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The Royal Commission has addressed the following questions to me with respect to my competence as a psychiatrist, policy maker, and legislator, and informed by my membership of the Pontifical Commission for the Protection of Minors (PCPM).

**1. The current response of the Vatican to child sexual abuse:**

a. *The establishment of the Pontifical Commission, the scope of its responsibilities and capacities, membership and structure (including plenary assemblies, working groups and engagement with external experts and collaborators)*

The Pontifical Commission for the Protection of Minors was established in March 2014, with an initial membership of 8 men and women, both lay and ordained, who worked together to recommend draft Statutes to the Holy Father, and to suggest additional members from around the world. The full Commission of 17 people, comprising a majority of lay people, commenced a three-year initial term in 2015. The Statutes are attached and explain the nature and purpose of the Commission and its working methods. The term *minor* includes children under the age of 18 and those adults who habitually lack the use of reason (sometimes called vulnerable adults).

There are currently 6 working groups, chaired by PCPM members and including both members and expert collaborators to assist their work. The working groups are supported by the PCPM's administrative and research staff.

The current working groups are: Guidelines; Healing and Care; Education; Formation and Education of Church Leaders; Theology and Spirituality; and Canonical and Civil Norms.

b. *The relationship between the Pontifical Commission and the Congregation for the Doctrine of the Faith*

The PCPM and the Congregation for the Doctrine of the Faith are separate bodies. There is no juridical or supervisory relationship. There is no direct link between them. The PCPM has no role in the cases of priests or religious accused of abuse. There are opportunities for bilateral consultation with the CDF on relevant issues, for example, concerning the development and application of canon law and relevant guidelines.

c. *The role of the Pontifical Commission as it relates to local Catholic Church authorities, such as the Catholic Church in Australia, in responding to child sexual abuse*

The PCPM has developed an advisory template for Guidelines on all matters concerning the Protection of Minors, to assist the universal Church, which will be available on the PCPM website.

It is developing a database of current policies and educational programmes from around the world to enable sharing of experience and resources. The members and staff are assisting Bishops conferences and religious superiors to develop their own guidelines.

The PCPM is working with Universities to encourage academic studies into the provision of and effectiveness of human formation in seminaries around the world.

- d. *Developments in the work of the Pontifical Commission, in particular on:*
- i. *The legal aspects of the protection of children from child sexual abuse, including the disciplining of offenders and transparency around canonical trials*

The Guidelines working group has commissioned a review of the forensic assessments conducted for canonical trials and a pilot survey is underway. Another survey by the working group on Canonical and Civil Norms is reviewing the access to information granted to alleged victims of abuse.

- ii. *Education efforts within local Catholic Church authorities, including the offering of education to new bishops via the annual training programme for new bishops*

PCPM members have contributed to several recent courses for Church leaders (including the Congregation for Clergy, the course for new Bishops organised by the Congregation for Bishops, the Accademia and Propaganda Fidei).

Members have had more than 50 educational engagements in 5 continents during the last 12 months, ranging from a couple of hours to three day dedicated workshops for church leaders, staff and volunteers.

- iii. *Activities in relation to establishing leadership and best practice for Church and other authorities in the protection of minors*

This question overlaps with questions 1d) iv, 2b), c) and h).

The situation across the globe is diverse, with many countries like Australia, USA, and UK having introduced robust procedures. There have been serious failures historically, and it has often proved difficult for Church leaders to look at these 'head on'. The place of Independent reviews, and the place of lay expertise in these, is invaluable.

- iv. *The proposal to create a Vatican tribunal to judge cases of Bishops accused of failing to protect victims of child sexual abuse*

The relevant Vatican Congregation has the authority to make the judgment that a Bishop or Religious Superior is not competent. On 4th June 2016 the Motu Proprio, '*Like a Loving Mother*', announced the establishment of a panel or college of canon law experts to assist the Congregations in this process, and to advise the Holy Father accordingly so that appropriate action can be taken, including dismissing a Bishop or Religious Superior. The Congregations of Bishops, and for the Religious are developing norms or standards to assist this process. The Motu Proprio has a wider brief than the originally suggested Tribunal for Bishops, which it replaces.

