

Bravehearts Position Statement



Towards Healing: Catholic Church Response to Allegations of Child Sexual Assault

There is a great cynicism about the Catholic Church's internal processes and policies used to deal with allegations of child sexual assault, and there is certainly a reluctance to trust the internal procedures of the Church, who have in the past shown to only act when they are made accountable in a legal sense. This distrust is evident every time there is further disclosure of covered up sexual assault in the Church institution. There is a perception amongst sectors of the community that Church interests are more focussed on the public relations and legal liability aspects of allegations against clergy or religious rather than in seeking to achieve healing, restoration and just settlements for survivors.

SILENCING VICTIMS

Child sexual assault is both a private and a public problem. For the survivors, alleged perpetrators and the institutions involved, there are quite obvious and legitimate private interests in ensuring that the processes used are private and confidential. Processes such as *Towards Healing* provide for confidentiality. However, these private interests in confidentiality need to be balanced with the rights of the victim to have a voice and the public interest in transparency and accountability. The horrific crime of child sexual assault is effectively hidden when allegations are dealt with internally and privately. The community has an interest in ensuring that the internal processes used by the Catholic Church are sufficiently rigorous, appropriate and fair. This goes to both transparency and accountability.

As a document, *Towards Healing* has been strongly influenced by Canon Law and by legal advice sought and received on considerations of Civil Law. It is of interest that the document makes very few statements in relation to Criminal Law.

Through Canon Law, the Church dealt with its own people. Historically, if the alleged perpetrator denied the allegation, then it was the victim's word against the accused, and usually no further action resulted other than to give a warning to the alleged perpetrator concerned. The Church exercised disciplinary functions over clergy. Such internal investigations were unlikely to be very effectual. If the matter had been seen clearly as one of alleged criminal misconduct, and the police had been called in to investigate, a different result might have been reached.

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The legacy of that tradition may be one explanation why the Church has in the past neither reported cases of child sexual assault to the police nor has it encouraged the victim or the victim's parents to do so. In fact, many survivors speak of being actively discouraged, by the Church, in pursuing either criminal or civil proceedings.

One of the greatest challenges for organisations seeking to address concerns of child sexual assault is the need to understand and overcome the silence, secrecy and shame (the 3 S's) that surrounds this crime. Child sexual assault strongly relies on silence; in order to keep offending perpetrators need secrecy. Within organisations this can operate at two levels, (1) silencing of victims and (2) silence within the organisation.

Offenders usually put a great deal of effort into ensuring that a child remains silent. Apart from promises, threats and bribes, offenders also take advantage of the child's powerlessness by presenting a distorted or false view of what is happening. Victims of sexual assault are silenced their whole lives and then again through the *Towards Healing* process. This must stop.

It is Bravehearts' position that if a victim wishes to speak out about harms they experienced they must be entitled to do so. The silencing of victims must stop at all costs.

Historically, and often in more recent times, Church responses to disclosures or concerns of child sexual assault have come under much scrutiny. If we are to successfully confront the issue of child sexual assault, challenging the culturally and historically entrenched response of secrecy and silence to child sexual assault is imperative.

RESPONDING TO ALLEGATIONS OF SEXUAL HARM

Many victims have reported an unsympathetic response from the Church when disclosures are made. Specifically, many have spoken about being openly discouraged from taking the matter to the police, while others have experienced the Church "walls going up" once the proposition of compensation is raised.

The idea that Christians should tell it to the Church rather than going to the police about sexual assault has often led to failures to protect children.

Bravehearts believes that institutional responses to child sexual assault should be clearly articulated with specific emphasis on referral process and with the first presumption being that if someone discloses the matter is referred to police for investigation:

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- **Where the victim is still a child** and the Church becomes aware or has concerns that a child is being sexually harmed, we all have a responsibility to put the protection and safety of children first. Any form of sexual behaviour by an adult towards or with a child is always sexual assault, is always a crime and must always be reported immediately to the police. Allegations of child sexual assault must not be investigated by the Church, and in particular the child/young person or the accused must not be questioned by the Church.
- **Where the victim is now an adult**, the Church should encourage the adult victim to disclose to the Police, and provide them with support to do so. For adult victims who are not confident to report to Police, an alternative process needs to be put in place to assist them. Bravehearts Sexual Assault Disclosure Scheme (outlined below) has been running successfully since 2001 and provides an ideal model for the Church to access. Such a process will ensure transparency and professionalism in responding to complaints of child sexual assault and will reflect criticisms of Church cover-up.

POLICIES AND PROCEDURES

It is every organisation's responsibility to do their best to protect the children who they come in contact with. This is true whether harm or potential harm is internal or external to the organisation.

There are a number of organisational factors, particularly relevant to religious organisations, that are associated with greater risk of child sexual assault. Research has shown that the following factors increase risk within an organisation:

- **Staff being alone with a child:** Environments where staff members have the opportunity to be alone with a child or children are high risk.
- **Lack of staff accountability:** Lack of transparency and accountability (both internal and external) create organisations where there is a high risk of problems and concerns being unidentified and/or hidden.
- **Lack of professionalism:** Staff professionalism should be regulated to ensure integrity and increase compliance with organisational policies.
- **Poor policies and procedures:** Organisations with no or poorly written policies and procedures increase the risk of employing high risk staff.
- **Risky physical attributes:** Opportunities to harm children are increased in organisations which are closed and create isolation from the outside. The physical structure of an organisation plays an important role in creating 'safe environments' for children and young people.
- **Accountability independence:** The lack of external scrutiny is a high correlate to the high risk level organisations.

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- Inadequate resources: Inadequate funding and resources increases the likelihood that organisations will slip in terms of positive staffing and oversight practices. These organisations tend to not prioritise instituting effective policies and procedures.

Strong child protection policies and a risk management focus must be the cornerstone to any organisational approach to protection against child sexual assault and the appropriate response to concerns and disclosures. This approach is founded on the following principles:

- Organisations have a moral and legal responsibility to protect children within their care.
- Organisations have been, are and will continue to be vulnerable to child protection concerns until the issues are brought into the open.
- Organisations without child protection policies, guidelines and risk management strategies are more vulnerable to attracting offenders to their organisation.
- Organisations without child protection policies, guidelines and risk management strategies are more vulnerable to false or malicious accusations.
- Organisations without child protection policies, guidelines and risk management strategies may be more vulnerable to civil action.

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