

# **GAP**

## **Guidance, Advice and Practice**



### **Responding to Child Abuse Within the Catholic Church in Ireland**

**November 2023**



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



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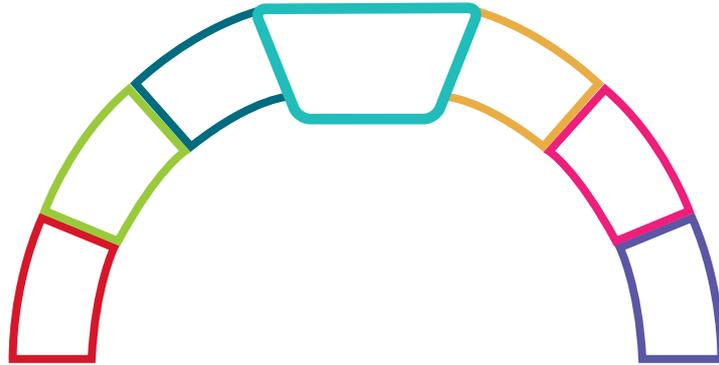
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# About the GAP Papers



The National Board for Safeguarding Children in the Catholic Church in Ireland (National Board) 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 reports on these activities annually, 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 complements the 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.

Specifically, this paper has been written to gather research and information as background for the review of the Catholic Church Child Safeguarding Policy.

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## Terminology

Set out below are terms used throughout this document accompanied with an explanation to aid the reader. It is important to note that some of the language within these definitions come from research which developed from post conflict societies and not necessarily within a faith based abuse setting.

**Restorative Justice:** Restorative justice involves processes where ‘all parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future’<sup>1</sup>.

**Truth and Reconciliation Commissions:** Truth and Reconciliation Commissions are convened to address political crimes and injustices that occurred over a specified time, and while their charters vary according to the expectations of the governing bodies that initiate them, they often involve public hearings and usually submit a written report articulating their findings.<sup>2</sup>

**Transitional Justice:** Transitional justice covers the full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past conflict, repression, violations and abuses, in order to ensure accountability, serve justice and achieve reconciliation.<sup>3</sup>

**Transformative Justice:** Transformative justice is about transformative change that emphasises local agency and resources, the process is the priority rather than preconceived outcomes and the challenging of unequal and intersecting power relationships.<sup>4</sup> The focus of transformative justice is that it seeks to change pre-conflict structures in ways that are more inclusive, less unequal and fairer.<sup>5</sup>

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1 Marshall, T. (1999) *Restorative Justice: An Overview*. London: Home Office.

2 Jackson-Meyer, K. (2021) ‘A clergy abuse truth and reconciliation commission’, in Fleming, D., Keenan, J. & Zollner, H. (ed.) *Doing Theology and Theological Ethics in the Face of the Abuse Crisis* (Complete Book). Oregon: Pickwick Publications.

3 UN Office of the High Commission for Human Rights (2004) *About transitional justice and human rights*. Available at <https://www.ohchr.org/en/transitional-justice> (Accessed 2nd of August 2023).

4 Gready, P. & Robins, S. (2014) *From transitional to transformative justice: A new agenda for practice*. *International Journal of Transitional Justice*, 8 p339.

5 Gready, P., Boestan, J., Crawford, J. & Wilding, P. (2010) *Transformative Justice- a Concept Note*. Available at [https://wun.ac.uk/files/transformative\\_justice\\_-\\_concept\\_note\\_web\\_version.pdf](https://wun.ac.uk/files/transformative_justice_-_concept_note_web_version.pdf) (Accessed 12th October 2023).

## 1. Introduction

As part of its work, the National Board for Safeguarding Children in the Catholic Church in Ireland (National Board) staff engage with adults, who have been abused by Irish Catholic priests and religious, sexually, physically, emotionally and through neglect. In their abiding pain and trauma, these women and men have spoken about what they want from the Church as a response to the abuse they suffered. Whilst expectations of counselling and pastoral care, are generally met, there was an expressed need amongst survivors to understand more about their abuse, and the response to it at the time by those people within the Church body who knew their abuser.

The victims and survivors have told us that they want the relevant Church authorities to offer them fuller explanations about why the abuse happened, to help them to comprehend what had been done to them. Many victims and survivors suggested that counselling was of assistance, but there remained within them a sadness, which affected their lives and the lives of their families. In talking further with these adult men and women, and in conversation with Church personnel across Ireland, the National Board began to consider what a new stage of the healing journey might look like.

This paper, which builds on GAP paper 3 (Compassionate Response to Complainants), reviews research and literature and national projects which seek to 'restore' the heart of those adults who were abused as children within the Church. In GAP paper 3 there are several short descriptions of some of the responses that can be made, including a pastoral healing response, counselling, redress, a victims' and survivors' forum, a spiritual healing response, and a truth and justice commission.

The focus of this paper is to consider the needs of victims of abuse, and how a transitional justice approach could assist with bringing healing to those harmed by Church personnel, prior to laying the foundation for a transformative justice model. Consideration will be given to aspects of justice, human rights and Church teachings associated with these concepts.

The paper will then examine approaches to justice inside and outside of the Church, before considering the importance of co-designing with victims, and then concluding with steps that need to be taken to advance truth and justice for victims.

