

**Report of the Special Taskforce for the
Review of**

From Pain to Hope

Canadian Conference of Catholic Bishops

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Canadian Conference of Catholic Bishops (CCCCB)
for the review of *From Pain To Hope***

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Introduction

Published in 1992 by the Canadian Conference of Catholic Bishops (CCCB), *From Pain to Hope*¹ addressed the issue of sexual abuse of minors by clergy. It was the first systematic study, and thus a landmark, by a Conference of Bishops in the Catholic Church for the prevention of sexual abuse, the care of victims and the administrative procedure to be used in cases of sexual abuse by clergy.

Since 1992, the Catholic Dioceses of Canada have drawn on the recommendations in the report to provide diocesan protocols, additional information in formation programs for future priests, and measures to assist priests in the performance of their duties in order to reduce the risks of further sexual abuse of minors and to deal appropriately with reported cases. In practice, the measures defined in the diocesan protocols apply not only to clergy, but also to parish and diocesan employees, whether lay or religious.

On the 10th anniversary of the publication of *From Pain to Hope*, the CCCB established a Special Taskforce to review this document, assess its effectiveness and update it or propose necessary modifications.

This report contains the results of the work of the Taskforce and its recommendations.

¹ *From Pain to Hope* is available online at the website of the Canadian Conference of Catholic Bishops, www.cccb.ca, under the heading “Backgrounders”.

Part One:
Mandate of the Taskforce for the Review of
From Pain to Hope

In 2002, on the occasion of the 10th anniversary of the publication of *From Pain to Hope*, the CCCB Plenary Assembly requested a review and update of the recommendations contained in the document. A taskforce was established under the co-chairmanship of Most Reverend V. James Weisgerber, Archbishop of Winnipeg, and Most Reverend Eugène Tremblay, Bishop of Amos. Eight other persons, including laity, religious and clergy, completed the membership.

I. Mandate of the Taskforce

- 1) To review the document *From Pain to Hope* in the light of the experience of Canadian dioceses since its publication and in view of related worldwide developments.
- 2) To examine specific elements:
 - a. Creation of safe environments for pastoral work, especially with regard to the protection of children
 - b. Improvement of transparency at all levels
 - c. Establishment of accountability at all levels without reducing diocesan autonomy.
- 3) To recommend changes to general policies and the development of resources, including measures needed for follow-up by the Conference.

To carry out its mandate, the Taskforce could:

- a. Seek the opinions of experts
- b. Meet with victims and abusers
- c. Recommend that its mandate be broadened, if necessary.

II. Summary: Consultation of Victims of Sexual Abuse by Clergy

The Taskforce mandate reflected a desire to obtain comments and suggestions from victims of sexual abuse by clergy, members of victims' families and groups representing victims.

The decision of the Taskforce to seek the opinions of victims on the review of *From Pain to Hope* and on specific aspects of its mandate was carried out in a number of ways: through interviews with Taskforce members, by telephone, by regular mail and by e-mail. The following eight subsections are a summary of their concerns as conveyed to the Taskforce.

1. Reactions of victims to the review of *From Pain to Hope*: Initial reactions to the process

Those who contacted the Taskforce were pleased with the review process undertaken by the CCCB. However, the expectations of victims and all persons concerned by cases of sexual abuse are high. There is a hope that the institutional Church would direct its activities in this area, as a priority toward greater protection for children and the prevention of sexual abuse within ecclesial environments.

The positive reactions of the victims did not go beyond this. Their comments were generally critical of the management and orientation of the institutional Church in cases of sexual abuse by clergy, as well as with the way the Catholic Bishops of Canada had implemented the recommendations in *From Pain to Hope*.

A number of people, especially groups representing victims, were disappointed by the approach chosen by the Taskforce, that is, to concentrate on its mandate to consult. The Taskforce exercised due regard in obtaining information for its review of the 1992 document, especially in terms of improving prevention or treatment measures in sexual abuse cases. Its approach was to listen to all who wished to express opinions, while refusing to enter into debates that were not within its mandate.

2. Greater sensitivity to the suffering of victims

In the course of the interviews with victims, as well as in a number of written communications, the suffering and often dramatic consequences of sexual abuse were obvious. Although a number of victims continue to be resentful of their abusers, wisdom and dignity emerged from these interviews. At the same time they observed that the abuse they suffered was intolerable, the victims and those who support them made a clear distinction between the ill treatment they had

received and the response of the institutional Church, which was where their criticism was directed. Cases where the response and management were inadequate have created the perception that the institutional Church is at fault.

