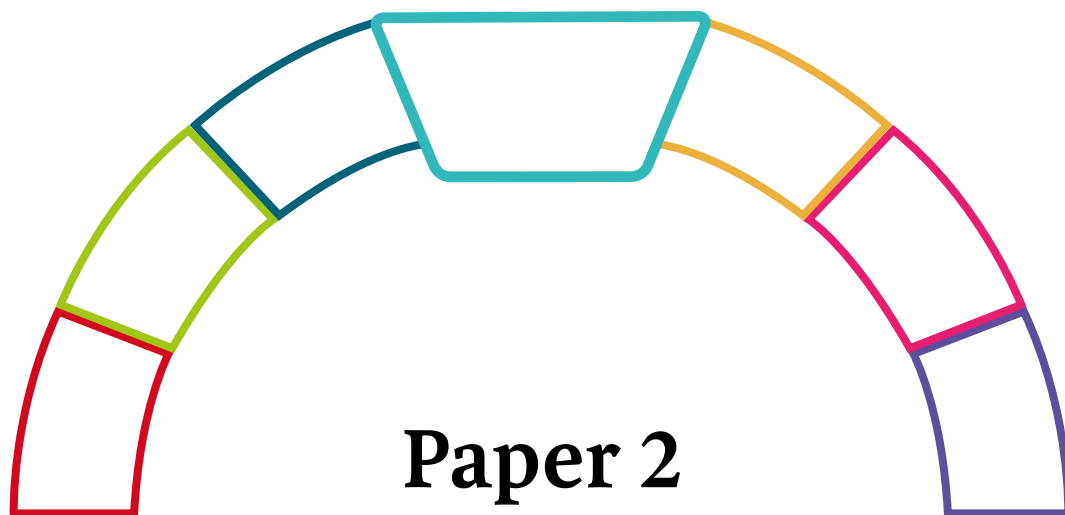


GAP

Guidance, Advice and Practice



Paper 2
November 2018
Compassionate
Response to
Complainants



THE NATIONAL BOARD FOR
SAFEGUARDING CHILDREN
IN THE CATHOLIC CHURCH IN IRELAND



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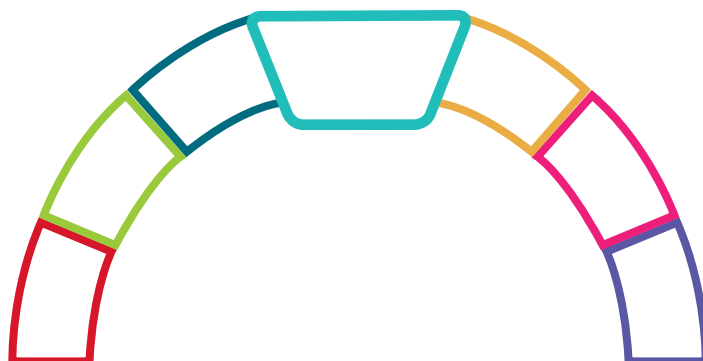
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About the GAP Papers



The National Board for Safeguarding Children in the Catholic Church in Ireland (NBSCCCI) was established to provide advice, services and assistance in furtherance of the development of the safeguarding of children within the Roman Catholic Church on the island of Ireland. The National Board also monitors compliance with legislation, policy and best practice and to report on these activities annually, all as comprehensively set out in the Memorandum of Association of the Company, Coimirce.

Article 4 (iii) of the Memorandum and Articles of Association of the Company requires the National Board to: “ report and provide, upon request from the Constituents or any Constituent, support, advisory and training services to such Constituents or Constituent on policies and practices relating to safeguarding of children.”

The National Board already provides comprehensive Guidance to support the implementation of Safeguarding Children, Policy and Standards for the Catholic Church in Ireland 2016. These series of Guidance, Advice and Practice (GAP) Papers further complement that detailed guidance on topics of current interest to constituents.

The bridge logo above encapsulates the aim of these GAP papers, each brick represents one of the seven safeguarding standards; the keystone signifies the importance of quality assuring compliance with the standards, which is the responsibility of the Church authority. A major part of quality assurance is becoming aware of new challenges or gaps to safeguarding as they emerge. This series of papers aims to provide the reader with information on guidance, advice and practice, which will assist in developing best practice in safeguarding children, identifying where there are risks and how to minimise these risks. To do this these papers draw on the experiences of the National Board, research and information already available to the reader from other sources.

The GAP papers are not intended to be read as definitive positions on the chosen topic. The National Board does not claim to have inserted all available research and knowledge; nor do we claim to be masters of best practice offering indisputable views. Each of these papers will focus on a particular gap in terms of safeguarding children, and each paper will provide guidance advice and practice to help overcome these gaps, building the reader's knowledge on the subject and in informing practice, which will be underpinned by the seven safeguarding standards.

Effectively using **G**uidance, **A**dvice and **P**ractice to bridge the **GAP**.

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Lord, we are so sorry for what some of us did to your children: treated them so cruelly, especially, in their hour of need. We have left them with a lifelong suffering. This was not your plan for them or us. Please help us to help them. Guide us, Lord, Amen.¹

1. Introduction

Among the many challenges now facing the Catholic Church in Ireland is how to adequately respond to the problem of child abuse by clergy and religious in a manner that ensures that the damage done in the past is repaired to the greatest extent possible, and that such depraved behaviour is prevented from recurring in the future.

The Catholic Church authorities on the island of Ireland have taken a number of initiatives in their efforts to meet these challenges. Among these responses has been the foundation of the National Board for Safeguarding Children in the Catholic Church in Ireland (NBSCCCI) the context for which was presented in *Towards Healing and Renewal*, the 2011 pastoral response from the Irish Catholic Bishops' Conference to mark the first anniversary of the publication of the Pastoral Letter of the Holy Father Pope Benedict XVI to the Catholics of Ireland. As well as sponsoring the NBSCCCI, the Irish Bishops and the leaders of religious institutes in Ireland (at the time, under the auspices of CORI and IMU) sponsored the foundation of the two agencies that deal directly with victims, *Towards Healing* and *Towards Peace*.

One of the tasks given to the NBSCCCI by sponsoring Church authorities was to conduct reviews of the compliance of Church bodies with standards of Child Safeguarding that had been developed through consultation within the whole Church. Two editions of such Standards have been produced, in 2008 and in 2016; and the 2016 Safeguarding Children - Policy and Standards for the Catholic Church in Ireland contains one standard, Standard 3 on Care and Support for the Complainant. On the National Board's website, the detailed supporting Guidance for Standard 3 can be found at www.safeguarding.ie/images/Pdfs/Standards/Standard%203.pdf.

This paper is complementary to the 2016 Safeguarding Children - Policy and Standards for the Catholic Church in Ireland and to the published Guidance available on the NBSCCCI website. It provides more detailed information on the scriptural and theological background to the Church providing care and support to complainants, as well as indicating ways in which this can be done both compassionately and effectively.

2. Terminology

A number of terms have been used to describe adults who have come forward to Church authorities to inform them that they were sexually abused during their childhoods by a priest or Religious. These terms include 'complainant', 'victim' and 'survivor'. There is no universal acceptance of or agreement on one particular term; and there is on-going debate as to whether all complainants are in fact victims, or if victims who have worked through their abuse have become survivors. For consistency with the Standards and Guidance already issued, this paper will use the term 'complainant' when speaking about an adult who approaches a Catholic Church body (diocese or religious institute) to speak about having been abused in childhood by a priest or Religious.

In canon law, a 'cleric' is an ordained priest, bishop or cardinal, or a man who has been received into the diaconate.

Religious refers to both an ordained priest and non-ordained member of a religious order, e.g. a Brother or Sister

Church authority is used throughout this paper, but it is accepted that some of the tasks being described may in fact be delegated by them to a member of their Child Safeguarding team. The Church authority is however responsible for ensuring that the person so delegated has the requisite knowledge, attitudes and skills for the task they are entrusted with.

¹ Healing Stone at Lough Derg Island, Donegal with inscribed prayer that originally featured in the Liturgy of Lament celebrated in Dublin's Pro-Cathedral in February, 2011.

3. What do we mean by a compassionate response?

In her 2013 paper entitled *Understanding and Cultivating Compassion in Clinical Settings*, Halifax gives the following definition of compassion:

‘the emotion one experiences when feeling concern for another’s suffering and desiring to enhance that person’s welfare. Compassion is believed to have two main aspects: the affective feeling of caring for one who is suffering, and the motivation to relieve that suffering.’²

A compassionate response therefore is one that expresses genuine concern for, and a desire to lessen pain and distress in the other person.

It is suggested that a Church authority who wants to respond with compassion to a complainant needs to be aware of the basic conditions that underpin interactions experienced as being helpful. Carl Rogers³ an American Counsellor and academic, identified three necessary or core conditions for a helping relationship.

Congruence- by which he meant that the helper (Church authority) should be themselves, real and sincere;

Unconditional positive regard-which is a combination of respect and acceptance;

Empathy - the willingness to try and understand the world from the other person’s perspective.

