outward missionary thrust of the New Evangelization, and of the inward strengthening of its members for mission."⁵⁵

Particular safeguarding expectations have also brought about unique changes in parishes. While good in themselves, meeting these expectations has required everyone – priests, staff, and parishioners – to become acquainted with and accustomed

to new ways of operating. Physical spaces (e.g., confessionals and offices) have been reconfigured for transparency. Personnel are now submitted to background and criminal record checks as well as other kinds of screening. While many youth programs (e.g., summer camps, youth groups) have been revamped, they are generally regarded as a liability, despite the good that can be fostered through this kind of apostolate, and their management must be carried out with particular care for the responsibilities and potential risks involved.

Dioceses/Eparchies

The experience in Canada and elsewhere has shown that incidents of abuse in parishes or other institutions within a diocese/eparchy have a direct impact on the diocesan/eparchial organization itself. Where dioceses/eparchies have been required to pay out large sums of money in legal settlements, feelings of anger and resentment have arisen at all levels of the Catholic community, but most importantly among the faithful of the diocese directly affected by the loss of resources originally derived from their support of the Church. This has caused cynicism with regards to bishops and other clergy and further interfered in the efforts and obligation to support victims in the healing process.

In many instances, vocations to the priesthood, to consecrated life, and to lay ministries have also been affected. While lay involvement in Church ministry has declined, the sexual abuse crisis has also deterred many good candidates from entering the seminary and houses of formation, and caused some of those who were already in formation to leave. Combined with the current shortage of priests in Canada, this

has already necessitated increased assistance from international priests. A trend unlikely to change in the foreseeable future, it is not necessarily the sign of a thriving local Church.

Other Institutions

It is a fact of history that a number of institutions established to care for vulnerable children and youth within dioceses across this country, such as schools, hospitals, shelters, soup kitchens, and youth centres, as well as some of the former Indian Residential Schools, were once run by Catholic entities. Some of these charitable institutions have had their own experience of the sexual abuse crisis. While a number of these institutions no longer exist, those which remain find themselves having to apply the lessons learned. Dealing with survivors of institutional abuse requires, in part, that the Church and society deepen their understanding of what has gone wrong in the past in order to enact policies which improve Church-run institutions where they exist today and for future generations. It is already clear that a major part of this concern for the future is to ensure that all staff and volunteers working with children be familiar with the warning signs of sexual abuse and know to whom they should report any concerns.⁵⁶ Similarly, staff and volunteers who work with children are now required to undergo background checks, receive appropriate supervision, and be given clear guidelines about boundaries, just as the institutions themselves are to be audited concerning their own compliance with provincial/territorial statutes and diocesan norms.

CHAPTER THREE THE ROAD AHEAD

Do not fear transparency.

The Church does not need darkness to carry out her work.

Be vigilant so that your vision will not be darkened by the gloomy mist of worldliness; do not allow yourselves to be corrupted by trivial materialism or by the seductive illusion of underhanded agreements; do not place your faith in the ‘chariots and horses’ of today’s pharaohs, for our strength is in ‘the pillar of fire’ which divides the sea in two, without much fanfare (cf. Exodus 14:24–25).

Address of Pope Francis to the Bishops of Mexico

13 February 2016

The sexual abuse of minors, which has so marked the Church in different countries, is an example of what the Gospel refers to as scandal. While some may understand scandal as having to do with the kinds of behaviours which can do harm to a person or institution’s reputation, the Gospel with respect to “scandal” refers specifically to those who place a “stumbling block” (*skandalon*) in the path of another’s knowledge of and relationship with God (cf. Matthew 16:23, among others). The sexual abuse crisis is rightly seen as a scandal in the sense of an obstacle. It has led many victims and countless others to reject Christ, the Church, and even God in one way or another. For this reason, the Church must regain its credibility by examining its own self-understanding; it must conform itself ever more closely to the model of Christian life as set out in the Gospel. The existing policies of many local dioceses and eparchies and the necessity to revise and update them, goes beyond a mere change in administrative procedure; it marks

a shift in institutional culture and mentality. This chapter discusses the distinguishing features of this shift in terms of the bishops' greater awareness of their responsibility as pastors; in terms of their willingness to exercise this responsibility with others and in a spirit of communion and solidarity; and in terms of their recognition of the need to act in accordance with the highest standards of accountability and transparency, as underscored by Pope Francis in the epigraph above. A further and arguably more foundational shift lies, however, in the spiritual transformation of the Church through a process of profound repentance and conversion in which the Church's practices grow in authentic witness to the Gospel and the mission conferred upon it by Christ himself.

3.1 Policies and Protocols for the Protection of Minors

In the wake of the sexual abuse crisis, Church leaders in Canada are being challenged to move beyond a reactive attitude to one which is proactive and preemptive. Local diocesan policies and protocols are seen as indispensable to ensuring safe pastoral environments and in delineating clear measures for responding to allegations. They are also helpful in determining the proper treatment of survivors, offenders, and the enquiring public. By reason of their scope and importance, it is essential that guidelines be clear, comprehensive, and accessible. They must be consistent with the requirements of secular law, both provincial/territorial and federal, as well as the directives of the Holy See and canon law. They must also accord with the expectations of the Episcopal Conference and, in the case of Eastern Catholic Bishops, of their Synod *sui iuris*. Bishops should ensure that new policies address past failures (even the smallest ones), resist oversimplification of

complex matters, benefit as required from outside expertise and contemporary scholarly research, and take into account the requirements of neighbouring dioceses and eparchies. Since it is important also to ensure their ongoing effectiveness as needs and circumstances change, bishops should regularly see to the review of such policies both through internal inspection and by third-party auditing.

3.2 *Increased Episcopal Awareness of Responsibility*

Bishops have a particular duty connected to their office as shepherds of the faithful to ensure that all pastoral environments within their dioceses or eparchies are safe. This task is an administrative as well as a pastoral responsibility.⁵⁷ In addition to considering what is needed for the life and ministry of the clergy and what is best for the spiritual growth of the faithful, bishops must also “make laws for [their] people, judging and regulating all that pertains to [...] the apostolate.”⁵⁸ In light of such laws, the bishop must monitor carefully all parishes as well as all offices, institutions, and services in his care to ensure that personnel are fully informed of and compliant with the norms that have been established. The protection of minors presents bishops with a particularly urgent task to which they are called, and they must attend to it concretely as one of the preeminent needs of the people of God entrusted to their care. The Directory for the Pastoral Ministry of Bishops, *Apostolorum Successores*, states clearly that the bishop “needs to condemn vigorously all forms of violence and to raise his voice in favour of [...] children who suffer grave abuse.”⁵⁹ The weight of this responsibility can be daunting not only because of the matter concerned, but also because every authoritative

act carried out by a bishop is pastorally effective insofar as it is based on his own commitment to lead a holy life.⁶⁰

3.2.1 A Bishop Does Not Act Alone

While the bishop himself is instrumental in creating within his diocese or eparchy a culture of safety, he exercises this ministry in cooperation with others by respecting secular laws and civil authorities and by virtue of his communion with the universal Church, his fellow bishops, and the faithful entrusted to his pastoral care. To all the collaborators of the bishops – priests, deacons, officially mandated religious and laypersons – many of the expectations below also apply.

3.2.2 Respect For Civil Laws and Authorities

In addition to the laws of the Church, bishops are answerable to secular laws and civil authorities. Because of their office and their position as leaders within the community, they must be and are expected to adhere to the laws of the land in exemplary fashion. The norms of the Holy See on protecting minors as well as the present guidelines of the Canadian Conference of Catholic Bishops (CCCCB) likewise require bishops and major superiors to observe the stipulations of secular law. It is essential, therefore, that bishops take the time not only to familiarize themselves with the secular laws applicable to the geographical territory in which their diocese or eparchy is situated, but also to ensure that their own diocesan protocols are compliant with them.

3.2.3 Communion With the Universal Church

While autonomous in the administration of his own diocese, each bishop also shares a spiritual concern with all other bishops for the pastoral solicitude of the whole Church. This spirituality of communion includes living in conformity with the teachings of the Church. Just as adherence to doctrine is one source of unity in the Church, so commitment to the norms and expectations of the Holy See regarding cases of alleged or established sexual abuse represents the unified commitment of bishops to safeguarding minors. Bishops, therefore, are to apply the Holy See's directives effectively and with due regard not only for their content and weight (e.g. teaching documents, laws, norms, guidelines) but in view of the pastoral considerations they address. Furthermore, each bishop is expected to ensure that regulations in his own diocese or eparchy conform to canon law and other general norms, i.e., that these regulations must be properly promulgated, implemented, and observed.

3.2.4 Communion With Fellow Bishops

A national Conference of Bishops is a forum constituted by the bishops of a country to provide members of the same episcopacy with a means to deliberate collectively on Church matters and questions primarily of national importance; to assist each bishop with advice and counsel in the exercise of his ministry; and to develop appropriate ways of responding to matters of common concern in keeping with the communion and solidarity among the country's bishops.⁶¹ The Conference allows the bishops to share information, exchange ideas, and achieve consensus. It is not a governing body with the power

to enact regulations binding its members, except in those few areas where the Code of Canon Law explicitly requires it.⁶² Nor is it a national headquarters of any kind, for each diocese is autonomous in its own right. Its function is to serve as a vital assembly for the bishops of a country with respect to establishing a common vision and approach to important national issues. In Canada, as in many other parts of the world, the protection of minors is an example of one such important national issue.

3.2.5 Communion With the Faithful

As the practice of episcopal authority has evolved in recent years – from the exercise of power vested in a bishop to the service of a community expressed in a spirit of coresponsibility and synodality – so too has the understanding of mutuality, interdependence, and appreciation for the variety of roles and vocations in the Church deepened. Bishops have become more aware of the importance of listening to the voices of other members of the People of God in matters of ecclesial importance and particularly concerning issues related to the protection of minors. It is, in this sense, that the bishop, in addition to serving as shepherd of his flock, is expected to live a spirituality of communion with the faithful. The bishop’s daily contact with priests, religious, and lay faithful, as noted in *Apostolorum Successores*, “provides the setting in which the Spirit speaks to him, reminding him of his vocation and mission, and forming his heart through the vibrant life of the Church.”⁶³ Furthermore, in all matters, but especially those affecting other members of the Catholic faithful, “the bishop should always adopt an attitude of careful listening to what the Spirit is saying to the Church and in the Church.”⁶⁴ The various councils, particularly the presbyteral council and the

diocesan pastoral council, which exist to assist the bishop in this ministry, are examples of ways to promote deeper reciprocity and communion between a bishop and the other members of the diocese or eparchy entrusted to his care. In recent attempts to grapple specifically with the problem of sexual abuse, bishops have sought and welcomed input from the faithful as well as from professionals in the secular sciences, from legal experts, survivors and their families, and the wider community. Through consultations and meetings, bishops have deepened their understanding of sexual abuse and enhanced their response to it as a major priority.

3.3 *Accountability*

The term *accountability* is used in many diverse fields today and can sometimes mean different things to different people depending on the context. In the present document, accountability refers to the obligation of one party to answer for how it fulfills its responsibilities to another. It is not primarily about accepting blame for something that goes awry, but about delivering on accepted and shared commitments. Central to this understanding is the identification and acknowledgement of a good which is held in common by a number of people and an understanding of *who* is accountable to *whom* for the well-being and safekeeping of this good. The safety and well-being of younger generations and the integrity of the Church are two such goods to which bishops, other members of the Catholic faithful, and society at large share varying degrees of investment and commitment. Bishops are not immune, therefore, to rendering an account for their actions with respect to such goods. If in the past there had been an exaggerated sense that the bishop was all powerful, and therefore beyond

questioning and reproach, what prevails today is a shared sense of commitment and responsibility to what is held in common. This shared sense of responsibility is helping to foster an ever-growing culture of accountability within the Church.⁶⁵

In their efforts to improve accountability, bishops in Canada have found third-party auditing services helpful. Community service organizations as well as insurance providers offer various options, which can help establish a more rigorous and coordinated approach to implementing and maintaining safeguarding standards. Many (if not most) Canadian dioceses and eparchies have already established regular audits of protection policies and short-term risk prevention mechanisms, including screening, monitoring, and training sessions. The results of such audits not only aim to establish the highest standards of protection within individual dioceses and eparchies, but can also provide relevant and useful advice to bishops in their efforts to be mutually accountable. In Canada, many institutes of consecrated life and societies of apostolic life have turned to two major child protection agencies based in the United States: *Praesidium*⁶⁶ and *Virtus*®.⁶⁷ These organizations have offered professional assistance in implementing and maintaining safeguarding protocols. While varied in scope and application, these and similar auditing services are very helpful and necessary. However, the approach to effective long-term prevention of sexual abuse and the renewal of the Church's duty to ensure the protection of minors also demands ongoing education and formation – a perpetual investment in personnel, resources, time, and educational programs – and attention to the constant conversion of minds and hearts.

3.4 *Transparency*

In order for there to be accountability there must be a mechanism to ensure that the decisions and actions of those being held accountable are being communicated to other concerned individuals in a timely, open, efficient, and truthful manner. The name commonly given to this mechanism favouring communication is *transparency*. Indeed, transparency comprises a commitment to communicate with sincerity and honesty. It facilitates access to information to those who are entitled to receive it and welcomes external input in the development and implementation of policies and protocols.

And yet, while transparency involves the public disclosure of information, it is important to understand that not all victims (be they alleged or established) wish their identities to become publicly known. Furthermore, the presumption of an accused person's innocence and the right to an impartial and fair hearing, cornerstones of the criminal justice system in Canada,⁶⁸ at times require the courts to ensure that information be held from the public. Bishops in Canada have found it challenging at times to balance confidentiality obligations, on the one hand, and the demands for public disclosure, on the other. Not only do they appreciate the desire of the general public affected by the occurrence of sexual abuse in their communities to receive information in a timely manner, bishops also understand that maintaining or regaining public trust entails transparency and accountability in tandem with overriding legal and moral obligations to protect privacy interests of those involved even in the face of public pressure.

Transparency can be demanding. However, Pope Francis has urged bishops: “Do not fear transparency. The Church does not need darkness to carry out her work.”⁶⁹ The call for transparency to which Pope Francis was responding comes from a social and ecclesial context where the behaviour of leaders is being held to a high standard. Because of contemporary concerns about the loss of credibility and trust in public leadership – both in the Church as well as in other institutions – calls for transparency at times seem to involve a level of expectation which is not easy to attain. Nevertheless, it is important to recognize that transparency is a challenge which must be taken up as generously as possible in order for broken trust to be restored.

3.5 Preventing Sexual Abuse: A Call to Conversion

Preventing sexual abuse by tackling the cultural and systemic factors which contributed to the crisis must be a present concern and a future goal for both the Church and society. The importance of prevention in pastoral environments was underscored in the Winter Commission Report, in *From Pain to Hope*, and more recently in the conclusions of the 2011 John Jay College Report commissioned by the United States Conference of Catholic Bishops.⁷⁰ While all of the Catholic faithful are eager for the crisis in the Catholic Church to pass, the sexual abuse of minors remains a long-term societal problem likely to persist in many diverse contexts, including in families, where most incidents of sexual abuse occur, and in institutions involved in educating and mentoring minors.⁷¹ Within the Church, the goal of prevention is first and foremost a call to conversion. Firstly, this entails identifying long-standing institutional practices linked to sexual abuse; and

secondly, it involves transforming those practices, ensuring that they are more closely aligned with the Gospel and the Church's mission.

The Canadian experience and the worldwide crisis of sexual abuse have highlighted difficult lessons about human weakness, sexuality, ministry, leadership, authority, and the interrelationship of laity with clergy and religious. As eye-opening and heart-wrenching as the crisis has been, it presents a renewed opportunity for the spiritual transformation of the Church today by way of repentance and conversion. The Second Vatican Council reiterated that there would never be an age when the Church was not in need of purification and penance: "The Church, embracing in its bosom sinners, at the same time holy and always in need of being purified, always follows the way of penance and renewal."⁷² The community of faith survives through renewal and reform. "Be transformed by the renewing of your minds, so that you may discern what is the will of God – what is good and acceptable and perfect" (Romans 12:2). This is the spiritual transformation required for the effective prevention of sexual abuse and the commitment to protecting minors not only today but in the future.