Although *From Pain to Hope* contains recommendations on care and attention for victims, their perception is that the Church's actions and the measures it implements are aimed more at preserving the financial and pastoral integrity of the institution, protecting priests, even known abusers, and the systematic challenging of victims, rather than their protection.

This observation is based on cases of priests who sexually abused minors and, with the approval of the bishop, continued to minister to children. From the point of view of the victims, the reintegration of abuser priests into the ministry, especially among children, is unacceptable and dangerous, particularly in cases where the parishes concerned have not been informed.

This means the whole institutional Church is perceived as being insensitive to victims, whether in cases where allegations of sexual abuse are made, or even in cases where the abuse has been proven. Specific examples that were common knowledge were cited in support of this perception.

3. Avoiding double victimization

This perception of insensitivity of the dioceses toward victims is indicated in the situation in which victims who are trying to obtain reparation for the wrongs committed against them are often faced not only with reliving in spirit the abuse they suffered, but also with confrontation and a feeling of exclusion on the part of the Church. The expectations of the victims toward the institutional Church and the diocesan bishop are twofold. On the one hand, they expect the bishop to take the necessary measures and to assume his responsibility with sincerity and transparency. At the same time, they expect him to act as the pastor of his flock and to consider the victim as a suffering person who must be fully integrated at the pastoral level.

They were especially critical of the legal relentlessness of some dioceses toward victims seeking reparation.

Although the testimonies to the Taskforce acknowledged the complexity of legal processes and recognized the right of the institutional Church to defend itself, even when the abusive situation is known, recognized or acknowledged, certain dioceses persist in prolonging the legal process, thereby giving an impression of contempt for the victims.

It was suggested that victims would be less mistrustful of the institutional Church if effective, publicly known measures for the prevention of sexual abuse of minors were fully implemented in the dioceses.

4. Making the protection of children a priority as a means of preserving the integrity of the Church

From Pain to Hope is viewed as a progressive response to the problem of sexual abuse by clergy. The Bishops of Canada formulated this response in a context of crisis when numerous cases of sexual abuse were being revealed. The observation victims made about these measures was that their implementation was aimed more at protecting the institutional Church and treating the abusers, while relegating the protection of victims, including the protection of children, to secondary importance.

A number of victims indicated that protecting the most vulnerable among its members is part of the very mission of the Church. The protection of children and vulnerable persons should be considered a pivotal element, enabling members of the community, children, youth and adults, to practise their faith in a safe environment where they know that all of the faithful and clergy are active participants in providing this safe environment.

5. Making pastoral environments safe by ensuring that abuser priests no longer exercise ministry among children

Among the most severe reproaches voiced by victims, the issue of the reintegration of abuser priests into active ministry is one of the most sensitive. A number of victims demanded that all clergy found guilty of sexual abuse by a court of law, or facing credible allegations, be removed from all public ministry and all contact with children.

6. Consolidating measures proposed in *From Pain to Hope* by a firm commitment from the bishops to implement them systematically

Although some victims expressed serious reservations about the content of *From Pain to Hope*, the majority of comments focused on the reliability of the implementation of its recommendations, access to information and services included in the diocesan protocols, and the observation that for all practical purposes certain recommendations in the report had not been implemented, especially those relating to care for victims. The main question raised was the voluntary nature of the proposed measures.

7. Responsibility of the bishop

In many cases, the criticism of the victims focused on the attitude of the bishop in the management of cases and in the exercise of his responsibility.

The comments by victims indicated a culture of secrecy, a lack of communication with victims and a need to resort to courts to ensure the bishop would answer for his decisions and management.

There was a strong perception that the bishop is not accountable to anyone. Victims want the bishop to be responsible for his acts before the community and, when sexual abuse occurs by a member of his clergy, to acknowledge his responsibility as well as to express his remorse and his willingness to settle the situation in a pastoral manner. This would not exclude legal reparation and redress but would contribute to the healing process.

8. Greater transparency: improved accessibility and communication

Victims were critical of the lack of information and the reluctance of the bishop to communicate, even regarding the general procedures or policies implemented to address cases of sexual abuse. They blame and mistrust religious authorities for being afraid to acknowledge sexual abuse problems, to admit the facts involved, and to inform the parish community about the situation as well as the measures taken to correct it.