If any one of these three conditions were absent, the interaction would not be experienced as helpful by the complainant. If however the Church authority can provide all three, they will generate an atmosphere of safety, caring and trust.

2 Halifax, J (2013) *Understanding and Cultivating Compassion in Clinical Settings*. Available at <http://www.ajustnhs.com/wp-content/uploads/2012/06/Compassion-in-Clinical-Settings-2013.pdf> (Accessed 28th November 2018).

3 Rogers, C. (1951). *Client-centered Therapy: Its Current Practice, Implications and Theory*. Constable: London.

4 St. John’s Gospel 10: 10.

5 WHO (2016) *Constitution of the World Health Organisation*. Available at https://www.who.int/governance/eb/who_constitution_en.pdf (Accessed on 30th November 2018).

6 St. Luke’s Gospel 4: 18-20.

7 Bartmann, P. et al (2008). *Health, Healing and Spirituality: The Future of the Church’s Ministry of Healing*. The German Institute for Medical Mission (DIFAEM):Tübingen.

8 Pope Francis (2013) *Address of His Holiness Pope Francis to General Audience in St Peter’s Square on 19th June 2013*. Libreria Editrice Vatican: Vatican City.

4. Important references and research

A. Scripture

Jesus said that he had come among humankind so that people could have life and have it to the full⁴. A full life includes complete health and wellness. The World Health Organisation (WHO) defines health as ‘a state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity’.⁵

Jesus’ public ministry started with his reading aloud in the synagogue, ‘The Spirit of the Lord is on me, because he has anointed me to proclaim good news to the poor. He has sent me to proclaim freedom for the prisoners and recovery of sight for the blind, to set the oppressed free, to proclaim the year of the Lord’s favour’. Then he rolled up the scroll, gave it back to the attendant and sat down. The eyes of everyone in the synagogue were fastened on him. He began by saying to them, ‘Today this scripture is fulfilled in your hearing’.⁶

Jesus’ ministry was a combination of teaching and healing. ‘In Jesus’ case, his preaching is accompanied by healing acts, so that Jesus’ healing works, aid and preaching form one indivisible whole. The Gospels show that God’s reign cannot simply be described with words, but is also revealed through people’s actions.’⁷

The premise on which the universal Catholic Church is based is that it is in effect the Body of Christ. Pope Francis in preaching about this doctrine in June 2013 has stated that, while there is diversity within this Body, ‘...there is communion and unity: we are all in a relation to each other and we all come together to form one living body, deeply connected to Christ. Let us remember this well: being part of the Church means being united to Christ and receiving from Him the divine life that makes us live as Christians.’⁸

St. Paul in 1 Corinthians 12: 26-27 explains how the parts of the Body of Christ are interrelated, 'If one part suffers, every part suffers with it; if one part is honoured, every part rejoices with it. Now you are the body of Christ, and each one of you is a part of it'.⁹

This is the scripture passage used in the Letter of His Holiness Pope Francis to the People of God of 20th August, 2018.

An essential understanding of what it is to be human is living in relationships; and the effect of healing is to restore broken relationships.

'...the cure of the man who was paralysed (Mk 2:1-12) demonstrates a twofold restoration of relationships. When Jesus tells the man his sins are forgiven, the religious leaders criticize him for blasphemy. In following spiritual healing with physical healing, Mark illustrates a healed relationship with God and with the community. To illustrate his reintegration into daily society, he commands him to pick up his mat and 'go home'. Overcoming outsider status, he can now be 'at home' in his relationships.'¹⁰

There is a great tragedy and scandal about someone being excluded from the Church community by the abusive behaviour of ordained or vowed clergy or religious. We know that many complainants of child abuse lost the ability to participate comfortably and meaningfully in society; while the research is limited, it has been reported in Australia and here in Ireland that survivors of child sexual abuse by clergy and religious have died by suicide as a consequence of the distress they endured.^{11 12}

The parable of the lost sheep is particularly relevant here, as Jesus indicates how each and every person is important and precious to God, and that He '...has compassion for the lost and dejected...'¹³

'The lost sheep does not come to the shepherd; it is the shepherd who goes out in search of the lost sheep. The special call of the Good Shepherd is to gather from the periphery, not to welcome at the centre. This means living dangerously; it means being a boundary rider, going to the edges of what others may think is normal, acceptable, or prudent. To "leave the 99" means looking and acting beyond these limits and stepping out into unknown territory, conscious of no security except that we are acting in the name of the Lord...'¹⁴

Once the joy of finding the lost person has been expressed, the imperative is then to establish how they are, and to tend to their wounds. The World Council of Churches issued a document in 1970 on Pastoral Care and the Church as a healing community, in which it is stated that 'The Church can be a healing community only if it is truly a sanctuary, that is, a safe space, a healing space. For healing, people need a place where they can be comfortable in sharing their pain.'¹⁵

Becoming a truly healing community would enable the Catholic Church in Ireland to offer the support and help to complainants envisaged in the scriptures and in the teaching of the Magisterium.

9 First Letter of St. Paul to the Corinthians, 12: 26-27.

10 Kopas, J. (1993) *Outsiders in the Gospels: Marginality as a Source of Knowledge*. Available at <https://www.theway.org.uk/back/33Kopas.pdf> (Accessed 30th November 2018), p. 121.

11 Cashmore, J. and Shackel, R. (2013) *The long-term effects of child sexual abuse*. Available at <https://aifs.gov.au/cfca/sites/default/files/cfca/pubs/papers/a143161/cfca11.pdf> (Accessed 30th November 2018).

12 O'Riordan, M. and Arensman, E. (2007). *Institutional child sexual abuse and suicidal behaviour: Outcomes of a literature review, consultation meetings and a qualitative study*. National Suicide Research Foundation: Cork.

13 Larkin, C. (1995) *A Certain Way*. Available at www.acertainway.info/on-mission/on-the-fringe/leave-the-ninety-nine/ (Accessed 30th November 2018).

14 Larkin, C. (1995) *A Certain Way*. Available at www.acertainway.info/on-mission/on-the-fringe/leave-the-ninety-nine/ (Accessed 30th November 2018).

15 World Council of Churches (1970) *Pastoral Care and Healing Community, Chapter 6: The Church as a Healing Community*. Available at www.oikoumene.org/en/resources/documents/wcc-programmes/justice-diakonia-and-responsibility-for-creation/ehaia/world-council-of-churches-statements-and-studies/1997-facing-aids-the-challenge-the-churches-response/chapter-6-pastoral-care-and-healing-community (Accessed 30th November 2018).

B. Theology

Theology is often described as 'faith seeking understanding'. It is a reflective activity of considering human experience with the light of reason, scripture and tradition (Magisterium). Pastoral Theology is 'the theology of ministry in the service of the Church as the universal sacrament of salvation'¹⁶.

Pastoral care has its basis in pastoral theology and is founded on conversation. Genuine conversation converts both partners. If we reach out in conversation it will change us as well. Pastoral care begins with recognition.

Kuhn, echoing Buber, suggests that: 'Only where the other is not perceived as stranger nor with judgment can we create the foundation for healing relationships.'¹⁷

Buber had said in his 1923 book, *I and Thou*, that 'When two people relate to each other authentically and humanly, God is the electricity that surges between them.'¹⁸

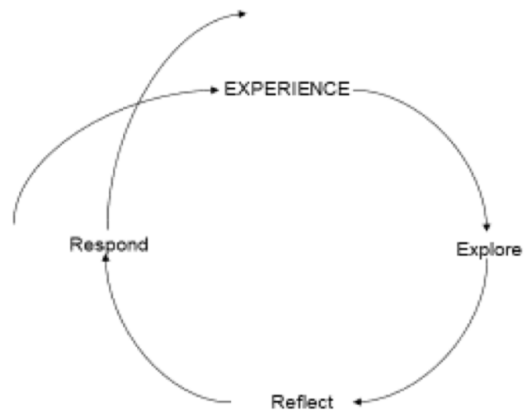
The Catholic Church has a particular understanding of suffering being redemptive, which can be understood theologically and supported by close reading of the scriptures. This however is not necessarily a helpful perspective to work from in responding to complainants whose personal trauma is often too real and immediate for them to be able to look beyond it. While Egnew is able to state that 'Healing is the personal experience of the transcendence of suffering'¹⁹, this is a destination, but not the point of departure.

Bloom emphasises the importance of human relationships which can be characterised as 'healthy and sustaining' as those able to provide holding to traumatised and distressed complainants. Such relationships are built on the sacred art of listening.²⁰

To make the practice of theology more accessible to non-theologians, various models

have been developed based on the image of a circle or a spiral. The 'Doing Theology Spiral' approach suggested by Green²¹ has four steps or stages:

1. Experience
2. Explore
3. Reflect
4. Respond



This method was developed for use in group learning situations, but it can also be of assistance to individuals working on their own. Green's spiral takes account of the process never being closed or completed, so that today's response will lead to a new experience of the situation, and so the procedure continues.

