

## Summary

# Sexual abuse of minors in the Roman Catholic Church

## 1. Introduction

In the early months of 2010 a growing number of reports appeared about sexual abuse in the Roman Catholic Church in the Netherlands. The responsible authorities in the Roman Catholic Church were unable to provide answers to many of the questions that were raised. What did the authorities know about the abuse? How widespread was the abuse? How were complaints from victims and their parents dealt with? The calls for answers to these questions grew steadily louder.

At the request of the Conference of Bishops and the Dutch Religious Conference (KNR), in May 2010 drs. W.J. (Wim) Deetman drafted a proposal for an independent inquiry into the facts and circumstances surrounding sexual abuse of minors who had been entrusted to the responsibility of institutions and parishes of the Roman Catholic Church in the Netherlands in the period from 1945 to 2010.

The proposal was unreservedly adopted by the Conference of Bishops and the Dutch Religious Conference. Deetman accepted the request to head the inquiry and asked five prominent academics and experts to join him. The members of the Commission were Mrs dr. P.J. (Nel) Draijer, mr. P. (Pieter) Kalbfleisch, Professor dr. H.L.G.J. (Harald) Merckelbach, Professor dr. M.E. (Marit) Monteiro and Professor dr. ir. G.H. (Gerard) de Vries.

The Commission of Inquiry's investigation had to meet all of the standards for scientific research. The Commission of Inquiry based its findings on empirical data from the reports of sexual abuse it received between March and December 2010, as well as historical records from ecclesiastical and other archives. It reviewed this information in light of the social, cultural, economic and political developments that have occurred over the last 65 years in the Netherlands and in the Roman Catholic Church. For the purposes of the study, a proper understanding of those changes was required to place the findings regarding the occurrence and explanation of the sexual abuse in its proper context. This should not, however, be taken to imply that a description of the socio-cultural and historic context legitimises abuses.

Priority was given to investigating and giving advice on the functioning and the help provided by Help & Justice, the former name of the agency established by the Catholic hierarchy as a centre of expertise on sexual abuse in the Roman Catholic Church. The advice of the Commission of Inquiry has led, among other things, to the transformation of Help & Justice into an independent Stichting Beheer & Toezicht Assessment and Advisory Commission on Sexual Abuse in the Roman Catholic Church, incorporating a special reporting centre for complaints.

### *Definition of sexual abuse*

The purpose of the investigation into the facts and circumstances surrounding sexual abuse of minors in the Roman Catholic Church in the period from 1945 to 2010 was to identify the nature and scale of this sexual abuse as well as accountability for it.

The strict definition of sexual abuse adopted in this study is:

*Sexual abuse is defined as: any sexual contact by representatives of the Roman Catholic Archdiocese – priests, religious, pastoral workers employed by the church, lay persons and volunteers working for the church – with a child or youth under the age of 18, entrusted to the responsibility of those representatives, where those persons feel (felt) unable to refuse the sexual contact as a result of physical dominance, abuse of a position of authority, emotional pressure, compulsion or force.*

*A position of authority is defined as: an unequal power relationship (adult-minor, teacher-student, leader-youth member, etc.).*

*Sexual contact is defined as: any actual sexual contact, from touching or causing the touching of breasts or genitals and kissing with sexual intent up to and including sexual intercourse (vaginal, oral or rectal) or the penetration of the vagina or rectum with objects or fingers.*

What victims understand by sexual abuse varies from voyeurism and mild forms of contact to being touched beneath the clothing and penetration.

Sexual abuse is frequently accompanied by the use of physical force or psychological pressure, including threats and blackmail. This is done to break the will of the victim and accordingly fits into a pattern that precedes sexual abuse. But sometimes the compulsion consists only of the suggestion or assumption of such a connection.

### *Scope of the study*

The study covers the period from 1945 to May 2010. The victims are minors who fell under the responsibility of persons working in the Roman Catholic Church in the Netherlands: priests, brothers, pastoral workers employed by the church and lay persons.

The reference to the Roman Catholic Church in the Netherlands means that the Commission of Inquiry confined its investigation to the Netherlands. In so far as it was relevant to the investigation, the Commission reviewed information and reports of abuse from other countries as well as Aruba and Curaçao.

### *Presumption of innocence: the distinction between perpetrators and offenders*

The use of the term ‘perpetrator’ must not be taken as implying that the Commission of Inquiry regards these persons – to the extent that they can be identified – as actually guilty of any criminal offence in the strict legal sense of the term. In other words, the Commission of Inquiry explicitly adheres to the *presumption of innocence* and makes a distinction between an *offender*, who has been found guilty of a criminal offence in the legal sense of the term, and a *perpetrator*, whose guilt has not actually been proved. This corresponds with the definitions commonly used in other studies and publications, including those of the Netherlands Centre for Social Development (Movisie) and the Trimbos Institute, which conducts research into mental health. The Commission of Inquiry bases its conclusion about the plausibility of a particular incident on the consistency of the reporting of an incident falling within the scope of this study in combination with or in the context of other research findings. For this reason, the Commission of Inquiry has anonymised persons who have been accused in accordance with the customary practice in the Netherlands. Only if accused persons occupied a position in which they represented their organisations externally, and their identities are consequently already known, are their names and positions mentioned. The Commission of Inquiry has not conducted a legal investigation and therefore renders no judgment on what has been conclusively proved to have occurred or not and on whether the evidence is true or not. It can only report general findings.