## 2. Background

The Catholic Church on the island of Ireland has had significant positive influence on education, health care and social care. Excellent work has been carried out by men and women who dedicated their lives to God, in the interests of children. Sadly, some of those men and women used their positions of power to abuse and harm children. Some Church leaders failed to understand the gravity of the abuse, and so moved offenders to a different ministry, in which many of them committed further abuse. Many mistakes were made, which had lifelong consequences for children and their families, and errors of judgement had a destructive impact on the Church as well.

Revelations of child abuse in the Church in Ireland began to emerge in 1980s and have continued until today. Responses by the Church and the State have taken the form of investigations, inquiries, reviews, and aggregate research studies. On an individual basis, cases have been processed in line with civil law, criminal law and canon law; but establishing the truth of what happened, and achieving a just outcome - which is different for each victim - has not been consistently achieved.

In considering how the Church in Ireland might move forward to respond differently to victims and survivors of abuse, the following components should be considered:

- Truth
- Justice
- Reparation
- A commitment to non-recurrence of abuse

Acknowledgement, apology, atonement, redress, and reconciliation are all important to a truth and justice process. They are all asked for by victims, but they can only come from initiatives taken by Church leaders.

Some of these concepts are beyond the scope of this paper, as its primary focus is on initiatives that can bring truth, justice and reparation to individual victims, and that provide a commitment to non-recurrence of the abuse.

The development of a transitional justice approach can lay the foundations for more Church wide transformative actions on atonement.

### 3. Truth and Justice

In October 2006, Pope Benedict XVI addressed the bishops of Ireland. The focus of his words was on the problem of clerical child sexual abuse in the Irish Church. He encouraged the Irish bishops:

‘In your continuing efforts to deal effectively with this problem, it is important to establish the truth of what happened in the past, to take whatever steps are necessary to prevent it from occurring again, to ensure that the principles of justice are fully respected and above all, to bring healing to the victims and to all those affected by these egregious crimes.’<sup>6</sup>

Truth and justice are very closely linked, as justice cannot be achieved in the absence of truth, and whilst retributive justice focuses on punishing the offender, restorative differs, it avoids a criminal justice approach that traditionally asks, “Who did it? What law did he break? How are we going to punish him?”

In contrast, restorative justice asks, “What harm was done?. What is needed to repair the harm?. Who is responsible for repairing it?.”

A restorative approach to justice is one which is consistently referenced in the Bible and the ministry of Jesus. He communicates the primacy of forgiveness of sins throughout the Gospel, and when one is forgiven by Christ the experience of restorative and a new beginning is existential<sup>7</sup>. Building on this theme Fr. Richard Rohr says that:

‘Penance is the acceptance of responsibility for one’s actions and the most profound thing a person can do, as well as the most powerful restoration to community, and to all the responsibilities that go along with life in relationship.’<sup>8</sup>

It is important to consider that restoration is based on the idea that things go back to the way that they were, prior to the crime. This is a problematic concept when considering abuse within the Church, as restoring a situation in which the power imbalance between the abuser and the victim enabled the abuse to happen. What needs to be repaired or restored however is the victim’s health, wellbeing, and changing the imbalanced power relationships and structure to prevent abuse. This is known as transitional justice.

However, as noted by Gallen, ‘The transformation of power relationships and structures is not easy, inevitable, or quick, and this inherent inadequacy must inform any new conception or approach to justice.’<sup>9</sup>

To understand the relevance of these approaches to the Catholic Church in Ireland, the place of truth and justice in Church teachings is considered.

6 Pope Benedict XVI (2006) *Address of His Holiness Pope Benedict XVI to the Bishops of Ireland on their Ad Limina Visit*. Available at [https://www.vatican.va/content/benedict-xvi/en/speeches/2006/october/documents/hf\\_ben-xvi\\_spe\\_20061028\\_ad-limina-ireland.html](https://www.vatican.va/content/benedict-xvi/en/speeches/2006/october/documents/hf_ben-xvi_spe_20061028_ad-limina-ireland.html) (Accessed 10th October 2023).

7 Griffin, J. (2020) *Healing the Harm: The Effectiveness of Restorative Justice in Response to Clergy Abuse*. Available at [ir.stthomas.edu/cgi/viewcontent.cgi?article=1478&context=ustlj](http://ir.stthomas.edu/cgi/viewcontent.cgi?article=1478&context=ustlj) (Accessed 13th October 2023).

8 Centre for Action and Contemplation (2023) *Daily Meditation: Repairing Relationships*. Available at <https://cac.org/daily-meditations/repairing-relationships-2023-08-25/> (Accessed 10th October 2023).

9 Gallen, J. (2023) *Transitional Justice and the Historical Abuses of Church and State*. Cambridge: Cambridge University Press, p.7.

### 3 (a) What does Church teaching say about Truth and Justice?

Jesus describes himself as ‘...the way, the truth and the life. No one comes to the Father except through me’<sup>10</sup>. He tells listeners that ‘... you will come to know the truth, and the truth will set you free’<sup>11</sup>. These statements made by Jesus suggest that truth leads to freedom from sin, and that humankind’s return to a relationship with God can only be achieved by following his teachings.

If we are to meet the challenge laid down by Jesus, and face our moral and spiritual responsibility in caring for abuse survivors as members of God’s flock, the starting point must be to seek out and engage with them.