Effective helping starts within the self of the helper; so, while the purpose being served is the amelioration of the pain and suffering of the other, the helper has to be aware of how they are; what they think and feel; where they are uncomfortable or vulnerable etc. As they are moving out from self, they need to do so mindfully. This is challenging for Church authorities who are used to another style of working, one that may be more directive, rational or decisive. As leaders, Church authorities may have a tendency to be out in front, to indicate that they know what is happening and how difficulties are best remedied. But in engaging with a

16 KUEI (2018) *What is Pastoral Theology?* Available at www.ku.de/en/theology/pastoral-theology/ (Accessed on 30th November 2018).

17 Kuhn, E. (2016) *Holistic Healing from a Theological Point of View*. Available at <http://ameu.eu/holistic-healing-from-a-theological-point-of-view> (Access 30th November 2018).

18 Buber, M. (1970) *I and Thou - a new translation with a prologue "I and you" and notes by Walter Kaufmann*. Scribner's Sons: New York.

19 Egnew, T. (2005). *The Meaning of Healing: Transcending Suffering* in *Annals of Family Medicine* 2005: 3: (255-262), p.258.

20 Lindahl, K. (2017) *Listening Across Spiritual and Religious Diversity*. Available at https://he.kendallhunt.com/sites/default/files/heupload/pdfs/Stoltz_1e_Ch5.pdf (Accessed 30th November 2018).

21 Green, L. (2009) *Let's do theology - Resources for Contextual Theology, Revised edition*. Mowbray: London.

complainant, it is the leader as servant who will be of most help.

In the Gospels, Jesus' major criticisms were for the rich and powerful. Power and wealth are not evil but they are dangerous for Christians. Power and affluence can stifle the Spirit. The powerful often hurt without intending to and cannot hear or understand the weak, the vulnerable and the poor. Nor can they appreciate what is happening to themselves because power can blind us as much as corrupt us. Witness the rich man and Lazarus.²² Although the rich man possibly saw Lazarus everyday as he went in and out he did not know Lazarus as a person. Lazarus had no personal meaning for him. That is why Pope Francis insists on the need for "face-to-face encounter with others, with their physical presence which challenges us, with their pain and their pleas, with their joy which infects us in our close and continuous interaction"²³ and on "taking on the smell of the sheep" and standing by people.²⁴

St Luke's Gospel also states 'Jesus said to them, "The kings of the Gentiles lord it over them; and those who exercise authority over them call themselves Benefactors. But you are not to be like that. Instead, the greatest among you should be like the youngest, and the one who rules like the one who serves."²⁵

Experience Phase

The experiencing that Green speaks about involves the Church authority immersing themselves in the trauma of sexual abuse as the reality for complainants. Doing this may feel counter-intuitive, as most people tend to avoid or block this out; however, this is the price of empathy. The invitation is to encounter and then to attend to the feelings that arise for them.

Exploration Phase

The exploration phase is about finding out as much as possible about child sexual abuse,

through reading, attending training, listening, and going to conferences and workshops on the issue. An excellent place to start is to revisit the research and guidance that has been developed in Ireland by the Catholic Church itself or by academics, a list of which is contained in the appendices to this paper. There are also a number of websites, blogs and social network sites developed by complainants, which contain information and first-hand accounts that are valuable to consider, and some of these are referenced in the appendices.

Reflection Phase

Reflection is undertaken, not to cause a sense of hopelessness and depression, but rather to assist the person to deliberate within a framework of scripture, established learning and tradition. It has been argued that the Catholic Church has been slow to develop a Theology of Childhood or of Children²⁶, but there are sufficient points of reference against which to contemplate and appraise the reality and impact of clerical child sexual abuse.

Responding Phase

Green's final step of the first round of theologising is that of responding. It is important that the response to the complainant is compassionate in nature, as this is the most effective way of communicating back to them in a way that they experience as helpful. 'Compassionate responding refers to actions that occur in response to suffering with the aim of lessening, alleviating, or making it more bearable.'²⁷

²² St. Luke's Gospel 16:19-31.

²³ Pope Francis (2013) *Apostolic Exhortation Evangelii Gaudium of the Holy Father Francis to the Bishops, Clergy, Consecrated Persons and the Lay Faithful on the Proclamation of the Gospel in Today's World*. Libreria Editrice Vatican: Vatican City, para. 88.

²⁴ Pope Francis (2013) *Apostolic Exhortation Evangelii Gaudium of the Holy Father Francis to the Bishops, Clergy, Consecrated Persons and the Lay Faithful on the Proclamation of the Gospel in Today's World*. Libreria Editrice Vatican: Vatican City, para. 24.

²⁵ Gospel of St. Luke 22:25-26.

²⁶ Todd David Whitmore, professor of theology at the University of Notre Dame, notes that while the Church has written much on the child in light of the family, and specifically on the question of procreation (for example, the encyclical letters *Humanae Vitae* and *Evangelium Vitae*), 'there is no developed Catholic teaching on children' per se, 'although the rudiments are scattered here and there'. Available at <http://humanumreview.com/articles/the-child-in-christian-thought> (Accessed 30th November 2018).

²⁷ Lilius, J. et al. (2013) *Compassion Revealed*. University of Michigan: Michigan.

C. Research

In *Gaudium et Spes*, the Church is encouraged to combine theological reflection with insights generated through psychology and sociology: 'In pastoral care, sufficient use must be made not only of theological principles, but also of the findings of the secular sciences, especially of psychology and sociology, so that the faithful may be brought to a more adequate and mature life of faith.'²⁸

Psychology assists us to see the real distinction between responding to someone and reacting to them; response conveys the sense of a constructive communication; while reaction suggests something defensive and oppositional. A response is thoughtful, mindful; a reaction generally comes from emotional energy, but not necessarily mediated through reason. A response will not usually cause hurt in the other, while a reaction often does.

Much has been written about the experience of being sexually abused and humiliated as a child by a priest or religious. It is not necessary for all of this descriptive detail to be reproduced here; it has been highlighted by the Catholic Church in Ireland since the 1996 Child Sexual Abuse - Framework for a Church Response in its first chapter.²⁹ In summary, the sexual abuse of a child can result in any or all of the following consequences for that woman or man as they grow and develop: a harmful impact on their bodily integrity and relationship with their own body; a deep sense of betrayal; emotional and psychological harm; problems with sexual identity; relationship difficulties; sexual difficulties; parenting problems; learning problems leading to economic harm; spiritual harm; developing one or more addictions; mental illness; and attempted or successful suicide. The repercussions can be completely life destroying.

Kennedy has developed a Table in which she describes both the human and the spiritual experiences consequential of clerical child sexual abuse³⁰

Human Experience		Spiritual Experience
Mum will punish me, dad will punish me	Fear	I will go to hell Even God hates me
I'll never trust men/women again	Trust	I can't trust God - He'll let me down too
Why is this happening? Why me?	Anger	Where is God? Why does He not stop it? He has the, power to stop it
My abuser is stronger than me	Power	God is bigger - Divine - greater than me - He has control over my life, can do anything with/ to me
Everyone thinks it was my fault. I'm dirty/horrible	Stigma	I have "sinned" sexually- I must go to confession'
For 'allowing' abuse	Guilt	For feelings of anger, hatred, bitterness for not being able to forgive
They think I'm mad	Self-injury	The ultimate sin

She argues that the spiritual dimension complicates the trauma and makes it more intractable.

28 Pope Paul VI(1965) *Gaudium et Spes*. Libreria Editrice Vatican: Vatican City.

29 Irish Catholic Bishops' Advisory Committee on Child Sexual Abuse (1996) *Child Sexual Abuse - Framework for a Church Response*. Veritas: Dublin.

30 Kennedy, M. (2003)*Christianity and Child Sexual Abuse - Survivors informing the care of children following abuse: Paper presented at study day on Spiritual Issues in Child Psychiatry*. Available at <http://www.rcpsych.ac.uk/pdf/Margaret%20Kennedy%201.11.03%20Christianity%20and%20Child%20Sexual%20Abuse%20-%20Survivors%20informing%20the%20care%20of%20children%20following%20abuse.pdf> (Accessed 30th November 2018).

Trauma that has not been processed can affect the sufferer's ability to present themselves as a rational person. Bloom describes this dynamic well: 'What we have learned about the impact of traumatic experience directly leads to specific implications for any environment that is to be health promoting. Exposure to helplessness means that interventions designed to help people overcome traumatizing experiences must focus on mastery and empowerment while avoiding further experiences of helplessness. The prolonged hyper-arousal and loss of volume control that accompanies traumatic exposure implies that we need to understand that many of the behaviours that are socially objectionable and even destructive are also the individual's only method of coping with overwhelming and uncontrollable emotions. If they are to stop using these coping skills, then they must be offered better substitutes, most importantly, healthy and sustaining human relationships. Blaming and punishment is thus counterproductive to the goals that we hope to achieve – they just tend to make things worse.'³¹

As Egnaw cautions, 'Not knowing how to engage suffering risks iatrogenically inducing it.'³²

Victim-blaming is understandable and can be explained as a result of both a failure to empathize with complainants and a reaction of fear in the face of the distressed other person.³³

Palmer looks at what it is that usually brings up fear in us, and he identifies four basic scenarios in which we encounter what he refers to as 'alien otherness'³⁴:

1. A fear of difference – of someone or something 'other' than ourselves challenging us.

2. A fear of conflict – a conflict that will surely

ensue when the 'other' challenges us.