This lack of communication taints the credibility of the bishop and supports the perception that the Church has something to hide. Victims expressed the wish that information on existing sexual abuse concerns be made available: case statistics, implementation of preventive measures, and the corrective measures in place, as well as an evaluation of the effectiveness of these measures.

III. Summary of the Work by the Taskforce

1. Review of *From Pain to Hope*

From Pain to Hope is the report of an *ad hoc* committee established in 1989 to examine the issue of sexual abuse of minors by clergy. It has never been adopted as an official policy of the Canadian Conference of Catholic Bishops. The majority of Canadian dioceses have implemented the recommendations of the report published in 1992. Despite the diversity in size of dioceses across Canada, whether rural or urban, diocesan protocols for cases of sexual abuse by clergy have been implemented. As suggested in the 1992 document, dioceses have adapted the recommendations, taking into account their own realities and resources. However, fewer new cases and the resolution of historical cases have meant that while the policies and procedures continue to exist, they are used so infrequently that their effectiveness may have been compromised.

The observations of the Taskforce and the comments it received lead to the conclusion that the majority of the recommendations in the 1992 document are still entirely relevant. The recommendations constitute a series of measures that enable dioceses to assume their responsibilities with regard to their clergy and their lay and religious employees, for whom they are responsible and, as far as possible, to care for the victims.

It has not been possible in a number of dioceses to implement committees for the defence of victims (Recommendation 11, *From Pain to Hope*) nor the recommendation to offer support for victims (Recommendation 12, *From Pain to Hope*). In practice, it appears many victims want to receive support services through a separate mechanism, independent of the diocese. Furthermore, in the majority of cases, direct communication between the diocese and victims has proven to be complex and challenging because of ongoing legal proceedings, the restrictions of the insurers and reluctance on the part of victims. The Taskforce has reviewed and will make recommendations on the intention stated in the 1992 report to ensure that victims receive the desired or necessary support.

Diocesan protocols provide for the establishment of committees composed of a representative of the bishop and other resource persons appointed to oversee sexual abuse cases. However, these measures are not well known among various diocesan authorities, parish employees or the faithful in general. Information on preventive measures, the protocol itself, the bishop's representative, the committee and other measures developed by the diocese is difficult, if not impossible, to access. This information is rarely published on the diocesan website and, when it is, access is complex and time-consuming.

2. Examination of specific elements

a) Creating Safe Environments for Pastoral Activities

The reflections of the Taskforce on safe environments for pastoral activities are based on two considerations: the evolution within society with regard to the protection of children, and the necessity for the Church to take concrete measures to avoid the possibility of minors being sexually abused.

Violence in civil society, particularly violence against children, has been the topic of numerous interventions by state and civil authorities. These include the adoption of legislation in Canadian provinces to protect children; the development of public services for child protection, for example Quebec's *Directions de la protection de la jeunesse* and *Centres jeunesse* together with children's aid societies or their equivalents in other provinces and territories; and the development of codes of ethics and the implementation of risk management in public services as well as in various professional and volunteer agencies.

Private agencies with a youth-oriented mission, such as those involved in amateur sports, have developed and implemented systematic programs for the prevention of violence and sexual abuse. These programs include risk management, security clearance of employees and volunteers as well as training for all stakeholders. In some Canadian provinces, screening is now standard practice in order to exclude persons with a criminal history of sexual abuse. Moreover, in a number of Catholic dioceses of Ontario, all persons working with children, whether priests, religious or laity, must undergo a security clearance administered by the police.

Social reflection on violence has thus led society as a whole to reaffirm that any form of violence toward children is unacceptable. All social institutions are called upon to take proactive measures, not only to prevent situations of abuse within their area of activities, but also to punish those who are found guilty. This social reflection recognizes that legal sanctions are no longer sufficient to discipline those who commit sexual abuse: it is the responsibility of social institutions to take measures to protect minors who participate in their activities. Protection and safety have become basic criteria for the development of any activity intended for children.

b) Improving Transparency

Over the years, the reluctance of certain diocesan authorities to address openly the issue of sexual abuse by clergy has created profound mistrust of the Church as an institution. The impression emerges that the Church has something to hide, and is consequently suspect and lacking in credibility. Victims have expressed this perception time and time again.

The Taskforce held discussions on concerns about transparency, or rather on concerns about access to information on sexual abuse cases. The issue is far-reaching and calls for certain distinctions.