Much of Jesus’ ministry was about empowering those who are powerless, or including those who were marginalised by the society of that time. During the Sermon on the Mount, he said, ‘Blessed are those who hunger and thirst for justice: they shall have their fill’.<sup>12</sup> These words challenge us to build and extend justice; and they sit alongside other beatitudes he mentioned, of showing mercy, being peacemakers, and preventing persecution.

The Church’s collective response, and the need for it to have solidarity with those who are poor or vulnerable, is articulated in *Sollicitudo Rei Socialis*<sup>13</sup>. Survivors are vulnerable people, because of the actions of those who perpetrated their abuse, and this doctrine impels us to focus on their needs.

The relationship between truth and justice in responding to victims and survivors has been explored by Kate Jackson-Meyer in examining the writings of Aquinas, when she says:

‘Truth is related to justice for Aquinas because both truth and justice are “directed to another” and both “se[t] up a certain equality between things” (ST II-II q. 109, a. 3). While both concern what one is due, in the case of justice it is what one is due according to “legal debt,” and in the case of truth it is what one is due according to “moral debt” (ST II-II q. 109, a. 3).’<sup>14</sup>

Meyer argues that this debt will only be fulfilled when survivors are afforded the space to tell their stories and when their truths are acknowledged by the episcopacy. In the fulfilment of this moral debt, it is helpful to consider the parable of the lost sheep, and the onus on the Church to seek out survivors, rather than the other way around.

‘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...’<sup>15</sup>

<sup>10</sup> John 8.

<sup>11</sup> John 14.

<sup>12</sup> Matthew 5:6

<sup>13</sup> Pope John Paul II (1987) *Sollicitudo Rei Socialis*. Available at [https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf\\_jp-ii\\_enc\\_30121987\\_sollicitudo-rei-socialis.html](https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_30121987_sollicitudo-rei-socialis.html) (Accessed 20th November 2023).

<sup>14</sup> Jackson-Meyer, K. (2021) ‘A clergy abuse truth and reconciliation commission’, in Fleming, D., Keenan, J. & Zollner, H. (ed.) *Doing Theology and Theological Ethics in the Face of the Abuse Crisis*. Oregon: Pickwick Publications.

<sup>15</sup> Larkin, C. (1995) *A Certain Way*. Available at [www.acertainway.info/on-mission/on-the-fringe/leave-the-ninety-nine/](http://www.acertainway.info/on-mission/on-the-fringe/leave-the-ninety-nine/) (Accessed 30th November 2018).

It is in this spirit of searching for the lost and being with them that Pope Francis speaks of 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.’<sup>16</sup> He speaks of ‘taking on the smell of the sheep’<sup>17</sup>, and of standing by people.

In their desire to draw closer to their Church, and therein to find solidarity, fellowship and healing, the Melbourne Victims’ Collective in Australia published a document in June 2008, entitled *Towards Justice - The Charter of the Melbourne Victims’ Collective*, Australia. This short eight-page document positions its views within the Theology and Social Justice teachings of the Catholic Church.

If the Church were to anchor its pastoral ministry with the victims’ viewpoint and draw on spiritual resources such as Catholic Social Teaching, a greater breadth of healing and justice could be realised, including the following dimensions:

- Confession: recognition and acceptance of the original clerical abuses and the subsequent systemic abuse;<sup>18</sup>
- Contrition: an expression of remorse towards all victims, including families and communities;
- Repentance: correcting the structures that have wounded, and acting in a new direction;
- Restitution: improved support for and compensation to victims;

- 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.

In this context, confession is seen as an admission by the Church leader, and it should include an acknowledgement that an injustice has been committed. Making a sincere apology is an indication of real contrition and repentance. Restitution can help to bring about, but does not guarantee, reconciliation. Seeking forgiveness and making atonement is the sole responsibility of the Church; and survivors of abuse within that Church cannot be compelled to grant either.

In summary, the teachings of the Church focus on the importance of truth and justice. This involves listening to victims, being present with them to hear their story, and then engaging with them in a sincere effort to understand what justice and truth mean to them.

Victims/survivors have told the National Board that in dealing with the trauma of their abuse as children, they need to be given as much contextual information as possible relating to their abuse. Who was present? Who knew what? Why was their abuse not prevented? Why did the Church not protect them? Church leaders should rely on the teaching of the Church, to seek out victims, and to be open and transparent in the shared quest for information.

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<sup>16</sup> 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.

<sup>17</sup> Pope Francis (2013) *Speech to Community at the Hostel of the Church of St Louis of the French*. Available at [https://www.vatican.va/content/francesco/fr/speeches/2021/june/documents/papa-francesco\\_20210607\\_sacerdoti-sanluigi-deifrancesi.html](https://www.vatican.va/content/francesco/fr/speeches/2021/june/documents/papa-francesco_20210607_sacerdoti-sanluigi-deifrancesi.html) (Accessed 10th October 2023).