3. A fear of loss – we fear the loss of something of ourselves in a win-lose conflict; and, underneath,

4. A fear of change – even if we accept the promise of unity in diversity, the prospect of conflict being instructive, and the possibility of 'win-win' solutions and even 'winning' through 'losing', we are still scared of the pain in the challenge to change our lives.

Paradoxically, we can diminish fear and anger in the other by moving towards them; while avoidance simply causes further offence and alienation to the other, and self-justification, shame and guilt in ourselves. It is really difficult to be close to someone who is hurting, but as Dr Richard Mollica³⁵ reminds us,

'...the healer has to place himself as close as possible to the pain and suffering of the traumatized person in order to take in the revealed truth. This process becomes the foundation of all healing actions.'³⁶

For the Church authority, the complainant may present as irrationally angry, critical and threatening, or deeply sad and broken, as poor, as uneducated as inarticulate. Palmer states that the antidotes to being stopped by fear include having greater faith, focusing on God's love, and having a deeper personal relationship with Jesus Christ. He quotes Muller regarding what he means by faith:

'Faith is not about trusting in a God who will rescue us from hurt, or who – if only we believe strongly enough – will make everything better. The object of faith is to find the spirit within, the divine strength that lives in the deepest part of ourselves, in which we can place our ultimate trust, (and) gently allow the fear and pain to simply move through us.'³⁷

31 Bloom, S. (2003) *Understanding the Impact of Sexual Assault: The Nature of Traumatic Experience*, in Giardino, A, Datner, E, and Asher, J (Eds.) *Sexual Assault: Victimization across the Lifespan*. Medical Publishing: Maryland Heights Missouri (2003), p. 41.

32 Egnaw, T (2005). *The Meaning of Healing: Transcending Suffering* in *Annals of Family Medicine* 2005: 3: (255-262), p.260.

33 Roberts, K. (2016) *The Psychology of Victim-Blaming*. Available at www.theatlantic.com/science/archive/2016/10/the-psychology-of-victim-blaming/502661/ (Accessed 30th November).

34 Palmer, P. (1998) *The Courage to Teach*, referenced in Andrews, D. *Love and Fear*. Available at <http://www.daveandrews.com.au/articles/Love%20and%20Fear.pdf> (Accessed 30th November 2018).

35 Dr Richard Mollica is Professor of Psychiatry at Harvard Medical School, and directs the Harvard Programme in Refugee Trauma.

36 Mollica, R. (2006) *Healing Invisible Wounds – Paths to Hope and Recovery in a Violent World*. Vanderbilt University Press: Nashville, p. 30.

37 Muller, W. (1992) *Legacy of the Heart*. Simon and Schuster: New York, p. 27.

The evangelist John tells us that 'There is no fear in love. But perfect love drives out fear, because fear has to do with punishment. The one who fears is not made perfect in love.'³⁸

When we are in the grip of fear, we defensively harden our bodies and we harden our hearts as well: But coming closer to Christ requires us to become vulnerable and open, to soften and move from isolation into intimacy. We draw close to Christ in prayer, but also in works:

'When did we see you a stranger and take you in; or naked and clothe you? Or when did we see you sick, or in prison, and come to you?' And the King will answer and say to them, 'Assuredly, I say to you, in as much as you did it to one of the least of these my brethren, you did it to me.'³⁹

Church authorities should consider what they may inadvertently have substituted for encounter and what obstacles or defences against encounter they may have inadvertently built up (primary reliance on solicitors; being too busy with the administrative work of the Church?).

D. Domestic and international experience

The development of canon law over the centuries shows how the Catholic Church has known about the sexual abuse of minors since at least the fourth century.⁴⁰ Tapsell's well researched submission to the Royal Commission in Australia also evidences the centrality of secrecy and the avoidance of scandal for the Catholic Church in its responses internationally to reports of clerical child sexual abuse, right up to the 21st century. This approach has again been illustrated by the recent US Grand Jury Report on clerical child sexual abuse in the State of Pennsylvania.⁴¹ That report has led to another crisis in the Church to which Pope Francis is attempting to respond in a manner which puts the welfare of complainants at its heart.

What had initially been considered to be a problem for the English-speaking Church is now known to affect the Church right across the world. Clerical child sexual abuse has been identified as a problem in Kenya, Tanzania, the Philippines, Austria, Belgium, Croatia, France, Germany, Ireland, Italy, Malta, The Netherlands, Norway, Poland, Slovenia, Sweden, The United Kingdom, Canada, Mexico, the United States, Australia, New Zealand, Argentina, Brazil, Chile and Peru; and this is certainly not a complete list. It does appear therefore that there is some dynamic at work within the universal Church that leads to damage to children being caused by abusive priests and religious.

In an attempt to coordinate and standardise the Church's response to this widespread abuse, Pope Francis instituted The Pontifical Commission for the Protection of Minors in March 2014. The particular task given to the Commission by Pope Francis in his Chirograph was:

'The Commission's specific task is to propose to me the most opportune initiatives for protecting minors and vulnerable adults, in order that we may do everything possible to ensure that crimes such as those which have occurred are no longer repeated in the Church. The Commission is to promote local responsibility in the particular Churches, uniting their efforts to those of the Congregation for the Doctrine of the Faith, for the protection of all children and vulnerable adults.'⁴²

It has been the experience of complainants across time and geography that their Church has been unable and or unwilling to provide them with justice and compassion, and has very often dealt with them as an inconvenient and irritating population. During the recent Papal visit to Ireland, a lot of attention was focussed on the opinion of Irish victims of clerical child sexual abuse to the ways in which the Catholic Church has dealt historically with their difficulties. In an article

38 St John's Gospel 1:4-18.

39 St Matthew's Gospel 25: 38-40.

40 Tapsell, K. (2015) *Canon Law – A Systemic Factor in Child Sexual Abuse in the Catholic Church, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse*. Available at <https://www.childabuseroyalcommission.gov.au/sites/default/files/file-list/Issues%20Paper%2011%20-%20Submission%20-%2033%20Kieran%20Tapsell.pdf> (Accessed 30th November 2018).

41 Office of the Attorney General Commonwealth of Pennsylvania(2018) *40th Statewide Investigating Grand Jury Report 1 (Interim)*. Office of Attorney General: Pennsylvania.

42 Pope Francis (2014)*Chirograph of His Holiness Pope Francis for the institution of the Pontifical Commission for the Protection of Minors*. Libreria Editrice Vatican: Vatican City.

entitled, What do the survivors of Catholic Church abuse want from the Vatican? The Journal.ie reported the views of Marie Collins, as follows:

Abuse survivor Marie Collins - who resigned from the Vatican's child protection commission last year – suggested the move* would be a reversal of the system the Church had in place to protect abusers. "Sadly, more often Canon Law has been used to protect the abuser than to punish them," she said. "Here in Ireland in the '90s, we saw bishops being told by the Vatican not to report abusing priests to the police as it was against Canon Law, and that is just untenable."

*[the mandatory reporting of abuse into canon law]

Similarly, survivors groups also say the Vatican still holds a considerable amount of information about abusers which it has refused to release.

'Given the Vatican's past refusal to cooperate with inquiries into clerical abuse in Ireland, survivors here believe the release of this information would show the Church is actually serious about fighting the problem.'⁴³

5. Principles underpinning a pastoral response to complainants

In his ministry, Jesus reached out to those in need. Pastoral care brings the love of Jesus to others. In its decree, *Christus Dominus*, Pope Paul VII says of bishops that:

'They should manifest their concern for everyone, no matter what their age, condition, or nationality, be they natives, strangers, or foreigners. In exercising this pastoral care they should preserve for their faithful the share proper to them in Church affairs; they should also respect their duty and right of actively collaborating in the building up of the Mystical Body of Christ.'⁴⁴

Bringing the focus down to the level of the local Church, the Irish Catholic Bishops' Conference issued a document on Parish Councils in October 2007, in which they presented the following vision:

'The Church comes to life in local faith communities of dioceses and parishes when members support and care for one another, proclaim and live by the gospel, celebrate the sacred liturgy and work in charity and justice for the good of the whole world.'⁴⁵

Four key Principles on which Pastoral Care is founded are:

- The dignity of the human person
- The common good
- Subsidiarity
- Solidarity.⁴⁶

Human Dignity

Acknowledgement of a shared human dignity is essential, as it bridges the gap that can arise from considering the other person to be inherently different. It makes respect and acceptance, what Rogers⁴⁷ referred to as unconditional positive regard, more likely.

43 The Journal.ie (2018) *What do the survivors of Catholic Church abuse want from the Vatican?* Available at <https://www.thejournal.ie/catholic-church-abuse-survivors-ireland-explained-4203942-Aug2018/> (Accessed 30th November 2018).

44 Pope Paul VI (1965) *Decree Concerning the Pastoral Office of Bishops in the Church Christus Dominus*. Libreria Editrice Vatican: Vatican City.

