

# Sexual Violence in the Catholic Church France 1950 – 2020

## Final Report French Independent Commission on Sexual Abuse in the Catholic Church (CIASE)

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**Note:**

**The report refers to two different types of annexes:**

- Those which are found in the body of the report which are referenced under “Annex N° X”.
- Those which can only be found online at [www.ciase.fr](http://www.ciase.fr) and which are referenced under “Digital Annex” N° X”.

**Please note that all annexes are only established in French**

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## PRESIDENT'S FOREWORD

“But if anyone causes one of these little ones who believe in me to sin, it would be better for him to have a large millstone hung around his neck and to be drowned in the depths of the sea”. (Matthew, 18:6)

“We are all responsible for everything and everyone and to everyone, but I am more responsible than all the others”. (Emmanuel Levinas)

1/ Over the last two decades, our societies have discovered, with a growing sense of horror and indignation, that many of our children have suffered from sexual violence. Early warning signs began to be heard in the 1990s in the United States and Ireland and since then, more and more revelations spanning many other countries, have come to light. Sexual violence, which comprises an immensely serious attack on the dignity, as well as the physical and psychological integrity, of the individual has affected, of course, all social environments, from families upwards. However, very early on, the finger was pointed at the Catholic Church which was accused with particular severity for the sheer number of cases, the extremely serious nature of the violence committed under its auspices and for its concealment of the facts. Denial, the use of euphemisms in reference to abuse, a culture of secrecy and silence, the fear of scandal (the idea of scandal being distorted into the protection of the institution at all costs, instead of the scandal being - even in accordance with the very terms of the Gospel – the harm caused to children) – are all characteristics of a certain culture within the Catholic Church which delayed any real awareness of the seriousness of the wrongdoing and the implementation of appropriate measures to prevent these crimes, punish their perpetrators and repair the harm done.

2/ For a time, it was thought that France might, in the Church as in society as a whole, have been less exposed to the scourge of child abuse than certain countries, other than in a few very small circles singing its praises in the early 1970s. This illusion has unfortunately been dispelled. Sadly, there is no “French exception”. Every year, every quarter, every month brings with it its share of damning revelations, confirmed by the most recent surveys. According to the annexed study carried out by Inserm on behalf of the CIASE, 14.5% of women and 6.4% of men aged 18 and over suffered sexual abuse during their childhood<sup>1</sup>, which means that more than 3,900,000 women and 1,560,000 men - i.e. about 5,500,000<sup>2</sup> adults living in our country - were sexually abused as children. It is estimated that 160,000 minor children are sexually abused every year in France. Such figures are staggering and question our entire society.

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<sup>1</sup> Nathalie Bajos, Julie Ancian, Josselin Tricou, Axelle Valendru, *Sociologie des violences sexuelles au sein de l'Église catholique en France (1950-2020)* Inserm-EHESS p. 427. Cf. Digital Annex 27

<sup>2</sup> These estimates result from extrapolation of data from the general population survey, the main results of which can be found in the study mentioned in note 1.

Little by little, we are beginning to realise the extent of this social and human disaster, which for the countless victims and their families, touches the very depths of their beings. The President of the Republic's announcement on 23 January 2021 of the creation of an independent commission on incest and sexual violence against children was, therefore, very welcome. The commission would be responsible for gathering testimonies of the victims, for giving an opinion regarding the extent and seriousness of the problem and for proposing public policy measures commensurate with the trauma.

3/ For its part, the Catholic Church had opened the way in an atmosphere also dominated by the growing revelation of sexual assaults committed by priests and members of religious orders and by the increasing frenzy around the so-called Preynat-Barbarin affair in Lyon: the priest – Preynat - having committed numerous sexual assaults on children and his superior – Barbarin - having, like his predecessors, failed to report the former to the justice system or to take the necessary preventive measures immediately\*. The organisation “*La parole libérée*”, for victims of Father Preynat, played a decisive role in revealing the abuse, cover-ups and procrastinations of Church leaders and without the organisation's investment, this important affair would not have received the attention it did.