<sup>18</sup> The use of confession here is not in relation to the seal of confession

### 3 (b) Human Rights Perspective on Truth and Justice

The United Nations has designated March 24 each year as the International Day for the *Right to the Truth Concerning Gross Human Rights Violations and for the Dignity of Victims*. According to the UN Secretary General, António Guterres, 'The truth is an empowering and healing force. We embrace it for the past, the present and the future'<sup>19</sup>. The UN suggests that:

'...the right to the truth is often invoked in the context of gross violations of human rights and grave breaches of humanitarian law... The right to the truth implies knowing the full and complete truth as to the events that transpired, their specific circumstances, and who participated in them, including knowing the circumstances in which the violations took place, as well as the reasons for them.'<sup>20</sup>

The Office of the UN High Commissioner for Human Rights has stated that, '...the right to the truth about gross human rights violations and serious violations of human rights law is an inalienable and autonomous right...'<sup>21</sup>

This international oversight agency affirms that the right to the truth implies knowing the full and complete truth about the abusive events that transpired, their specific circumstances, and who participated in them, including knowing the circumstances in which the violations took place, as well as the reasons for them.

In a study that led to the 2009 report on the Right to the Truth, the Office of the UN High Commissioner for Human Rights suggested that for the effective implementation of the right to the truth, archives and records concerning gross violations of human rights must be opened and made available to

victims. Acknowledgement of what was done is essential in establishing the truth.

The three jurisdictions, the Vatican State, the Republic of Ireland, and Northern Ireland, are all signatories to the various Human Rights declarations and conventions that relate to crimes of abuse against children and have made commitments to uphold the rights of children and adults, including an adult's right to know the truth. Traditionally the Catholic Church has offered responses to abuse which include counselling and support, but which shy away from disclosing the full truth of what happened to children abused by its members. One of the most revealing and open reports produced by the Catholic Church, which disclosed significant information, was that undertaken into former Cardinal McCarrick in USA. That report enabled a history of events, actions and inactions to be made public in a way that is commendable and which may have brought some comfort to victims.

Of significance within a human rights framework is the notion of accountability. Victims have stated their desire for those who hold the authority to be held accountable. This presents challenges, not just within a church life but within conflict situations. Transitional justice offers a range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past conflict, repression, violations and abuses, in order to ensure accountability, serve justice, and achieve reconciliation. It originated in response to the human rights abuses carried out by authoritarian regimes in South America in the 1970s and 1980s. Many governments have employed this approach in response to victims of human rights violations.

<sup>19</sup> United Nations (2021) *Secretary-General's message on the International Day for the Right to the Truth Concerning Gross Human Rights Violations and for the Dignity of Victims*. Available at <https://www.un.org/sg/en/content/secretary-generals-message-the-international-day-for-the-right-the-truth-concerning-gross-human-rights-violations-and-for-the-dignity-of-victims-scroll-down-for-french-version> (Accessed 10th October 2023).

<sup>20</sup> United Nations (2021) *Right to Truth Day*. Available at <https://www.un.org/en/observances/right-to-truth-day> (Accessed 10th October 2023).

<sup>21</sup> United Nations (2021) *Right to Truth Day*. Available at <https://www.un.org/en/observances/right-to-truth-day> (Accessed 10th October 2023).

While the foundational charters vary according to the expectations of the governing bodies that initiate them, they often involve public hearings, and the eventual publication of a written report articulating their findings. South Africa's Truth and Reconciliation Commission is arguably the best known, established in 1995 to address the human rights violations of apartheid, and led by Archbishop Desmond Tutu. It has been both critiqued and praised for mingling religion and politics.<sup>22</sup>

Transitional justice has not easily found a home in the Catholic Church. However, Gallen argues that:

'...assessing the Church's reaction to the legacy of the sexual abuse of minors through the lens of transitional justice is not as revolutionary as it seems. As the Church tries to redefine itself as an institution that will not tolerate sexual abuse, it is finding itself in a moment of change. Thinking of the legacy of abuse in the Catholic Church in terms of transitional justice can frame its response in a way that makes it easier to see the gaps in accountability and justice.'<sup>23</sup>

In a very detailed article on Transitional justice and the legacy of child sexual abuse in the Catholic Church, King<sup>24</sup> makes a suggestion based on her evaluation of the responses of the Catholic Church in the US to the clerical child abuse crisis:

'Evaluating the Church's response through the lens of transitional justice, a field that examines the myriad ways states reckon with large-scale human rights abuses, can highlight these gaps so steps can be taken to remedy the shortcomings in the Church's response.'

Most glaringly, the near complete focus on preserving the reputation of the Church at the expense of the survivors underscores a missed opportunity for the Church to acknowledge and learn from those it hurt. Engaging with victims and making them the focus of any plan for accountability or reconciliation is in the Church's best interests, despite its actions to the contrary.<sup>25</sup> King later adds:

'A truth commission, set up to hear testimony from survivors and those involved in the abuse and subsequent cover-up, would create a historical record that could stand up in the faces of those who would argue that the abuse did not occur or that it was not as widespread as was reported. Moreover, the collective nature of the narrative might embolden other victims to come forward to share their stories. The participation of priests at all levels, while not likely to happen, would further strengthen the power of the truth commission's report.'<sup>26</sup>

A human rights framework, which seeks to put the victim at the centre, provides a useful context in which to consider the need for justice and truth processes. In honouring a person's rights – within a Church context, consideration should be given to having as a foundation Article 13 of the European Convention on Human Rights. This states that 'Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity'.

The next section of this paper, offers a brief explorations at various approaches to remedy the experience of victims and enable truth to be recovered.

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22 Jackson-Meyer, K. (2021) 'A clergy abuse truth and reconciliation commission', in Fleming, D., Keenan, J. & Zollner, H. (ed.) *Doing Theology and Theological Ethics in the Face of the Abuse Crisis* (Complete Book). Oregon: Pickwick Publications.