First, the need to provide adequate information to the faithful on measures for the handling and prevention of sexual abuse of minors by clergy. It is apparent that mechanisms, policies and procedures relating to sexual abuse implemented by dioceses must be made known, and widespread efforts undertaken to ensure that diocesan employees and all the faithful are adequately informed of these measures. Modern means of communication are an effective and economical tool in disseminating this type of information. Websites, diocesan publications or other means of communication can be made available to a wide audience.

Second, the necessity to preserve the confidentiality of personal information relating to allegations of sexual abuse and specific abuse cases. The Taskforce considers it essential to protect and respect the individuals involved in abusive situations, be they complainants, victims or alleged abusers. This necessary protection not only is part of civil law, but also constitutes a respectful attitude toward persons who have a right to respect and privacy, regardless of their personal situation. This is quite different in proven cases of abuse or where convictions have been handed down: these cases involve the public interest and the names of those convicted must be made public.

Third, statistics on situations, allegations or proven cases of sexual abuse in dioceses. The problem lies in cases of “allegations” of sexual abuse. As demonstrated in some Catholic dioceses in the United States, publication of the names of persons who are the subject of allegations of sexual abuse has been systematic, resulting in irreversible damage to the reputation of clergy suspected of sexual abuse, despite the fact that a number of them have been cleared of these accusations. The Taskforce views this practice as abusive, as well as being unproductive for the purpose of protecting children,

since it creates a climate of suspicion toward all clergy and diocesan personnel.

However, the Taskforce agreed that while not naming the persons concerned, statistics on the global situation of sexual abuse committed in the Church environment ought to be compiled and eventually published to inform the faithful and society about the true state of the situation, the progress made, and the effectiveness of preventive measures implemented.

While many dioceses have adopted measures for the prevention of sexual abuse that are both proactive and readily accessible, a small number remain extremely reluctant either to adopt these preventive measures or to disclose those that are available. This culture of secrecy creates an atmosphere of doubt that, to say the least, gives the impression that these dioceses prefer to protect the institution and the clergy to the detriment of protecting the public and children. Although these are a few isolated cases, the attitude of one diocese or one bishop has repercussions on the entire ecclesial institution which society considers as a fully coordinated and coherent entity.

c) Instituting Accountability at All Levels

As already indicated, *From Pain to Hope* is a report published in 1992 and is not binding on Canadian dioceses. Despite the fact that the majority of dioceses have adopted mechanisms based on this report, the Taskforce was unable to trace an exhaustive portrait for all dioceses. Certain chose not to provide information, as they are not under any obligation to do so.

This issue is not solely linked to *From Pain to Hope* or to situations of sexual abuse committed by clergy. It is a question related to the actual functioning of the Catholic Church where each bishop is fully responsible for his diocese and fully autonomous with regard to diocesan affairs. Although the Code of Canon Law defines the framework of the bishop's responsibilities, he is, in the words of a member of the Taskforce, "answerable only to God".

The issue of accountability is at the heart of the bishop's autonomy in his diocese. How do we find a mechanism whereby the bishop is accountable for how he pastorally and administratively manages sexual abuse by members of his clergy?

The Taskforce has reached the following conclusions on accountability:

- After more than 10 years of implementing the recommendations in *From Pain to Hope*, it would seem opportune to proceed to *formalizing* and *making official* those measures for the management and prevention of sexual abuse by clergy.
- Each bishop is formally and publicly to make a commitment to implement measures for the management and prevention of sexual abuse of minors by his clergy and personnel.
- This decision respects the autonomy of each diocesan bishop, but the decision of whether or not to make this commitment must be made known to the faithful in the diocese and to the public in general.
- It would be more productive for each diocesan bishop to make a commitment and to involve his diocesan community in measures for the management and prevention of sexual abuse, rather than imposing a general canonical law promulgated by the Conference of Bishops which would include among its inconveniences a uniformity that would not take local particularities and resources into account.

Part Two: Directions and Proposal

DIRECTIONS PROPOSED BY THE TASKFORCE

1. Commitment by the Bishops of Canada

The Taskforce considers that the main elements of the 1992 report continue to form an adequate basis for addressing cases of sexual abuse by clergy in the dioceses of Canada.

Thus, the Taskforce proposes a mechanism to strengthen the application of the recommendations in the 1992 report and to ensure that all Catholic dioceses in Canada adopt measures and implement them effectively. The Taskforce recommends that the Canadian Conference of Catholic Bishops adopt a national protocol to which each diocesan bishop would be invited to make a personal commitment. This protocol retains the majority of the recommendations in *From Pain to Hope* and adds further details.