45 Irish Catholic Bishops' Conference Commission for Pastoral Renewal and Adult Faith Development(2007) *Parish Pastoral Councils - A Framework for Developing Diocesan Norms and Parish Guidelines*. Irish Catholic Bishops' Conference: Maynooth.

46 Pontifical Council for Justice and Peace (2004)*Compendium of the Social Doctrine of The Church*. Libreria Editrice Vatican: Vatican City.

47 Rogers, C. (1951)*Client-centered Therapy: Its Current Practice, Implications and Theory*. Constable:London.

Common good

The model used for Church is community, unity together as the Body of Christ. The Compendium of the Social Doctrine of the Church describes the principle of the common good as follows:

‘The principle of the common good, to which every aspect of social life must be related if it is to attain its fullest meaning, stems from the dignity, unity and equality of all people. According to its primary and broadly accepted sense, the common good indicates the sum total of social conditions which allow people, either as groups or as individuals, to reach their fulfilment more fully and more easily.’⁴⁸

In effect, everyone benefits from the one being returned to health, being healed, being restored to the community. What characterises The Common Good is actively seeking to enhance the good of all while ensuring that those on the margins should be the focus of particular concern. It takes the achievement of justice seriously by moving beyond mere charitable acts to interrogating and confronting society’s values and structures.

Subsidiarity

The Principle of Subsidiarity, long a core tenet of Catholic social teaching, means in this context not arrogating the power of decision to the Church authority, but rather engaging with the complainant in a sincere effort to empower them, rather than attempting to control them. Again, it is a principle that supports bridging distance and moving towards the person who is hurting.

Solidarity

Finally, the Principle of Solidarity has been described by Pope John Paul II: ‘Solidarity is undoubtedly a Christian virtue ... In the light of faith, solidarity seeks to go beyond itself, to take on the specifically Christian dimension of total gratuity, forgiveness and reconciliation. One’s neighbour is then not only a human being with his or her own rights and a fundamental equality with everyone else, but becomes the

living image of God the Father, redeemed by the blood of Jesus Christ and placed under the permanent action of the Holy Spirit.’⁴⁹

As Harold Vaughan wrote, ‘Jesus did not send an angel to comfort Mary and Martha, He went personally.’⁵⁰

Solidarity means feeling with, being in harmony with, being of one accord with, being of like mind with, identifying with; solidarity allows empathy to grow and develop. It redeems the other from being the stranger.

In his letter to the People of God on August 20th, 2018, Pope Francis made it clear that the whole Church has to be involved in rectifying the problem of child sexual abuse; he said:

‘Consequently, the only way that we have to respond to this evil that has darkened so many lives is to experience it as a task regarding all of us as the People of God. This awareness of being part of a people and a shared history will enable us to acknowledge our past sins and mistakes with a penitential openness that can allow us to be renewed from within. Without the active participation of all the Church’s members, everything being done to uproot the culture of abuse in our communities will not be successful in generating the necessary dynamics for sound and realistic change.’⁵¹

The involvement of so many lay faithful in Child Safeguarding across the Catholic Church in Ireland is one illustration of how the repair is beyond the sole remit of Church authorities to accomplish.

48 Pontifical Council for Justice and Peace (2004) *Compendium of the Social Doctrine of The Church*. Libreria Editrice Vatican: Vatican City, para.164.

49 Pope John Paul II (1987) *Sollicitudo Rei Socialis*. Libreria Editrice Vatican: Vatican City, para.40.

50 Vaughan, H. (2015) *How to Minister to Hurting People*. Available at <http://www.christlifemin.org/home/blog/articles/how-to-minister-to-hurting-people/> (Accessed 30th November 2018).

51 Pope Francis (2018) *Letter of His Holiness Pope Francis to the People of God*. Libreria Editrice Vatican: Vatican City

6. The views of complainants

An Australian victims' group has produced a document entitled *Towards Justice - The Charter of the Melbourne Victims' Collective*⁵², in which they suggest that the Catholic Church's own teaching on the Sacrament of Reconciliation might be used to structure an appropriate response by the Church to victims of clerical child sexual abuse. This is a modern-day voicing of the challenge, *Physician heal yourself!*, alluded to by Jesus when he first spoke as an adult in the synagogue.⁵³

They victims' collective list the five stages that would result from such an approach, as follows:

1. Confession: recognition and acceptance of the original clerical abuses and the subsequent systemic abuse;
2. Contrition: an expression of remorse towards all victims, including families and communities;
3. Repentance: correcting the structures that have wounded, and acting in a new direction;
4. Restitution: improved support for and compensation to victims;
5. Forgiveness: the Church asks victims for forgiveness, recognising that this may be a long- term individual and social process for those who experience the effects of abuse.

Restorative justice can be explained through the employment of another circular model. The cycle begins with Truth Telling, after which Acknowledgement is given. The offending party, in this instance the Catholic Church then Takes Responsibility, and expresses this by Making Reparations.⁵⁴

Only when this cycle is completed in all cases of child sexual abuse will it be rational and appropriate for the Church through its leadership to be granted the forgiveness for which it has so often petitioned.



Whether they identify themselves or are invited to come forward, complainants need a variety of helping responses. They are as different from each other as are the members of any other accidental grouping, so it cannot be assumed that each wants or needs the same responses; but research and experience has identified a list of responses that complainants have sought.

As a guide to how best to respond, individual complainants can be simply asked, 'what would help you now?' From its engagement with complainants, the National Board would suggest that their responses would include:

- To be respected
- To be heard
- To have their difficulties acknowledged
- To be met with openness and transparency
- To receive an honest and sincere apology
- To be provided with accurate and truthful information
- To receive assurances that other people are not at risk of being abused by the priests / religious they identify as having abused them
- To be offered independent professional counselling and other psychological and emotional 'remedies', for them and, in some instances, for family members
- To receive financial reparation or redress, and material security for later life
- To have the opportunity of a restorative justice process
- To be supported towards new beginnings, through access to appropriate health, housing and education and training opportunities; and, for some, access to sensitive and specialist spiritual guidance.

This is not an exhaustive list, and particular

⁵² Melbourne Victims Collective(2008) *Towards Justice*. Available at <http://igff.org.au/wp-content/uploads/2015/05/Towards-Justice-Charter.pdf> (Accessed on 30th November 2018).

⁵³ St Luke's Gospel 4: 23.

⁵⁴ Feed Kindness (2018) *Mindful Social Justice*. Available at <https://www.feedkindness.com/resources/mindful-social-justice> (Accessed 30th November 2018).

individuals may present with specific needs that can be rare or unusual; but it does contain the core elements of what should be encompassed by a compassionate and effective Pastoral Care response.

Complainants in Ireland who have shared their experiences with the National Board have expressed concerns about having to fight to get justice, having to demonstrate their need for counselling and support and having been put through additional traumatic experiences such as having to undergo psychiatric assessments so they can prove they are affected by abuse. The National Board's Guidance states:

'People who have been abused want to be heard and to have their very real pain acknowledged. They want a compassionate response from the Church and to see action take place to ensure children are now safe. A person who has suffered abuse will have significant strengths, as well as potential complex needs.

Disclosing abuse takes enormous courage and calls for a high level of trust. Child abuse by its very nature can damage trust; it is therefore imperative that when a complainant is ready to tell their story, the listener responds with great sensitivity and compassion.

There will be a complex mix of feelings and emotions where abuse has been at the hands of someone the complainant has trusted, and even more so if the respondent holds a position of spiritual or moral responsibility. This may then include the challenging process of re-establishing relations with a faith community and with God.⁵⁵

7. Practical approaches

A. A pastoral, healing response

One Church body on the island of Ireland has developed its own pastoral response scheme, and, while respecting the request of that Church body to not be identified, the description of their scheme is reproduced below, with some minor amendments.

A Healing Response

It is accepted that the Church body cannot interfere with the operation of justice within the state which is rightfully the duty of the courts. The Church body is fully compliant with the required legalities to date.

The Church body however, wishes to offer an alternative means of redress for the victims of clerical sexual abuse within the Church body that is hoped will promote healing and reconciliation.

The document focuses on the response of the Church body to individuals who have made allegations in the past and continued to seek support from the Church body to address their un-resolved pain and hurt arising from their experience.

In some circumstances the Church body may have information that can hasten the progress in establishing the identity of such clerical sexual abusers and in turn alleviate to some extent the trauma for those alleged victims in establishing the veracity of their allegations.

Likely actions

1. The complainant will be contacted by the Designated Person or other nominee of the Ordinary.
2. An opportunity will be given to the complainant to give a detailed account of the allegation if this has not been completed; the account will be in writing, signed and dated by both parties.
3. At the meeting the account will be discussed by the complainant and the Designated Person and an opportunity will be given to the complainant to elaborate upon, alter or amend this document. Third party accounts from family or friends shall also be accepted where the individual wishes.

⁵⁵ NBSCCCI (2018) *Guidance for Standard 3*. Available at www.safeguarding.ie/images/Pdfs/Standards/Standard%203.pdf (Accessed 30th November 2018), p. 7.