### *Interviews*

The Commission of Inquiry endeavoured to adopt an open and respectful attitude towards those who reported sexual abuse to it. It talked to many victims. The Commission decided for itself who it wished to speak to for the purposes of the investigation. If the Commission of Inquiry had spoken to everyone who had reported abuse the final report would not have appeared for several years. For various reasons the Commission of Inquiry took the view that this would be unwarranted and not in the interests of the victims of sexual abuse. Nor was it necessary in order to find answers to the questions addressed in this study.

## 2. The historic context

This study covers a period of 65 years starting in 1945. The decade immediately after the end of the Second World War was a period of social, cultural, economic and political change in Western Europe, during which a process of internationalisation also occurred.

For a long time the Roman Catholic Church had played a prominent role in the daily lives of many Dutch people. Although Catholics formed a minority in the

Netherlands, in the first half of the twentieth century there was an extensive Catholic education system, Catholics had their own media, there was a Roman Catholic political party and a strong trade union federation founded on Roman Catholic principles.

According to the census in 1947, there were 3.7 million Catholics in the Netherlands in a total population of 9.6 million (38.4%). In 1967 there were 13,500 priests (4,000 secular in seven dioceses and 9,400 regular in 34 orders and congregations) and 40,000 brothers and sisters in 111 orders and congregations in the Netherlands.

#### *Emancipation and concern for moral decline in the 1950s and 1960s*

In the pre-war years there was great concern in Dutch society and in the Roman Catholic Church about moral decline, particularly among young people. There also seemed to be legitimate cause for that concern. Up until the 1950s there was a steady increase in the number of sexual offences, in particular indecent acts with minors and sexual abuse in relations of dependency. The proportion of cases involving Catholics was always above average.

In the 1950s and 1960s Catholics emancipated themselves from the authority of the church. They no longer isolated themselves from the rest of the community and increasingly made their own choices, more independently of the Church, whatever the episcopate might feel about it. The more intensive contact between the different segments of the population created a world in which only firm believers retained their faith.

The influence of the clergy declined and lay people became more active in the Church. The hierarchical, and to some authoritarian, structures within the Roman Catholic Church started to become oppressive, even for faithful Catholics.

From the 1960s there was a radical change in public attitudes towards the individual's relationship to authority in various forms. The grip of the religious and socio-political groups on day-to-day life, which was once taken for granted, crumbled further. The diminished authority of the churches and secularisation reinforced each other.

#### *Reaction of the Roman Catholic Church*

In response to the social changes, Pope John Paul XXIII convened the Second Vatican Council (1962-1965). During this assembly, there were calls from the Roman Catholic faithful in the Netherlands for a more open approach and greater dialogue and democracy on social issues. An influential group among the cardinals rejected the

position taken by the Netherlands and propounded a more conservative theological course.

However, the Second Vatican Council also brought a number of tangible innovations. For example, the decision that as a rule the liturgy would in future be celebrated in the national language rather than in Latin represented a major change for many Roman Catholics.

To implement the results of the Second Vatican Council in the Netherlands, the bishops organised the Pastoral Council, which took place from 1968 to 1970. Some issues, including celibacy, caused major divisions. The majority in the Pastoral Council urged that married men should be admitted to the priesthood. The Dutch bishops and the cardinal, wary of negative reactions from the world church, did not reject the idea outright, but did not say yes either. This created the expectation among the laity and some priests and brothers that within a few years celibacy would no longer be mandatory. Some people opted for the priesthood on the basis of that expectation.

#### *Loss of authority*

The loss of social authority of the Roman Catholic Church continued. This had an impact on the priesthood. Up until the end of 1963 there was a steady decline in the number of ordinations (300 in 1963). After 1963 the number fell dramatically, which in combination with the rapidly growing number leaving the priesthood led to an 'alarming decline' in the number of priests in the Netherlands. From 1966 the number of new priests being ordained was no longer sufficient to match the natural mortality rate. It was also becoming clear that priests and religious were finding it difficult to adapt to the changing working conditions. They became socially isolated and overworked, in part because of the disappearance of lay people who could relieve the priests of some of their workload.

The changes in the educational system also influenced the loss of the Roman Catholic Church's social authority. In the 1950s, when the contours of the Secondary Education Act (Mammoetwet) were being drawn, comprehensive schools were already established in many places. The education system quickly improved and many boarding schools started to lose their *raison d'être*. In 1946, there were 217 boarding schools. The number peaked in 1960, when there were 321 Catholic boarding schools. Ten years later, there were only 199 left, and the end was then quickly in sight. Some Catholic schools tried to survive by focussing on specific categories of young people. Other Catholic schools quickly followed the changes and transformed themselves from a boarding school into an ordinary school with a mixed student population.

### *Growing attention to sexual abuse*

From the end of the 1960s, attitudes to sexuality seemed to become more liberal. There was greater toleration of homosexuality in society. But as far as sexual tolerance was concerned the line was drawn at paedosexuality, which even in progressive circles remained more or less unmentionable.

The issue of sexual abuse of minors only started receiving attention in the course of the 1980s. This late 'discovery' of the problem can be explained by the fact that the subject was taboo until then. But from 1985 the subject of sexual abuse of minors was never to leave the political agenda. After research had shown that a substantial number of women and girls were victims of sexual abuse, the government adopted numerous policy measures.

This growing attention to the subject prompted reform of the legislation on sexual offences in 1992. The new law specifically provided protection under criminal law for minors against unwanted sexual contact. Since that time, the objective of protecting minors against all forms of sexual abuse has remained on the national and international political agenda, as reflected in treaties, European Union directives and judgments of the European Court of Human Rights.