It was in this context, in November 2018, that the Conference of Bishops (CEF) and the Conference of Sisters and Brothers of France (CORREF) decided to create an independent commission to cast light on sexual abuse committed in the Church by members of clergy and religious orders, and asked me to become its president.

4/ The Commission's mandate was, as I had requested, broad and clear. Its mission was to cast light on sexual violence in the Catholic Church since 1950, i.e. over a long period of time, permitting it to gather testimonies from anyone who had suffered sexual abuse in the Church; to analyse the way in which such violence was, or was not, dealt with; to assess the measures taken by the Church and to make any useful recommendations. While the Commission was to focus on the abuse of children, its scope of investigation also included vulnerable adults. The two Conferences mandating the Commission undertook to provide it with all the means necessary for its work and to guarantee access to its archives. They scrupulously respected its independence. Never before in my professional life had I accepted an assignment where its every term was acceptable to me from the outset. And, despite occasional difficulties, these terms were respected.

5/ My first task was to compose the Commission and its support team without any outside interference. I needed to ensure that all the skills and experience which would be required to execute the difficult task ahead were represented. I was also mindful of the diversity of religious and philosophical beliefs of the people I would be teaming up with, as well as their personal credentials, integrity and impartiality. Two thirds of the Commission were made up of people I had never met personally and they scarcely knew one another. The Commission would not, therefore, have any basis for entertaining a group bias.

6/ The Commission's work was based on in-depth historical and sociological investigations carried out by research laboratories, using, essentially, interviews with victims, a questionnaire filled in by victims, a general population survey on sexual violence and as many relevant archives as possible, whether from civil institutions such as the justice system, the police, the *gendarmerie* and the press, or whether from the Catholic Church itself. Studies were also carried out on the perpetrators of violence.

\*See page 16 the text communicated by Mgr Barbarin in conformance with his right of reply.

However, the Commission had no intention of delegating its work to third parties, no matter how qualified these latter might be. Its members, all of whom worked on a voluntary basis, were committed to sharing their skills and experience and to engaging in uncompromising, sometimes passionate, debate and deliberation, which was always respectful of the opinions of others, both in plenary meetings and in the many working groups that were set up. They were also personally involved in dozens of hearings with representatives of victims' support organizations and groups, representatives of the Catholic Church, of the two Conferences having mandated the Commission, psychiatrists, psychoanalysts, psychologists, historians, social science researchers, theologians and experts from all walks of life who would be able to shed light on their work.

The Commission was conscious that it may struggle to investigate absolutely everything in the short time available to it, but it nonetheless made a huge effort to leave no stone unturned or neglect any potentially enlightening path: it turned to members of the diocesan and congregational help and support centres; to priests of all generations who carry the burden of their colleagues' behaviour; to those responsible for the training of priests; to those responsible for internal control systems and risk management structures in public and private institutions; to public authorities and to leaders of other faiths.

7/ The Commission also planned to do more, to do something else, and this is undoubtedly what makes its approach original. It wanted to “put the victims at the centre”<sup>3</sup> of its work, as per the advice of Sister Véronique Margron, President of CORREF. It therefore decided to listen to and gather the words of the victims and launched its work with a call for testimonies. Scientific analysis, as indispensable and thorough as it undoubtedly is, cannot be sufficient to really know, to really understand. The work was nourished by its multi-disciplinary approach, but it went further than that. It had to multiply points of view and perspectives. It was necessary for the members of the Commission to listen personally to the men and women who had suffered sexual violence and to listen to them not as experts, but rather as human beings willing to expose themselves and confront, personally and together, a dark truth. By plunging into the heart of the matter, the Commission wanted to assume its part of the common humanity - here wounded and painful - which we all share. How can we know and understand the reality of the situation, let alone hope to draw conclusions from it, if we are incapable of letting ourselves be touched by the suffering and isolation and, very often, the shame and guilt borne by the victims? The experiences of the victims formed the basis of the Commission's work.