4. After the meeting the Designated Person will then review the allegation/s in an effort to establish their veracity. The Designated Person will use all established information to hand regarding dates, assignments, and other allegations proven and/or accepted.

5. Should the Designated Person having heard the complainant's report and having reviewed all other relevant information be of the mind that the events as alleged did in all probability take place, he shall then draw up an outline of the supportive response appropriate to the individual in the circumstances.

6. The Designated Person will then present the findings and the outline response to the Ordinary who will accept, amend or reject the findings.

7. The Designated Person will then contact the complainant and communicate the Ordinary's decision to him/her and to discuss the next stages of the process.

The response offered will most likely include some or all of the following:

1. A facilitated meeting with the Ordinary.
2. On-going support counselling through Towards Healing.
3. Access to a designated Support Person; and
4. An ex gratia payment in recognition of the pain and hurt experienced.

The complainant will be given an opportunity to clarify the next steps in the process to ensure their full understanding and that they are happy to proceed in the manner proposed.

The complainant can opt to have a facilitated meeting or a simple meeting with the Ordinary, or not to meet at all but to accept elements of support offered. Where the complainant is unclear regarding the possible benefits of a facilitated meeting, they may meet with or phone the nominated facilitator to discuss their concerns prior to making a decision on how to proceed.

Where agreed, a facilitated meeting will be arranged between the complainant and the Ordinary. At the request of the complainant, a family member or other support person may attend. The meeting will be chaired by a lay person experienced in a restorative justice approach.

In preparation the complainant will meet privately with the facilitator in order to prepare for the meeting with the Ordinary. During this meeting the complainant will seek to clarify the key points he/she wishes to express and will also discuss how his/her needs arising from the past abuse could now be met.

The facilitator will meet with the Ordinary to prepare him for the full meeting and to discuss any specific needs the complainant may have and to discuss how such needs may be met.

The facilitator then brings the complainant and the Ordinary together and the facilitator ensures that the meeting is structured in a manner that will maximise the positive outcome for the complainant and assist where possible to promote their healing. The complainant will have an opportunity to speak about his/her issues and to seek clarification on any matters that would assist him/her towards healing.

A sincere apology will be extended to the complainant by the Ordinary, on his own behalf and on behalf of the Church body. He will outline the supports that will be available to assist the complainant in their healing process.

Additional Notes

Financial compensation is recognised, in our society, as the means by which a person or an authority acknowledges the pain another has experienced and accepts the hurt experienced by the individual. It is hoped that having a positive response in place to assist individuals, where in all probability abuse took place, will promote healing and will in turn be a positive progressive step for the Church.

Where some compensation has previously been provided, such payments and the amount thereof will be taken into account when assessing the ex gratia payment. The payment offered would then be reduced to take account of the payment already made. Access to the criteria used by the Redress Board provides clear guidelines which will be used as a basis for ex gratia payments.

An arrangement will have to be agreed with Revenue in line with the recommendations of the systems in place for the women who were placed in the Magdalene Laundries.

The complainant always retains the right to go to the courts if they so wish.

This scheme is pastoral in nature and healing in its intent. It is an approach built on respect for the complainant, engaging with them where they are and at a pace with which they can handle. It incorporates support, facilitation and counselling. It has not been designed to provide a defence to the Church authority, but rather makes them available and central to the process. While it deals with the matter of financial redress, this is only one element in a comprehensive and inclusive approach. The rights of the complainant are honoured and protected, and they are given the opportunity to identify and voice their needs. It is a complainant-centred rather than a Church-centred approach.

At the October 2018 National Conference of the National Board in Kilkenny, which had the theme, be not afraid, one of the contributions was from a DLP who has occasionally found herself undertaking a very frontline support role with some complainants. She described the sensitive pastoral approach she adopts in the following way:

'I have to remind myself that it is the need of the complainant that I am answering and not my own need. My experience in receiving a complaint is that the person is wounded and has already gone through hell to come to the stage where they want to make a report. It has taken them a lot of courage to come to me, in telling their story they already start to form a relationship of trust.

After I have received their story I do explain the process and offer them Towards Healing counselling and counselling from the National Counselling Services and also offer them a diocesan support person. I explain my role and the role of the support person but many times they will say that they would rather just continue with me and I do not have the heart to tell them that they cannot. I am

mindful that they have been abused and hurt by the very same church that I represent, and I will not do anything intentionally that will traumatise them again.'⁵⁶

B. Counselling

The Towards Healing counselling service mentioned in this quote has been operating in Ireland, north and south, since 2011, taking over that year from the Faoiseamh counselling service, which had operated since 1996. According to figures produced on its website, Towards Healing and Faoiseamh have supported a total of 5,470 people over the last 22 years, and a total of 365,820 counselling sessions have been provided. This has been a very significant pastoral outreach by the Catholic Church in Ireland to victims of abuse. The Towards Healing website explains that:

'Our primary client group are adult men and women who have experienced physical, emotional, sexual abuse or neglect in childhood, perpetrated by a priest, brother religious sister, or volunteer or employee of the Catholic Church.

Our secondary group are relatives of survivors of abuse, specifically spouses, partners, and children. In addition, siblings of survivors may be referred for therapy in order to come to terms with disclosure.'⁵⁷

Towards Healing has developed a number of ways of providing supports to complainants, which have been tailored to their needs, including

- A Counselling Helpline
- One-to-one Structured Telephone Counselling
- One-to-One Face-to-Face Counselling
- Family Counselling
- Couples Counselling
- Parent Coaching
- Practical Workshops
- Psycho-Educational Groups
- Facilitated Listening
- Advocacy

⁵⁶ Duffy, S. (2018) *Caring for Complainants, paper presented at the NBSCCCI National Conference, Kilkenny* Available at www.safeguarding.ie/images/Pdfs/National_Conference_2018/Caring%20for%20Complainants%20-%20Suzie%20Duffy.pdf (Accessed 30th November 2018).

⁵⁷ Towards Healing (2018) *History*. Available from <http://www.towardshealing.ie/history.html> (Accessed 30th November 2018).

This service has been central to the pastoral and healing approach of the Catholic Church in Ireland in its outreach to people hurt as children by abuse within the Church. For many people who for whatever reason have decided against engaging with the Church body within which they were abused, Towards Healing has been a safe, approachable, confidential and essential source of help and support.

C. Redress

Generally, the most contentious issue is whether the complainants should receive a financial settlement from the Church authority; and how this is resolved (or otherwise) tends to directly affect the extent to which the complainant experiences a predominantly satisfactory outcome. Personal, relationship and spiritual healing can be impeded or made impossible to achieve by the process getting stuck around the matter of redress. This may be because Church authorities have not understood what complainants need or want, or due to an over reliance on legal advice at the expense of being pastoral.

While the issue of redress was not included in the Terms of Reference of the HIA NI, its Chair, Sir Anthony Hart stated on November 4th, 2015 that the Report to be issued by the Inquiry Panel in early 2017 ‘... will recommend that there should be a scheme to award financial compensation to those children who suffered abuse in children’s homes and other institutions in Northern Ireland between 1922 and 1995.’⁵⁸

It will be the responsibility of the Government of Northern Ireland to ultimately decide on how to implement the recommendations of the HIA NI Report. However, in response to Sir Anthony Hart’s statement, a 22-person Panel of Experts on Redress was convened under the guidance of Professor Patricia Lundy of the Ulster University. What is noteworthy about this initiative is that it has been based on establishing a safe and supported forum within which survivors of institutional abuse have been facilitated to speak of their experiences and have been listened to.

In that regard it has mirrored the commitment of the Irish Bishops to continue to listen and to dialogue with survivors and to respond to their needs in a comprehensive way.

While one focus of the workshop sessions of the Expert Panel was on financial redress to survivors – and this is considered in a very detailed way in the three reports issued – other forms of redress were also considered. These included the need for:

- Acknowledgement and Apology.
- Access to Records.
- Counselling and Well-being Service Provision.
- Monuments and Memory Projects.
- Restorative Justice.

In introducing the 20 Recommendations of her first report, Professor Lundy states that: ‘The recommendations we are providing in this section of our report are legally supportable by civil, constitutional and international law and are consistent with public policy. We believe they address the need for a fair, just and comprehensive approach towards redress for survivors. The recommendations offer an expedient and mutually beneficial outcome to survivors, the Northern Ireland Executive and churches; they will also assist healing and closure. We anticipate that if the recommendations are implemented, there will be a much higher degree of acceptance and satisfaction for survivors which will provide greater certainty, less risk and a more defensible outcome than civil proceedings in the courts. The recommendations propose a specifically tailored approach that is streamlined and cost-effective and will reduce the potential to re-traumatise survivors.’⁵⁹

She then presents the Principles on which the Recommendations are based and argues that these should be honoured by all parties to a resolution of outstanding issues arising from institutional abuse. Accordingly, a scheme of redress should:

⁵⁸ Hart A.(2015) *Statement on Wednesday 4th November 2015*. HIA: Belfast.

⁵⁹ Lundy, p.(2016) *Historical Institutional Abuse: What Survivors Want From Redress*. Ulster University: Belfast.