Within the Roman Catholic Church, attention initially focussed on sexual abuse within relationships of dependency. Bishops who were confronted with sexual violence in domestic situations, and particularly incest, in the course of their pastoral work drew attention to these problems. In the early 1990s instructions were drawn up for providing pastoral care in these situations.

In 1995 the Roman Catholic Church established Help & Justice and drew up a procedure laying down how this organisation should handle complaints of sexual abuse. There was also discussion of how to deal with the 'problem of the priests who do not request or want a dispensation even though they are known to be homosexuals or paedophiles'. It emerged that Rome had issued an instruction that allowed for 'ex officio laicisation' (removal from office as a priest) in such cases. The consequences under criminal law were reviewed. For example, in 1998 a memorandum was drafted addressing the question of whether the Church was obliged to make a complaint [to the police] about sexual abuse by a priest or a brother, even if it was not rape.

In 2001 the Vatican acknowledged the existence of sexual abuse of minors in the Roman Catholic Church for the first time. During the World Youth Days in July 2002, Pope John Paul II called on the young faithful not to be deterred by the faults of some within the Church.

Later, in 2005, Rome issued a protocol requiring the superior or bishop, when a priest or brother was being transferred, to write a statement declaring that to the best of his knowledge the individual concerned had not been guilty of sexual abuse.

In October 2007 the procedure for handling complaints of sexual abuse was expanded to encompass anyone who performed paid or unpaid work in the Roman Catholic Church and to cover victims of sexual abuse who had since died. Several years later, the statute of limitations for sexual abuse under canon law was extended from ten to twenty years and the mentally handicapped and people with psychological complaints were equated with minors for the purposes of the handling of complaints of sexual abuse within the Roman Catholic Church.

### 3. Nature and scale of sexual abuse of minors in the Roman Catholic Church in the Netherlands

What was the nature and the scale of sexual abuse in the Roman Catholic Church in the period from 1945 to 2010? What forms did the abuse take? How often did sexual abuse occur and where? How many minors were victims?

The Commission of Inquiry received around 2,000 reports and notifications between March and December 2010, of which 1,795 related to sexual abuse of minors in the Roman Catholic Church. They included reports made directly to the Commission and reports that were passed on to it by Help & Justice (with the permission of the notifier), the media and the Samson Commission. However, this is not a sufficient number to draw any conclusions about the scale and nature of the sexual abuse of minors in the Roman Catholic Church, since the figures could be distorted as a result of over- or under-reporting.

The Commission of Inquiry therefore had to find other ways of giving a *scientifically sound estimate* of the scale and nature of the sexual abuse. It therefore prepared a questionnaire and sent it to a selection of the notifiers and a sample population of 34,234 Dutch nationals aged 40 or older. It also consulted information from Kaski, a centre of expertise on religion and society at the Radboud University in Nijmegen, and the Netherlands Interdisciplinary Demographic Institute.

The Commission of Inquiry has exercised a certain caution in interpreting the data from the survey, which was conducted by TNS NIPO, because it covers a period stretching back 65 years, the memory is fallible and views differ about what constitutes sexual abuse.

#### *Sexual abuse of minors in the Netherlands*

According to the survey, one in ten Dutch persons have been subjected against their will to sexual advances from an adult who is not a member of their family before

they were 18 (9.7% of the sample of 34,234 Dutch nationals aged 40 years and older). The perpetrator's background was not further specified. The number of Dutch people in the survey that were raised as Roman Catholic is slightly higher than those who were not raised as Roman Catholic. Numerous other factors (such as socio-economic status and cultural differences) could also have played a role. This survey covered sexual abuse in the widest sense of the term: forms of inappropriate behaviour towards minors of every degree of seriousness.

#### *Sexual abuse of minors in institutions*

The Commission of Inquiry investigated how great the risk of unwanted sexual contact with children was in institutions (boarding schools, private schools, seminaries, children's homes). It emerged that the risk was twice as high as the national average, but with no significant difference between Roman Catholic and non-Roman Catholic institutions.

Children in residential institutions of education were vulnerable because there was greater opportunity for (unnoticed) inappropriate behaviour on a daily basis and no parents were present. Parents were also often not sufficiently aware of the situation in the institution where their child was staying. If their child told them that they had been sexually abused, it was sometimes difficult for parents to weigh that information and they often gave the benefit of the doubt to the adults to whom they had entrusted the raising and education of their child and whose authority they did not wish to undermine. Parents knew far more about what their children at day schools were experiencing since they saw their children every day. Consequently, complaints by parents to superiors or school directors prompted a reaction far more quickly.

#### *Sexual abuse of minors by perpetrators working in the Roman Catholic Church*

The study focused on perpetrators working in the Roman Catholic Church. Of the Dutch nationals aged 40 years or older, between one in a 100 (0.9%) and one in 300 (0.3%) have experienced unwanted sexual advances before the age of 18 from a perpetrator working in the Roman Catholic Church.

#### *An educated estimate of the scale of sexual abuse of minors by perpetrators working in the Roman Catholic Church*

The number of victims that grew up as Roman Catholic, spent part of their youth in a Roman Catholic institution and reported being sexually abused by an offender working in the Roman Catholic Church before the age of 18 during the period between 1945 and 1981 is approximately 10,000 to 20,000. Their experiences ranged from very mild to severe.

The total number of persons that have reported sexual abuse by perpetrators working in the Roman Catholic Church in the period 1945 to 1981 comes to several tens of thousands. It can be assumed that several thousands of these victims suffered serious abuse.