23 Gallen, J. (2023) *Transitional Justice and the Historical Abuses of Church and State*. Cambridge: Cambridge University Press, p.6.

24 King, L. (2018) *Transitional Justice and the Legacy of Child Sexual Abuse in the Catholic Church*. Available at <https://www.albanylawreview.org/article/70130-transitional-justice-and-the-legacy-of-child-sexual-abuse-in-the-catholic-church> (Accessed 10th October 2023).

25 King, L. (2018) *Transitional Justice and the Legacy of Child Sexual Abuse in the Catholic Church*. Available at <https://www.albanylawreview.org/article/70130-transitional-justice-and-the-legacy-of-child-sexual-abuse-in-the-catholic-church> (Accessed 10th October 2023).

26 King, L. (2018) *Transitional Justice and the Legacy of Child Sexual Abuse in the Catholic Church*. Available at <https://www.albanylawreview.org/article/70130-transitional-justice-and-the-legacy-of-child-sexual-abuse-in-the-catholic-church> (Accessed 10th October 2023).

## 4. Truth Commissions and Statutory Inquiries

Truth Commissions have been held since 1974, and are generally convened by governments. They are a recognisable system for trying to establish the truth of what happened in the past.

The Irish Government established 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). More recently, the Irish Government has inaugurated a Scoping Inquiry into Historical Sexual Abuse in Schools run by religious orders.<sup>27</sup>

The Historical Institutional Abuse Inquiry of Northern Ireland (HIA NI) examined what happened to children in care in that jurisdiction from 1922 to 1995<sup>28</sup>. The Chairperson of the Inquiry recommended in his address at the launch of the Inquiry's Final Report in January 2017 that:

'...we have provided a detailed framework for the recommended compensation scheme and for the HIA Redress Board that would administer the compensation scheme. When we finalised our Recommendations we believed that if the Northern Ireland Executive and Assembly addressed the implementation of our Recommendations in a positive and energetic fashion the first payments could be made by the HIA Redress Board by the end of this year'.<sup>29</sup>

Unfortunately, due to political difficulties, the Northern Ireland Executive and Assembly have not been able to make much progress on implementing this recommendation in the intervening years.

To ensure that the momentum generated by the HIA NI would not be lost, a Panel of Experts on Redress was convened by Professor Patricia Lundy in Northern Ireland.

This panel established a safe and supported forum within which complainants were facilitated to speak of their experiences of being abused, confident of being listened to and heard. 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 Commission for Victims and Survivors of past conflicts has established a Victims and Survivors Forum, details of which are contained on its website, <https://www.cvsni.org>. The forum is a part of the overall framework within which the Commission operates, and the pillars identified in consultation with victims of historic violence are Truth, Justice and Accountability.

Alongside formal government interventions, there are what is known as unofficial truth projects, which are not government-led, but are rooted in civil society hosted and driven by human rights NGOs, victim groups, universities and other societal organisations. One of the unofficial truth projects discussed by Bickford is the Ardoyne Commemoration Project (ACP). The ACP was a grassroots single identity, truth recovery project set up in the Ardoyne area of West Belfast. The small community was the site of roughly 20% of all conflict-related deaths in Northern Ireland; and between 1969 and 1998, 99 people from Ardoyne were killed by various parties in the Troubles conflict.<sup>30</sup>

During the backdrop to the Good Friday Agreement of 1998, a group of Ardoyne victims, relatives and interested individuals and community activists came together with an idea to create a book containing testimonies of relatives, friends, and witnesses of the victims.

<sup>27</sup> Irish Government (2023) *Scoping Inquiry into Historical Sexual Abuse in Schools run by Religious Orders*. Available at <https://www.gov.ie/en/publication/42b7e-education-scoping-inquiry/> (Accessed 10th October 2023).

<sup>28</sup> See <https://www.hiainquiry.org/>.

<sup>29</sup> HIA Inquiry (2017) *Launch of Final Report*. Available at <https://www.hiainquiry.org/sites/hiainquiry/files/media-files/Chairmans%20statement%20-%202020-01-2017.pdf> (Accessed 10th October 2023).

<sup>30</sup> Lundy, P. & McGovern, M. (2008) *Whose Justice? Rethinking Transitional Justice from the Bottom Up*. *Journal of Law and Society*, 3:35, pp. 265-292.

## 5. Reparation - Examples of responses by Catholic Church bodies in Ireland

The project used participatory action research to provide a means for individuals and community to express themselves. To accomplish this, families were consulted, and interviews were developed, carried out and transcribed. The edited version was given back to the interviewees to ensure their control and consent over what was written. Participants were also given pre-publication access to other connected interviews, to allow them to discuss the content together and with the ACP. Areas of inconsistency were negotiated between all of the parties to resolve any differences prior to publication.