Hundreds of people who have suffered sexual violence have been heard and thousands of oral and written testimonies have been collected and analysed. Month after month, the members of the Commission took stock of the profound after-effects such serious harm often leaves on people, especially children, who have suffered it. Their consequences are not easy to measure as they create a real, lasting obstacle to living and to being. Listening to the victims has also clarified the mechanisms by which this violence is generated and its long-term traumatic consequences. These life stories helped us to understand the context in which the violence occurred, the *modus operandi* of the predators and their alibis, pretexts and falsely educational or pseudo-religious justifications. Light was shone on many other subjects too, such as whether families were aware of the violence suffered by victims or the reactions of the families and those of the Catholic Church when it was brought to their attention.

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<sup>3</sup> Véronique Margron, *Un moment de vérité*, Albin Michel, March 2019, p.138.

Over and above the act of talking and being listened to, the victims were directly involved in the Commission's working group devoted to the themes of recognition, responsibility and reparation.

Over time the Commission became convinced that the victims held the key to a unique knowledge about the sexual violence suffered and that only they could grant us the access which could lead to this knowledge being imparted. So, our mandate was no longer simply a question of investigating, looking after or reporting to the judicial authorities, but of empathy and deep understanding. These people were victims who became witnesses and, in this sense, active players in establishing the truth. It is also *for* them that this report was conceived and written and not solely for the mandators who commissioned it. It is on this singular and invisible exchange that the report has been built - and without any of this having been clearly thought out in advance.

And, when the lead weight of silence smothering the crimes began to crack and fracture and send shock waves through society leading to the support of public opinion, it was due to the courage of the victims who, in overcoming their pain, took it upon themselves despite endless hurdles, to talk about what had happened to them, first in small circles, then to those in charge and finally to the justice system and in public. Without their words, our society would still be living in ignorance, or denial, of what happened.

The Commission's report, therefore, is impregnated with the singular, often-overwhelming experience of meeting people who have suffered, and recognising that they have suffered, from sexual violence, as shown by the constant references to their words and to the actual facts directly collected from them. The long path has been harrowing for many victims for whom it has opened deep wounds and the Commission is intensely conscious of this. The experience has not left its members or, more broadly, all who have worked with the Commission, unaffected either. There has been an emotional cost and the people involved have frequently been shaken, hurt or downright appalled but they have come through this changed, and more determined than ever to show themselves worthy of the trust invested in them.

8/ Although the Commission has left no stone unturned in carrying out its mandate to the best of its ability, it approaches the moment of delivery of the report with great humility. This humility is in absolutely no way feigned or simply a rhetorical device adopted in order to voice its overview of the situation, diagnosis and 45 recommendations all the more vehemently.

The Commission has endeavoured to document as fully as possible the subject of sexual violence in the Church and the different types of abuse that have fuelled it. The report makes a diagnosis and it draws consequences. It does not, however, claim to know everything, nor to have reached the end of this painful path. Over the next few years, other work, undertaken by the Church, the State or research teams, will come to complete, temper or correct what the Commission has begun to clear and bring to light, if only the immense number of people affected by this violence, which goes well beyond simply the Catholic Church.

In no way, therefore, does the Commission claim to hold THE truth, and even less the WHOLE truth about sexual violence in the Catholic Church. Nor does it claim to impose, or even provide, THE solutions. It has merely sought to establish the facts as fully, fairly and impartially as possible and to try and understand how this situation could ever have arisen. So as not to allow pseudo-certainties to creep in, the Commission has tried, when necessary, to "argue against itself".

Now, at the end of its work, the Commission believes, as Archbishop Desmond Tutu once put it - in a different place and in a different context - that it has gathered “enough truth” to express itself and to propose directions the work could take in the future. Its responsibility in no way replaces that of the Church. But once it had been given a voice, it had a duty to dig deep and to provide an account of its work and thoughts on the matter.

9/ Sexual violence committed against children or vulnerable people, no matter the environment in which it happens, is a deathly act that creates an inner and infinite devastation of the being. Most of us were not fully aware of this when we started our work. Such violence is even more intolerable when it occurs in an institution, such as the Catholic Church, whose mission is to transmit salvation and life, and which refers to the words of the Gospel: “...as you did it to one of the least of these my brothers, you did it to me” (Matthew 25:40). The Commission was intensely aware that the abuse which took place within the Church represents a betrayal of its mission and of the message of the Gospel.