#### *Number of perpetrators within the Roman Catholic Church*

The Commission of Inquiry received 1,795 reports of sexual abuse of minors in the Roman Catholic Church. These reports contain information about possible perpetrators. At the beginning of 2011 the Commission of Inquiry drew up a list of them. Inquiries made with dioceses, orders and congregations revealed that a number of perpetrators mentioned by name by the notifiers were not known to the relevant dioceses, orders or congregations. In a number of cases, it was also found that two or more of the names mentioned actually referred to one and the same person, usually because names, particularly religious given names, had been misspelled or corrupted. Information was received from every diocese and from 65 orders and congregations, including 18 congregations of female religious. Two congregations of sisters said that the names supplied (there were three names) provided too little to go on to answer the accompanying questions. No response was received from one congregation of sisters, which was asked about one name. A total of roughly 800 names of perpetrators mentioned in the reports could be traced to individuals who work or worked in dioceses, orders and congregations. At least 105 of those 800 persons are known to be still living. It is not known how many of these individuals are still in their jobs. The relevant bishops and superiors have been informed of this finding by the Commission of Inquiry.

#### *Impression created in the media*

In the early months of 2010 the media started reporting about sexual abuse of minors in the Roman Catholic Church in the Netherlands. The conclusions drawn from an analysis of the reports submitted directly to the Commission of Inquiry generally correspond with the impression created in the media, which is not surprising since the media reports were based on stories of notifiers that also reported to them. The picture portrayed in the media was that abuse occurred mainly in the Roman Catholic Church and was connected with the closed and hierarchical culture of the boarding schools, private schools, seminaries, reform schools and other institutions of the Church. Scarcely any distinction was made in that scenario between different forms of abuse. It occurred frequently and all forms of abuse were equally serious. It was also suggested that there was a culture of covering up abuse.

The impression created in the media about this abuse has to be qualified in certain important respects, partly on the basis of the survey:

First, the impression that sexual abuse of minors occurred primarily within the Roman Catholic Church needs to be qualified. Sexual abuse of minors occurs widely in Dutch society.

Second, the abuse did not occur mainly in educational institutions, although there does seem to have been a specific problem in relation to educational institutions. As the Commission of Inquiry observed earlier, the risk of sexual abuse is greater within an institution than elsewhere. That applies for institutions in general and not specifically to Roman Catholic institutions.

Third, there is a discrepancy between the portrayal of the nature and seriousness of the abuse in the media and the findings of the Commission of Inquiry.

#### 4. Responsibility of the hierarchy

The Commission of Inquiry investigated how bishops and superiors in the archdiocese of the Netherlands exercised their responsibilities and powers between 1945 and the present. In light of the alleged cover-up culture, the Commission examined the degree to which the occurrence of sexual abuse was acknowledged within the Church. The Commission of Inquiry selected seven dioceses and 16 orders and congregations for this study.

##### *Fragmented governance structure*

Persons in authority [Office holders], with their responsibilities and powers, were at the head of an organisation within which sexual abuse of minors occurred. They knew about it, although some may not have realised precisely how serious the problem was. The ecclesiastical archives give an impression of how executives and responsible officials did or did not address the problems.

The management structure of the archdiocese of the Netherlands was and is fragmented. It is based on the principle of the autonomy of the individual dioceses. The bishops are individually responsible for policy within their own diocese. They are accountable for that policy to the Holy See in Rome, the international administrative body of the Roman Catholic Church. The principle of autonomy also applies to religious orders and congregations.

These religious communities have varying degrees of autonomy in relation to the bishops. Bishops used to have substantial authority over lay congregations under diocesan authority and established in their diocese. By contrast, bishops scarcely had any say in the management of the orders.

##### *Measures taken by the church authorities up to the 1950s*

The Commission of Inquiry has found that the problem of sexual abuse of minors received a relatively great deal of attention from the hierarchy throughout the history of the Roman Catholic Church in the Netherlands.

Although sexual abuse was not in itself a commonly used term until 2000, the Commission of Inquiry has found a quite a lot of information about inappropriate sexual behaviour by priests and brothers in ecclesiastical archives for the period up to the mid-1950s. The documentation includes rules and codes of conduct, but also case histories. From the end of the 1940s to the mid-1950s a succession of rules of conduct were issued pertaining to the moral life of religious. The problems were also discussed at numerous administrative meetings. Efforts were made by the authorities in the dioceses and the orders and congregations to get a grip on sexual abuse by officials and representatives of the Roman Catholic Church in the Netherlands. It is therefore impossible to speak of ignorance at management level due to a culture of silence in the various dioceses, orders and congregations during this period. Most of the efforts by the management to tackle the problem were aimed at office holders and representatives of the Roman Catholic Church. The Commission of Inquiry found little evidence in the ecclesiastical or other archives of any help or after-care for victims.

The management response at that time was tailored to the individual perpetrator. There was no structural approach to the problem. The authorities were forced to concede that they did not possess sufficient expertise and sought advice from experts in mental health care. In the 1940s and 1950s the handling of perpetrators of sexual abuse was combined with the care and treatment of priests and brothers with psychological problems in general, which also included problems of a sexual nature.

Some of the perpetrators also had numerous other problems, such as alcoholism and financial problems. Administrators often complained about these perpetrators, who resisted complying with the instructions and rules of their diocese, order or congregation. Some of these perpetrators had already been diagnosed with psychiatric problems in the 1930s. On request, physicians treating them would decide these perpetrators were fit to perform the work they were doing, whether recovery was possible and, if so, what work would be suitable for them.