The mission of Christ's Church to live and proclaim the Gospel in present circumstances demands renewed faithfulness. The Church must be a credible witness of the Gospel. Only as bishops, other Church leaders, and the faithful face with firm resolve and courageous action the demanding tasks of preventing sexual abuse – addressing the misuse of power and the abuse of trust in the process – will the credibility of Christ's disciples begin to be restored. Sexual abuse has reminded the followers of Christ that the darkness in the world

can profoundly affect the Church and the lives of individual Christians when they are unfaithful. The way of overcoming this darkness is through repentance and conversion, which comes at great personal cost, and by commitment to concrete action joined to humility and genuine Christian witness.

3.6 Changing Conditions

The sexual abuse scandal in the Church has dramatically revealed the effects of child sexual abuse and the importance of addressing allegations of this abuse appropriately, of recognizing the motivational factors related to the psychological and psychosexual health of clergy and consecrated persons, while highlighting the need for healthy conditions and wholesome relationships within pastoral ministry environments. The crisis has also shed critical light on the attitudes of many towards children and youth as well as on the responsibility of adults to nurture and protect them.

The abuse of minors by clergy and religious has also uncovered the extent and the evil of clericalism with its focus on the privileges and prerogatives of authority and the expectation of some clergy and religious to be treated as entitled, superior, and untouchable. Many such offenders took full advantage of their authority and social status in order to abuse children within the communities they were meant to serve. The culture of clericalism made it easier for clergy and religious to overcome the resistance of their victims with psychological and spiritual intimidation as well as by physical force. In some communities, this culture and its conditions made Church leaders as well as parents and other guardians of society less vigilant about protecting minors and dismissive of allegations when they arose.

While clergy and religious in Canada may no longer be held in the same high regard as they once were, it is a source of hope that many who faithfully minister in Christ's name are still looked upon with respect and are appreciated by the faithful in their communities. Nevertheless, the need for pastoral conversion remains a concern which calls for the renewal and transformation of "everything," in the very sense underscored by Pope Francis.⁷³ There must be openness to changes in the way ministry is exercised. There is equally a need to understand authority not as a manifestation of power, but as ministry of service.⁷⁴ Certain challenges persist concerning the quality of relationships among clergy, religious, and the laity; around the understanding of coresponsibility for the Church by all of its members; and with respect to the role of parents and the entire parish community in the prevention of sexual abuse and the protection of minors. Much has changed because of the crisis of sexual abuse, but more needs to change if the Church is to recover its missionary thrust and effectiveness.

*3.7 Renewing the Face of the Church*⁷⁵

The commitment to transformation, reform, and spiritual renewal is the primary hope for bringing about the healing and reconciliation of individuals and communities of faith. Renewing the face of the Church is a journey which begins with the acknowledgement of failure; it is followed by the express desire for the forgiveness of sinful behaviour; and it is confirmed by the experience of grace – of restored trust in and among those who make up the Church as redeemed disciples of Christ. Such a journey will not only be the way to renewed life in the Church and transformed relationships with others, it will also initiate and foster the appropriate conditions for the

long-term protection of minors. As recipients of this grace, the community of faith and its individual members will experience healing of body, mind, and spirit, and the awakening of new life. Hopefully, this spiritual transformation will take place at all levels of each of the individual dioceses and eparchies in Canada. Perhaps from the pain of sexual abuse will emerge the grace not only of healing for individuals, but of the ecclesial renewal which cannot be deferred.⁷⁶

Conclusion

Sexual abuse is a profound contradiction of everything that Jesus Christ represents. As Pope Saint John Paul II has written, society will not be mended if the faithful do not “first remake the Christian fabric of the ecclesial community itself.”⁷⁷ At the heart of this vision is the need to acknowledge and learn from the past; to face the challenge of pastoral conversion; to embrace the need to renew pastoral ministry; and to make visible the truth of God who is loving, forgiving, and merciful. All persons in the Church are again called in their personal and communal lives to be visible signs (Sacraments) of justice, mercy, and compassion. Since Christians are meant to witness the message and embody the ministry of Jesus, they must always be vigilant and attentive to the ways clergy and laity can share more effectively and credibly in Christ’s mission of healing and reconciliation.

With the implementation of the principles and recommendations outlined in the present document, it is the hope of the CCCB that the Catholic faithful and their pastoral leaders will learn the lessons taught by experience over these past years and see the profound urgency for

transformation in the Church and the healing of its members. The recommendations and action points included in this pastoral resource are intended to encourage bishops and other Church leaders to be effective agents of justice, mercy, and reconciliation through their commitment to protect minors and to prevent sexual abuse.

Pope Francis has, on numerous occasions, stressed the importance of the Church's mission of mercy. As he stated in *Misericordiae Vultus*: "The Church feels the urgent need to proclaim God's mercy. Her life is authentic and credible only when she becomes a convincing herald of mercy."⁷⁸ Hope, mercy, and transformation are central to the Gospel experience and are at the heart of the mystery of faith. It is the deeply held conviction of Christians that darkness and death will give way to new life in Christ. This hope and new life, as far as the Canadian experience has shown, is only possible with hard work, strong resolution, much prayer, and personal sacrifice. For a Christian, whether a survivor of sexual abuse or not, the promise of a new heaven and a new earth begins with a renewed personal encounter with Jesus Christ, where the promise of new hope and new life is actually lived in the community of faith on a daily basis and where the members of the Church understand themselves as redeemed by Christ. May this document assist the Catholic faithful in their efforts to remake "the Christian fabric of the ecclesial community itself"⁷⁹ by drawing inspiration and counsel from it as we all travel the road ahead.

PART II

GUIDELINES

Issued by the Canadian Conference of Catholic Bishops
to assist bishops and major superiors or those
equivalent to them in law in updating protocols
for the prevention of sexual abuse of minors by clerics
and for responding to complaints.

Every effort must also be made to ensure that the provisions of the Circular Letter of the Congregation for the Doctrine of the Faith dated 3 May 2011 are fully implemented. This document was issued to assist Episcopal Conferences in drawing up guidelines for handling cases of sexual abuse of minors by clerics. It is likewise important that Episcopal Conferences establish a practical means for periodically reviewing their norms and verifying that they are being observed.

— Pope Francis
*Letter Concerning the Pontifical Commission
for the Protection of Minors*
2 February 2015

Following a review by the Congregation for the Doctrine of the Faith, the Canadian Conference of Catholic Bishops (CCCCB) was informed on 10 May 2016 that the following **Guidelines** were determined to be in accord with the indications given by the said Congregation in its 3 May 2011 *Circular Letter* to assist Episcopal Conferences in developing procedures for dealing with cases of sexual abuse of minors perpetrated by clerics.⁸⁰ With the publication of this document, these **Guidelines** are officially and publicly issued.

Each section of the **Guidelines** below is followed by a commentary intended to assist bishops and major superiors or those equivalent to them in law in applying the **Guidelines** as well as to provide others who may be interested with detailed information. Readers who may be unfamiliar with some of the canonical terminology in this section may wish to consult the **Glossary** (page 144).

INTRODUCTION

Over the past twenty years, the problem of sexual abuse by clergy and members of institutes of consecrated life, societies of apostolic life, public associations of the faithful, and new ecclesial movements whose members include clerics (henceforth “institutes”), has highlighted the need for each to adopt effective methods for preventing abuse, responding to allegations, and reducing risks.

These **Guidelines** are intended to assist the leadership of the Catholic Church in Canada with the task of strengthening their policies relating to safeguarding minors. They are also meant to outline the protocol of an appropriate canonical and pastoral response to alleged or established cases of the sexual abuse of minors by clergy and, all things being equal, by non-ordained members of an institute (see Appendix 1) and officially mandated laypersons working in ecclesiastical structures under ecclesiastical supervision.

SECTION ONE: SCOPE AND APPLICABILITY

This section outlines the scope and applicability of the present Guidelines, including the canonical sources from which they are drawn, in view of the priority of creating a safe environment in any circumstance in which the protection of minors is imperative.

§ 1.1 – These **Guidelines** take into account the provisions of the Code of Canon Law (CIC [1983]) and the Code of Canons of the Eastern Churches (CCEO [1990]), the Apostolic Letter (issued *motu proprio*) *Sacramentorum sanctitatis tutela* of 30 April 2001 as revised on 21 May 2010 (henceforth referred to as *Motu Proprio* or SST [2010]),⁸¹ and the *Circular Letter* of 3 May 2011, from the Congregation for the Doctrine of the Faith. They are intended to assist Episcopal Conferences in developing guidelines for dealing with cases of sexual abuse of minors perpetrated by clerics.⁸²

These **Guidelines** are offered to all dioceses and eparchies in Canada and are intended to serve bishops and major superiors or those equivalent to them in law.

§ 1.1 **Commentary** – In keeping with the nature of the CCCB whose members are not only the bishops of the Latin Church but also those of Eastern Churches present in Canada, these **Guidelines** are shared with the representatives of the Eastern Catholic Churches *sui iuris* to facilitate the updating of their own policies and protocols.

The norms of the Holy See contained in the *Motu Proprio* of 30 April 2001, as revised on 21 May 2010, regarding the sexual abuse of minors, apply solely to clerics, whether diocesan or members of institutes.

A note regarding vocabulary: Whenever the term “major superiors” is used in the present **Guidelines**, without a reference to their equivalent in law, this refers to those major superiors of pontifical clerical institutes of consecrated life and of clerical societies of apostolic life who are “Ordinaries” in accordance with the *Code of Canon Law* for the Latin Church (cf. *Codex Iuris Canonici* [CIC] c. 134 § 1) or “Hierarchs” in the *Code of Canons of the Eastern Churches* (cf. *Codex Canonum Ecclesiarum Orientalium* [CCEO] c. 984 § 3).

On the other hand, when the term “major superiors or those equivalent to them in law” is used in these **Guidelines**, this refers not only to the major superiors of institutes of consecrated life, but also of clerical societies of apostolic life, public associations of the faithful, and new ecclesial movements whose members include clerics (cf. CIC/c. 620; CCEO/c. 418).

Even if the present document concerns only clerics, these norms can be adapted and adopted (preserving what is necessary for the particular norm, that is, all things being equal), in order to address cases of non-ordained members of institutes or laypersons officially mandated by bishops and major superiors or those equivalent to them in law (see Appendix 1). In these situations, the cases do not fall under the Congregation for the Doctrine of Faith, but of another dicastery of the Holy See, such as the Congregation for the Institutes of Consecrated Life and Societies of Apostolic Life. A short summary of the procedures to be followed in such cases is provided in Appendix 1.

§ 1.2 – The adoption of a diocesan protocol, adapted to the particular situation, resources, and history of a diocese, reaffirms the responsibility of a bishop in his diocese or eparchy to initiate, support, and maintain the means for preventing sexual abuse of minors and for responding to abuse complaints.

The various protocols of institutes existing in Canada also enable major superiors to prevent sexual abuse by their members and to respond to abuse complaints.

§ 1.2 **Commentary** – Entrusted with the pastoral care of the people of God residing in his diocese/eparchy, the bishop provides suitable mechanisms for the prevention of sexual abuse of minors. Consequently, he is to see that all works of the apostolate in his diocese/eparchy are coordinated under his supervision (cf. CIC/c. 394; CCEO/c. 203). To this end, the bishop will ensure that major superiors, or those equivalent to them in law, and members of institutes present in his diocese/eparchy, are aware of the present **Guidelines** as well as of the local diocesan protocol. In addition, the bishop will inquire about the existence of their respective safeguarding policies and protocols for intervention, which provide for the efficient management of and adequate response to an allegation of sexual abuse of a minor committed in his diocese/eparchy by a consecrated person, cleric, or layperson officially mandated by the institute.

§ 1.3 – Sexual abuse policies differ according to the varying situations in and sizes of Canadian dioceses/eparchies and institutes. These policies express the pastoral responsibility of bishops and major superiors or those equivalent to them in law towards victims, those who are close to them, the Christian community, pastoral personnel, and an alleged abuser. These policies also express the obligation for maintaining a healthy and safe environment for the pastoral activities of the Christian community where all persons may feel confident to live their faith.

§ 1.3 **Commentary** – There is no need for commentary on this section.

SECTION TWO: DEFINITION OF TERMS

*The following section provides the reader with definitions of select key terms used in these **Guidelines**.*

§ 2.1 – “Abuse” is understood to mean any physical, verbal, emotional, or sexual behaviour by a representative of a Church entity:

(i) which causes a person to fear for his or her physical, psychological, or emotional safety and well-being;

(ii) which the alleged perpetrator knew or ought to have reasonably known would cause that person to have concern or fear for his or her physical, psychological, or emotional safety and well-being.

Such behaviour may or may not be criminal in nature. Child abuse, as defined under the child protection legislation of each Canadian province or territory, also constitutes abuse in terms of these **Guidelines**.

§ 2.1 **Commentary** – The situations outlined in clauses (i) and (ii) of the **Guidelines** are neither mutually exclusive nor necessarily concurrent. The person abused may not have been conscious or fully aware of the seriousness of the behaviour at the time it was committed.

§ 2.2 – “Sexual misconduct” is any act deemed a sexual offence according to canon law, the *Criminal Code* of Canada, and the applicable laws of the province or territory.

§ 2.2 **Commentary** – “Sexual misconduct” here concerns the sexual abuse of a minor and likewise the sexual assault of a vulnerable

adult. Refer to § 2.4 of the present **Guidelines** for the definition of a “minor,” be it in reference to a child or a youth. For the definition of “vulnerable adult,” refer to § 2.5.

Since bishops and major superiors or those equivalent to them in law are obliged to follow the requirements of secular law (cf. § 3.1 of the present **Guidelines**), it is important to be aware of the applicable secular laws. In addition to federal statutes against child sexual abuse and exploitation, each province and territory has its own child welfare legislation to protect children against abuse, exploitation, and neglect.

§ 2.3 – “Abuse within ministerial relationships” is considered to be any abuse of power, betrayal of trust, or exploitation of the imbalance of power inherent in a ministerial relationship between a representative of a Church entity and the person with whom a ministerial relationship exists.

Because of the imbalance of power between the person offering ministry and the person to whom ministry is offered, the apparent consent of a possible victim does not in itself determine whether there has been an abuse of power, breach of trust, or exploitation. Abuse within ministerial relationships would include abuses which transpire between one Church representative and another for whom there is an imbalance of power (for example, between an ecclesiastical superior and subject, between a formator and a candidate for ministry, and so forth).

§ 2.3 **Commentary** – The *Criminal Code* of Canada sets the age of consent for sexual activity at sixteen years [R.S.C. 1985, c. C-46, s. 151]; however, when there is a relationship of trust, authority, or dependency, the age of consent is eighteen years [R.S.C. 1985, c. C-46, s. 153 (1)].

§ 2.4 – A “minor” is considered to be, for the purposes of these **Guidelines**, any person under the age of eighteen years or other such age which is in accordance with the prevalent secular, canonical, and social norms.

§ 2.4 **Commentary** – In Canada, the definition of a minor varies according to province. In the following five provinces, the definition of a minor is a person under eighteen years: Alberta, Manitoba, Ontario, Quebec, and Prince Edward Island. In Saskatchewan a minor is an unmarried person under the age of sixteen. In Newfoundland, a minor is a person under sixteen years (youth defined as a person who is sixteen years or older, but under the age of eighteen). In the remaining three provinces and three territories a minor is defined as a person under nineteen years: British Columbia, New Brunswick, Nova Scotia, Nunavut, Northwest Territories, and Yukon.⁸³

CIC/c. 97 and CCEO/c. 909 define a minor as one who has not yet reached the age of eighteen.

§ 2.5 – A “vulnerable adult” refers to a person who is defined as an adult by secular statutes (see §2.4), but who lacks an adult mental capacity or who, by reason of advanced age, physical illness, mental disorder, or disability at the time the alleged abuse occurred, was or might be unable to protect himself or herself from significant harm or exploitation. Therefore, an adult who habitually lacks the use of reason is considered incapable of personal responsibility and is deemed to be equivalent to a minor according to canon law (see CIC/c. 99; CCEO/c. 909) and for the purposes of these **Guidelines**.