Furthermore, it includes a mechanism to promote greater diocesan transparency in the matter of sexual abuse by clergy, and a procedure so that bishops are accountable for their management of this issue.

This national protocol would take effect only through the adherence of each diocese by means of a decree of the diocesan bishop.

Furthermore, the national protocol proposes new preventive measures, namely, the obligation for the diocese to participate in a safe environment program composing risk management, security clearances for individuals working with children, and training to prevent violence. Such programs already exist in Canadian provinces and can be implemented quickly.

This approach is based on two principles: the canonical autonomy of each bishop and the legal and civil distinction of each diocese. The intention is not that the Episcopal Conference be granted supervisory power over the activities of the local bishop in his diocese. Instead, the spirit of this approach is one of mutual support for the bishops where the action of one reflects on all. As emphasized in the *Directory for the Pastoral Ministry of Bishops*: “The Bishop should never forget the pastoral principle by which, in governing his own particular Church well, he

contributes to the welfare of the whole People of God, which is a corporate Body of Churches.”²

By adopting a decree of adherence to the national protocol, each bishop would oblige himself not only to implement the mechanisms for the prevention and treatment of cases of sexual abuse in his diocese as described in the protocol, but would also be accountable for his management by producing an annual report to his regional episcopal assembly. The four regional episcopal assemblies of Canada would periodically present a summary report during the Plenary Assembly of the national Episcopal Conference. This report would be made public.

2. The Priority: Protecting Children

The Taskforce recognizes that the protection of children is to become the keystone to everything related to the sexual abuse of minors. Protecting clergy and diocesan employees, preserving the integrity of the institutional Church, economic and legal issues related to sexual abuse cases, and the shame and general discomfort surrounding these acts must not relegate the protection and safety of children to a position of secondary importance.

The Taskforce agreed it was important to recommend a series of measures for the prevention of sexual abuse, at the minimum including banning from all public ministry any member of the clergy or pastoral staff found guilty of sexual assault. “Public ministry” is understood as any pastoral charge or activity which is exercised in the presence of members of the community. These measures are intended not only to demonstrate the priority given to the protection of children, but also to indicate that the bishop, in his exercise of pastoral responsibility, assures the faithful that no convicted abuser will exercise pastoral responsibility. These measures also convey the importance and gravity of the acts and the ensuing consequences.

As part of its reflection on the priority of protecting children, the Taskforce also considered factors that could influence behaviour and increase the risk of sexual abuse. Although such a study was not included in its mandate, the Taskforce considers it necessary to conduct an in-depth study factors including the living conditions of clergy. Various issues could be explored, such as the type of responsibilities entrusted, the ways in which their ministry is exercised, the quality of their spiritual and social life, housing, remuneration, perception of social status, recreation and other elements that characterize clergy life. An analysis of these would provide a better understanding of the evolving profile of clergy in the current social context and identify areas for improvement.

² Directory for the Pastoral Ministry of Bishops, *Apostolorum Successores*, no. 13.

3. Importance of the Formal Commitment of Bishops

One of the major recommendations of the Taskforce is the formalization of the protocol for dioceses. Although voluntary measures relating to the management and prevention of sexual abuse have been somewhat successful in most Canadian dioceses, it is apparent that from now on, in conjunction with the evolution in Canadian society, all institutions involved in work with children and minors must adopt compulsory measures to prevent the risk of violence and abuse. The Church cannot consider itself exempt from this social evolution. The commitment of the dioceses to the proposed national protocol would clarify the responsibilities of all persons concerned, clergy and other pastoral employees, with respect to the issue of sexual abuse. The Taskforce feels this clarification will benefit not only the Church as an institution but the Christian community as a whole.

4. Importance of Disseminating Information

It is clear to the Taskforce that remaining silent about a phenomenon is not sufficient to bring about its demise. Instances of sexual abuse by members of the clergy are a reality, even though they are exceptional cases. Information on measures implemented by dioceses and access to resources to counter the phenomenon of sexual abuse are positive and responsible tools that will help improve safety during pastoral activities, for the faithful who take part in them and for the pastoral agents, whether members of the clergy, laity or religious, who serve the communities.

DRAFT

PROPOSAL OF THE WORKING GROUP

**Protocol
of the Canadian Conference of Catholic Bishops**

for the management and prevention of sexual abuse of minors
in the Catholic dioceses of Canada

2005

Introduction

The sexual abuse of minors is beyond any doubt one of the greatest tragedies brought to light over the past 25 years. Every act of abuse against innocent victims not only violates their physical integrity but also damages their innermost sense of self, leaving scars they will carry for the rest of their lives.