The Motu Proprio became law on 5<sup>th</sup> September this year and the PCPM understands that the panel will also consider cases retrospectively.

- v. *Policies for the safeguarding of minors in Catholic schools*

The PCPM working group on Education of Children, Families, and Communities with a focus on parishes, schools and church institutions is reviewing this policy area. The primary policy aim is to give minors a voice and to develop a culture of

safety. The working group is using the Issues Paper 9 from the Royal Commission into Institutional Responses to Child Sexual Abuse as a guide.

An initial literature search has been conducted to assess the information and materials already available in different countries.

The March 2017 Plenary will have a particular focus on Catholic schools, with invited participants from 2 or 3 regions of the world sharing their experience, policies, outcomes and challenges. It is hoped that their input will assist the PCPM to develop recommendations about education programmes for different stakeholder groups in a range of contexts and cultures.

## **2. Factors that may have contributed to the occurrence of child sexual abuse in Catholic institutions, particularly by clergy and religious, or affected the institutional response of the Catholic Church to child sexual abuse.**

### *a. Catholic theology and doctrine insofar as it is relevant to the institutional response to child sexual abuse*

I do not believe this to be relevant to the Inquiry other than where addressed in response to other questions.

### *b. The Catholic Church's structure and governance, including the role of the Vatican*

Diocesan Bishops are responsible for the local church, and Religious Superiors for their communities, and they are expected to 'get on with it'. If they are having difficulties fulfilling their responsibilities, there are structures in place to assist them (see Canon 381). The Vatican Congregations advise both local Church leaders and the Pope as appropriate, and as explained in my answer to question 1(d) iv, relevant Congregations can also make a judgment about competency. Pope Francis as the worldwide spiritual leader of the Catholic Church has a relationship with all members of the Church but would not normally interfere with the role of the local hierarchy (see Canon 331 on the Role of the Roman Pontiff). He is a pastor, not the governor of the local church.

### *c. Issues related to the individual leadership of Catholic institutions*

This question overlaps with questions 1d) iii and iv, 2b) and h). The general principle in the Church is that anyone who has responsibility for another (clerical or lay) person's behaviour or performance, should exercise that responsibility in accordance with local civil laws as well as with the moral standards required within the church.

Current responses to investigations into clerical abuse focus appropriately on leadership failure. The PCPM Formation and Education of Church Leaders working group is considering issues of leadership preparation and is contributing to education programmes for Vatican diplomats, Bishops and other Church leaders. Local leadership at parish and school levels may need to be improved, with one gap being a relative lack of oversight of diocesan priests.

### *d. Canon law*

I know of no evidence that canon law has been a reason for the occurrence of abuse. In no canon does it require a member of the Church to "cover-up" a canonical offence in order to protect the reputation of the Church. Such cover-ups completely misunderstand the purposes of the Church's canon law in this area, which are the reparation of scandal,

the restoration of justice and the reform of the offender (canon 1341). Rather than to achieve these purposes, the deliberate decision not to act in the face of an allegation of abuse actually causes scandal, perpetuates injustice in the victim's regard and certainly doesn't contribute towards the reform of the offender.

It seems that Canon Law may have been deliberately misused to excuse inexcusable behaviour, and to cover up known wrongdoing.

Some dioceses seem to have a lack of knowledge about the substance and processes of canon law in these cases and what is required by way of response. For many Bishops and religious superiors the decision not to engage with the canon law processes seems to come from a lack of trained and prepared personnel to implement these complex processes, with inevitable consequences for justice for the victim and the perpetrator.

The last reform of the Code of Canon Law was back in 1983 and it has been ill equipped to deal with cases of child abuse. I understand that the relevant part of the code, which deals with penalties and the penal process, is being revised currently in order to make it more applicable and responsive to the situation of the Church today.