The case of a cleric who would take advantage of his position of authority to abuse sexually an adult who is not vulnerable in this sense would not be dealt with by virtue

of *Sacramentorum sanctitatis tutela*, since this misconduct is not considered among the more grave delicts listed in the *Motu Proprio*. However, it remains a delict according to CIC/c. 1395; CCEO/c. 1453 § 1, and would be treated in accordance with the applicable provision in canon law.

§ 2.5 Commentary – The case of a cleric who sexually assaults an adult who is not vulnerable in the sense as defined in the above and who is found guilty and has been sentenced, does not fall under the jurisdiction of the Congregation for the Doctrine of the Faith. Rather the case would eventually be handled by the Congregation for the Clergy in virtue of the special faculties granted to it by Pope Benedict XVI on 30 January 2009. One of these faculties is that of presenting “to the Holy Father for approval the cases of dismissal from the clerical state [...] of clerics guilty of serious external sins against the sixth commandment of the Decalogue” (cf. CIC/c. 1395 §§ 1-2; CCEO/c. 1453 §§ 1-2). The application of these faculties concerns namely the Ordinary, therefore not only the bishops or the hierarchs, but also the major superiors.

SECTION THREE: CANONICAL PROVISIONS

Although the CCCB recommends that any eventual protocols apply (all things being equal) to all of the above-mentioned situations of abuse or misconduct, it must be kept in mind that the substantive and procedural norms promulgated by the Motu Proprio Sacramentorum sanctitatis tutela apply in the strict sense of the term only to those cases of sexual abuse listed by the Motu Proprio among the more grave delicts (delicta graviora):

“1^o The delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor;

2^o The acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology” (SST [2010] art. 6).

§ 3.1 – Secular legislation must be taken into account. The *Circular Letter* of the Congregation for the Doctrine of the Faith mentioned above calls for making “allowance for the legislation of the country where the Conference is located” (section III, g). Since the *Criminal Code* of Canada defines child pornography as including pornographic images of a person under the age of eighteen (R.S.C. 1985, c. C-46, s. 163.1) – not under the age of fourteen – secular law in Canada must be taken into account, even though a canonical penalty cannot be imposed for something which is not a delict in canon law.

§ 3.1 **Commentary** —The *Criminal Code* (R.S.C. 1985, c. C-46, s. 163.1) prescribes that anyone found possessing or distributing child pornography is guilty of a criminal offence. The *Criminal Code's* definition of child pornography includes: a) a photographic, film, video, or other visual representation, whether or not it was made by electronic or mechanical means, of explicit sexual activity with a person who is, or who is depicted as being under the age of eighteen; b) any written material, visual representation, or audio recording that advocates or counsels sexual activity with a person under the age of eighteen; c) any written material whose dominant characteristic is the description, for a sexual purpose, of sexual activity with a person under the age of eighteen; d) any audio recording that has as its dominant characteristic the description, presentation, or representation, for a sexual purpose, of sexual activity with a person under the age of eighteen years.

If a cleric is found guilty under secular law of possessing or distributing child pornography, the provisions for reporting cases to the Congregation for the Doctrine of the Faith are to be observed (SST [2010] art. 6 §1, 1°, art. 17 and art. 18).

The diocesan protocol must also take into account any provincial/territorial statute, where applicable, requiring citizens to report to the civil authorities anyone suspected of accessing or possessing child pornography.

§ 3.2 – A criminal action for delicts of sexual abuse ends by prescription after twenty years. “The prescription begins to run from the day on which a minor completes his/her eighteenth year of age,” although the Congregation for the Doctrine of the Faith may derogate from this prescription in individual cases (*Motu Proprio*, art. 7). At the same time, according to the criminal law of Canada, there is no statute of limitations for child sexual abuse. Consequently, these **Guidelines** will comply with both the norms of the *Motu Proprio* and Canadian legislation.

§ 3.2 **Commentary** – The determination of the criminal action in question here is with respect to the canonical trial. The prescription of twenty years which is found in the *Motu Proprio* starts after midnight at the end of the day when the presumed victim reaches the age of eighteen years (cf. CIC/c. 203 §2; CCEO/c. 1546 § 2); hence, the victim can formulate an accusation until the age of thirty-eight years. The Congregation for the Doctrine of the Faith may derogate from this in individual cases (cf. SST [2010] art. 7 § 1) and increase the time period. Secular law in Canada imposes no prescription period (statute of limitations) for denouncing the sexual abuse of minors or sexual assault in general. Given the canonical procedural rules outlined below, the Ordinary is to investigate the allegation of abuse which must be reported to the Congregation for the Doctrine of the Faith and, if it proves to be likely, he must request a derogation concerning the prescription period, if need be.

§ 3.3 – The preliminary investigation concerning an alleged delict of sexual abuse by a cleric is to be initiated by the Ordinary or the Hierarch whenever he receives a report of an allegation which has at least the semblance of truth. Once this preliminary investigation is completed, the Ordinary or the Hierarch “is to communicate the matter to the Congregation for the Doctrine of the Faith which, unless it calls the case to itself due to particular circumstances, will direct the Ordinary or Hierarch how to proceed further, with due regard, however, for the right to appeal, if the case warrants, against a sentence of the first instance only to the Supreme Tribunal of the same Congregation” (art. 16). This norm is of a great importance, since its application will indicate to the Ordinary or the Hierarch the procedure to be followed, which is not the same in each case.

§ 3.3 **Commentary** – If the Ordinary has reason to believe that the allegation which has been brought to his attention has the semblance

of truth – in other words, that the allegation appears plausible – he must proceed with a preliminary inquiry. Sometimes, a founded doubt or persistent rumours from different sources can plausibly support an allegation. If the investigation leads to the conclusion that the allegation is founded, the Ordinary is to bring these facts to the attention of the Congregation for the Doctrine of the Faith together with his opinion (*votum*) on the matter. The Congregation will then indicate the procedure to be followed, depending on the case. The latter may be different, for example if the perpetrator of the abuse admits his guilt or not, or has already been found guilty by a secular court.

The Congregation for the Doctrine of the Faith can retain the right to handle the matter itself “because of special circumstances” which the *Motu Proprio* does not specify. Among the “special” circumstances, one could imagine such cases as, for example, the conviction of the accused by a secular court for numerous offences of a heinous nature, or the accused being an especially prominent person or public figure. In cases involving such “special” circumstances, the Congregation may revoke its decision to demand an immediate penal or judicial administrative process.

§ 3.4 In principle, sexual abuse cases are to be tried in a judicial process. However, the Congregation for the Doctrine of the Faith may decide that the competent authority should proceed by extrajudicial decree, that is to say, by administrative penal process. The Ordinary or the Hierarch cannot impose a perpetual penalty upon the individual, unless it is included in the mandate of the said Congregation which can impose the penalty itself (see SST [2010] art. 21 § 2, 1^o) or “present the most grave cases to the decision of the Roman Pontiff with regard to dismissal from the clerical state” (SST [2010] art. 21 § 2, 2^o). However, at the request of the cleric himself, a dispensation from the obligations of the clerical state, including celibacy, can be granted by the Roman Pontiff.

§ 3.4 **Commentary** – There is no need for commentary on this section.

§ 3.5 – “With full respect for the right of defence” (SST [2010] art. 18), it is of a great importance to notify the alleged abuser of the allegation and the evidence, and to give the accused the opportunity to defend himself (cf. CIC/c. 1720, 1°; CCEO/c. 1486 § 1, 1°) and to respond to the allegation. If a judicial penal process is ordered by the Congregation for the Doctrine of the Faith, the judge must invite the accused to engage an advocate; if he does not do this, the judge himself is to appoint an advocate *ex officio* (see CIC/cc. 1481 § 2 and 1723; CCEO/cc. 1139 and 1474).

§ 3.5 **Commentary** – There are two possible processes: the administrative penal process and the formal judicial process. The first is chaired by the Ordinary or his delegate, assisted by two assessors, in addition to a notary, and concludes with an extrajudicial decree. Unless the Congregation for the Doctrine of the Faith has given an express mandate, a perpetual penalty, such as the loss of the clerical state, cannot be imposed by decree (cf. CIC/c. 1342 § 2; CCEO/c. 1402 § 2).

The right of defence must be respected by offering the alleged abuser the opportunity to defend himself and to choose an advocate. In principle, persons designated to exercise this role must be priests with a doctorate in canon law. These two stipulations are required by the *Motu Proprio*. That being said, the Congregation may grant an exemption to these requirements in particular cases (SST [2010] art. 15). Finally, recourse against the extrajudicial decree can be exercised with the Congregation, but if the latter confirms the order there is no possible further recourse (cf. SST [2010] art. 27).

As to the judicial process, as its name indicates, it is chaired by a judge, assisted often by other judges (cf. CIC/c. 1425 § 2; CCEO/c. 1084, § 1), and conducted according to the applicable

canonical norms. Among other things, given that the question concerns the public good of the Church, it is the promoter of justice who initiates the process by naming the points of accusation. Furthermore, the accused in a judicial trial must have an advocate. If he does not, the judge is to name one.

The judicial trial can come to a close by a sentence imposing a perpetual penalty such as the loss of the clerical state. Just as in the administrative penal process, the persons involved in the judicial process must be priests with a doctorate in canon law; however, an exemption may be granted by the Congregation (SST [2010] art. 15). Finally, the accused cleric can exercise his right to appeal the decision to the Congregation. However, as in the case of a recourse against the extrajudicial decree, there is no recourse against a confirmation by the Congregation of the decision taken by the Ordinary (cf. SST [2010] art. 28).

§ 3.6 – If a delict of sexual abuse is connected with a delict against the Sacrament of Penance, the one reporting has the right to request that his or her name not be made known to the cleric denounced, unless this accuser has expressly consented to the revelation of his or her identity (see SST [2010] art. 24 § 1).

§ 3.6 **Commentary** – “A delict of sexual abuse is connected with a delict against the Sacrament of Penance” can mean, for example, that the perpetrator imparts sacramental absolution on his accomplice or a confessor solicits a penitent during the Sacrament of Penance.

With any delict against the Sacrament of Penance, violation of the sacramental seal must be altogether avoided (Cf. SST [2010] art. 24 § 2).

§ 3.7 – Once the local process has been completed in any manner, even if there is no appeal from a sentence, “all of the acts of the case are to be transmitted *ex officio* to the

Congregation for the Doctrine of the Faith as soon as possible”
(SST [2010] art. 26 § 1).

§ 3.7 **Commentary** – “Completed in any manner,” that is to say whether the administrative penal process or formal judicial process ends with the imposition of a sanction or a decision of not guilty, all the acts must be transmitted to the Congregation for the Doctrine of the Faith.

“Acts of the case,” that is to say all testimonies and documents to be gathered and transmitted in order for a judgment to be reached by the ecclesiastical court.

SECTION FOUR

BASIC ELEMENTS FOR APPLYING THE CANONICAL PROVISIONS

A protocol for the prevention of sexual abuse and the pastoral response to complaints of sexual abuse should include the elements outlined in this section. Such a protocol should exist in every diocese/eparchy and institute.

§ 4.1 – The Ordinary should appoint a delegate to deal with issues related to sexual abuse or to allegations of sexual misconduct (see CIC/c. 1717 § 1; CCEO/c. 1468). The delegate may be a priest, a deacon, or any other person (male or female) who is trustworthy and qualified to perform these duties.

A deputy delegate should be appointed at the same time as the delegate and be similarly qualified. In the absence of the delegate or in the event of the delegate's incapacity, the deputy delegate has the same role and functions as the delegate.

§ 4.1 **Commentary** – There is no requirement for the delegate or his deputy to be a specialist in any particular discipline. However, he or she could, for example, be knowledgeable about matters relating to safeguarding against abuse or abuse itself and be of good repute.

§ 4.2 – The protocol should provide for the formation of an advisory committee of at least three persons who, under the authority of the delegate, will assist the delegate in matters relating to the prevention of sexual abuse of minors and in responding to allegations of sexual abuse. Taking into consideration the resources that are available, neighbouring dioceses/eparchies or institutes might agree to establish an

interdiocesan or an intercongregational advisory committee. The advisory committee should also be mandated to provide advice on the preparation and updating of the protocol relating to sexual abuse, as well as to its interpretation and proper application.

§ 4.2 **Commentary** – The appointment of a delegate and a deputy delegate is recommended to allow the Ordinary freedom of judgment and all possible latitude in case an allegation of sexual abuse proves to be founded. Given that the Vicar General and the Episcopal Vicar have the same executive power as the bishop (cf. CIC/c. 479; CCEO/c. 248) and are “never to act contrary to the intention and mind of the diocesan bishop” (CIC/c. 480; CCEO/c. 249), it would be preferable for the delegate and deputy delegate not to be vicars of the bishop. Since CIC/c. 483 §2 and CCEO/c. 253 §1 require that even the notary be a priest in cases in which the reputation of a cleric can be called into question, current practice calls for the delegate to be a priest in a case concerning a priest.

The appointment of a delegate also has the advantage of allowing the cleric suspected of sexual abuse to rely on a possible local instance rather than to start immediately by the last instance before the Holy See. If the allegation is made directly to the Ordinary, it is advisable that he refer the person to the delegate or the deputy delegate. It is also recommended that, to the extent resources permit, the delegate and deputy delegate work with an advisory committee composed of members of various professions to propose an informed decision on the probability of the facts and the likelihood of the allegation.

§ 4.3 – Every allegation of sexual abuse against a member of the clergy, whether doubtful or well-founded, is to be reported to the delegate or deputy delegate. This applies also with respect to an allegation of sexual abuse against a non-ordained member of an institute or officially mandated laypersons working in ecclesiastical structures under

ecclesiastical supervision – even if such cases are not covered by the norms of the *Motu Proprio*.

In the initial stages of the process, it is particularly important to listen attentively to victims and their families, to treat them with respect, and to be committed to their spiritual and psychological assistance.

It is also essential that the delegate comply with the reporting obligations imposed by secular law, cooperate with the police in their investigation of the allegations and avoid any interference which may arise on account of the canonical investigation.

If the situation does not call for mandatory reporting to the civil authorities, the delegate is nevertheless required to inform those concerned of their right to make their own denunciation to the proper civil authorities and offer proper encouragement in this regard.

§ 4.3 Commentary – The Church has an obligation to cooperate with the requirements of secular law regarding the sexual abuse of a minor (cf. *Circular Letter I*, e). This requirement extends to the reporting of such crimes to the appropriate civil authorities. In Canada, all provinces and territories have laws concerning the mandatory reporting of sexual or physical abuse of a minor, be it suspected or ascertained. It is important to be informed as to how “minor” is defined in the applicable secular legislation (see **Guidelines** above, § 2.4, for the definition of a “minor”).

When an adult brings forward an accusation of abuse which took place at the time he/she was a minor, he/she must be informed of the right and perhaps the duty to denounce the alleged offender to the civil authorities. As per the *Criminal Code* of Canada, there

is no time limitation on when an accused can be charged for an indictable offence such as sexual assault/sexual abuse.

Regardless of whether the adult person coming forward reports the alleged historical incident to civil authorities, when an allegation of sexual abuse involves a cleric, the Ordinary is obliged to inform the Holy See and to await its directives concerning how to proceed canonically.

Apart from historical allegations, should the Ordinary become aware of the sexual or physical abuse of a minor *which is currently taking place*, but remains silent, he can be deemed criminally liable and prosecuted for protecting the offender. If the Ordinary acquires this information during sacramental Confession – whether of the victim or the perpetrator – the seal of Confession remains inviolable (cf. CIC/c. 983 and CCEO/c. 733).

§ 4.4 – The protocol should provide for the appointment of a person responsible for relations with news media for all questions concerning allegations of sexual abuse; this person is not to be the delegate or deputy delegate. The designation of one individual as the official spokesperson leads to better mutual understanding, more effective collaboration, and avoids confusion with reporters/journalists. The designated spokesperson should work closely with the bishop/major superior or the equivalent in law and the delegate.