Acts of sexual abuse were committed by members of the clergy and by employees, lay and religious, over whom bishops had responsibility, as well as by men and women religious for whom the superiors of their communities are responsible. In every case, these were crimes against innocent victims. But abuse of trust, corruption of the religious message for depraved purposes, and deception on moral values only magnified the gravity of what was done, and caused even deeper injury to the hearts, minds and souls of those involved.

The Church as an institution also shares in the responsibility. In some cases, incredulity shown to victims, delay in taking action, failure to listen, fear of weakening the institution, uneasiness and discomfort when confronted by sexual crimes so far removed from its mission and message, lack of firmness when dealing with the delinquent – all these have left the impression of a certain mistrust toward victims or lack of sensitivity for their distress and suffering.

Collectively, the Bishops of Canada were among the first in the Catholic Church to take action against the sexual abuse of minors by clergy. Their initiatives, starting in 1987, and especially with the publication in 1992 of *From Pain to Hope*, laid the foundation for a real commitment to eradicate sexual abuse and to promote the healing of victims.

Whatever the steps taken and the measures put in place in Canadian dioceses, sexual abuse always remains an atrocity against what is most precious in each person: one's innocence and one's own sense of intimacy. It is an atrocity that wounds the victim, first of all, but also strikes at the heart of those closest to the person as well as the entire community which grieves for one of its little ones because of the fault of some of its ministers.

As they have since 1987, the Bishops of Canada reiterate their determination to fight the sexual abuse of minors. Today, by complying with this protocol, each bishop commits himself and his diocesan community to continue this battle. Standing resolutely with those who are weakest, this will give greater protection for children wherever Catholics practise their faith and form communities in keeping with the teachings of the Lord.

DRAFT

The Special Taskforce for the review of *From Pain to Hope* proposes to dioceses, which already have initiated methods to deal with and prevent sexual abuse, that they consolidate these methods, make them better known in the diocese, and integrate the prevention of sexual abuse with the promotion of pastoral plans that lead to greater security, openness and responsibility. Those dioceses which do not yet have measures for the prevention and management of sexual abuse are earnestly invited to put such measures in place immediately.

ARTICLE 1

Nature of the Protocol

This protocol sets out the principles for launching or consolidating in Catholic dioceses the measures needed for managing and preventing possible sexual abuse of minors by clergy or other personnel who are under diocesan responsibility. It gives priority to creating a safe environment for pastoral activities in which the protection of minors is imperative. This protocol repeats, clarifies and reinforces the recommendations set out by the Canadian Conference of Catholic Bishops in *From Pain to Hope*, which thus serves as a necessary reference.

This protocol is a guide for Catholic dioceses in Canada to assist in developing a diocesan protocol adapted to the particular diocesan situation, resources and history. The way it is adopted reaffirms the responsibility of a bishop in his diocese in two ways: it is the responsibility of each diocesan bishop to initiate, support and maintain the means for managing and preventing cases of sexual abuse in his diocese. He exercises his responsibilities by taking into account the Church as a whole in Canada – while his commitment or lack of action will have repercussions on all the ecclesial community.

Dioceses Adopting the Protocol

The Catholic dioceses of Canada which, by diocesan decree, have adopted the principles set out in this protocol are listed in Appendix A.

ARTICLE 2

Normative Elements of the Protocol

The diocesan bishop obliges himself to the following measures in his diocese:

Article 2.1

To appoint in his diocese a priest, hereafter called the **Bishop's delegate**, for issues related to sexual abuse or allegations of misconduct or sexual abuse (cf. c. 1717, § 1).³ Every allegation of sexual abuse by a member of the clergy or a layperson, whether of a doubtful nature or well founded on accurate facts, must be reported to the Bishop's delegate or deputy delegate.

³ Throughout this text c. refers to the particular number of the article or "canon" in the *Code of Canon Law*.

The Bishop's deputy delegate must be appointed at the same time as the delegate; in the absence of the delegate or because of his incapacity, the deputy delegate has the same role and same functions as the delegate.

To make public and to post in all locations where pastoral activities take place the information about the Bishop's delegate and deputy delegate.

Article 2.2

To establish in his diocese (or together with a group of adjoining dioceses) **an advisory committee** of at least five persons who, under the authority of the Bishop's delegate, will take charge of questions relating to sexual abuse or to allegations of sexual abuse of minors.