For this reason, it is vital to examine in depth the link in the Church between abuse of authority, spiritual abuse, abuse of conscience and sexual abuse and to draw all the consequences. The Commission noted that Pope Francis expressed himself forcefully on this question in his *Letter to the People of God* of August 2018 while Monseigneur de Moulins-Beaufort, then auxiliary bishop of Paris, now archbishop of Reims and President of the CEF, stressed with acuity the risk of abuse in an educational relationship.<sup>4</sup> The Commission feels the need to place particular emphasis on this aspect, which it feels to be one at the root of the evil and which, consequently, provides a major source of inspiration for its recommendations. A warped concept of authority, of the sacred and of educational and spiritual guidance has played a huge role in the terrible mistakes that have been made.

These wrongs have been committed by real individuals and these individuals have a name. They are crimes and they are offences which require sanctions commensurate with the gravity of the acts committed. But sexual violence is also, in the Church as elsewhere, an inseparable combination of personal, collective and institutional wrongs and failings. The personal responsibility of the perpetrator is never exclusive; it is inseparable from an authority and an environment which should have offered protection, and yet proved to be absent, deficient and sometimes actually even involved in the abuse. What the sociologist would identify as a “systemic” element, the Catholic sees as a “structure of sin”, this notion being applicable to many situations that the Commission has encountered - far beyond the reaches of the social doctrine of the Church - where the dignity of the human person has been trampled over by a set of perverse and evil interactions.

10/ The issue of sexual violence in the Church is unfortunately not closed, despite the measures that have already been taken, especially in the last two decades. We must be careful not to consider it as a thing of the past.

Faced with so many historical or recent traumatic cases, there can be no question of “turning the page” to a more positive or irenic agenda. The future cannot be built on the denial or burial of these painful realities, but only on their full assumption. It is essential that the men and women who have suffered in body and mind from sexual violence in the Catholic Church are ensured real justice. Consequently, everything must be done to repair, as far as possible, the

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<sup>4</sup> Eric de Moulins-Beaufort, *Que nous est-il arrivé ? De la sidération à l'action devant les abus sexuels dans l'Eglise* pp.35-36 in *Nouvelle revue théologique*, Tome 140, N°1 January-March 2018.

harm done to victims and to help them to rebuild their lives. An “instaurative break”<sup>5</sup> must be initiated in order to eradicate the atmosphere in which the abuse, as well as the impunity given to such acts, have flourished. Such a step forward cannot bypass the need for a humble acknowledgement of responsibility from the Church authorities for the mistakes and crimes committed under its auspices. This will involve taking a path of contrition – on a level with the scale of suffering – which cannot be conceived and covered in a matter of days or weeks.

After all that has happened, there can be no common future without work towards truth, forgiveness<sup>6</sup> and reconciliation and this applies to the Church as much as to civil institutions. The Commission has tried to contribute to this search for the truth. It is now up to the Church to seize on it, follow it up and regain the trust of Christians and the respect of the French people in whose society it has a full role to play. It is imperative to re-establish an alliance which has been severely tested.

This is my colleagues’ and my deepest hope.

Jean-Marc Sauvé

President of the Independent Commission on Sexual Abuse in the Catholic Church

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<sup>5</sup> Michel de Certeau, « *La rupture instauratrice ou le christianisme dans la société contemporaine* ». *Esprit* 1971 pp. 1177-1214. Quoted by Véronique Margron, op. cit. p. 147.

<sup>6</sup> Reference to the title of Desmond Tutu’s book: “No Future without Forgiveness”, Truth and Reconciliation Commission Report, 2000. It goes without saying that the notion of forgiveness cannot be distorted into easy absolution of the perpetrators or an insistence on victims forgiving their persecutors. Forgiveness is the prerogative of the victims. Before it can be granted, it must be humbly requested.

\*Exercise of Mgr Barbarin's right of reply under article 61V of the law of June 21, 2004 and the decree of October 24, 2007.

On January 30, 2020, Cardinal Barbarin was acquitted of the charges brought against him. The Court of Cassation has since confirmed this acquittal.