§ 4.4 Commentary – With the widespread presence and formidable efficiency of social media, it is more than ever important that traditional mass media be kept informed in a formal manner, one way or another, of the accountability of the bishop/major superior or the equivalent in law concerning allegations which were made public and what actions have been or will be undertaken. It can be most helpful for a communications professional to be delegated to respond to media inquiries in such cases; however, this person cannot replace the bishop/major superior.

§ 4.5 – The protocol should also provide for a mechanism by which to inform the clergy, the members and personnel of an institute, and the faithful about the duly approved protocol and the means by which to access it.

The protocol should be published and made available to the faithful and the general public through a brochure or by publication on an appropriate website, if one exists. It should be written in plain and accessible language in order that it may be readily understood.

The information required for someone to be able to contact the delegate or deputy delegate should also be publicized and made available in all locations where pastoral activities take place, and posted on the website of the diocese/eparchy and institute.

§ 4.5 **Commentary** – The information to be locally disseminated includes the present **Guidelines** issued by the CCCB.

§4.6 – Clerics and members of institutes as well as officially mandated laypersons who function in ecclesiastical structures are to be well informed of the damage to victims from sexual abuse, whether the perpetrator be a cleric, a member of an institute, or other personnel under ecclesiastical supervision. They are to be aware of their own responsibilities in this regard in view of both canon and secular law. They are also to be helped to recognize the potential signs of abuse, perpetrated by anyone in relation to minors (see *Circular Letter*, I, d, 1).

§ 4.6 **Commentary** – There is no need for commentary on this section.

§ 4.7 – It is important to keep in mind that the accused person is presumed innocent until the contrary is proven in accordance with the norms of law. Therefore, any investigation of accusations is to be done with due respect for the principle of privacy and the good name of the persons involved (see CIC/cc. 220 and 1717 §2; CCEO/cc. 23 and 1468, and *Circular Letter*, III, d).

§ 4.7 **Commentary** – In addition to the sections of the Codes and the *Circular Letter* cited above, the *Canadian Charter of Rights and Freedoms*, Section 11(d), provides that any person charged with an offence has the right “to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal.”

§ 4.8 – The protocol should provide for a mechanism whereby, once the preliminary inquiry is begun, the Ordinary systematically assesses the canonical measures to be implemented with respect to a person who is alleged to have committed sexual abuse (in particular, see CIC/c. 1722; CCEO/c. 1473). The *Motu Proprio* permits the Ordinary to impose precautionary measures from the outset of the preliminary investigation (see SST [2010] art. 19). These measures are to be adapted to the alleged abuser’s canonical status. They may include restrictions in relation to residence, a temporary suspension of faculties for the exercise of ministry, or prohibition against any public exercise of ministry. No matter which restrictions are imposed during the course of the disciplinary or penal process, he is to be afforded a just and fit sustenance (see *Circular Letter*, III, h). With regard to married priests and deacons, each diocese/eparchy has its own policy with regard to their financial conditions, which can be used as a reference to determine a just sustenance.

Canonical measures do not depend on whether the abuser was charged or convicted of a crime under the *Criminal Code* of Canada or other secular legislation, or whether the abuser was found by a secular court to have committed the abuse. It is not to be forgotten that some offences defined according to secular law may be seen as being more serious according to the terms of canon law, as listed in the *Motu Proprio* among other more grave delicts.

During the secular proceedings, a cleric could request a dispensation from the obligations of the clerical state. However, it is recommended that no permanent canonical measures be imposed until all secular criminal proceedings have been completed. In any event, all of the acts of the case are to be transmitted *ex officio* to the Congregation for the Doctrine of the Faith (see SST [2010] art. 26 § 1).

§ 4.8 Commentary – The Codes of Canon Law deal with the livelihood of a cleric when penalties are to be imposed. These may include being placed on *administrative leave*, i.e., *the temporary suspension of faculties for the exercise of ministry*, with appropriate remuneration. According to CIC/c. 1350, “unless it concerns dismissal from the clerical state, when penalties are imposed on a cleric, provision must always be made so that he does not lack those things necessary for his decent support” (§ 1). This being said, the Ordinary is to take care to provide for a person dismissed from the clerical state who is truly in need “because of the penalty” (§ 2). CCEO/c. 1410 speaks in similar terms, while also noting specifically the situation of a married cleric.

These canons manifest a human concern on the part of the legislator: the sacramental brotherhood unites the bishop and the cleric by the Sacrament of Holy Orders and remains even after a perpetual penalty. However, there are difficulties concerning their application in specific cases, which can vary greatly according to

the circumstances of time, place, and person. CIC/c. 1350 § 1 speaks of “what is necessary for his decent support;” if the cleric has been dispensed from the obligations of his ministry, § 2 goes on to state that the Ordinary is to provide “in the best manner possible.” For example, the means of subsistence are not the same in the case of a married deacon or priest in an Eastern Church, a permanent deacon in the Latin Church, or an ordained member of an institute of consecrated life who has lived for many years under the vow of poverty and is without personal resources. There are unique circumstances in each case which cannot be managed by a universal policy.

In regards to members of institutes (whether ordained or not), the Codes do not speak of subsistence as such. The Latin Code puts the responsibility on the particular institute following the withdrawal of a member, whether he or she leaves legitimately or is dismissed. According to CIC/c. 702 § 2, “the institute is to observe equity and evangelical charity towards a member who is separated from it.” CCEO/c. 503 speaks in similar terms.

If the Ordinary has not appointed a delegate to be present during the secular trial, he must carefully examine the court sentence of a cleric who has been convicted in accordance with secular criminal law as a result of the facts which came to light during the secular trial. The Ordinary must determine if the offence involves a delict punishable by canonical law with a corresponding penalty. For example, if a priest committed sexual abuse during Confession, the secular judge may not take this circumstance into consideration as a punishable offence under secular law; however, it may be regarded as an aggravating factor in canon law because of the sacrilege and the abuse of authority. The Ordinary will then need to mention this detail in the *notum* which he sends to the Holy See.

§ 4.9 – The protocol is to provide appropriate means for restoring the reputation of a person who has been wrongly accused of sexual abuse of minors or vulnerable adults. The way

this is to be done will depend to a great extent on the publicity given to the accusations and to any eventual secular trial.

§ 4.9 **Commentary** – Each case is unique. There may be significant differences between a non-guilty decision because there is absolutely no evidence to support the allegation, and a non-guilty decision because of the weakness of the evidence or because of a reasonable doubt. If the Ordinary continues to have a reasonable doubt, he is to communicate the decision from the secular trial to the Congregation for the Doctrine of the Faith together with his *notum* and await the directives of the Holy See.

If the cleric is cleared of all accusations, the Ordinary will need to take the necessary measures to restore as far as possible the cleric's good reputation, while also taking the latter's own advice into consideration.

SECTION FIVE: APPROVAL AND PROMULGATION OF THE PROTOCOL

§ 5.1 – Once approved by the competent authority, the protocol is to be promulgated according to the custom of the diocese/eparchy and published in accord with §§ 4.5 and 4.6 above.

§ 5.1 **Commentary** – There is no need for commentary on this section.

SECTION SIX: UPDATE OF THE PROTOCOL

§ 6.1 – The protocol is to be reviewed every four years.

§ 6.1 **Commentary** – There is no need for commentary on this section.

PART III

RESOURCES

The following is a list of resources intended to assist anyone engaged in pastoral ministry with minors, in particular those responsible for developing both policies for the protection of minors, including the provision of training and raising awareness, and protocols for responding to complaints of sexual abuse. Whenever possible, resources are provided in both official languages.

The list is organized in the following categories:

- 1) Practical Guides (page 103)
- 2) Education/Training Programs (page 110)
- 3) Resources from Episcopal Conferences and the Holy See (page 113)
- 4) Government Resources in Canada (page 115)
- 5) Agencies Promoting the Protection of Minors (page 123), and
- 6) International Human Rights Engagement (page 125).

This list does not purport to be exhaustive. Updates can be found on the resources page (for the protection of minors) on the website of the Canadian Conference of Catholic Bishops (CCCB), www.cccb.ca.

The items on this list do not necessarily reflect the views or official policy of the CCCB or of any bishop and his diocese/eparchy.

1) PRACTICAL GUIDES

The following is a list of publications online and in print which can serve as training manuals. A more comprehensive list of cited works and references for further reading is provided in the “List of Works” which follows.

BOUNDARIES

Drummond, Thomas B. *The Ministerial Counseling Role: Guidelines for Ethical Behavior.* Carson City, NV: The Plains Group, 2001. 61 pages.

[Book]: Designed for ministers who undertake counselling roles within their faith communities but who lack formal training in counselling/talk therapy. The author addresses certain areas of vulnerability that may arise from the counsellor’s own unresolved issues, imprudence, or lack of awareness.

Peterson, Marilyn R. *At Professional Risk: Boundary Violations in Professional-Client Relationships.* New York: W. W. Norton, 1992. 198 pages.

[Book]: Addresses boundary violations in the professional-client relationship, drawing on examples of misconduct in a various professional fields including pastoral ministry. The author examines power differentials and other factors which contribute to boundary violations.

Protecting God's Children – Teaching Touching Safety: A Guide for Parents, Guardians, and Other Caring Adults. Lisle, IL: National Catholic Services, 2004. 14 pages.

Web (English only):

<http://www.st-cyril.org/forms/safeguard-the-children/virtus-protecting-gods-children-teaching-touching-safety-guide11132015.pdf>

[Booklet in print and online]: Provides instruction to parents, guardians, and other caring adults on how to teach children about boundaries, what constitutes a boundary violation, and how to disclose incidents of sexual abuse to trusted adults.

“Violating Boundaries: Improprieties in Ministry.” Special issue, *Caring Connections: An Inter-Lutheran Journal for Practitioners and Teachers of Pastoral Care and Counseling* 10, 2 (2013): 1-36.

Web (English only):

http://www.lutheranservices.org/sites/default/files/images/pdfs-CaringConnections/CaringConnections_Spring2013.pdf

[Journal articles]: The volume as a whole includes a series of articles from different authors on related topics: the problem with secrets, accountability, healthy leaders and communities, ministering to victims of sexual abuse, cherishing children, and boundaries in ministerial practice.

CHILD ABUSE

Child Sexual Abuse: It Is Your Business. Winnipeg: Canadian Centre for Child Protection, 2014. 16 pages.

Web (English):

https://www.protectchildren.ca/pdfs/C3PChildSexualAbuseItIsYourBusiness_en.pdf

Web (French):

https://www.protectchildren.ca/pdfs/C3PChildSexualAbuseItIsYourBusiness_fr.pdf

[Booklet]: Designed for adults and intended to equip them with an understanding of child sexual abuse and how to recognize behaviour which may signal a child in distress.

HEALING IN PARISHES/COMMUNITIES

Healing in Congregations After Clergy Sexual Abuse: A Resource to Assist Synodical Leaders and Local Congregations. Chicago: Evangelical Lutheran Church in America, 1997. 116 pages.

Web (English only):

[http://download.elca.org/ELCA%20Resource%20Repository/Healing In Congregations After Clergy Sexual Abuse.pdf](http://download.elca.org/ELCA%20Resource%20Repository/Healing%20In%20Congregations%20After%20Clergy%20Sexual%20Abuse.pdf)

[Booklet]: Designed specifically for those assisting congregations whose leadership has been implicated in sexual abuse. The booklet offers a pastoral reflection and approach for victims and their families, staff, lay leaders, and community members, as well as the wider community.

SCREENING

Public Safety Canada. *The Screening Handbook: Tools and Resources for the Voluntary Sector.* Ottawa: Her Majesty the Queen in Right of Canada, 2012. 103 pages.

Web (in English):

<https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/scrnng-hndbk/index-en.aspx>

Web (in French):

<https://www.securitepublique.gc.ca/cnt/rsrscs/pblctns/scrnng-hndbk/index-fr.aspx>

[Book in print and online]: Provides information on screening in accordance with Canadian privacy laws and regulations, including police checks, references, interviews for prospective employees, and volunteers.

Public Safety Canada. “Screening Volunteers for the Risk of Child Sexual Abuse.” *Research Summary 18, 3* (May 2013): 1-2.

Web (in English)

<https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/scrnng-vlntrs-rsk/index-en.aspx>

Web (in French)

<https://www.securitepublique.gc.ca/cnt/rsrscs/pblctns/scrnng-vlntrs-rsk/index-fr.aspx>

[Report]: A brief report on how volunteer organizations can identify applicants at risk of committing child abuse.

TERMINOLOGY

Interagency Working Group on Sexual Exploitation of Children. *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*. Luxembourg: ECPAT International, jointly with ECPAT Luxembourg, 2016. 114 pages.

[Resource]: Also known as the “Luxembourg Guidelines,” the *Terminology Guidelines* offer guidance on how to navigate the complex lexicon of terms commonly used relating to sexual exploitation and sexual abuse of children. They aim to build consensus on key concepts in order to strengthen data collection and cooperation across agencies, sectors, and countries.

United Nations. *Glossary on Sexual Exploitation and Abuse*. 2nd Edition. Prepared by the Task Team on the SEA Glossary for the Special Coordinator on improving the United Nations response to sexual exploitation and abuse, 24 July 2017. 19 pages.

Web (English only):

https://hr.un.org/sites/hr.un.org/files/SEA%20Glossary%20%20%5BSecond%20Edition%20-%202017%5D%20-%20English_0.pdf

VICTIMS RELATIONS

Canada. *Directory of Services for Adult Survivors of Child Sexual Abuse.* Prepared by the National Clearinghouse on Family Violence. Ottawa: Public Health Agency of Canada, 2009. 119 pages.

Web (English):

<https://www.canada.ca/en/public-health/services/health-promotion/stop-family-violence/prevention-resource-centre/children/adult-child.html>

Web (French):

<https://www.canada.ca/fr/sante-publique/services/promotion-sante/arretons-violence-familiale/ressources-prevention/enfants/adultes-enfants.html>

[Directory]: Provides names and contact information of agencies by province and territory.

“Day of Prayer.” Pontifical Commission for the Protection of Minors.

Web (English only):

http://www.tutelaminorum.va/content/tuteladeiminori/en/resources_section/day-of-prayer_page.html

[Initiative]: The page proposes a day of prayer for victims of sexual abuse by clergy. Welcomed by Pope Francis, it provides samples of two prayers which can be used for the occasion.

McMackin, Robert A., Terence M. Keane, and Paul M. Kline, eds. *Understanding the Impact of Clergy Sexual Abuse: Betrayal and Recovery*. London: Routledge, 2009. 236 pages.

[Book]: A collection of essays by several experts on the multidimensional effects of sexual abuse perpetrated by clergy and the betrayal of trust by religious leaders. The collection considers not only how this type of abuse is differentiated from other traumas, but also discusses its impact on the family, the profound alteration in individual spirituality, and the changes in individual and family religious practices.

Understanding Sexual Abuse By a Church Leader or Caregiver. 2nd edition. Winnipeg: Mennonite Central Committee, 2011. 38 pages.

Web (English only):

<http://www.mennonitebrethren.ca/wp-content/uploads/2012/03/understandingsexualabusebyachurchleader.pdf>

[Booklet in print and online]: Addresses sexual abuse perpetrated by church representatives and provides information on the experience of victims and communities in order to facilitate healing. The booklet also discusses healing in congregations affected by abuse.

2) EDUCATION/TRAINING PROGRAMS

The following is a list of training courses/programs, including specialized training on safeguarding at the university-level.

Canadian Red Cross. Be Safe! (formerly called the c.a.r.e. kit).

Web (English):

<http://www.redcross.ca/how-we-help/violence--bullying-and-abuse-prevention/educators/child-abuse-and-neglect-prevention/program-for-young-children--be-safe--can-help-prevent-sexual-abuse-of-children>

Web (French):

<http://www.croixrouge.ca/nos-champs-d-action/prevention-de-la-violence-et-de-l-intimidation/educateurs/prevention-de-la-violence-et-de-la-negligen-ence- envers-les-enfants/programmes-de-prevention-de-la-violence-et-de-la-negligen-ence- envers-les-enfants?lang=fr-CA& ga>

[Online resource]: An internet based safety program for children aged five to nine, with a focus on preventing child sexual abuse.