Article 2.3

To mandate the advisory committee to develop and to keep up to date a diocesan protocol for action relative to sexual abuse; after this protocol has been developed and updated, it is to be approved by the diocesan bishop and to become the norm.

Article 2.4

To communicate to the clergy, religious personnel and lay faithful of the diocese the text of the diocesan protocol which has been duly approved.

To publish this diocesan protocol and make it available to the faithful of the diocese and the general public, whether by a brochure or on the diocesan website, if one exists.

Article 2.5

To ensure that the advisory committee designates a contact person who will be responsible for offering the presumed victim or those persons caring for the presumed victim the services of qualified resource persons in order to give appropriate pastoral support, counselling and, eventually, any therapy judged necessary. Such support does not imply, at this stage, any admission of guilt on the part of the accused or civil responsibility on the part of the diocese. Furthermore, this person will assure contact between the presumed victim and the persons designated to provide information pertinent to the situation.

Article 2.6

To name, if it has not already been done, a competent person responsible for relations with the media for all questions concerning abuse or allegations of sexual abuse; this person cannot be the Bishop's delegate or deputy delegate. The designation of only one person as the official spokesperson, who is to work closely with the bishop or his delegate, allows better mutual understanding and more effective collaboration with the media. It also avoids giving the impression of divergent or contradictory statements.

Article 2.7

To undertake, whenever allegations of sexual abuse involving minors by a member of the clergy are made, a proper preliminary canonical inquiry and to refer the case to the Congregation for the Doctrine of the Faith, as required by the Roman norms.

Article 2.8

To verify with the insurance companies the particular contractual clauses by which the diocese can fulfill its obligations to provide maximum pastoral support as well as appropriate counselling and therapy to the persons concerned.

Article 2.9

To manifest particular attention to the sufferings of the parish community when one of its priests is accused or convicted of the sexual abuse of one or more minors, including adequately informing the parishioners of the situation while respecting all those involved in the case as well as maintaining the necessary confidentiality of personal information related to the case.

Article 2.10

To prohibit a priest who has been convicted of sexual abuse of a minor, and who has been either sentenced or received a suspended sentence, from exercising any public ministry, that is, any pastoral charge or activity which is exercised in the presence of the members of the community.

Article 2.11

To ensure the implementation of recommendations 34-42 of *From Pain to Hope* by those responsible for the selection and support of diocesan clergy. Appendix B will include these recommendations.

Article 2.12

To implement Recommendations 24-33 of *From Pain to Hope* concerning the selection and formation of future priests. Appendix C will include these recommendations.

Article 2.13

To adapt to diocesan conditions and to implement the guidelines in the document *Responsibility in Ministry*, issued by the Canadian Conference of Catholic Bishops.

Article 2.14

To participate in a program for prevention of sexual abuse of minors. This program is to include, among other elements, a mechanism for verifying the legal records of everyone dealing with children; a risk management program; a training program in preventing sexual abuse of children to be given systematically to everyone dealing with children; an information program on sexual abuse given to all children receiving pastoral services.

Article 2.15

To commit the diocese to update every four years all provisions and procedures set out in its diocesan protocol.

ARTICLE 3

To guarantee the effective implementation of these norms, the diocesan bishop will submit to the regional episcopal assembly a report every two years on matters covered in Article 2.

ARTICLE 4

Each of the four regional episcopal assemblies will report every four years to the Canadian Conference of Catholic Bishops.

DRAFT

This report will set out how the matters covered in Article 2 are being implemented in each diocese.

These reports will be made public by the CCCB.

ARTICLE 5

To implement this protocol, each Canadian diocesan bishop is invited to approve it by diocesan decree, according to canonical norms. This diocesan decree will indicate the commitment of the bishop to apply the protocol in his diocese.

Once adopted, this decree will be sent, for information, to the Canadian Conference of Catholic Bishops, which will inscribe the name of the diocese in Appendix A as adhering to the national protocol.

The list of the dioceses adhering to the protocol will be published on the CCCB website or by some other method.

ARTICLE 6

This protocol has received the approval of the CCCB Plenary Assembly on {INSERT DATE}, and is to be reviewed by the CCCB Plenary Assembly every five years following its adoption.

APPENDIX A

Dioceses of Canada adhering to the protocol by decree of the Bishop

(A list of dioceses and the date of the decree will follow.)