#### e. *Clericalism*

There are several issues here. All priests and religious need support and spiritual direction to help them live a life of service. But a priest may see his position as above or 'over' his flock, rather than seeing his role as one of service. Some congregations may be pleased to collude with the priest in this type of relationship. Some priests may find security in a role of power or authority, but there is a risk that this power may be misused, or simply serve to further isolate the priest. Finally priests are usually formed in seminaries together and identify with each other in similar ways to members of professional groups such as medicine or law. Having lived in community for several years of study, many find the transition to parish life difficult to adjust to. It may be hard for some to relate to people who are not members of 'their' group.

#### f. *Mandatory celibacy*

The real issue concerns a candidate's sexual maturity and self-knowledge. Bishops, vocations directors, and formators need to ensure that a candidate is clear about and comfortable with their 'deepest desires' before being able to make a commitment to celibacy. Candidates also need to realise that they will experience challenges to their vow of celibacy and that their human formation is as important as other aspects of formation. The 2004 John Jay study of 4392 American priests and deacons accused of abuse between 1950 and 2002 reported no connection between celibacy and abusive behaviour.

#### g. *Selection, screening, training, and ongoing formation of candidates for the priesthood and religious life*

Analysis of data from the John Jay study suggests that an adequate programme of human formation is associated with fewer cases of abuse by ordained priests and religious. The number of alleged abuses was found to have increased in the 1960s and 1970s, declined in the 1980s, and by the 1990s had returned to the levels of the 1950s. The majority, but not all cases of abuse were by priests in formation or ordained before 1970, who may have been poorly prepared for the changes introduced by the Second Vatican Council.

In 1992, Pastor Dabo Vobis recommended that more attention be paid to human development as one of four equal pillars of formation or training for the priesthood and religious life.

Human Formation (human development) of candidates for ordination is of paramount importance for the protection of minors. There is a very mixed picture across the world. Australia is now one of the better countries with respect to human formation, and is widely commended for introducing its policy 'Integrity in Ministry' in 2004. The Australian church will need to take care to screen and evaluate the migrant seminarians, priests, and religious to the same standard of human formation as locally recruited candidates. In the UK a rigorous process agreed by the Conference of Bishops, now includes a national database, with candidate's details entered locally but checked for previous rejections from other dioceses, as well as a two-year process of screening before commencing in a seminary. This includes psychological assessments, sessions with a spiritual director and with the vocations director.

#### *h. Support for and supervision of working priests and religious*

Bishops are able to exercise oversight over a parish priest's "professional" life through various structures, including the local deans and Episcopal Vicars for Clergy. But I have observed and been told that there is a lack of consistency in the application of on-going professional supervision. Ongoing formation/ continuing professional development of ordained people has not yet been accepted as a norm, as it has with the professions such as medicine and teaching.

Some church authorities may resist scrutiny of educational and behavioural standards by lay boards, although such scrutiny could help to restore the trust in church leaders that has been lost.

As with other professionals, such as teachers, it would be inappropriate for there to be oversight into a priest's personal life, beyond the standards which are set out in canon law with regards to the rights and duties of a priest (canons 273-289) and which are further explained in the *Directory on the Ministry and Life of Priests* issued by the Congregation for the Clergy in 1994.

#### *i. The operation of the sacrament of confession*

The Church believes as a matter of sacramental doctrine that the seal of Sacramental Confession is inviolable, that is, the information learned within the celebration of the sacrament cannot be shared with third parties in any way. To do so would incur an automatic excommunication for the priest concerned (canon 1388§1).

The Priest needs to ensure that an abuser to assuage his or her guilt for any abuse that may have been committed does not manipulate the Sacrament of Penance. This is an area where there need to be clear guidelines for priests, so that they are aware of the manipulative behaviour of abusers and know what to do in cases when someone confesses an act of abuse under the seal of confession. The most powerful action the confessor can take is to refuse absolution to a person confessing to the abuse of a minor.