Centre for Child Protection (CCP). Pontifical Gregorian University (Rome).

Web (English): <http://childprotection.unigre.it>

Web (French): <http://childprotection.unigre.it/?lang=fr>

[Training/Education]: The CCP provides educational resources – basic training (including e-learning) and specialized formation (Diploma) – for individuals working in the area of safeguarding minors. The CCP also organizes scholarly conferences.

Keeping Your Children Safe: Your Role in Child Protection.
Presented by Praesidium Inc.

Web (English only):

<https://website.praesidiuminc.com/wp/>

[Training program]: A resource developed by the U.S.-based corporation Praesidium, which offers various services to church institutions in Canada and the U.S. seeking to develop comprehensive safeguarding practices, including online training and mechanisms for online self-assessment.

National Organization for Victim Assistance. Harrisburg, Pennsylvania.

[Training/Education]: A U.S.-based organization offering training to professionals in crisis response, trauma mitigation, and emotional first aid for critical incidents. Specific training can be targeted to areas, such as sexual violence, victim compensation, effects of trauma on the brain, self-care, suicide prevention and response.

Protecting God's Children. VIRTUS®.

Web (English only): <https://www.virtusonline.org/virtus/>

[Training program]: An awareness session geared to adults working in pastoral environments and aimed at protecting minors from sexual abuse. Participants are taught to identify situations in which children are made vulnerable to sexual abuse, the methods used by sexual offenders, and critical steps to safeguard pastoral environments. The program is developed by VIRTUS®, an entity of the National Catholic Risk Retention Group, Inc., a U.S.-based association providing information and training to ecclesiastical institutions.

Specialization in Protection of Minors. Faculty of Canon Law. Saint Paul University, Ottawa, Ontario.

Web (English): <https://ustpaul.ca>

Web (French): <https://ustpaul.ca/index.php?lang=fr>

[Training/Education]: The Faculty of Canon Law of Saint Paul University, Ottawa, offers a Diploma in Ecclesiastical Administration (GDEA) with a specialization in the protection of minors and vulnerable adults. The program is interdisciplinary and tailored to the needs of dioceses, parishes and institutes.

3) RESOURCES FROM EPISCOPAL CONFERENCES AND THE HOLY SEE

The following is a select list of websites from Anglophone and Francophone episcopal conferences around the world and of the Holy See which provide specific information and services on the protection of minors.

EPISCOPAL CONFERENCES

Catholic Bishops Conference of England and Wales (CBCEW). National Catholic Safeguarding Commission (NCSC).

Web (English only): <http://www.catholicsafeguarding.org.uk>

An independent body working within the framework of the Catholic Church in England and Wales which oversees the strategic implementation of the recommendations of *Safeguarding with Confidence*. The website contains a list of downloadable pertinent documents.

Conférence des Évêques de France. “Lutter contre la pédophilie.”

Web (French only):

<https://luttercontrelapedophilie.catholique.fr>

The website of the French Episcopal Conference dedicated to resources on the protection of minors and the treatment of victims of child sexual abuse. The website also includes a reporting mechanism.

The National Board for Safeguarding Children in the Catholic Church in Ireland.

Web (English only): <https://www.safeguarding.ie>

A national body which provides an array of services to Catholic dioceses, such as assistance and training in policy development and monitoring of safeguarding policies. The website includes information on case management and online publications.

United States Conference of Catholic Bishops (USCCB). Committee for the Protection of Children and Young People.

Web (English only):

<http://www.usccb.org/about/child-and-youth-protection/index.cfm>

[Resource]: Located on the USCCB website, the webpage is maintained by the Children and Young People Protection Committee. It provides key documents to assist U.S. bishops, both collectively and individually, on matters related to child and youth protection. It also makes available for download a number of important documents.

THE HOLY SEE

Abuse of Minors. The Church's Response. Vatican City.

Web (English only):

http://www.vatican.va/resources/index_en.htm

A clearinghouse of all the key documents issued by the Holy See including the modifications made in the *Normae de gravioribus delictis* as well as a glossary of terms.

Pontifical Commission for the Protection of Minors.

Web (English only):

<http://www.protectionofminors.va/content/tuteladeiminori/en.html>

[Advisory body]: The Pontifical Commission for the Protection of Minors, established in 2017 by Pope Francis, is an advisory body mandated to propose to the Holy Father the most opportune initiatives for protecting minors and vulnerable adults. The Commission also promotes local responsibility in particular Churches and collaborates with the Congregation for the Doctrine of the Faith.

4) GOVERNMENT RESOURCES IN CANADA

The following represents a select list of resources and services established since 2000 by federal and provincial/territorial governments across Canada, as well as those instituted by the Royal Canadian Mounted Police (RCMP).

RCMP

Victims Services. Royal Canadian Mounted Police.

Web (English only):

<http://www.rcmp-grc.gc.ca/ccaps-spcca/vic-eng.htm>

[Web portal]: Provides links to services at the provincial/territorial level, as well as resources at the federal level.

ALBERTA

***Sexual Assault and Abuse.* Government of Alberta Human Services.**

Web (English only):

<http://www.humanservices.alberta.ca/abuse-bullying/sexual-assault-and-abuse.html>

Information portal with link to resources and services.

BRITISH COLUMBIA

***Keeping Kids Safe from Abuse in BC.* B.C. Public Safety & Emergency Services.**

Web (English only):

<https://www2.gov.bc.ca/gov/content/safety/public-safety/protecting-children/keeping-kids-safe>

Provides information on sexual abuse including when to suspect abuse, what to do if a child reports abuse, prevention, and resources for victims, as well as a reporting mechanism.

MANITOBA

***Child and Family Services Standards Manual.* Government of Manitoba.**

Web (English):

<http://www.gov.mb.ca/fs/cfsmanual/search.html>

Web (French):

<http://www.gov.mb.ca/fs/cfsmanual/search.fr.html>

[Resource]: Compendium of information, searchable by key terms. Section 1.3.3 deals in particular with child abuse, section 1.3.4 outlines the protocol for provincial child abuse investigations, and section 1.3.5 covers child sexual exploitation.

NEW BRUNSWICK

***Child Victims of Abuse and Neglect Protocols.* Fredericton: Government of New Brunswick, 2005.**

Web (English)

<http://www2.gnb.ca/content/dam/gnb/Departments/sd-ds/pdf/Protection/Child/ChildAbuseProtocols05-e.pdf>

Web (French):

<http://www2.gnb.ca/content/dam/gnb/Departments/sd-ds/pdf/Protection/Child/ChildAbuseProtocols05-f.pdf>

[Book]: PDF format, 161 pages.

***Child Victims of Abuse and Neglect Protocols.* Video Series. Government of New Brunswick, Department of Social Development.**

Web (English):

http://www.gnb.ca/cnb/video/child_abuse/index-e.asp

Web (French):

http://www.gnb.ca/cnb/video/child_abuse/index-f.asp

[Videos]: Six videos available online presenting *The New Brunswick Child Victims of Abuse and Neglect Protocols* designed to assist professionals and others who have contact with children to familiarize themselves with the *Protocols*.

NEWFOUNDLAND AND LABRADOR

Newfoundland and Labrador Sexual Assault Crisis and Prevention Centre.

Web (English only):

<http://www.nlsacpc.com/links.php>

[Web portal]: Provides a comprehensive list of links to resources and services. The Centre is an NGO.

NORTHWEST TERRITORIES

Dealing with Child Abuse: A Handbook for School Personnel – Frequently Asked Questions. Yellowknife: Northwest Territories Education, Culture and Employment, 2012.

Web (English only):

https://www.ece.gov.nt.ca/sites/ece/files/resources/dealing_with_child_abuse_handbook_aug_2012.pdf

[Book]: PDF of ninety-seven page book for school personnel.

NOVA SCOTIA

Sexual Assault and Sexual Violence. Halifax: Government of Nova Scotia Advisory Council on the Status of Women, 2012.

Web (English only):

<https://women.gov.ns.ca/sexual-assault-and-sexual-violence>

[Web portal]: Provides links to key resources and services.

Sexual Assault: Safety, Help and Healing for Teens in Nova Scotia. Halifax: Advisory Council on the Status of Women, 2013.

Web (English only):

<http://0-nsleg-edeposit.gov.ns.ca.legcat.gov.ns.ca/deposit/b10664646.pdf>

[Book]: PDF of a forty-eight page book with links to resources and services.

NUNAVUT

Sexual Abuse. Department of Health, Government of Nunavut.

Web (English only):

<https://www.gov.nu.ca/health/information/sexual-abuse>

[Web portal]: Provides links to resources and services.

ONTARIO

Ministry of the Attorney General of Ontario. *Report of the Cornwall Inquiry.* 4 volumes. Report by the Honourable G. Normand Glaude, Commissioner. Toronto: Ministry of the Attorney General of Ontario, 2009.

Web (English):

<https://www.attorneygeneral.jus.gov.on.ca/inquiries/cornwall/en/report/index.html>

Web (French):

<https://www.attorneygeneral.jus.gov.on.ca/inquiries/cornwall/fr/report/index.html>

[Report in four-volumes]: The report concerns historical responses of public institutions to allegations of sexual abuse of minors in the Cornwall area. It identifies systemic failures in the handling of sexual abuse claims and their wider implications on a culture of safeguarding. The report includes recommendations geared to institutions, their employees, and volunteers, as well as the wider community, including the CCCB (Vol. 2: 95) and the Catholic School Board of Eastern Ontario.

Reporting Child Abuse and Neglect. Ontario Ministry of Children and Youth Services.

Web (English):

<http://www.children.gov.on.ca/htdocs/English/childrensaidthereportingabuse/index.aspx>

Web (French):

<http://www.children.gov.on.ca/htdocs/French/childrensaidthereportingabuse/index.aspx>

[Web resource]: This is the dedicated webpage of the Ministry of Children and Youth Services in the Province of Ontario containing information on the legal requirement to report suspected child abuse or neglect. The website includes reporting mechanisms and guidance as to how and to whom such reports are to be made.

Robins, Sydney L. *Protecting Our Students: A Review to Identify & Prevent Sexual Misconduct in Ontario Schools*. Toronto: Ontario Ministry of the Attorney General, 2000.

Web (English):

<https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/robins/>

Web (French):

<https://www.attorneygeneral.jus.gov.on.ca/french/about/pubs/robins/>

[Report]: The report is based on an inquiry launched after Kenneth DeLuca in 1996 pleaded guilty to fourteen sexual offences, involving thirteen victims, during his tenure as a teacher with the former Sault Ste. Marie Roman Catholic Separate School Board. The report includes information on the prevalence of teacher-student misconduct, a review of the relevant criminal law at the time, and recommendations for the formulation of safeguarding policies.

PRINCE EDWARD ISLAND

***Child Sexual Abuse*. Department of Family and Human Services. Government of Prince Edward Island.**

Web (English only):

<https://www.princeedwardisland.ca/en/information/family-and-human-services/child-sexual-abuse>

[Web portal]: Provides helpful information, contact details, and links to services.

QUEBEC

Centre pour les victimes d'agression sexuelle de Montréal/ Montreal Sexual Assault Centre.

Web (English): <http://www.cvasm.org/en/doutes>

Web (French): <http://www.cvasm.org/fr/doutes>

[Organization]: The organization's website provides information and links to resources and services for victims of sexual abuse.

***Media Kit on Sexual Assault.* Institut national de santé publique, Québec.**

Web (English):

<https://www.inspq.qc.ca/en/sexual-assault/prevention/community-and-societal-strategies>

Web (French):

<https://www.inspq.qc.ca/agression-sexuelle/accueil>

Dedicated website providing information on sexual assault, including legislation, prevention, fact sheets, and resources, as well as links to services for victims.

SASKATCHEWAN

***Saskatchewan Child Abuse Protocol 2017.* Government of Saskatchewan Ministry of Social Services. 17 pages.**

Web (English only):

<http://publications.gov.sk.ca/documents/17/18812-Saskatchewan-Child-Abuse-Protocol-2017.pdf>

[Booklet in print and online]: A province-wide protocol, to be updated every two years, applicable to government institutions, police services, teachers, as well as other professionals and organizations providing government services to the public.

YUKON

Report Child Abuse. Yukon Health and Social Services.

Web (English): <http://www.hss.gov.yk.ca/childabuse.php>

Web (French): <http://www.hss.gov.yk.ca/fr/childabuse.php>

[Website]: Provides information and links to resources and services.

5) AGENCIES PROMOTING THE PROTECTION OF MINORS

CANADA

Canadian Centre for Child Protection

Web (English): www.protectchildren.ca

Web (French): <https://www.protectchildren.ca/app/fr>

[Organization]: The Canadian Centre for Child Protection exists to reduce the incidence of missing and sexually exploited children; to educate the public on personal safety and sexual exploitation; to assist in locating missing children; and to advocate for and increase awareness of issues surrounding missing children and sexual exploitation of children.

Canadian Resource Centre for Victims of Crime.

Web (English): <https://crcvc.ca/links/>

Web (French): <https://crcvc.ca/fr/links/>

[Website] Live chat line for victims and links to online resources.

Cybertip.ca

Web (English): <https://www.cybertip.ca/app/en/>

Web (French): <https://www.cybertip.ca/app/fr/>

[Organization]: Run under the auspices of the Canadian Centre for Child Protection, Cybertip.ca is a web-based tip line mandated to protect children from online sexual exploitation. The website includes reporting mechanisms as well as information and other resources, including referral services, to promote internet safety.

INTERNATIONAL

Virtual Global Taskforce (VGT)

Web (English):

<https://virtualglobaltaskforce.com/about/what-is-the-vgt/>

Web (French):

<https://virtualglobaltaskforce.com/about/what-is-the-vgt/>

[Consortium] An international network of law enforcement agencies, non-governmental organizations, and industry partners collaborating to protect children from online and offline sexual exploitation and sexual abuse. Canada

is a participating country through the National Child Exploitation Coordination Centre, which was established as the law enforcement component of Canada's National Strategy for the Protection of Children from Sexual Exploitation on the Internet.

UNITED STATES

Child Welfare Information Gateway. Service of Children's Bureau, Administration for Children and Families, and U.S. Department of Health and Human Services.

Web: <https://www.childwelfare.gov/catalog/serieslist/>

6) INTERNATIONAL HUMAN RIGHTS ENGAGEMENT

Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. Council of Europe Treaty Series, no. 201, 2018.

Web (English only):

<https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900001680084822>

[Treaty]: Published by the Council of Europe, a leading human rights organization which includes forty-seven member states, twenty-eight of which are members of the European Union, the agreement is an instrument directed to the preventive, protective, and criminal law aspects of all forms of sexual exploitation and sexual abuse of children. It also contains a monitoring mechanism.

“Directive 2011/92/EU of the European Parliament and of the Council on Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography, and Replacing Council Framework Decision 2004/68/JHA.” *Official Journal of the European Union*.

Web (English)

<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32011L0093&from=EN>

Web (French)

<https://eur-lex.europa.eu/legal-content/FR/TXT/HTML/?uri=CELEX:32011L0093&from=EN>

[Directive] Following a proposal tabled by the Commission in March 2011, the Council and the European Parliament adopted on 13 December 2011 this directive, thereby stepping up the fight against child sexual abuse.

United Nations. *Child Protection from Violence, Exploitation and Abuse*. United Nations: UNICEF

Web (English):

https://www.unicef.org/protection/57929_57987.html

Web (French):

https://www.unicef.org/french/protection/57929_57987.html

[Web resource]: A series of documents and other resources on the protection of children from violence, exploitation, and sexual exploitation with an international scope.

APPENDIX 1

CANONICAL PROCEDURES IN CASES CONCERNING NON-ORDAINED MEMBERS OF INSTITUTES⁸⁴

SECTION ONE: DEFINITIONS

§ 1.1 “Institute” and “Major Superior”

The terms “institute” and “major superior” have been simplified in this section to facilitate readability. Refer to the note regarding vocabulary in § 1.1 (commentary) of the preceding **Guidelines** for a description of the terms as used in this document.