Justice has definitively retained that the offence of non-reporting of sexual assaults on minors was not constituted neither in its moral nor its material element.

On the contrary, the investigation showed that Cardinal Barbarin had encouraged one of the founders of "La parole libérée" to find victims of Father Preynat whose actions were not time-barred and to file a complaint.

The Court of Appeal of Lyon recalls this in its judgment.

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Response to Mgr Barbarin: § c, page 283, clearly informs the reader of the rulings of the Lyon Court of Appeal and the Court of Cassation which exonerated Cardinal Barbarin from the obligation to denounce the facts and acquitted him.

# SUMMARY

This report charts the work undertaken by the Independent Commission on Sexual Abuse in the Catholic Church (CIASE),<sup>7</sup> which was formed by Mr Jean-Marc Sauvé, honorary vice-president of the *Conseil d'État* (Council of State), further to a mission statement addressed to him on 20 November 2018 by Monseigneur Georges Pontier, then President of the Bishops' Conference of France (CEF) and Sister Véronique Margron, President of the Conference of Brothers and Sisters of France (CORREF).

## 1. Creation and Methodology of the CIASE

**A Commission comprised of twenty-one voluntary members, set up by Mr Jean-Marc Sauvé at the request of the CEF and the CORREF, operating with complete independence. Data collection organised by three research teams and hearings and interviews conducted by the members of the Commission themselves.**

The joint decision of the two conferences indicates the salutary desire – comparable to that progressively taken over the last fifteen years by other countries such as the United-States, Chile, Australia, Ireland, the Netherlands, Germany, Belgium and the United Kingdom – to shed light on the sexual violence perpetrated since the post-war era by Catholic priests, deacons and members of religious orders on children or vulnerable persons. In France, as elsewhere, the highlighting of various cases by the media may well have acted as a catalyst in the demand for transparency and this report is the first concrete outcome of just such a demand. The CIASE, therefore, is not blind to the fact that, even if representatives of the French Catholic Church wanted the Commission to be set up, it actually came to be created mainly thanks to the determined action of victims of the violence which it is the Commission's task to study.

The twenty-one members of the Commission (*cf.* list in annex), which in the interest of impartiality to all the parties concerned does not include any members of the church or any victims, have been chosen for their competence in the broad range of social sciences involved in the study: law, medicine (psychiatry in particular), history, sociology, psychology, ethics, the politics of social and health care and theology. It comprises an almost equal number of men and women of all ages and different religious beliefs as well as agnostics and atheists. All members worked on a voluntary basis, assisted by a small, almost entirely part-time team comprising, around the secretary general and the general rapporteur, six to seven rapporteurs, a project co-ordinator, one to two collaborators and three trainees over the thirty-two months of work that began with the constitutive meeting of 8 February 2019. Associated members, mainly retired legal professionals, gave their time freely to help with the many hearings of victims or to refer cases to the court in the prescribed legal manner (Article 434-3 of the Criminal Code).

The CEF and the CORREF, the two mandators, allocated the financial resources necessary for the accomplishment of the Commission's mission, without any right of review as to the validity of their use, only as to their lawfulness and accuracy. Most of the expenditure went on research and on the appeal for testimonies, which added up to an estimated cost - by

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<sup>7</sup> See below, in the methodological preamble to the report, the box explaining the residual use of the term 'abuse' – which could be interpreted as a euphemism - and indicating, as the reader can verify in the report, the report's preferred option: the term 'violence' or 'aggression'.

late 2021 - of 2.6 million euros. It should be noted that staff expenses have been kept to a strict minimum since the President, the members – including researchers in their roles as directors of studies – the associated members, some of the rapporteurs and the general secretary were all volunteers. Their commitment is estimated at 26 000 hours' work in total, representing the equivalent of 1.2 million euros, based on the UADF<sup>8</sup> hourly rate for its own volunteers. The total cost of the CIASE's work, adding together the financial cost to the mandators plus the valorisation of the work of all the volunteers who have worked for the Commission, can therefore be valued at 3.8 million euros.