The process was evaluated after the project concluded, and participants reported that they felt a sense that their voices, which had been marginalised, were now being heard; and the sense of community ownership and control was seen to be key in the project's success.<sup>31</sup>

In Canada, survivors of Catholic run boarding schools have taken part in reconciliation workshops developed by Sr Ann Thompson (Sisters of St Ann) and Marc Pizandawac. The Returning Spirit programme takes a two-step approach, with indigenous and non-indigenous participants taking part in separate workshops to identify and challenge biases in a safe space, before bringing the groups together in a second workshop. The programme '...is based on the idea that reconciliation starts with oneself. Participants learn how an event that finished long ago, like the schools, may still be incomplete for people who hold an emotional attachment to it. They reflect on how they interact with that issue. Do they get angry and blame? Do they withdraw? Do they pretend it didn't happen? Do these reactions extend to other areas of their lives?'.<sup>32</sup>

Participants have a 98% completion rate with the programme, which they describe as uncomfortable, but also transformative. What is clear from both the official and unofficial truth projects is that where participants are involved in the design and implementation of the process, the outcomes can be beneficial and show a move from transitional justice to transformative change.

31 Lundy, P. & McGovern, M. (2008) *Whose Justice? Rethinking Transitional Justice from the Bottom Up*. *Journal of Law and Society*, 3:35, pp. 265-292.

32 Rastello, S. (2023) *Taking part in reconciliation: Inside the process of life-changing workshops*. Available at <https://www.globalsistersreport.org/news/taking-part-reconciliation-inside-process-life-changing-workshops> (Accessed 21st November 2023).

Safeguarding Children, Policy and Standards for the Catholic Church in Ireland (2016) sets out, in Standard 3, the need for a compassionate response to be offered to victims and survivors of abuse. This is most often offered on a case-by-case basis, where individuals are offered counselling and pastoral care. Some victims and survivors pursue and receive financial redress.

However, not all victims and survivors are the same, or want the same response. Increasingly, amongst those who have spoken to the National Board there is a desire for a greater acknowledgement of the systemic nature of the abuse of children within the Church, and of the response, historically provided by the Church. There is no doubt from the thousands of victim testimonies across the world, that adults who abused children often did so in 'plain sight'. Questions have been asked about who knew, why did they not take action to prevent the abuse, and why no one challenged the abuser. Questions are rightly being asked about the culture of the Church, which enabled adults to abuse children, emotionally, physically and sexually.

In response to such questions from victims, there are now examples of Irish Church leaders opening up files to try to understand and share what happened.

The National Board engaged with several Church bodies to learn about their experiences of responding to multiple victims of abuse. With the consent of two of the Church authorities, a short description of their approaches are set out here. It is important to note that the description below is not an independent evaluation, but a summary of the reparation processes carried out by these Church bodies.

## 5. (a) The Congregation of the Holy Spirit 1994-2021

From 1994 the congregation appointed successive Spiritans to take charge of safeguarding. This involved responding to survivors and doing the best they could to meet their needs. They also developed a policy on safeguarding.

The Spiritans were one of the first congregations to be reviewed by the National Board for Safeguarding Children in the Catholic Church in Ireland (National Board) in 2012. One of the recommendations of the Review was that the Spiritans would employ a lay Designated Liaison Person (DLP). Two people with a background in education and counselling were appointed – one as Support Person for Survivors / Co-ordinator of Safeguarding and the other as DLP and Co-ordinator of Safeguarding.

As well as revising the congregation's safeguarding policies and procedures and providing training for all Spiritans and co-workers, they engaged directly with survivors as follows:

1. Arranged to meet survivors at a time and place that suited them.
2. Listened carefully to their account of abuse, noted it, and verified it with them.
3. Reported the abuse to the statutory authorities and the National Board.
4. Kept them up to date on progress of their case.
5. Informed them of the availability of counselling, funded by the congregation.
6. Offered to help them report to An Garda Síochána if requested.
7. Arranged for them to meet the Provincial if requested.
8. Explained to them how to seek compensation if requested.

### 2021-Date

In April 2021 a group of three past pupils from Blackrock asked to meet somebody from the Spiritan Safeguarding Office. They explained that they knew of many past pupils of Spiritan schools who had been abused and had not yet come forward.

Having discussed this issue with them at length, it was agreed that a second way of reaching out to survivors would be tried – set up a restorative justice initiative. The Blackrock group did some research and came up with the name of Tim Chapman who had wide experience in this field. The Spiritans agreed to his appointment. Initially Tim was asked to do a pilot run with mostly some members of the class of 1979 from Blackrock. Having reviewed the outcome of that pilot project, it was agreed to extend the restorative justice process to all Spiritan schools in the autumn of 2022.

At the launch of the restorative justice programme for all schools, the Provincial gave a comprehensive apology for all the harm caused by Spiritans and their employees. After the launch of the restorative justice process many survivors came forward directly to the facilitator and to the Safeguarding Office – their names and email addresses had been widely circulated in the media.

To deal with the large number of survivors who approached the facilitator it was agreed that he could appoint four more facilitators to help him with the work. To date over 120 people have contacted the facilitator and over 100 contacted the Safeguarding Office.

The restorative justice process works very much in the same way as the Safeguarding Office, as outlined above. For some survivors it is a means of giving an account of their abuse without having to come to the Spiritans. Some survivors do want to meet the Provincial. To date almost 40 such meetings have occurred and almost all of them have worked very well. The meetings follow a standard format:

A) Facilitator prepares the survivor for the meeting, a mutually suitable time and venue is agreed – sometimes in the school where the alleged abuse occurred, sometimes in a private meeting room in a hotel.

B) The survivor may be accompanied by a friend/ supporter/counsellor.

C) The Provincial is usually accompanied by a person from the Safeguarding Office, and somebody from the relevant school if requested by the survivor.