SECTION TWO: POLICIES AND PROTOCOLS

§ 2.1 Safeguarding Policy

Institutes should see to developing/updating safeguarding policies for the protection of minors in pastoral environments. Such policies are to conform to the standards set out in the policy of the diocese/eparchy where a house of the institute is situated.

§ 2.2 Response Protocol

Institutes should see to developing/updating a protocol for responding to allegations of sexual abuse of minors and vulnerable adults by their members (ordained or non-ordained).

With the appropriate adaptations, such a protocol would comply with secular and canon law and conform to the standards of the Holy See, the present **Guidelines**, and the protocol of the diocese where a house of the institute is situated; a copy of the protocol would likewise be provided to the bishop of that same diocese/eparchy for his records.

SECTION THREE: CANONICAL PROCEDURES

§ 3.1 Allegations Against Non-Ordained Members

1) The non-ordained member of a clerical religious institute of pontifical right or of a clerical society of apostolic life of pontifical right is subject to the authority of his major superior who is the religious ordinary (CIC/c.134 §1; CCEO/c. 984). In the case of a clerical institute of diocesan right, or of a public association of the Christian faithful, or an ecclesial movement whose members include non-ordained consecrated persons, the diocesan bishop is the proper ordinary (CIC/c. 594; CCEO/x), unless the Holy See has provided otherwise.

2) The major superior, or in the case of institutes not divided into provinces, the supreme moderator is to ascertain whether the allegation against the non-ordained member has the semblance of truth. While respecting the accused's right of defence, the major superior opens a preliminary inquiry, which is carried out in accordance with the provisions of CIC/cc. 695 § 2 and 698; CCEO/x. During the preliminary inquiry, the non-ordained member is relieved of any pastoral responsibilities pending the outcome of the inquiry.

3) If the conclusions of the preliminary inquiry reveal that the allegation has the semblance of truth, the testimony and evidence (acts) are sent to the supreme moderator with the opinion of the major superior and his/her council.

4) If the supreme moderator with his or her council, after analyzing the acts, considers the accusations are founded, the penalty incurred can go as far as decreeing the dismissal of the non-ordained member. The dismissal requires the competent authority to relieve the non-ordained member of his or her vows and the duties of consecrated life (CIC/c. 701; CCEO/x):

a) In the case of an institute of pontifical right, both the decree of dismissal and the testimony and evidence (acts) are sent to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life. This decree, in order to be valid, must be confirmed by the Holy See. Once the Holy See's response has been received, the major superior communicates the decision to the member (CIC/c. 700; CCEO/c. 500).

b) In the case of an institute of diocesan right, confirmation of dismissal of the non-ordained member belongs to the bishop of the diocese where the house to which the non-ordained member has been assigned is situated (CIC/c. 700; CCEO/c. 500).

5) The major superior will, for the sake of "equity and evangelical charity" toward the non-ordained member who is separated from the institute, take care that he/she does not lack what is necessary for his/her decent support "in the best way possible" (CIC/c. 702; CCEO/c. 503 and CIC/c. 1350 § 2; CCEO/c. 1410).

§ 3.2 Analysis of the Gravity of an Offence

After the preliminary investigation, where guilt has been established, should the institute move to dismiss the non-ordained member, the major superior then considers the points in **Appendix 2** in preparing the opinion for the Holy Sec.

SECTION FOUR: OTHER MEASURES TO BE CONSIDERED BY MAJOR SUPERIORS

§ 4.1 Advisory Committee

Establish an interdisciplinary advisory committee to assist the major superior and his/her council on issues concerning the sexual abuse of minors.

§ 4.2 Communications Plan

Appoint a communications professional capable of responding to media inquiries; such a person would not replace the major superior as the official spokesperson of the institute.

APPENDIX 2

CHECKLIST FOR AN ANALYSIS OF THE GRAVITY OF AN OFFENCE

After the preliminary investigation, where guilt has been established, the bishop or major superior considers the following points in writing an opinion (*notum*) for the Holy See:

- 1) the nature of the sexual abuse committed against the minor;
- 2) the moral, physical, and psychological distress of the victim;
- 3) a guilty verdict in secular court (if applicable);
- 4) clarity of the evidence;
- 5) whether there has been an admission of guilt;
- 6) whether the offending member recognizes the harm caused;
- 7) whether the offending member has expressed contrition;
- 8) relevant psychological factors, such as psychosexual dynamics/dysfunction of the offender;
- 9) the negative impact of the offending member's actions on the reputation and credibility of the other members of his/her institute and the wider Church;
- 10) the impact of the offending member's actions on the institute and its mission;
- 11) the scandal caused.

APPENDIX 3

RECOMMENDATIONS AND ACTION POINTS

The following sixty-nine recommendations and action points relate to Part I, Chapter One where they are presented in relation to the lessons learned by bishops and major superiors in the experience of dealing with sexual abuse of minors perpetrated by clerics. In this appendix, they are presented again as an ensemble with the original accompanying endnotes in order to enable bishops and major superiors to consult and examine them as a complete set.

LESSON ONE:

THE NEED FOR A PASTORAL ENCOUNTER WITH VICTIMS OF CLERGY SEXUAL ABUSE

Bishops and major superiors will endeavour

- 1) to ensure that victims coming forward for the first time are received in a non-judgmental pastoral encounter where they are welcomed and commended for their courage;
- 2) to see that each encounter with a victim conveys the respect, compassion, and solicitude proper to pastoral leadership;
- 3) to ensure Church leaders or those appointed to receive complaints on behalf of the bishop/major superior are properly sensitized to the nature of sexual abuse and its effects;

- 4) to manifest readiness to accompany the person coming forward on the journey toward healing, helping to identify and address any spiritual and mental health needs;
- 5) to continue forming Church leaders in learning to walk and work with victims;
- 6) to pray in the community for victims of clergy sexual abuse and for all those affected by abuse (e.g., a prayer service, an annual day of prayer for survivors, a monthly inclusion in the Prayers of the Faithful of a petition for victims of clergy sexual abuse).

LESSON TWO:

THE NEED TO UNDERSTAND SEXUAL ABUSE PROPERLY

Bishops and major superiors will endeavour

- 7) to be well informed on the nature and effects of sexual abuse by drawing from the experience of victims and from the growing field of human, psychological, and social sciences in this area, making good use of peer-reviewed literature, seminars, courses, professional expertise, and other resources (see Part III, **Resources**, [102]);
- 8) to provide the members of a diocese/eparchy or institute, including lay staff and volunteers, with ongoing training on the nature and effects of sexual abuse with a view to fostering compassion for victims, correcting myths, and overcoming the stigma associated with being a victim of sexual violence;

- 9) to implement safe recruiting procedures for all pastoral staff and volunteers, including identity verification, criminal record check, background check (e.g., contacting referees or previous superior/ employer), interview and assessment, as well as psychological evaluations for prospective candidates to ordained ministry or consecrated life prior to entering a formation program;⁸⁵
- 10) to improve communication across diocesan boundaries to ensure that Church leaders are apprised of the necessary information to make prudent decisions about pastoral work assigned to clergy, religious, and lay associates who are being transferred, with similar procedures applying to seminarians and religious;
- 11) to engage wider efforts which promote understanding of sexual abuse, the destigmatization of victims, and safeguarding (e.g., the Annual Anglophone Safeguarding Conference⁸⁶);
- 12) to remain fully informed concerning the latest requirements of the applicable federal and provincial/territorial laws;
- 13) to support the mandate and efforts of the Canadian Centre for Child Protection.⁸⁷

LESSON THREE:
THE NEED TO RESPOND MORE EFFECTIVELY
TO ALLEGATIONS

Bishops and major superiors will endeavour

- 14) to implement reporting mechanisms and ensure they are easy to understand, accessible, and clearly publicized (e.g., to provide on the diocesan website the contact information, such as a dedicated phone number, of the person responsible for receiving allegations or complaints);
- 15) to implement a clear process for responding to allegations in a timely manner according to the established protocol of the diocese/eparchy or institute and the requirements of canon and secular law;
- 16) to institute an interdisciplinary advisory committee (consisting of a victim, psychologist, spiritual director, canonist, lawyers, insurance broker, law enforcement officer, social worker, communications professional, etc.) in order that the response and follow-up are comprehensive and fully compliant with the norms of the Holy See, the present **Guidelines** of the Canadian Conference of Catholic Bishops (CCCCB), the local diocesan protocol, the relevant federal or provincial/territorial statutes, insurance requirements, and best practices;
- 17) to inform the alleged offender of the preliminary investigation and of his/her right to legal counsel (both canonical and secular) and the opportunity to

- seek guidance during the preliminary investigation from a spiritual director and psychologist;
- 18) to ensure full cooperation with the civil authorities;
 - 19) to take appropriate measures to respect the basic presumption in law of an accused person's innocence until proven otherwise with due regard for public safety;
 - 20) to keep the community informed in a timely manner of developments during the preliminary investigation while observing the obligations of due process and confidentiality.

LESSON FOUR: DEALING WITH OFFENDERS

Bishops and major superiors will endeavour

- 21) to identify and address public safety concerns vis-à-vis an offender;
- 22) to tackle as best as possible the complex issue of pastoral and canonical responsibility toward offenders;
- 23) to extend appropriate pastoral assistance as much as possible with due regard for justice and public safety;
- 24) to respond with transparency to appropriate requests for information about an offender.

**LESSON FIVE:
THE NEED FOR BETTER SAFEGUARDING
PRACTICES AND TRAINING**

Bishops and major superiors will endeavour

- 25) to take all necessary steps to ensure that safeguarding is prioritized in the diocese/eparchy or institute;
- 26) to implement/update a diocesan safeguarding policy conforming to the highest standards of responsible ministry, including instruction on appropriate boundaries in pastoral relationships (e.g., through a code of conduct);
- 27) to ensure that the safeguarding policy of the diocese/eparchy or institute is easy to understand and readily accessible to the public, e.g., posted on the diocesan website, printed as a booklet, etc.;
- 28) to support fellow bishops and major superiors in their safeguarding efforts;
- 29) to submit all policies, protocols, and practices to third-party auditing at least once every four years;
- 30) to ensure that all pastoral staff receive proper safe environment training, including how to recognize the signs of abuse and how to report suspected sexual abuse;
- 31) to seek the input of parents, civil authorities, educators, and community organizations in crafting diocesan policies and providing appropriate training for all pastoral staff;

- 32) to see that the **Guidelines** included with the present document together with the policies and protocols of the diocese/eparchy or institute form the basis of any safe environment training program;
- 33) to ensure safeguarding policies are regularly updated, taking into account any new needs and circumstances;
- 34) to recommend that each of the institutes situated within the territory of a diocese/eparchy have their own up-to-date safeguarding policies and that a copy be provided to the local bishop for his records.

LESSON SIX:

THE EFFECTS ON CLERGY, MEMBERS OF INSTITUTES, AND LAITY: COPING WITH SHAME

Bishops and major superiors will endeavour

- 35) to acknowledge and address the spiritual and emotional impact of the sexual abuse crisis on the vitality of the Church, helping clergy and laity to overcome their shame, confront negative images and stereotypes, and ultimately serve with joy and serenity;
- 36) to ensure that communities affected by abuse are offered adequate accompaniment, support, and encouragement on the journey toward healing;
- 37) to ensure clergy and pastoral staff who have been affected by a sexual abuse scandal receive adequate support;

- 38) to work toward a new understanding of the role of clergy in society and the spiritual underpinnings necessary for healthy ministry;
- 39) to encourage life-giving pastoral commitments despite challenging conditions for ministry and evangelization;
- 40) to promote and encourage ministry to children and youth with proper safeguards in place;
- 41) to expand on new forms of ministry which rely on greater collaboration with the laity in the spirit of mutuality and coresponsibility;
- 42) to invest time and effort in healthy, wholesome friendships, and regular prayer;
- 43) to ensure particular issues which affect the mental health of clergy and lay pastoral associates, such as isolation, burnout, pornography, and alcohol, to mention a few, can be addressed with professional and spiritual help.

**LESSON SEVEN:
THE NEED FOR BETTER INITIAL
AND ONGOING FORMATION**

Bishops and major superiors will endeavour

- 44) to place greater emphasis on the human dimension within initial formation programs, ensuring its integration with the spiritual, intellectual, and pastoral facets of *Pastores dabo vobis*, the *Ratio Fundamentalis* (2016), and the directives of this Episcopal Conference;⁸⁸

- 45) to provide opportunities within the diocese/eparchy or institute for holistic ongoing formation – spiritual, intellectual, human, and pastoral – based on an informed assessment of the new and increasingly complex needs of clergy and religious; and, to make a personal commitment as leaders to the same, guiding by way of example;
- 46) to ensure that specific training is offered to address matters such as the experience of victims, the impact on families and communities, detection of abuse, ministry to survivors, and relevant laws (canon and secular);
- 47) to ensure initial and ongoing formation to address the attitudes and behaviours necessary for long-term safeguarding;
- 48) to encourage and further develop different ways of fostering and growing a sense of community, friendship, and solidarity among clergy and religious (e.g., study days, times of recollection, annual retreats, etc.);
- 49) to implement adequate procedures for screening candidates for ministry, which may include a multi-disciplinary selection committee;
- 50) to assess screening procedures regularly for their effectiveness and adequacy;
- 51) to evaluate regularly programs for personal and human formation in light of the highest standards of safeguarding in ministry;

- 52) to address with candidates for ministry the topics of psychosexual maturity, interpersonal boundaries, leadership and service in ministry, and the abuse of status and authority;
- 53) to ensure that all clergy and religious who have been invited to serve the Catholic faithful in Canada are fully updated on local policies, protocols, and practices, as well as expectations regarding interpersonal boundaries.

LESSON EIGHT:

LEARNING ABOUT THE LEGAL PROCESS

Bishops and major superiors will endeavour

- 54) to seek out the services of expert legal counsel (both canonical and secular);
- 55) to remain up-to-date on the relevant canonical and secular legislation as well as the **Guidelines** of this Episcopal Conference;
- 56) to root the victim's legal rights in the need to redress injustice and to foster Christian charity and the expression of compassion in the interests of healing and reconciliation;
- 57) to withstand pressures which may allow legal methods or financial repercussions to interfere with a genuinely pastoral response, ensuring that any advice received remains at the service of the Gospel;
- 58) to cease requiring confidentiality clauses in settlements of cases of sexual abuse and to waive those given in the past;⁸⁹

- 59) to strive for an outcome which satisfies the desire for accountability and transparency, and which enables all parties to achieve a sense of closure;
- 60) to address any feelings of betrayal and disappointment on the part of the faithful with respect and courage.

**LESSON NINE:
A CALL TO GREATER AUTHENTICITY**

Bishops and major superiors will endeavour

- 61) to recognize that the sexual abuse crisis is a symptom of a disorder in a Church called to undergo a profound pastoral conversion and purification in order to accomplish its mission with greater transparency and accountability;
- 62) to work toward a culture of dialogue at every level of a diocese/eparchy or institute;
- 63) to continue to pursue institutional practices which foster accountability, transparency, and responsibility;
- 64) to model through words and actions a pastoral attitude rooted in repentance and conversion;
- 65) to collaborate with fellow Church leaders, especially on a regional basis, in implementing effective mechanisms of accountability;
- 66) to include in the guidelines of the diocese/eparchy or institute a commitment to article 3 and

article 19 of the *United Nations Convention on the Rights of a Child*;⁹⁰

- 67) to invest time and create opportunities at the local level, involving the Catholic faithful who are ready to minister in a spirit of coresponsibility, in order that shared concern for all in the name of Jesus Christ produces a more responsible environment for everyone and particularly for the protection of minors;
- 68) to establish practices where clergy, religious, and laity can be mutually accountable to each other for their actions and attitudes;
- 69) to exercise their ministry as pastors collaboratively and in communion with those entrusted to their care.

GLOSSARY

The definitions in this section take into account the *Criminal Code* of Canada, canon law, information from the Holy See and the Department of Justice Canada, as well as the *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse* published by the Interagency Working Group on Sexual Exploitation of Children (2016), and the *Glossary on Sexual Exploitation and Abuse* published by the United Nations (2017).