In the course of its search of the archives the Commission of Inquiry encountered cases of sexual abuse by perpetrators who had themselves been victims of similar abuse in their youth. That abuse had often occurred during their training period with the congregation or order they had joined. For example, clear evidence was found of abuse of their own novices in the Brothers of Charity, generally involving boys between the age of 12 and 15. Local and provincial superiors dealt very circumspectly with such cases of abuse of the order's own novices for fear that such inappropriate behaviour would cause a victim to leave. The Commission of Inquiry

also found abuse of their own novices among the Salesians of Don Bosco, an order about which the Commission received a relatively large number of reports. This congregation had strict standards and rules for dealing with cases of abuse, but they were applied with considerable leniency. There is evidence that sexually inappropriate behaviour towards members of the order may perhaps have been part of the internal monastic culture. When the responsible superiors became aware that cases of abuse were probably or certainly occurring, one of the most common measures taken was to transfer the individual concerned, sometimes abroad. Penance, transfer and possibly treatment were apparently more appealing than expulsion from the order with a view to avoiding the loss of members or preventing a scandal.

The existence of a 'culture of silence' from the outset was not uncommon in organisations, like the congregation, with a strong *esprit de corps*.

At the end of the 1940s and in the first half of the 1950s administrators themselves found that prospective members included a growing number of young men with psychological problems, usually referred to in terms of neuroses. The candidates were already referred to a psychiatrist during their training period. Psychological problems were often not an obstacle to their joining the order. This unwritten policy was contrary to the guidelines from Rome with respect to the selection of candidates, at least if the psychological problems were also related to sexuality or were expressed in physical sexual conduct.

#### *Measures taken by the authorities since the 1950s*

A similar indulgence is apparent with respect to the so-called 'late vocations'. Whereas there were relatively few of these in the 1950s, from the 1960s the number of candidates for whom the life of a priest was mainly a second choice increased. That trend was even more evident from the 1970s, when the age at which that choice of a second life was made also rose significantly. The men concerned had frequently had a previous life, and had even been married. This trend has to be seen in conjunction with the shortage of priests, which had concerned many church authorities since the 1960s.

The closer attention of the church authorities to sexual abuse in the 1940s and 1950s was not confined to the Roman Catholic Church. At that time, the Ministry of Education informed school boards when a teacher was barred for life from teaching because of a criminal conviction for sexual abuse of students. This measure was separate from the additional sentence imposed by the court of prohibiting a convicted person from practising a particular profession, such as that of teacher, for a number of years.

At the time, the criminologist Kempe conducted a study into 135 of these cases, including prosecutions of religious working in education. The Commission of Inquiry did not find records of all these cases in the ecclesiastical archives. In Kempe's study, around 20% of the Catholic teachers whose teaching licence was revoked were members of religious orders. That figure corresponds with the proportion of religious among Catholic teachers in general at that time.

Besides the attention to sexual abuse of minors, there was also greater concern at that time about physical violence, particularly in institutions of education and behavioural training, and more specifically boarding schools and reform schools. From the end of the 1940s, corporal punishment was regarded as highly inappropriate and unwarranted by congregations of priests and brothers that provided teaching and/or behavioural training. Guidelines for teaching congregations in primary education, such as the Brothers of Maastricht or the Brothers of Tilburg or Utrecht are clear about that.

The fact that such guidelines were promulgated, periodically read out and repeated in the context of the teaching congregations implies that they were necessary. This assumption is confirmed by information from reports and the investigation in the archives. For example, the Brothers of Charity's prohibition of physical punishment did not prevent these brothers from treating the children in boarding schools, including Eikenburg and Jonkerbosch, harshly. Former pupils have reported being beaten, not being given food or being forced to stand out in the cold for long periods. The violence also had a sexual connotation. Pupils who were afraid of the unpredictable and violent behaviour of brothers took care to become friends with them, as a result of which it was easier for them to become victims of sexual abuse. The Commission of Inquiry found instances of the use of excessive forms of violence, combined with sexual abuse, involving the priests of the Holy Heart of Jesus in Huize St. Jozef in Cadier en Keer. This abuse came to light in 1959 during the trial of a brother who had been guilty of sexual abuse in Huize Meerssenhoven as well as in Heel. The diocese of Roermond had scarcely investigated and had trivialised earlier complaints that had been cautiously expressed about this conduct.

In the mid-1950s there was a 'crisis' at the home in Harreveld of the (diocesan) congregation of Our Lady of the Seven Sorrows, better known as the Brothers of Amsterdam, which prompted Cardinal Alfrink to visit Harreveld. The superior of the community at Harreveld at the time, who was himself directly involved in the abuse, remained a member of the congregation. Female inspectors from the Child Protection Agency sounded the alarm and the public prosecution service became involved, despite efforts by the brothers to persuade prominent Roman Catholic politicians put in a good word for them.

The research in the archives into the activities of the church and religious administrative bodies shows that the relative prominence given to sexual abuse ended quite abruptly after the mid-1950s, with just a few exceptions in the late 1950s

and 1960s. At more or less the same time, the attempts to help priests and brothers with problems also disappeared from the management agenda of bishops and superiors. That seems to be mainly due to the growing pressure from Rome: many in the Dutch hierarchy were in favour of modernisation of the Church at the time and advocated the abolition of mandatory celibacy. Their attitude was influenced by experts in the field of mental health care, who described celibacy as a risk to mental health. Young priests unilaterally abandoned the obligation to remain celibate, while some people opted for the priesthood in the expectation that the obligation would be abolished. An influential group of cardinals in Rome rejected the position taken in the Netherlands and the obligation on priests to remain celibate was not lifted. Mental health experts argued that the legal requirement of celibacy for joining the priesthood could make priests susceptible to various forms of inappropriate behaviour. The Commission of Inquiry further notes that many of those who felt they had a vocation for the priesthood – often at 12 or 13 years of age – did not realise what celibacy involved. In some cases, their repressed sexuality led after some time to resignation from the priesthood and to marriage.