1. Be informed by a human rights-based approach.
2. Be a participatory approach that fully involves survivors and their representatives in the shaping, design and implementation of the process.
3. Be inclusive, fair, accessible and transparent.
4. Offer a holistic and comprehensive response recognising and addressing all the harms committed in and resulting from residential institutional abuses.
5. Respect human dignity and gender equality.
6. Do no harm to survivors; avoid re-traumatisation of survivors and their families.
7. Contribute towards healing and resolution.

These Principles appear to be non-contentious and can be taken on board by the Catholic Church in Ireland. The Recommendations that are made in the report are detailed, and include among them an out-of-court mediated process based on consultation and a method of Individual Assessment.

The second and shorter paper produced from the Expert Panel consultative process in Northern Ireland focuses specifically on financial redress; this is *What Survivors Want: Part Two - A Compensation Framework for Historic Abuses in Residential Institutions*, May 2016⁶⁰, suggests a methodology for assessing the monetary amounts that survivors should receive.

The third and final paper that has been generated from this initiative is *Cost Analysis of Proposed Redress Scheme for Historical Residential Abuses - A report prepared by Quarter Chartered Accountants*, 17th October, 2016.

This initiative has unfortunately stalled due to the suspension of the Northern Ireland Assembly. However, it represents to date the most detailed and extensive consideration of how to meet the needs of complainants in a

compassionate and just manner.

Internationally, perhaps the most comprehensive presentation on approaches to redress has been the November 2015 *Institutional Child Sexual Abuse: The Role and Impact of Redress* paper of Pearson, Minty and Portelli to the Australian Actuaries Institute Injury Schemes Seminar, Road to Recovery, in Adelaide.⁶¹ In their paper, these authors equate redress with reparation; and they cite the United Nations Van Boven principles⁶² relating to violations of human rights in listing the elements of reparation / redress, as:

- Restitution
- Compensation
- Rehabilitation
- Satisfaction
- Guarantees of non-repetition of the abuse.

A number of approaches or models have been used in the Republic of Ireland, which have generally been limited to providing some element of financial compensation⁶³, including:

- The Residential Institutions Redress Board that dealt with victims of historical abuse in residential child care settings;
- The Caranua model, now being wound down. This has been severely criticised by complainants. However, the Board of Caranua is overseeing the allocation of c. €110m pledged by religious congregations to support the needs of some 15,000 survivors of residential institutional child abuse);
- The Magdalene Laundries Redress Scheme;
- Private settlements made by Church authorities with complainants which did not go through any legal or other oversight process, and some of which involved confidentiality clauses;
- The settlement of civil cases prior to a court hearing;
- The resolution of civil cases through a full court hearing, resulting in financial settlement (or not);

⁶⁰ Lundy P and Mahoney K. (2016) *What Survivors Want: Part Two A Compensation Framework for Historic Abuses in Residential Institutions*. Ulster University: Belfast.

⁶¹ Pearson et al. (2015) *Institutional Child Sexual Abuse: The Role & Impact of Redress*. Available from www.actuaries.asn.au/Library/Events/ACS/2015/PortelliPearsonChildAbuse.pdf (Accessed 30th November 2018).

⁶² United Nations (2005) *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*. Available from <https://www.ohchr.org/en/professionalinterest/pages/remedyandrepairation.aspx> (Accessed 30th November 2018).

⁶³ Many complainants argue that they can never be compensated for what was done to them.

- Structured Mediated Settlements, which have been successfully introduced by a few Church bodies in Ireland.

If an appropriate and acceptable method of dealing with financial restitution could be developed across the Catholic Church in Ireland, it would allow other elements of a pastoral response to operate more effectively. The Restorative Justice interventions which Towards Healing and One- in-Four have been developing on a trial basis can inform such an approach. It is predictable that many legal advisors will not support the development of Structured Mediated Settlements, for reasons that can be explained.

D. A Victims' and Survivors' Forum

As mentioned above, the Panel of Experts on Redress that was convened by Professor Patricia Lundy in Northern Ireland established a safe and supported forum within which complainants were facilitated to speak of their experiences of being abused, and in which they have been listened to. Such forums are being used more frequently as one of the ways of consulting with complainants, while assisting them to reflect on what happened to them and empowering them to name their own issues and priorities.

In Northern Ireland the Commissioner for Victims and Survivors of past conflicts has established a Victims and Survivors Forum, the details of which are very well illustrated on the website www.cvsni.org. The Forum is a part of the overall framework within which the Commission operates; and victims and survivors have identified Acknowledgement, Truth, Reparation and Justice as the pillars of a comprehensive system for dealing with their injurious past.

In Victoria in Australia, Centres Against Sexual Assault (CASA Forum) incorporates the term Forum into its name to indicate the central role that complainants have in deciding on what services are most needed by them, and

64 CASA Forum (Year Unknown) *Issues for Survivors of Clergy Abuse*. CASA: Victoria.

65 NCSC (2018) *Survivor Advisory Panel*. Available from www.catholicssafeguarding.org.uk/survivor-advisory-panel.htm (Accessed 30th November 2018).

66 Office of the Attorney General Commonwealth of Pennsylvania (2018) *40th Statewide Investigating Grand Jury Report 1 (Interim)*. Office of Attorney General: Pennsylvania.

67 Thompson et al. (2018) *Thirteen states now investigating alleged sexual abuse linked to Catholic church*. Available at <https://www.nbcnews.com/news/religion/thirteen-states-now-investigating-alleged-sexual-abuse-linked-catholic-church-n916646> (Accessed 30th November 2018).

68 Bishnu P. (2017) *A Comparative Study of World's Truth Commissions - From Madness to Hope* in World Journal of Social Science Research Vol 4, No 4 (2375-9747).

how such services should be delivered. This organisation has developed a simple but very informative three-page document entitled *Issues for survivors of clergy abuse*⁶⁴. Closer to home, the National Catholic Safeguarding Commission of England and Wales has established a Survivor Advisory Panel, the role of which is to '...ensure that the National Catholic Safeguarding Commission (NCSC) receives appropriate and timely information and advice from a survivor perspective. This informs the work of the Commission regarding safeguarding policies, procedures and practices within the Catholic Church of England and Wales.'⁶⁵

The Church authorities on the island of Ireland could explore the establishment of a forum for adult complainants of clerical child sexual abuse as a valuable part of the structures and systems needed for their rehabilitation.

E. Truth and Justice Commission

In the United States, the Attorney General of the State of Pennsylvania established a Grand Jury to find out the truth of what had happened to children abused by diocesan clergy. The 887-page report was launched on August 14th, 2018⁶⁶ Following this initiative, the Attorneys General in at least thirteen other States⁶⁷ are launching similar Grand Jury exercises, and it may be that a complicated process of establishing Truth as the precursor for Justice for victims is underway in the USA.

A more recognisable system for trying to establish the truth of what happened in the past is the Truth and Justice Commission model. A 2017 paper⁶⁸ refers to at least 50 Truth and Justice, or Truth and Reconciliation Commissions having been held internationally between 1974 and 2017. Such Commissions are generally convened by governments; and while the Irish Government has already brought the Commission to Inquire into Child Abuse, the Ferns Inquiry, and the Commission of Investigation into Catholic Archdiocese of

Dublin (and subsequently into the Diocese of Cloyne), there are no indications that it has any desire to establish a Truth and Justice Commission to find out as accurately as possible what is the extent of clerical abuse in Ireland since 1922 and how the victims of this abuse are faring. The Historical Institutional Abuse Inquiry of Northern Ireland examined as closely as it could what happened to children in care from 1922 to 1995 in that jurisdiction; but since the publication of its report in early 2017, there has been no government in place to take up the findings and implement the recommendations.

If a Truth and Justice Commission is considered by the Catholic Church in Ireland to be an essential step towards healing those who have been damaged by clerical child sexual abuse, some mechanism would need to be found to have this conducted by an organisation that has an international profile for its integrity and independence.

Amnesty International has published guidance on how to establish such a Commission⁶⁹; (it is not being suggested by referring to this guidance that it would be the appropriate organisation to conduct such a task).

F. Spiritual Healing

The element of clerical child sexual abuse that distinguishes it from interfamilial and intra-familial child sexual abuse is the damage that it can do to the victim's relationship with their Church and with their God. Doyle describes this well in his 2016 paper:

'Those who have been sexually assaulted by Catholic clergy or religious have experienced spiritual trauma as well as emotional and psychological trauma. The impact on the soul is often subtle and grows more painful and debilitating as time passes. Many survivors have said that this spiritual pain has been worse than the emotional pain. To be sure, the assault on the spirit is not limited to the actual victims but to the many others who are

caught up in the collateral damage. Parents, spouses and siblings are the most obvious but it spreads to others who know, love or care for the victims. The spiritual damage has been experienced by attorneys, counsellors, media persons and law enforcement professionals who become involved with clergy abuse victims. What they have seen and heard is a severe jolt to the spiritual or religious belief system.'⁷⁰

Towards Peace was launched in 2013 to address this part of the recovery process for those complainants who want to explore how their beliefs have been impacted by their abuse by a priest or religious and whether they can rekindle or develop a spiritual dimension to their life into the future.