The glossary does not have any legal force and is meant only to serve as a reference tool for the present document. All terms and definitions are to be read in the context of this document alone. Should further clarification be required, the authoritative sources shall be the *Criminal Code* of Canada, provincial/territorial statutes, and canon law.

Abuse: In the present document, “abuse” is a shorthand term for the sexual abuse of a minor by clergy, non-ordained members of institutes, or a layperson officially mandated by a bishop/major superior or those equivalent to them in law.

Comment: “Abuse” is a broad term, which can also include any physical, verbal, emotional, or sexual behaviour: (i) which causes a person to fear for his or her physical, psychological, or emotional safety and well-being; (ii) which the alleged perpetrator knew or ought to have reasonably known would cause that person to have concern or fear for his or her physical, psychological, or emotional safety and well-being. Such behaviour may or may not be criminal in nature. A key factor in some forms of abuse is a power imbalance, for example when the victim is exploited by a person in a position of authority, or where there is a significant age gap or economic asymmetry.

Acts (*acta*): A collection of all testimonies and documents provided in order for a judgment to be reached by the ecclesiastical court.

Allegation: In the context of the present document, the term “allegation” refers to a complaint, still to be verified, claiming or asserting that someone has committed an act of sexual assault against a minor or vulnerable adult. The term is used interchangeably and in combination with “complaint.”

Bishop: Member by divine institution of the hierarchy of the Church (superior to priests and deacons) in communion with the Pope and appointed by him for the government of the faithful of the Church. In the context of the present document, the “bishop” is the supreme authority in a diocese/eparchy.

Canadian Conference of Catholic Bishops: The “CCCCB” refers to the Bishops’ Conference or Episcopal Conference of the Catholic Bishops in Canada. Members of the Conference include all diocesan/eparchial bishops in Canada and those equivalent to them in law and all coadjutor bishops and auxiliary bishops. Also included are titular bishops of any rite within the Catholic Church who exercise a special office in Canada which has been assigned to them by the Holy See or by the CCCC.

Canon Law: The ecclesiastical law of the Roman Catholic and Eastern Catholic Churches. The universal law applicable to Catholics is found in the *Code of Canon Law* (1983), the *Code of Canons of the Eastern Churches* (1990), and subsequent documents issued by the Holy See. Particular law is that which is applicable to a given territory, as, for instance, the legislation of the Canadian Conference of Catholic

Bishops, which is applicable in Canada, but not elsewhere. A third type of canon law is known as “proper law,” which is applicable to persons, no matter where they might reside. The most common example of proper law is the internal law governing institutes of consecrated life, societies of apostolic life, and other groups which have similar internal legislation governing their life and ministry.

Child pornography: According to the *Criminal Code* of Canada (R.S.C. 1985, c. C-46, s. 163.1), child pornography includes: a) a photographic film, video, or other visual representation, whether or not it was made by electronic or mechanical means, of explicit sexual activity with a person who is, or who is depicted as being under the age of eighteen years; b) any written material, visual representation, or audio recording that advocates or counsels sexual activity with a person under the age of eighteen years; c) any written material whose dominant characteristic is the description, for a sexual purpose, of sexual activity with a person under the age of eighteen years; d) any audio recording that has as its dominant characteristic the description, presentation, or representation, for a sexual purpose, of sexual activity with a person under the age of eighteen years.

Church in Canada (Catholic): A conventional term used to refer to the ensemble of individual dioceses/eparchies (or “local churches”) in Canada of the Latin and Eastern Churches, which are autonomous and individually incorporated under the leadership of a bishop.

Comment: There is no legal entity called “the Catholic Church in/of Canada” or “Canadian Catholic Church.”

Church leadership: In the context of the present document, “church leadership” is a shorthand term for the phrase “bishops and major superiors or those equivalent to them in law.”

Clergy: In the context of the present document, clergy refers to bishops, priests, and deacons.

Delegate: The person named by an Ordinary to act on his behalf in relation to a specific issue. A person can be delegated for a particular case or for all cases relating to a specific issue (general delegation).

Delict: A crime in canon law punishable by reason of malice or negligence.

Derogation: The partial revocation of a law by a competent church legislator, usually in a particular instance. For example, a derogation from canonical prescription (the equivalent of time “limitations”) so that a case may be heard by a Church tribunal even though the prescribed lapse of time has expired. The law itself remains unchanged, but is not applicable in the particular case at end.

Dicastery: The word “dicastery” refers to departments of the Roman Curia, including the Secretariat of State, Congregations, Tribunals, Councils, and Offices.⁹¹

Diocese: Ecclesiastical jurisdiction under the leadership of a bishop or an archbishop.

Eparchy: Term used by the Eastern Catholic Churches to denote ecclesiastical jurisdictions under the leadership of a bishop or an archbishop (also called an eparch or an archeparch).

Episcopal Conference (also Conference of Bishops): As defined in the *Code of Canon Law*, “the Bishops’ Conference, a permanent institution, is the assembly of bishops of a country or a territory, exercising together certain pastoral offices for Christ’s faithful of their territory.”⁹²

Comment: Although bishops participate in the activities of their Episcopal Conference, they are not accountable to it. As a general rule, the membership of a Conference of Bishops is constituted by bishops belonging to the Latin Church. The Eastern Catholic Churches have their own Synod, although, in some instances (as in Canada), they also are members of the Conference of Bishops.

Formator: A member of the teaching staff of a seminary or house of formation preparing candidates for ordination or the profession of the evangelical counsels through public vows approved by the Church.

Guidelines: The canonical norms contained in Part II of the present document issued by the Canadian Conference of Catholic Bishops (CCCCB), following a review by the Holy See’s Congregation for the Doctrine of the Faith, intended to assist and guide bishops and major superiors.

Institutes: In the present document “institutes” refers, by extension, to a religious community or congregation of men or women, a secular institute, a society of apostolic life, and, by extension, a public association of the faithful, and new ecclesial movements whose members include clerics.

Comment: Canon law defines each of the kinds of institutes here listed.

Laity: Those members of the Christian faithful whose proper and specific state is secular and who, while living in the world, participate in the mission of the Church, but are not in holy orders, nor enrolled in the religious state.⁹³

Major Superior: In the present document, “major superior” is used in a broad sense to refer to those persons who govern an entire religious institute, or a province, or a part equivalent to a province, as well as those who in societies, associations, and ecclesial movements exercise similar functions. Some major superiors are also Ordinaries: i.e., those who govern a pontifical clerical religious institute of pontifical right or society of apostolic life.

Minor: In Canada, the definition of “a minor” varies according to province. In the following five provinces, “a minor” is a person under eighteen years: Alberta, Manitoba, Ontario, Quebec, and Prince Edward Island. In Saskatchewan “a minor” is an unmarried person under sixteen years. In Newfoundland, “a minor” is a person under sixteen years (youth defined as a person who is sixteen years or older, but under the age of eighteen). In the remaining three provinces and three territories “a minor” is defined as a person under nineteen years: British Columbia, New Brunswick, Nova Scotia, Nunavut, Northwest Territories, and Yukon.⁹⁴

Motu Proprio: A document issued by the Pope on his own initiative and personally signed by him.

Offender: In the context of the present document, “offender” refers to the person who has committed an act of sexual abuse against a minor.

Opinion (*voluntatem*): An authoritative view or judgment based on fact or knowledge.

Comment: In forwarding a case to the Congregation for the Doctrine of the Faith, a bishop or major superior provides an informed opinion on the matter addressed in the particular case based on the evidence heard and collected.

Policy: A course or principle of action, with respect to the safeguarding of pastoral environments, adopted or proposed by a diocese or institute.

Preliminary investigation: The inquiry carried out either directly by an Ordinary, or through a delegate, in response to information received concerning a possible delict (canonical crime) committed by a person in the Church.

Protocol: The official procedure or system of rules governing the manner in which alleged and proven cases of sexual abuse of minors are addressed by Church leadership.

Recourse: The act of bringing to a higher authority a request to review an administrative decision of a lower authority. Recourse is distinct from an “appeal,” which results from a court action or a tribunal decision.

Religious: Persons who, by professing the evangelical counsels (poverty, chastity, obedience) through public vows approved by the Church or other sacred bonds approved by the Church, are consecrated to God.⁹⁵ The term is used interchangeably and in combination with “members of institutes.” By extension, in this document, depending on the context, the term also applies to members of other institutes, societies, associations, and ecclesial movements.

Safeguarding: The action taken to promote the welfare of children (i.e., the provision of safe and effective care) and protect them from harm, abuse, and maltreatment.

Secular Law: In the present document, the term “secular law” refers to federal, provincial, and territorial laws in Canada, and encompasses the Common Law and Civil Law (Quebec). It is distinct from ecclesiastical law.

Sexual abuse (of a minor): In the present document, sexual abuse of a minor refers to “actual or threatened physical intrusion of a sexual nature against [a minor], whether by force or under unequal or coercive conditions.”⁹⁶

Comment: “Sexual abuse” is a broad term, which includes a number of acts, including rape, sexual assault, sex with a minor, and sexual activity with a minor. All sexual penetration of a minor or sexual activity with a minor (i.e., use of a minor for sexual purposes) is prohibited. Mistaken belief in the age of the minor is not a defence.

While most forms of sexual abuse against minors are contact abuse, sexual abuse of a minor can also be committed without physical contact (so-called “non-contact abuse”). Common examples of “non-contact sexual abuse” are sexual exploitation and sexual harassment, including such verbal harassment as unwanted sexual comments.⁹⁷

Regarding the use of the term “abuse of a minor” vs. “child sexual abuse,” the term “minor” and “child” are often used interchangeably when referring to a person under the age of majority.

The sexual abuse of minors is the primary focus of the present document and includes any misconduct or act deemed a sexual offence according to the *Criminal Code* of Canada, the laws of the province or territory in which the offence occurs, and canon law.

Sexual assault: Sexual activity with another person without his/her consent. The term “Sexual assault” is broader than “rape” because (a) it may be committed by other means than force or violence, and (b) it does not necessarily entail penetration.⁹⁸ Common examples include lascivious acts, indecent contact, and indecent exposure.

Statute of limitations: In secular law, a prescription period or a time-limit for denouncing to the civil authorities the sexual abuse of minors or any other kind of sexual assault.

Comment: In secular law in Canada, there is no statute of limitations for sexual abuse of minors or any other kind of sexual assault.

Sui iuris: Generally, a Church *sui iuris*—literally, “of one’s own right” – identifies any Catholic Church having autonomy over discipline and liturgy, which is also united by a common doctrine. In this sense, the Latin Church is a Church *sui iuris*.

Comment: In a more specific sense, the expression “*sui iuris*” is used to identify an Eastern Rite Catholic Church. In effect, in the Code of Canons of Eastern Churches (CCEC), canon 27 states: “A group of Christian faithful united by a hierarchy according to the norm of law which the supreme authority of the Church expressly or tacitly recognizes as *sui iuris* is called in this Code a Church *sui iuris*.”

Survivor: In the context of the present document, “survivor” refers to a person who has suffered sexual abuse. The term is used interchangeably and in combination with “victim.”

Comment: It is noted that many different things can be meant by the term “survivor” given its complex nature.⁹⁹ It is also noted that just as some people may reject the term “victim” others may not identify with term “survivor.”

Victim: In the context of the present document, “victim” refers to a person who has suffered sexual abuse. The term is used interchangeably and in combination with “survivor.”

Vulnerable adult: A person defined as an adult by secular statutes, but who lacks an adult mental capacity or who, by reason of advanced age, physical illness, mental disorder, or disability at the time the alleged abuse occurred, was or might be unable to protect himself or herself from significant harm or exploitation. Therefore, an adult who habitually lacks the use of reason is considered incapable of personal responsibility and is to be considered equivalent to a minor according to canon law¹⁰⁰ and for the purposes of this document.

Zero tolerance: The term “zero tolerance” is used to convey clearly that no one who has sexually abused a minor shall remain in active ministry.

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This list of Works Cited is divided into two sections: Church-Related References and Other References.

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ENDNOTES

- 1 Among its more significant initiatives and milestones can be counted the circulation in 1987 of sample guidelines for addressing allegations; the substantial financial donation in 1990 toward the Winter Commission's investigation of sexual abuse cases in the Archdiocese of St. John's, Newfoundland, *Report of the Archdiocesan Commission*; the establishment in 1989 of the *Ad Hoc* Committee on Child Sexual Abuse and the publication in 1993 by the same committee of *From Pain to Hope* (the first public guidelines issued by an Episcopal Conference anywhere in the world); the dissemination in 1992 of the study kit, *Breach of Trust*; the publication in 1996 of *Responsibility in Ministry*; the work undertaken between 2002 to 2004 by the special task force for reviewing *From Pain to Hope*, including its important final report which provided comments and feedback from survivors; and the issuing in 2007 of *Orientations for Updating a Diocesan Protocol*.
- 2 Following a lengthy period of serious reflection, the Canadian Conference of Catholic Bishops (CCCCB) in June 1992 published *From Pain to Hope*, a report by the *Ad Hoc* Committee on Child Sexual Abuse. The publication served as the first set of guidelines by the Conference to assist bishops and major superiors in understanding the phenomenon of sexual abuse and implementing local policies and protocols for the protection of minors.
- 3 Diocese of London, *Safe Environment Policy*, 1st, 2nd, and 3rd editions.
- 4 Badgley et al., *Sexual Offences Against Children in Canada*.
- 5 *Ibid.*, 29.
- 6 *Ibid.*, 1.
- 7 Morrisey, "Child Sexual Abuse by a Cleric." This document, prepared by Father Francis Morrisey, O.M.I., was judged useful by the Permanent Council and distributed to bishops as information on 1 December 1987.
- 8 See CCCB Annual Plenary Assembly, News Release, 27 October 1989.
- 9 Rogers, *Reaching for Solutions*.
- 10 Winter et al., *Report of the Archdiocesan Commission*.
- 11 Hughes et al., *Royal Commission of Inquiry*.
- 12 CCCB, *From Pain to Hope*. In 1996, the CCCB also issued *Responsibility in Ministry*. Primarily addressed to those who held appointments or mandates from the competent authority to minister in the name of the Church, it was meant to serve as a pastoral working instrument to facilitate a culture of responsibility and accountability in Catholic dioceses and institutes across Canada.
- 13 Terry et al., *The Nature and Scope of Sexual Abuse of Minors* (John Jay College Report, 2004), *Supplementary Report* (2006), and *Causes and Context of Sexual Abuse of Minors* (John Jay College Report, 2011). Whereas the John Jay reports were each commissioned by the United States Conference of

Catholic Bishops, a number of independently commissioned or statutory inquiries are also very noteworthy. Without question, these other reports will be read and studied with interest for years to come by Church officials and all institutions and organizations serving young and vulnerable populations. Among key examples, see: Commonwealth of Pennsylvania, *Report I of the 40th Statewide Investigating Grand Jury* (2018); Truth and Reconciliation Commission (Canada), *Honouring the Truth, Reconciling for the Future* (2015); Ontario, *Report of the Cornwall Inquiry* (2009); Republic of Ireland, *Report of the Commission to Inquire Into Child Abuse* (Ryan Report, 2009); Republic of Ireland, *Report by Commission of Investigation into Catholic Diocese of Cloyne* (Cloyne Report, 2011), and the final report of the Australian *Royal Commission into Institutional Responses to Child Sexual Abuse* (2017). The same will be true of the forthcoming report of the Independent Inquiry into Child Sexual Abuse in England and Wales.