APPENDIX B

Extracts from *From Pain to Hope*, Recommendations 34-42, concerning those responsible for diocesan clergy:

- 34. Appoint, in consultation with the diocesan bishop, an experienced priest to be available to newly ordained priests as their mentor, and to assist them in the transition from seminary life to the many forms of ministry in the local Church community.
- 35. Put in place, when opportune, a plan of action (including time for meeting, resource persons, etc.) for sustaining the spiritual direction which the newly ordained priests began during the years in seminary.
- 36. Invite newly ordained priests to set personal and ministerial goals for the period of their initial assignments; these goals should be reviewed periodically, especially when the priest takes on new pastoral assignments.
- 37. Prepare policies regarding the need for periodic up-dating, renewal and specialized training. This will foster the life-long, on-going formation of all the priests of the diocese.
- 38. Provide priests with regular opportunities for up-dating their pastoral knowledge through seminars. These seminars should periodically address the issue of child sexual abuse from three perspectives:
 - scientific knowledge;
 - Church policies as well as civil and criminal laws;
 - issues relating to moral theology, professional ethics, and the theology of sexuality.
- 39. Pay particular attention to priests who are experiencing a major personal or pastoral crisis, offering them counselling, if requested or judged necessary. In such circumstances, immediate consideration must be given to evaluating whether it is preferable to allow the priest to continue his ministry or to invite him to take on another type of work more suited to this difficult moment.
- 40. Inform an accused priest about the availability and possibility of supportive treatment or counselling during the judicial process, and encourage him, according to the advice of his counsellor, to use such services.

- 41. Place a priest accused of child sexual abuse on administrative leave with pay, from the time there are reasonable and probable grounds to believe that child sexual abuse occurred until completion of the investigative or judicial process. This leave does not imply either the guilt or the innocence of the person under investigation.

- 42. Ensure that the bishop's delegate, the diocesan vicar general or the bishop himself (or the religious superior, if such is the case) continue caring for the incarcerated priest, visiting him periodically, offering him the moral support needed, and never forgetting he is a fellow human being and a child of God in need of compassion.

APPENDIX C

Extract from *From Pain to Hope*, Recommendations 24-33, concerning those responsible for priestly formation:

- 24. Advocate, in the groups which accompany priesthood candidates to discern their vocation, that the candidates be accompanied by a spiritual guide who can also serve as mentor (for example, an advisor who is a wise and experienced counsellor and whose life work is an inspiring witness).
- 25. Propose and enforce criteria for a candidate's admission to the priesthood based on his personal fundamental strengths, as these relate to the stages of the candidate's human growth. Special attention is to be paid to the harmony or disharmony which exists between the candidate's chronological age and his lifestyle.
- 26. Implement a selection process for candidates which focuses more on the candidate's personal fundamental strengths, rather than on factors of vulnerability, without however disregarding the latter. In the same spirit, it is recommended there be an initial meeting with the candidate and those responsible for his formation even before there is psychological testing.
- 27. "Personalize" the whole process of the candidate's formation, paying special attention to each candidate's personal strengths, history, age, the progress of his achievements, and his development toward maturity.
- 28. Pay particular attention to the candidate's progress in the following areas: assumption of commitments; responsibility for personal development; concern for others; lifestyle and the attainment of a certain financial independence; the adequate satisfaction of basic needs and the presence of a healthy balance in life; emotional stability.
- 29. Examine with the candidate his capacity for self insight, including the identification of strengths and weaknesses of key life experiences.
- 30. Advocate the formation of priesthood candidates within the context of integral human development. This implies in particular: a clear vision of the theological identity of the priest, and a global (holistic) view of the human person which integrates all dimensions of human identity; the practice of supervised reflection on human experiences, so candidates can have a deeper understanding of themselves and their capacity to make choices that are clear, free and consistent with their vocation; the

development of altruistic and impartial relationships with others, in a spirit of collaboration with lay people (men and women).

- 31. Foster agreement and collaboration among the various resource people who have special responsibilities in the formation of candidates (including the academic, spiritual, human, pastoral, aesthetic, missionary, and community dimensions).
- 32. Foresee, within the formation process of seminarians, the presentation of statistics and related information on the contemporary phenomenon of family violence, noting especially the frequency of sexual abuse of minors and paying special attention to the sexual abuse of minors by priests.
- 33. Ensure that those responsible for the formation of seminarians provide the diocesan bishop, and eventually those responsible for clergy, a profile of each deacon to be ordained priest, in order to determine what first assignments would be appropriate.