The report begins with a methodological preamble summarising the work undertaken, placing it within the overall logic which underpins the CIASE's approach, while at the same time pointing out the constraints which the Commission came up against - the problem of making itself known to victims or witnesses and then of inciting these persons to talk, even under cover of anonymity; the slow process of identifying archival holdings and of fine-tuning the legal guarantees needed to access them; the consequences of the COVID-19 pandemic health restrictions etc.

During the first three months of its existence, the CIASE's activity consisted of determining the Commission's approach, setting the exact perimeters of its investigations and implementing research and data-collection projects:

– An appeal for testimonies as the basis of a socio-demographic study led by a team from Inserm (*French National Institute of Health and Medical Research*) under the direction of Ms Nathalie Bajos, which included an online questionnaire and interviews as well as a vast general population survey (*cf. Digital Annex 18*)<sup>9</sup>. The appeal for testimonies was launched on 3 June 2019, came to an end on 31 October 2020 and resulted in 6 471 contacts: 3 652 telephone calls, 2 459 emails et 360 letters processed by the team of France Victims. An anonymous online questionnaire, managed by the polling and market research firm, IFOP (*Institut français d'opinion publique*) was sent to these contacts with the aim of adding information to the Inserm analysis. 1 628 questionnaires were completed which, in turn, led to 69 research interviews. The general population survey took place online between 25 November 2020 and 28 January 2021 and was based on quota samples of 28 010 persons aged 18 and over; this was also managed by IFOP.

– An archival and socio-historical research project led by a team from the *École pratique des hautes études* (EPHE) under the direction of Mr Philippe Portier. This research was based on five types of source material:

- Firstly, the answers to a questionnaire sent to all bishops and major superiors of the institutions affiliated to the CORREF concerning the content of their archives in relation to the CIASE's study.
- Principally, the archives of the Church of France, including centralised archives and those of 31 dioceses and 15 institutes including historical, current and "secret" archives. Only two refusals were to be deplored, one from a diocese and one from an institute.

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<sup>8</sup> French Union of Diocesan Organizations. This union is the administrative provider of the French Bishops' Conference.

<sup>9</sup> This system of survey (quantitative and qualitative) has been approved by the Inserm national ethics committee (Opinion N°20-667).

- Additionally, public archives - thanks to the derogations obtained by the researchers - mainly those of the Ministry of Justice, the Ministry of the Interior (the legal branch of the police force) and the *gendarmerie nationale*.
- A questionnaire-led survey of forty-eight members of clergy and religious orders on the evolution of training methods to chastity.
- Subsidiarily, all the testimonies addressed directly to the CIASE or the very many which are publicly available.
- Even more subsidiarily, publicly available sources including public statistics and French press data bases.

– A socio-anthropological study led by a team from the *Fondation Maison des sciences de l'homme* (FMSH), under the direction of Ms Laëtitia Atlani-Duault (University of Paris, French Institute for Research on Development, IRD). The first section of the study is based on a close study of all the victims' testimonies to the CIASE which is separated into two bodies of work: a) the 153 hearings of victims who bore witness during meetings with CIASE members and whose hearings have been transcribed and authorised by their authors and b) the 2,819 letters and emails sent to the CIASE. This work made it possible to select the most representative of victims' verbatim accounts confided to the CIASE and to quote the victims' words throughout the report citing them, in particular, as the headings of each chapter as well as in the literary memorial entitled "*From Victims to Witnesses*." The second part of the study consisted of an analysis of the treatment of the CIASE's subject of investigation and, more specifically, of the media coverage and treatment of sexual violence against children in the Church in France from the 1950s to the present day, based on two bodies of work: a) news programmes of the main French television channels between 1990 and 2020, b) articles from four major titles of the national daily press from 2016 to 2020.

– A series of eleven research interviews with members of the clergy having perpetrated acts of sexual assault (*cf.* Digital Annex 28). These interviews were conducted, under the direction of Mr Philippe Portier, with ten priests and one deacon who had contacted the CIASE directly in response to the appeal to bishops and major superiors launched by the Commission. Additionally, Ms Florence Thibaut led the study of the personality analysis and psychiatric reports contained in 35 judicial files of ecclesiastics convicted for crimes falling within the scope of the Commission's investigation (*cf.* Digital Annex 30).