While the Dutch archdiocese was aware of structural explanations for the dramatic decline in the number of ordinations and the growing numbers leaving the priesthood, administrative bodies in Rome persisted in explaining it in terms of individuals, arguing, for example, that those who left the priesthood had been unable to fulfil their vocation, had lost their idealism and were unable to cope with celibacy. Rome imposed restrictions on the intervention of experts in mental health care. Stronger intervention from Rome in issues affecting the psyche led in the Netherlands to greater reluctance among priests and religious to discuss psychological problems. As a result, the help for these priests and religious became even more concentrated on the individual. This was accompanied by the arrival of independent psychologists and psychiatrists and the creation of Caper, an agency dedicated to treating priests and religious with psychological problems. Caper was also confronted with sexual abuse of minors and its perpetrators.

Because the problem of sexual abuse was defined as a problem affecting an individual, at the time it did not receive strategic or structural attention, despite the fact that responsible officials, including the cardinal, bishops and superiors, were usually aware of the problems.

Since the end of the 1980s the problem of sexual abuse has twice been on the agenda of the Conference of Bishops. The first time it was discussed was in the period leading up to the creation of Help & Justice in the first half of the 1990s. According to the Episcopal Contact Commission *Vrouw en Kerk*, there was scarcely any information available at that time about the nature and scale of sexual abuse in the Netherlands. Although it was regarded as a very serious problem, there was no substantive discussion of it by the Conference of Bishops.

The problem was raised for the second time in 2003 in response to the presentation by the chairman of Help & Justice of a list of 47 reports of sexual abuse that had been received by Help & Justice in 2002. That was an unprecedented number of reports at the time, and around 20 of the reports concerned sexual abuse of minors. The list was noted by the Conference of Bishops.

Throughout most of the 1990s and in the first decade of this century sexual abuse of minors remained secondary to abuse of adults in pastoral relations in the hierarchy's perspective.

At the end of the 1990s Rome offered the bishops the option of intervening in the event of sexual abuse of children through ex officio laicisation of priests who were paedosexuals, but the bishops did not take it up in the succeeding years. The Conference of Bishops had no structural policy with regard to the issue of sexual abuse of minors.

However, the bishops and other ecclesiastical authorities were not ignorant of the problem of sexual abuse either. But two reservations must be noted here:

In the first place, until the end of the 1980s discussion of sexual abuse of minors was taboo throughout Dutch society. The Roman Catholic Church, like other organisations in Dutch society, has a closed administrative structure and culture. You don't hang out your dirty laundry. Sexual abuse of minors was discussed and written about in veiled terms. Furthermore, the need for solidarity and unity had long been fostered in the Catholic community. That discouraged even ordinary Catholics from besmirching the name of the entire religious community and consequently sexual abuse was covered up and measures were not taken in order to avoid any further scandal.

Secondly, the general practice in the dioceses was for the vicar-general to be responsible for implementing decisions, which were often taken in consultation with the bishop or archbishop. In the cases of sexual abuse that were investigated, it was generally the vicar-general who maintained contact with victims and offenders in the diocese or archdiocese. Although the bishop or archbishop was informed about them, he often had no other practical involvement in these matters. In a number of cases, specific action was taken with regard to perpetrators and victims. A relatively large number of cases fell into an administrative grey area: they involved regular priests some of whom did and others did not have a mission from the (arch)bishop. The decision on precisely how to deal with these perpetrators was the responsibility of the provincial superior of the relevant order or congregation. Reporting the case to the police was not part of the administrative repertoire of either the bishop or archbishop or the superior. That was left to the victims and their parents, who were certainly not encouraged to do so. The measures that were taken against perpetrators were mainly internal sanctions, such as transfer, early retirement or (temporary) suspension.

The Commission of Inquiry is critical of the hesitation, and sometimes the unwillingness, of the bishops and superiors to inform the Public Prosecution Service. After all, there is a legal duty to report a case of rape to the Public Prosecution Service.

#### *Measures taken by the authorities after 2010*

It was only after the publicity in the media in the spring of 2010 that it became clear to the religious authorities that sexual abuse of minors had been underestimated, the serious implications of which are only now becoming fully appreciated.

A factor in this is the tension that even now still exists between the official views on sexuality and generally accepted forms of relationships between adults.

This tension inherently brings with it risks in relation to the admission of priests. The Commission of Inquiry doubts the adequacy of the chosen combination of specific selection criteria and spiritual guidance in the training institute. For example, even in the 1980s men who were deemed unsuitable were admitted to the priesthood in the diocese of Rotterdam contrary to the recommendations of the selection committee, a number of whom have been guilty of abusing minors. No form of correction whatever was imposed for their offences and misconduct or precautionary measure taken to prevent a repeat of their offences and misconduct, although it was announced that there would be.

#### *The issue of celibacy*

Celibacy is an important subject because the question has been raised of whether it could possibly be a factor in explaining the occurrence of sexual abuse in the Roman Catholic Church. There is no scientific evidence to support the assertion – expressed both in the media and in church circles – that celibacy is the sole explanatory factor for the degree to which sexual abuse occurs within the Roman Catholic Church. This assertion would imply that sexual abuse occurs significantly more often in the Roman Catholic Church than in other similar contexts (non-Roman Catholic institutions). However, that is not the case judging by the results in the survey carried out by TNS NIPO for the Commission of Inquiry.