Priests can't "break the seal," yet within the confession there's freedom to urge an abuser to speak to him or someone else outside that forum so as to be able to bring it to the statutory authorities. Outside of the confessional situation, priests are not bound by confidentiality in cases of the abuse of a minor or vulnerable person. Confessors should try to find ways to get the perpetrator to share this information outside the context of confession and then they would be in a position to act upon it without danger of breaking the seal.

The situation is different when a person gives information within the Sacrament concerning abuse, which they have suffered, or knowledge of abuse that someone else has suffered. The confessor should encourage and even assist them to pass that information on to the appropriate authorities.

It should be noted that the absolution of an accomplice (canon 1378) and the solicitation of a penitent by a priest within the sacrament (canon 1387) are both offences, which are punished severely in canon law.

The teaching of the *Catechism of the Catholic Church* covers professional confidentiality, which is different from the seal of confession (art 2491). It is very clear that information must be kept confidential unless “keeping the secret is bound to cause very grave harm to the one who confided it, to the one who received it or to a third party, and where the very grave harm can be avoided only by divulging the truth”.

*j. The use of secrecy, including the practice of mental reservation*

The priests and members of religious orders whom I have consulted (of different ages) have advised me that mental reservation is an unfamiliar concept to them, and is not taught in seminaries. It’s got nothing to do with canon law. The phrase does not occur nor the concept. It is possible that mental reservation has been used as an excuse for not doing the right thing. I have appended an extract from the report of the Commission of Investigation into the Archdiocese of Dublin 2009, paragraph 58.20, which cites the evidence of Cardinal Desmond Connell, the Archbishop of Dublin until 2003. I have also referenced a paper on mental reservation by Fr. Tom Doyle, available online (see below).

*k. Individual psychosexual factors*

There is growing interest in the role of adverse or traumatic childhood experiences, including abuse, on psychosexual development, the development of sexual identity and the capacity for developing relationships in adult life (Felitti et al, 1989). These and other developmental factors will influence whether someone is able to enter into a mature commitment to celibacy and chastity, or is at risk of harmful behaviour. Reid et al (2016) explore some of these issues in a paper about the eleventh revision of the WHO International Classification of Diseases and Related Health Problems (ICD-11), which is expected to be approved by the World Health Assembly in May 2018. Substantial changes have been proposed to the ICD-10 classification of mental and behavioural disorders related to sexuality and gender identity in response to a growing body of research evidence about psychosexual development. For example, ICD-10 categories related to sexual orientation have been recommended for deletion from the ICD-11 (Reed et al, 2016).

*l. Factors operating in society as a whole*

As in society at large, most young Catholic adults are sexually active, and this includes those applying to become a priest or join a religious order. The Church is not alone in finding it difficult to talk and teach about sexuality in a way that speaks to young people in today’s world, and assists their psychosexual development. There is a growing realisation in many cultures that families and teachers need to find a way to talk about sexuality, including sexual orientation, within the context of safe and loving relationships. The roles played by alcohol and other psychoactive substances, and by the easy access to Internet

pornography are factors of considerable concern that have educational and safeguarding implications.

As with abuse within families, abusive behaviour by priests and deacons typically occurs with children and vulnerable adults who are well known to the abuser, and in familiar, social settings.

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Link to Part 2 of the Murphy report

<http://www.justice.ie/en/JELR/DACOI%20Part%202.pdf/Files/DACOI%20Part%202.pdf>

Para 58.20 - Cardinal Connell explained the concept of mental reservation to the Commission in the following way:

"Well, the general teaching about mental reservation is that you are not permitted to tell a lie. On the other hand, you may be put in a position where you have to answer, and there may be circumstances in which you can use an ambiguous expression realising that the person who you are talking to will accept an untrue version of whatever it may be - permitting that to happen, not willing that it happened, that would be lying. It really is a matter of trying to deal with extraordinarily difficult matters that may arise in social relations where people may ask questions that you simply cannot answer. Everybody knows that this kind of thing is liable to happen. So, mental reservation is, in a sense, a way of answering without lying."

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