D) The meeting proceeds as follows:

- I. Facilitator outlines the ground rules.
- II. Everybody introduces themselves, briefly.
- III. Survivor gives an account of their experience while in school, giving as much detail as they feel comfortable with.
- IV. Facilitator invites Provincial and those with him to respond to what they have heard.
- V. Facilitator invites survivor to ask any questions they may have and Provincial and his team respond.
- VI. Facilitator invites survivor to name any requests that he may have e.g., apology, counselling, compensation etc. Provincial and his team respond.
- VII. Facilitator outlines what happens next – he will write up notes of the meeting, circulate them to all in attendance for verification and when agreed they will form the basis on which the Provincial will write an apology to the survivor if requested.

### **Experience of Restorative Justice to Date**

Some survivors wanted to tell their story, be listened to and heard. Many had never spoken about their abuse before. Many shared about dysfunctional relationships, addictions, anger, violence and sexual dysfunction. They described having developed into people they did not like. They spoke about the pain of their emotional trauma, which interfered with their everyday functioning. Survivors appreciated the compassionate way they were received by the Provincial.

Many survivors have availed of counselling. Some going to Towards Healing and others choosing their own counsellor funded by the congregation.

While the Spiritans could answer satisfactorily some of the questions raised by survivors, there were some that could not be adequately answered e.g., how was the abuse allowed to happen, who knew, why was I not protected, was there cover up? The other issue that survivors wanted remedied was compensation. They find the present system legalistic, slow and adversarial, retraumatising. The Blackrock Group in collaboration with the Spiritans are trying to devise a more survivor friendly scheme.

To summarise – the Safeguarding Office continues to deal with survivors who contact it directly. The facilitator and his team deal with survivors who come directly to him or who are referred to him by the Safeguarding Office. And some survivors who come to the facilitator also want to meet the Provincial and / or avail of counselling and that is organised by the Safeguarding Office.

## 5 (b) Dromore Diocese

As stated on its website at <https://www.dromoredress.org/>, the diocesan Redress Scheme is, ‘...a means by which those who suffered child sexual abuse perpetrated by members of the clergy and other church representatives acting under the diocese’s authority are able to obtain recognition and reasonable compensation without the need for lengthy investigation and litigation.’<sup>33</sup>

Whilst the Diocese of Dromore scheme emphasises redress, all applicants are invited to access pastoral support should they wish to receive the same, as well, as requesting to meet Archbishop Eamon Martin and to seek counselling from Towards Healing counselling and support Service.

The scheme as set up will respond to applications from adults who allege clerical child sexual abuse (including sexual grooming), which may or may not have been accompanied by physical and/or emotional abuse, and which occurred when the applicant was under the age of 18.

The diocese, through a third party, established an independent panel of legal experts to administer the scheme. In assessing applications, the panel reviews all available information and then makes its decision on the balance of probabilities and on a majority basis.

Settlement of an application under the scheme is based on there being no admission of liability. Settlement offers are made in accordance with guidance based on previous awards made by judicial determination, previous settlements in similar cases and awards made in comparable redress schemes.

Agreement to settlement pursuant to the scheme is ‘in full and final settlement’ of the claim made against the diocese.

By accepting a settlement, an applicant waives his or her right to pursue a civil claim against the diocese for damages arising out of the circumstances identified in their application; and if an applicant has ongoing proceedings against the diocese, they agree to discontinue these if/when a settlement is reached.

What is interesting is that these approaches are quite different in scope and intent. The emphasis of the project initiated by the past students of Blackrock College appears to be on healing, but it has no redress element, and its ability to establish truth for victims is very limited. The Dromore Diocese’s scheme is clearly one of redress and pastoral support. Both models above are at different stages of delivering the principles of truth, justice, reparation, and non-recurrence. To be truly effective, consideration needs to be given to the extent that survivors are involved in the design, development, and implementation of the process itself.

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<sup>33</sup> Dromore Diocese (2023) *Redress Scheme for victims of child sexual abuse perpetrated by members of the clergy and church representatives acting under the authority of the Diocese of Dromore*. Available at <https://www.dromoredress.org/#:~:text=Redress%20Scheme%20for%20victims%20of,affected%20by%20these%20egregious%20crimes> (Accessed 23rd November 2023).

## 6. Survivor Involvement

The catchphrase or slogan, 'Nothing about us, without us' – 'Nihil de nobis, sine nobis' in Latin – expresses with economy and clarity that decision-making about people must include those it affects.

In relation to this paper, a victim-centred approach involves early engagement with the adult victim, based on equality of respect and importance, to work together towards a resolution.

In a 2014 Australian Institute of Family Studies research report, the authors reference Herman (2005) who argued that victim/ survivors' justice needs are often in complete opposition to the manner in which the legal system operates. Herman had stated that,

'Victims need social acknowledgment and support; the court requires them to endure a public challenge to their credibility. Victims need to establish a sense of power and control over their lives; the court requires them to submit to ... rules and ... procedures that they may not understand ... Victims need an opportunity to tell their stories in their own way, in a setting of their choice; the court requires them to respond to a set of yes–no questions ... Victims often need to control or limit their exposure to specific reminders of the trauma; the court requires them to relive the experience.'<sup>34</sup>

In the examples in the previous section, of Church responses to victims in Ireland, there are differing levels of victim involvement, with varying degrees of success. Gallen outlines four differing approaches he has encountered, as:

- Full empowerment - here the victim participates in every stage;
- Consultation - victims are consulted, but they do not have to participate;
- Sharing information or testimonies.
- Indirect participation through third parties or advocacy groups.<sup>35</sup>

Approaches and models that describe themselves as being victim centred or victim focused, often fail to live up to these expectations and leave participants feeling disillusioned and disenfranchised by the process.