- 14 It is important to note, however, that the **Guidelines** appearing in this document apply equally to the sexual abuse of any vulnerable adult. A vulnerable adult, as defined in the present document, is understood to be someone who is unable to protect himself or herself from significant harm or exploitation because of mental or emotional incapacity, advanced age, physical illness, mental disorder, or disability. See Part Two, **Guidelines**, § 2.5, for the definition of “vulnerable adult” and its applicability.
- 15 For the purposes of this resource, “institutes” includes ordained and consecrated members of religious and secular institutes, societies of apostolic life, public associations of the faithful, and new ecclesial communities.
- 16 The term “major superiors” as used in this Introduction, while simplified for readability, is identical to its more technical use in Part Two, **Guidelines**, § 1.1 (commentary).
- 17 The text of the *Normae de delictis* issued by the Congregation for the Doctrine of the Faith currently in force as approved by Pope Benedict XVI on 21 May 2010, contains modifications to both the substantial and procedural norms found in the original text of *Sacramentorum sanctitatis tutela*.
- 18 See Congregation for the Doctrine of the Faith, *Circular Letter*, 3 May 2011.
- 19 See specifically Pope Francis, “As a Loving Mother,” 2 June 2016.
- 20 The term “major superiors” as used in Part I, while simplified for readability, is identical to its more technical use in Part II, **Guidelines**, § 1.1 (commentary).
- 21 On the notion of accompaniment, Pope Francis has stated in *Evangelii Gaudium*, n. 169: “The Church will have to initiate everyone – priests, members of institutes, and laity – into this ‘art of accompaniment’ which teaches us to remove our sandals before the sacred ground of the other (cf. Exodus 3:5).” Central to the art of accompaniment is the act of listening: “Listening, in communication, is an openness of heart which makes possible that closeness without which a genuine spiritual encounter cannot occur (Pope Francis, *Evangelii Gaudium*, n. 171).”

- 22 Pope Benedict XVI, *Pastoral Letter to Catholics of Ireland*, 19 March 2010.
- 23 This date marks a national turning point in raising awareness about child sexual abuse and the establishment of best practices. Building on the 1984 Badgley Report, *Sexual Offences Against Children in Canada*, the 1990s saw several other landmark reports submitted to the Government of Canada, including Rogers, *Reaching for Solutions*; Hughes et al., *Royal Commission Inquiry*; and Mathews, *Invisible Boy*. The Winter Commission Report (Winter et al., *Report of the Archdiocesan Commission*) was based on the inquiry into clerical sexual abuse within the Archdiocese of St. John's, Newfoundland and prompted in part by public hearings of the Hughes Commission concerning sexual abuse at Mount Cashel Orphanage. It also contributed significantly to national awareness.
- 24 Statutes of limitation define the time frame within which authorities are required to bring criminal charges against a suspect after the alleged criminal act is said to have taken place. Under the *Criminal Code* of Canada, there is no statute of limitations for indictable offences such as sexual assault/sexual abuse; e.g., the accused can be charged twenty/thirty, or any other number of years after an act has occurred.
- 25 Awareness of the impact of sexual abuse on survivors began improving by the mid-1980s. See Finkelhor and Browne, "Traumatic Impact of Child Sexual Abuse."
- 26 For one perspective, see Finkelhor and Araji, "Explanations of Pedophilia."
- 27 See Badgley et al., *Sexual Offences Against Children in Canada*.
- 28 Rogers, *Reaching for Solutions*, 9.
- 29 Cf. Delap, "Child Welfare."
- 30 For more details, see: Public Safety Canada, *Screening Handbook*, 103.
- 31 Annual Anglophone Safeguarding Conference, <http://childprotection.unigre.it/anglophone-safeguarding-conference>.
- 32 Canadian Centre for Child Protection, <https://www.protectchildren.ca/app/en/>.
- 33 Congregation for the Doctrine of the Faith, *Circular Letter*, 3 May 2011, Part 1 (a).
- 34 Cf. *Code of Canon Law* (CIC) c. 1722 and *Code of Canons of the Eastern Churches* (CCEC) c. 1473; Congregation for the Doctrine of the Faith. *Normae de delictis in Sacramentorum sanctitatis tutela* (SST) [rev. 2010] art. 19.
- 35 Cf. "Sexual abuse of minors is not just a canonical delict but also a crime prosecuted by civil law. Although relations with civil authority will differ in various countries, nevertheless it is important to cooperate with such authority within their responsibilities. Specifically, without prejudice to the sacramental internal forum, the prescriptions of civil law regarding the reporting of such crimes to the designated authority should always be followed. This

collaboration, moreover, not only concerns cases of abuse committed by clerics, but also those which involve religious or lay persons who function in ecclesiastical structures.” Congregation for the Doctrine of the Faith, *Circular Letter*, 3 May 2011, Part 1 (e).

- 36 Cf. SST [2010] art. 6 §§ 1.1 and 1.2.
- 37 If a cleric-abuser, who is not incarcerated, is at risk of reoffending as a private citizen, dismissal from the clerical state may not be in the best interest of public safety. A more prudential course of action might be to submit him to a life of prayer and penance/ecclesiastical vigilance, in which appropriate restrictions are placed on his freedom (cf. CIC/c. 1336 and CCEO/c. 1428, 1429).
- 38 Congregation for the Doctrine of the Faith, *Circular Letter*, 3 May 2011.
- 39 More reflection and work are needed to understand how justice and mercy play out in the Church and society’s attitude toward those who are found guilty of sexual abuse. High-risk sex offenders have a significantly greater risk of recidivism when they fail to receive treatment and support through programs, therapy, supervision, and pastoral counselling. See the full report of Wilson et al., *Circles of Support*.
- 40 This duty is likewise implied in the logic of canon law (cf. CIC/c. 1341-1353 and CCEO/c. 1424-1428).
- 41 CIC/c. 1344; CCEO/c. 1415
- 42 Pope Francis, *Letter to Bishops*, 28 December 2016.
- 43 Pope Saint John Paul II, *Pastores dabo vobis*, 15 March 1992.
- 44 Congregation for the Clergy, *Ratio Fundamentalis*, 8 December 2016.
- 45 *Ibid.*, 202.
- 46 Pope Saint John Paul II, *Pastores dabo vobis*, 15 March 1992; Congregation for the Clergy, *Ratio Fundamentalis*, 8 December 2016; CCCB, Program for Priestly Formation, 2002; *ibid.*, *La formation des candidats au ministère presbytéral*, 2017; *ibid.*, *National Directory for the Ministry, Formation and Life of Permanent Deacons/Directoire national pour le ministère, la formation et la vie des diacres permanents*, 2017. Note: Since the directives from the Holy See (*Ratio Fundamentalis*) and those of this Episcopal Conference can be updated over time, it is important that the most current version always be used for the purposes of formation at any given time.
- 47 Cf. Ontario, Ministry of the Attorney General, *Report of the Cornwall Inquiry 2*: 95.
- 48 UN General Assembly, “Convention on the Rights of the Child,” 20 November 1989, vol. 1577, 3: Article 3: “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration;” and Article 19: “1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence,

injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s), or any other person who has the care of the child. 2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate for judicial involvement.”

- 49 Pope Francis, *Letter Concerning the Pontifical Commission for the Protection of Minors*, 2 February 2015.
- 50 Pope Francis, *Address to Bishops of the Episcopal Conference of the Netherlands*, 2 December 2013.
- 51 The study by Finkelhor and Browne (1985), often quoted in the literature on child sexual abuse, classifies the experience of victims into four basic “clusters of trauma.” They are: i) feelings of guilt and shame and negative self-imagining; ii) confusion about sexual norms and standards as well as sexual identity, including unusual emotional behaviours and attitudes towards sexual activities ranging from revulsion to those which are precocious, obsessive-compulsive, and predatory; iii) profound difficulties with trust and relationships, resolved through a range of behaviours which seek to control and dominate – from self-imposed isolation to participation in unhealthy subcultures (e.g., drugs, prostitution); and iv) a sense of helplessness that interferes with the basic pursuit of life goals and accomplishments, including education and employment. These categories are meant to serve as headings under which more detailed accounts of trauma can be organized. Over and above these categories are certain generalized effects which are commonly present, such as depression, anxiety, anger, and suicidal ideation. While separating the effects into categories can facilitate deeper analysis and understanding, it is important to appreciate that in the actual experience of survivors the effects of sexual abuse are intertwined and can interact with each other in unpredictable ways. See Finkelhor and Browne, “Traumatic Impact of Child Sexual Abuse,” 531, 532, and 533.
- 52 Cf. Monbourquette, *Comment pardonner?* 53, 88.
- 53 See Foreword (page 10).
- 54 Pope Saint John Paul II, *Familiaris Consortio*, 22 November 1981, n. 86. See also CCCB, *Elements of a National Pastoral Initiative*, 6.
- 55 CCCB Episcopal Commission for Doctrine, *Missionary Dynamic of the Parish Today*, n. 7.
- 56 The Canadian Centre for Child Protection identifies eleven types of behaviours with regard to children twelve years old and under which may be indicative of sexual abuse, namely: 1) advanced sexual knowledge, 2) sexualized behaviour, 3) withdrawn/depressed, 4) clingy, 5) decline in school performance, 6) distress around a particular adult, 7) excessively seeking time with a

- particular adult, 8) aggression, 9) self-destructive, 10) physical symptoms (in the genital region), 11) disrupted sleep patterns. See *Child Sexual Abuse: It Is Your Business*, 5.
- 57 Cf. Pope Saint John Paul II, *Pastores Gregis*, 16 October 2003, n. 21: “In the present social context, the bishop needs to remain particularly close to his flock and above all to his priests, showing a father’s concern for their ascetic and spiritual difficulties, and providing them with appropriate support to encourage them in fidelity to their vocation and to the requirements of an exemplary life in the exercise of the ministry. In cases of grave lapses, and even more of crimes which do damage to the very witness of the Gospel, especially when these involve the Church’s ministers, the bishop must be firm and decisive, just and impartial. He is bound to intervene in a timely manner, according to the established canonical norms, for the correction and spiritual good of the sacred minister, for the reparation of scandal and the restoration of justice, and for all that is required for the protection and assistance of victims.”
- 58 Congregation for Bishops, *Apostolorum Successores*, 22 February 2004, n. 158.
- 59 *Ibid.*, n. 209.
- 60 Cf. *ibid.*, n. 158.
- 61 Cf. *ibid.*, n. 28.
- 62 For a further elaboration of this see: CIC, c. 455 §§ 1-2. Included among the general decrees are general executive decrees, i.e., canons 31-33. Cf. Pontifical Council for the Interpretation of Legislative Texts, *Responsum*, 5 July 1985.
- 63 Congregation for Bishops, *Apostolorum Successores*, 22 February 2004, n. 54.
- 64 *Ibid.*
- 65 To ensure that those in positions of power and authority take seriously their responsibility and commitment to protect the weakest among those entrusted to them, Pope Francis issued *As a Loving Mother* (in effect since 5 September 2016), reiterating, *with particular emphasis in relation to cases of sexual abuse*, that bishops who, after investigation, had been found gravely negligent in the exercise of their office can be removed either by fraternal exhortation or decree, subject to the specific approval of the Roman Pontiff.
- 66 For the website of *Praesidium*, see: <https://website.praesidiuminc.com/wp/>.
- 67 For the website of *Virtus*®, see: <https://www.virtusonline.org/virtus/>.
- 68 See *Canadian Charter of Rights and Freedoms*, s 11(d), Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11, which states: “Any person charged with an offence has the right to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal.”
- 69 Pope Francis, *Address of His Holiness Pope Francis to the Bishops of Mexico*, 13 February 2016.

- 70 Winter et al., *Report of the Archdiocesan Commission*; CCCB, *From Pain to Hope*; Terry et al., *Causes and Context of the Sexual Abuse of Minors* (also known as the 2011 John Jay Report).
- 71 Terry et al., *Causes and Context of the Sexual Abuse of Minors*, 93.
- 72 Second Vatican Ecumenical Council, *Lumen Gentium*, 21 November 1964, n. 8.
- 73 Cf. Pope Francis, *Evangelii Gaudium*, 24 November 2013, n. 27: “I dream of a ‘missionary option’, that is, a missionary impulse capable of transforming everything, so that the Church’s customs, ways of doing things, times and schedules, language and structures can be suitably channeled [*sic*] for the evangelization of today’s world rather than for her self-preservation.”
- 74 Cf. *Catechism of the Catholic Church*, 876 ff.
- 75 Cf. Psalm 104:30: “When you send forth your spirit, they are created; and you renew the face of the ground.” (NRSV)
- 76 Cf. Pope Francis, *Evangelii Gaudium*, 24 November 2013, n. 27-33.
- 77 Pope Saint John Paul II, *Christifideles Laici*, 30 December 1988, n. 34.
- 78 Pope Francis, *Misericordiae Vultus*, 11 April 2015, n. 25.
- 79 Pope Saint John Paul II, *Christifideles Laici*, 30 December 1988, n. 34.
- 80 Congregation for the Doctrine of the Faith, *Circular Letter*, 3 May 2011.
- 81 *Ibid.*, *Normae de delictis*, 21 May 2010.
- 82 *Ibid.*, *Circular Letter*, 3 May 2011.
- 83 Immigration, Refugees, and Citizenship Canada, *Provincial Definitions of a Minor*.
- 84 In the case of an ordained member of an institute who has been accused of sexually abusing a minor, the member concerned is canonically subject to *Sacramentorum sanctitatis tutela* (30 April 2001), which includes the “Norms pertaining to the most grave delicts” (*Normae de gravioribus delictis*) reserved to the Congregation for the Doctrine of the Faith revised by Pope Benedict XVI on 21 May 2010 . For a detailed outline of the canonical procedures, see the preceding **Guidelines**.
- 85 For more details, see: Public Safety Canada, *Screening Handbook*, 103.
- 86 Annual Anglophone Safeguarding Conference, <http://childprotection.unigre.it/anglophone-safeguarding-conference>.
- 87 Canadian Centre for Child Protection, <https://www.protectchildren.ca/app/en/>.
- 88 Pope Saint John Paul II, *Pastores dabo vobis*, 15 March 1992; Congregation for the Clergy, *Ratio Fundamentalis*, 8 December 2016; CCCB, *Program for Priestly Formation*, 2002; *ibid.*, *La formation des candidats au ministère presbytéral*, 2017; *ibid.*, *National Directory for the Ministry, Formation and Life of Permanent Deacons/Directoire national pour le ministère, la formation et la vie des diacres permanents*, 2017. Note: Since the directives from the

Holy See (*Ratio Fundamentalis*) and those of this Episcopal Conference can be updated over time, it is important that the most current version always be used for the purposes of formation at any given time.

- 89 Cf. Ontario, Ministry of the Attorney General, *Report of the Cornwall Inquiry* 2: 95.
- 90 UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, vol. 1577, 3: Article 3: “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration;” and Article 19: “1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s), or any other person who has the care of the child. 2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate for judicial involvement.”
- 91 Cf. Pope Saint John Paul II, *Pastor Bonus*, art. 2 § 1.
- 92 CIC/c. 447; CCEC/c. X.
- 93 CCEO/c. 399; CIC/c. X.
- 94 Immigration, Refugees, and Citizenship Canada, *Provincial Definitions of a Minor*.
- 95 Cf. CIC/c. 207 § 2; CCEC/c. X.
- 96 Cf. United Nations, “Sexual abuse,” in *Glossary on Sexual Exploitation*, § 4: 5 ff.
- 97 Cf. Interagency Working Group, *Terminology Guidelines*, § C.3: 19.
- 98 Cf. United Nations, “Sexual assault,” in *Glossary on Sexual Exploitation*, § 1.2, 9: 6.
- 99 Cf. Interagency Working Group, *Terminology Guidelines*, § P.4.ii: 80.
- 100 See: CIC/c. 99; CCEC/c. 909.

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Protecting Minors from Sexual Abuse: A Call to the Catholic Faithful in Canada for Healing, Reconciliation, and Transformation arises as a response by the Catholic bishops of Canada concerning the need to update and expand their efforts at safeguarding pastoral environments and to improve responses to complaints regarding the sexual abuse of minors and vulnerable adults. Drawing on the experience of the leadership of the Catholic Church in Canada, on the expertise of numerous professionals, on the insights of victims, and on the latest canonical requirements of the Holy See, the present document will be an indispensable resource to those – be they clergy, consecrated persons, or laity – who, in view of their specific ecclesial responsibilities, hold positions of authority and have oversight of pastoral staff and volunteers. This document will also be of interest to the Catholic faithful at large as they participate in the Church’s efforts to undergo the purification and transformation which have become urgent in order for the Gospel to continue to be faithfully and credibly proclaimed and lived out in every community and at all levels of society.



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