On the other hand, equally it is not possible to conclude that there is therefore no connection in light of the study of the archives and the interviews carried out by the Commission of Inquiry. We are talking here of the requirement of celibacy within the Roman Catholic Church, the legal link between priesthood and the obligation to live in celibacy. It is that obligation, mental health experts have stressed, that can make priests and religious vulnerable to practising various forms of inappropriate behaviour. The Commission of Inquiry further observes that many who felt they had a vocation for the priesthood – often at the age of 12 or 13 – did not realise at the time what the obligation of celibacy meant for them personally. From the case studies the

Commission of Inquiry concludes that in a number of cases, particularly up until the 1960s, this led to a reaction to 'repressed sexuality', followed after a period of time by resignation and marriage. It is therefore not regarded as inconceivable that the problems addressed in this study would not have occurred, or would have occurred to a lesser extent, if celibacy had been voluntary.

Seen in the historical and socio-cultural context of the period from 1945 to the present day, the taboo surrounding sexuality that existed for so long in the Roman Catholic Church and in other sections of Dutch society is noteworthy. As regards the Roman Catholic Church, there is still a serious tension between the official attitude towards sexuality and generally accepted forms of relationships between adults.

This tension inherently brings with it risks in relation to the admission of priests. It must be doubted whether the chosen combination of specific selection criteria and spiritual guidance in the training institute is adequate. The requirement of celibacy as the primary selection criterion (because without it there is no ordination as priest) in fact calls for a different type of training and counselling than purely spiritual.

#### *Help for and attention to victims*

Victims have only gradually started receiving attention since the 1990s. In the last few years reports of sexual abuse have regularly led to meetings between the victim and the perpetrator. In most cases, the perpetrator or the responsible administrator has expressed regret. Apologies and compensation generally date from after 2000.

The findings of the study support the Commission of Inquiry's impression that before the 1990s important motives for the Roman Catholic Church to contact victims and try to reach a settlement with them were to avoid damage to its reputation or a report to the police. In the past the confessional was sometimes used to warn victims to remain silent. The study shows that bishops and superiors did not contact the victims themselves unless there was no alternative. That was often the case because of complaints by parents, priests or others involved – whether or not accompanied by a threat to inform the police and the public prosecution service.

The social position and status of the complainant influenced the reaction of these administrators. The Commission of Inquiry suspects that underage victims also realised that and perhaps did not raise the alarm for that reason. Furthermore, young victims were often not taken seriously by those close to them. They were told to remain silent. There were also instances where victims were seen as having provoked the abuse.

Perpetrators of sexual abuse were often subjected to pressure by their confessor to retire. This is apparent from applications to be discharged from their vows by a number of religious who had been guilty of sexual abuse. The Commission of

Inquiry was unable to establish whether that pressure was exerted to prevent more victims or to protect the reputation of the order.

*Consequences of sexual abuse for victims*

The Commission of Inquiry refers to an extremely important principle for assessing sexual abuse of minors in the Roman Catholic Church between 1945 and 2010:

*The scale of sexual abuse of minors in the Roman Catholic Church is relatively small in percentage terms, but it is a serious problem in absolute numbers. Several tens of thousands of minors experienced mild, serious or very serious forms of inappropriate sexual behaviour.*

Victims have often suffered for decades from the effects of abuse and have received little acknowledgement of the fact. This has caused problems for them, their immediate family and their friends, who require attention and sometimes professional counselling.

According to the Commission of Inquiry, it is impossible to reach any firm conclusions about the relationship between sexual abuse and psychological symptoms or complaints, since psychological complaints are often influenced by a complex combination of many factors. Research into the connection between sexual abuse and psychological symptoms or complaints is extremely difficult. With that in mind, the Commission of Inquiry is unwilling to express any general conclusions about whether, and if so to what extent, the sexual abuse that has been reported is responsible for any existing or earlier psychological problems. The study did show that persons who reported to the Commission of Inquiry as victims of sexual abuse reported more psychological complaints than victims of sexual abuse within the Roman Catholic Church in the survey did.

Nevertheless, the Roman Catholic Church has a moral duty to take seriously and assist persons who are suffering from complaints and attribute them to experiences of sexual abuse that involved perpetrators working in the Roman Catholic Church.

This moral duty applies in particular because the Roman Catholic Church portrays itself publicly as a guardian of moral standards and values. For many people inside and outside the Church, it is precisely the violation of those standards and values by persons working in the Church that causes a sense of dismay.

## 6. Conclusion on sexual abuse of minors in the Roman Catholic Church

The Commission of Inquiry investigated the occurrence of and explanations for sexual abuse of minors within the Roman Catholic Church in the Netherlands in the period from 1945 to 2010. To learn about the nature and scale of this abuse it used empirical data from reports of incidents and a large-scale survey of the Dutch population. For the findings on administrative accountability, the Commission of Inquiry conducted research in the archives of seven dioceses and 16 congregations and orders. The main conclusions are:

- The scale of sexual abuse of minors in the Roman Catholic Church in the period 1945 to 2010 is relatively small in percentage terms, but is a serious problem in absolute numbers. Several tens of thousands of minors have experienced mild, serious and very serious forms of inappropriate sexual behaviour. Victims have often suffered for decades from the effects of abuse and have received acknowledgement of the fact.
- Bishops and other church authorities were not ignorant of the problem of sexual abuse. Moreover, in the view of the Commission of Inquiry, in many cases they failed to take adequate action and paid too little attention to victims.