CHS Alliance discuss the distinction between an approach which is victim-centred, where their wishes, safety and wellbeing remain a priority in all matters and procedures, and a victim-led approach, which equips and empowers them to take a leadership role in their own lives.<sup>36</sup>

For any mechanism attempting to establish truth to be successful, it needs to involve victims from the outset, in its co-design and delivery. Dr Patricia Lundy sets out several key principles developed through her work with survivors of institutional abuse. The workshops planned with survivors used a methodology of creating a space within which participants felt safe to be heard. All workshop participants were supported by a professional counsellor throughout their involvement. In reviewing their experiences, Lundy, her team and the participants agreed that the following are essential:

- Be informed by a human rights-based approach.
- Be a participatory approach that fully involves survivors and their representatives in the shaping, design and implementation of the process.
- Be inclusive, fair, accessible and transparent.
- Offer a holistic and comprehensive response, recognising and addressing all the harms committed in and resulting from residential institutional abuses.
- Respect human dignity and gender equality.
- Do no harm to survivors; avoid re-traumatisation of survivors and their families.
- Contribute towards healing and resolution.<sup>37</sup>

For any approach to deliver effectively on truth, justice, reparation and non-recurrence, consideration needs to be given to the principles outlined by Lundy above.

<sup>34</sup> Bluett-Boyd, N., & Fileborn, B. (2014). *Victim/survivor-focused justice responses and reforms to criminal court practice: Implementation, current practice and future directions*. Available at <https://aifs.gov.au/research/research-reports/victim-survivor-focused-justice-responses-and-reforms-criminal-court> (Accessed 10th October 2023).

<sup>35</sup> Gallen, J. (2023) *Transitional Justice and the Historical Abuses of Church and State*. Cambridge: Cambridge University Press, p.102.

<sup>36</sup> CHS Alliance (2023) *Victim/Survivor Centred Approach to Protection from Sexual Exploitation, Abuse and Harassment in the Aid Section*. Netherlands: CHS Alliance.

<sup>37</sup> Lundy, P. (2016) *Historical Institutional Abuse: What Survivors Want from Redress*. Belfast: Ulster University, p.33.

## 7. Promise of Non Recurrence

Acknowledgement must be given to the journey that the Church in Ireland has been over the past twenty years. There is no doubt about the seriousness with which Church leaders and Church personnel have taken on the legacy of abuse of children within the care of the Church. There are many good examples of the warm caring and effective practice that is offered to victims. The biggest strides, however, have been in relation to the 'creation of safe environments for children today'. Policy, guidance, training and practice which brings children into the centre of ministry, in a way that is safe, is a testimony to everyone's commitment to ensure that the abuse of the past will not reoccur.

## 8. Conclusions

Whilst much has been achieved by the Catholic Church in Ireland in relation to caring for victims, what is clear is that the current approach does not work for everyone.

In the work of the National Board, survivors have outlined how a new approach to caring pastorally to victims and survivors should be based on the four key concepts of truth, justice, reparation, and non-recurrence. This paper has provided information on how these concepts are grounded in Church teaching and human rights. Research and experience show that where models of justice are designed with, by and for survivors they are more effective.

This paper aims to provide a basis for those Church bodies who wish to explore a more effective approach to delivering truly transformative change for survivors, and for the Church.

In order to move this process forward we return to Scriptures

'Finally, brothers, rejoice; aim for restoration, comfort one another, agree with one another, live in peace; and the god of love and peace will be with you" (2 Corinthians 13:11).

In order to ensure that the crisis of abuse by clerics and religious is truly addressed, survivors must be at the centre, enabling them to direct what will assist in restoring their peace.

The National Board therefore recommends that for each Church body who wish to engage in a transitional justice approach, that they consider the following:

- The process must start and end with survivors, ensuring a collaborative approach between Church and survivors in the approach, concepts, design, and implementation.
- Church Authorities should form a survivor led group to consider what they need to bring about peace and healing following the trauma of their abuse.
- Survivors should assist the Church Authority in determining:
  - How the group is constituted and how its role is defined through a terms of reference. This needs to include agreed expectations and outcomes.
  - How information relating to the group's activities will be provided, to ensure those involved feel fully informed about the process and their engagement.
  - How support will be offered to the group members, before during and after their involvement.
  - How the group will be co-ordinated and communicated with.
  - Who needs to be engaged within the Church body – for this to be truly transformative a whole Church body approach should be taken.

Seeking out and engaging with survivors in an open and transparent way is key to delivering on the promise of truth and justice articulated by Pope Francis when he said:

'None of us can fail to be moved by the stories of young people who suffered abuse, were robbed of their innocence, were separated from their mothers, and were left scarred by painful memories. This open wound challenges us to be firm and decisive in the pursuit of truth and justice'.<sup>38</sup>

<sup>38</sup> Pope Francis (2018) *Speech at Knock Shrine*.