The aim and function of Towards Peace is set out in its 2016 Policies, Procedures and Practice document as follows:

'Towards Peace offers one-to-one accompaniment free of charge to people who have suffered abuse from representatives of the Catholic Church in Ireland. Our spiritual companions have all been trained in spiritual companionship and have experience of walking with people in their exploration of the deeper reaches of the human heart.'⁷¹

Returning to the community of the Catholic Church may be too great a journey for many complainants; but regaining access to a fulfilling spiritual life as part of '...their journey into wholeness' is a worthwhile and achievable objective.

69 Amnesty International (2007) *Truth, justice and reparation - Establishing an effective truth commission*. Available from www.amnesty.org/en/documents/POL30/009/2007/en/ (Accessed 30th November 2018).

70 Doyle, T. (2016) *Sexual Abuse by Catholic Clergy: The Spiritual Damage*. Available from www.researchgate.net/publication/226686784_The_Spiritual_Trauma_Experienced_by_Victims_of_Sexual_Abuse_by_Catholic_Clergy | (Accessed 30th November 2018).

71 Towards Peace (2016) *Policies, Procedures and Practice*. Available from <http://towardspeace.ie/wp-content/uploads/2016/08/Towards-Peace-Policies-and-Procedures-July-2016-1.pdf> (Accessed on 30th November 2018).

8. Moving towards a humble Church which is open to walking with Complainants

Developing an appropriate compassionate culture within the Catholic Church is a challenge for Church authorities. Sandra Schneider's statement made in a 2012 address has relevance in this regard:

'The Church is a unique kind of community, the union of those baptized into Christ . . . It is a community in which there is no slave or master, no national or ethnic superiorities, no gender domination, no inequality that is theologically or spiritually significant except holiness, and in which even distinctions of role and function are not titles to power but differences, which must serve the unity of the whole. It is a community in which all vie for the lowest place, wash one another's feet, lift rather than impose burdens, and dwell among their sisters and brothers as those who serve.'⁷²

In the parable of the Good Samaritan, Jesus taught us the lesson that ministry must meet the needs of the hurt and the wounded. We cannot pass by on the other side, 'rushing to serve the routines of a theoretic religion'⁷³. We need to become engaged, as did the Samaritan, in the service of the complainant, the abused, to bring about healing.

Jesus also asked that the leaders in his new Kingdom would show a different and confounding type of leadership – the leader as servant. In Mark, he called the disciples together and said 'You know that those who are regarded as rulers of the Gentiles lord it over them, and their high officials exercise authority over them. Not so with you. Instead, whoever wants to become great among you must be your servant, and whoever wants to be first must be slave of all. For even the Son of Man did not come to be served, but to serve, and to give his life as a ransom for many.'⁷⁴

And, paradoxically in relation to the focus of this paper, he used the example of a child to

emphasise what attitude he wants to see in a leader. 'At that time the disciples came to Jesus and asked, "Who, then, is the greatest in the kingdom of heaven?" He called a little child to him, and placed the child among them. And he said: "Truly I tell you, unless you change and become like little children, you will never enter the kingdom of heaven. Therefore, whoever takes the lowly position of this child is the greatest in the kingdom of heaven. And whoever welcomes one such child in my name welcomes me.'⁷⁵

⁷² Schneiders, S. (2012) *Unpublished address to The Leadership Conference of Women Religious (LCWR)*, in Starkey, A. D. (2014) *The Roman Catholic Church and Violence against Women*. The College of St. Scholastica: Minnesota.

⁷³ Hegstad, R(1993) *To heal the walking wounded*. Available at www.ministrymagazine.org/archive/1993/05/to-heal-the-walking-wounded (Accessed 30th November 2018).

⁷⁴ St. Mark's Gospel 10: 42-44.

⁷⁵ St. Matthew's Gospel 18: 1-5

9. Conclusions

The National Board for Safeguarding Children in the Catholic Church in Ireland has generated Guidance on the implementation of Standard 3, which can be accessed at www.safeguarding.ie/images/Pdfs/Standards/Standard%203.pdf. A large section of this is written in a format that can easily be transposed into an information leaflet for adults who wish to complain about having been sexually abused in their childhood by a priest or religious. This section describes the compassionate response they should receive from the Church authority to which they make their complaint. As an expression of a one-Church approach, it would be both rational and optimal for each Church authority to commit to implementing the processes outlined in the NBSCCCI Guidance with generosity of spirit.

The Catholic Church in Ireland has been criticised for not placing the needs of complainants of clerical child sexual abuse at the heart of its corrective work. The central concern of complainants has never been simply about money; it has also been about compassion, justice and healing. The Catholic Church in Ireland can become a healing community - one that does not wait for people to turn up, but actively seeks and finds them. As Jesus said to the Pharisees and their scribes, It is not those who are well who need a physician, but those who are sick.⁷⁶ Some complainants' full recovery from clerical child sexual abuse cannot be achieved because their wounds are too extensive; they need the commitment of support from the Church for the remainder of their lives. There is no 'quick fix' to this problem which has affected the body of the Church for decades.

The National Board advocates that each Church Authority reviews their approach to responding to anyone who discloses abuse by a cleric or religious to ensure:

- That the response from the Church Authority imitates the care and compassion of Jesus;
- That the right people are in post who can offer a listening compassionate response;
- That complainants feel heard;
- That complainants are not further traumatised by the response from the Church;
- There is an acknowledgement that support may be required at traumatic periods in the complainant's life; and for the duration of some complainants' lives.

'Without gentleness there will be no compassion and without compassion not only will there be no healing but worse still there will be further damage done. So let us proceed with gentleness so that compassion can take root and then the healing, the deep healing that only the Lord can give may seep in.'⁷⁷

⁷⁶ St. Luke's Gospel 5: 31

⁷⁷ McDonald, J. (2018) *Do you think he is in Hell?*, presented to the National Safeguarding Conference, Kilkenny on 27th October 2018. Available from https://www.safeguarding.ie/images/Pdfs/National_Conference_2018/THE%20NEED%20FOR%20A%20COMPASSIONATE%20CHURCH.pdf (Accessed 30th November 2018).

10. Reference documents and resources

In addition to references contained in the footnotes to the text, the following resources are also recommended:

Research on Clerical Child Sexual Abuse

Goode, H., McGee, H. and O'Boyle, C. (2003) *Time to Listen: Confronting Child Sexual Abuse by Catholic Clergy in Ireland*. Dublin: Liffey Press.

Holohan, C. (2011). In *Plain Sight: Responding to the Ferns, Ryan, Murphy and Cloyne Reports*. Dublin: Amnesty International Ireland.

John Jay College (2004). *The Nature and Scope of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States, 1950-2002*. Washington DC: United States Conference of Catholic Bishops.

John Jay College (2011). *The Causes and Context of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States, 1950-2002*. Washington DC: United States Conference of Catholic Bishops.

Keenan, M. (2012). *Child Sexual Abuse and the Catholic Church: Gender, Power and Organisational Culture*. New York: Oxford University Press.

McGee, H., Garavan, R., de Barra, M., Byrne, J. and Conroy, R. (2002). *The SAVI Report: Sexual Abuse and Violence in Ireland. A National Study of Irish Experiences, Beliefs and Attitudes Concerning Sexual Violence*. Dublin: The Liffey Press.

Books on Trauma

Fisher, Janina (2011). *Psycho-educational Aids for Working with Psychological Trauma Flip Chart*, Eau Claire, WI: PESI

Herman, Judith (2015). *Trauma and Recovery: The Aftermath of Violence - from Domestic Abuse to Political Terror*, Philadelphia PA: Basic Books

Levine, Peter A. with Frederick, Ann (1997). *Waking the Tiger: Healing Trauma*, Berkeley CA: North Atlantic Books

Ogden, Pat; Minton, Kekuni; and Pain, Clare (2006). *Trauma and the Body: A Sensorimotor Approach to Psychotherapy*, New York: W. W. Norton & Co.

Rothschild, Babette (2000). *The Body Remembers: The Psychophysiology of Trauma and Trauma Treatment*,

New York: Norton Professional Books
Schore Allan N. (2012). *The Science of the Art of Psychotherapy*, New York: W. W. Norton & Co.

Van der Kolk, Bessel (2015). *The Body Keeps the Score: Brain, Mind, and Body in the Healing of Trauma*, New York: Penguin Books

Books on Support for the Helper

Rothschild, Babette, with Rand, Marjorie (2006). *Help for the Helper: The Psychophysiology of Compassion Fatigue and Vicarious Trauma*, New York: Norton Professional Books

Skovholt, Thomas M. and Trotter-Mathison, Michelle (2016). *The Resilient Practitioner: Burnout and Compassion Fatigue Prevention and Self-Care Strategies for the Helping Professions*, Abingdon Oxon: Routledge

Wicks, Robert J. (2012). *Riding the Dragon: 10 Lessons for Inner Strength in Challenging Times*, Notre Dame: Sorin Books