## 7. Recommendations

### 1. Public accounting

The Commission of Inquiry refers to the importance of uniform action in the Roman Catholic Church to contribute, together with the victims, to helping redress the suffering caused through recognition, help, compensation and after care both now and in the future. This uniform approach calls for open communication among bishops and between bishops and superiors. Bishops and superiors should give a public accounting of their efforts with victims and others to facilitate easy access to recognition, help, compensation and after-care in an annual report .

### 2. Admission, education, counselling and personnel policy

The bishops and superiors are called on to critically review and wherever possible harmonise the admission, training and counselling of priests and religious and to improve personnel policy by increasing its professionalism and through closer cooperation or even centralisation.

### 3. Talks between the Roman Catholic Church and the victims

The findings of the research into psychological complaints give an indication of how the Roman Catholic Church should engage in a dialogue with victims of abuse: this is a group that deserves serious attention and whose problems cannot be lightly brushed aside. The Roman Catholic Church should establish and maintain facilities to provide counselling and help for this group.

First and foremost, these facilities should include a centre of expertise that can refer victims to professional aid agencies. This centre should be one in a chain of agencies that victims of sexual abuse can report to. Victim Aid Netherlands and the umbrella organisation of groups representing victims of sexual abuse should have a prominent place in this chain.

### 4. Further research into the role of psychiatry

Further research is needed to clarify the criteria that these, mostly independent, practitioners had to meet. However, the Commission of Inquiry also finds that in the 1970s and 1980s bishops and superiors in this situation also relied on new centres of reflection and the provision of help, often established by orders and congregations of priests, both in the Netherlands and elsewhere. It is doubtful whether these centres were genuinely equipped to treat those who were guilty of sexual abuse of minors.

## 5. (Supporting) evidence

Where necessary, the Commission of Inquiry wishes to refer the complaints committee to information that has only come to light recently and which could be important for complainants in cases that have already been dealt with. At the same time, the Commission of Inquiry wants the complaints committee to be able to request access to any (supporting) evidence that may be contained in the research data collected by the Commission of Inquiry in the future. The Commission of Inquiry cannot provide that access because with the publication of this final report it will cease to exist and its archive will be transferred to the National Archive. An arrangement will therefore be made with the National Archive to allow this information to be supplied while at the same time guaranteeing the privacy of the notifiers and safeguarding the confidentiality of the information.

## 6. Other forms of handling complaints

Besides an effective complaints procedure, it is important to be able to handle complaints outside the formal procedure. The current complaints procedure already formally allows for mediation, for example, although only limited use is made of that option in practice.

## 7. Financial compensation

Help alone is not enough to provide redress for victims. Financial compensation is an essential element of the reparation that must be made to the victims. The Commission of Inquiry last year proposed a general arrangement that can now be applied following the adoption of the proposals of the Lindenbergh Commission.

## 8. Contact person in the Roman Catholic Church

Communication with the victims will be a lengthy process at a time when many orders and congregations are faced with an ageing and declining membership. In several years some religious institutions will be so small that they will no longer be able to function as a contact point. It is therefore important for the Roman Catholic Church to engage in a dialogue with victim groups and individual victims. This calls for a distinct contact person, who should logically be one of the existing bishops to be selected in consultation with the Conference of Dutch Religious.

The Commission of Inquiry concludes with a recommendation directed via the Bishops Conference and the Conference of Dutch Religious to the government.

## 9. Tackling a widespread and serious problem: sexual abuse of minors in the Netherlands.

‘Child abuse is a constant phenomenon that occurs in many forms,’ the Health Council said in an advisory report published this year. More than 100,000 children are abused every year in the Netherlands alone. Mentally, physically, but also – as the data from the research for that report showed – sexually. It is a major social problem, according to the Health Council. These comments by the Health Council underline the importance of the final report of the Commission of Inquiry and several other recently completed or ongoing investigations. This final report confirms the principal conclusions of the Health Council’s report.

This major – and unfortunately growing – problem is also apparent from the report of the National Rapporteur on Human Trafficking mentioned in Chapter 1, which was presented to the Ministers of Security and Justice and Health, Welfare and Sport on 12 October 2011.

There is no obvious solution to this problem. As the National Rapporteur on Human Trafficking recommended, the government has an important role to play in this by providing central direction in prevention, identification, registration, investigation, prosecution, trial and provision of help and after-care. This combination is the best way of curbing this problem and preventing new victims. But central direction also involves cooperation with other parties. Many of the reports received by the Commission of Inquiry concerned cases that occurred 30 years ago. What is now expected of the Roman Catholic Church is to rectify and make up for the wrongs that were committed then. That calls for recognition, help, compensation and redress.

At roughly the same time as the Commission of Inquiry, the Samson Commission commenced its investigation into sexual abuse in juvenile care institutions and foster families. The commissions have different principals, different mandates and terms of reference and different approaches. The two commissions remained in contact with each other and shared information, also to avoid duplication and losing time in completing their studies. The Commission of Inquiry is now producing its final report. The Samson Commission’s final report will appear later. Naturally, the Commission of Inquiry cannot anticipate the findings, conclusions and recommendations of the Samson Commission. The Commission merely expresses the hope here that through the aforementioned advisory reports and the reports of the Health Council, the National Rapporteur on Human Trafficking, its own final report and the final report of the Samson Commission the sexual abuse of minors will receive the comprehensive public and political attention that the Commission of Inquiry feels it requires.

The Commission of Inquiry calls on the Bishops Conference and the Netherlands Conference of Religious to urge the government to adopt an integrated and effective strategy to tackle sexual abuse of and the use of violence against minors.