– Finally, a series of twenty interviews with priests and seminarists, of differing profiles and from all over France, led by Ms Alice Casagrande, Mr Stéphane de Navacelle and Ms Laëtitia Atlani-Duault. Scientific analysis of their words was provided by Ms Laëtitia Atlani-Duault.

In addition to these research projects and the interviews to which they gave rise, the Commission made use of three other types of interviews:

– 73 interviews<sup>10</sup> during plenary sessions with specialists, experts, keynote speakers as well as victims - in individual and group contexts - and several interviews of representatives of the Commission's two mandators (*cf.* List in Annex 11).

– 174 victims heard by representatives of the Commission – members, associated members or the general secretary – either in pairs and one-to-one with the President of the Commission, depending on the preference of the persons wishing to speak at length. These

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<sup>10</sup> For confidentiality reasons not everyone wished to appear in the annexed list.

interviews usually lasted between two and four hours. A protocol was drawn up for these purposes, including for when the hearings had to be organised remotely by video conference, in view of the restrictions on movement imposed from the spring of 2020 due to COVID-19.

- 48 interviews led by the Commission's four working groups which made it possible to hear 67 qualified persons from all walks of life (experts, representatives of the Catholic Church and other denominations, jurists, theologians, legal authorities, members of diocesan and religious institutes' *Listening Units*, government services etc.)

Anxious not to appear too "Parisian" and keen to contribute to its own appeal for testimonies, the Commission organised interviews in all the *Régions* of mainland France (other than PACA – Provence-Alpes-Côte d'Azur – due to pandemic-provoked postponements turned into cancellations), as well as Corsica and the Caribbean.

The abundant and weighty study and research material thus gathered allowed the Commission's four working groups to make a diagnosis and formulate recommendations:

– A group responsible for theological, ecclesiastical and church governance questions co-presided by Mr Alain Cordier and Mr Joël Molinario.

– A group responsible for studying the articulation between canon and civil law and for reflecting on ways of reforming canon law, co-presided by Mr Didier Guérin and Ms Astrid Kaptijn.

– A group devoted to the situation of victims and issues of responsibility and reparation, in particular the notion of restorative justice, co-presided by Ms Alice Casagrande and Mr Antoine Garapon. This group worked with a "mirror group" comprised of victims, either in their capacity as individuals or as members of an organisation (*cf.* the composition of this group in Annex 8), who were willing to let the CIASE benefit from their experience-based knowledge.

– A group called the "Evaluation Group" responsible for analysing the way in which the Church dealt with, or did not deal with, cases brought to its awareness, and to evaluate the measures taken by the Church of France since 2000 – at the express request of the CEF and the CORREF, co-presided by Mr Sadek Beloucif and Ms Anne Devreese.

The above skills and data have all been used in the compilation of this report - plus in the equivalent of some 2,000-odd pages of digital annexes - which is divided into three sections corresponding to the three themes of the mission statement:

– "Casting light" in order to highlight the painful quantitative and qualitative findings drawn from the collected data.

– "Revealing the shadows" in order to establish a severe diagnosis based on the findings with due regard to the context of the eras concerned.

– "Dispelling the darkness" in order to set forth appropriate guidelines for dealing with the issue of sexual violence in the Catholic Church, with regard to the past, since 1950, the present and the future - as these questions loom large ahead of us.

## 2. Casting Light: A qualitative and quantitative analysis of sexual violence in the Catholic Church based on the collected data

**A massive phenomenon, long covered by a shroud of silence and difficult to ascertain the size of. The Catholic Church is much more concerned than any other place where children are socialised, with the exception of family and friends. Lives ravaged by the assaults.**

In the first section of the report, the Commission presents an overview of the phenomenon of sexual violence committed against children and vulnerable persons in the Catholic Church in France from 1950 to the present day. Marked by the victims' traumatic experience of violence and silence, some of whom were speaking for the first time and many of whom were being listened to and recognised as victims for the first time, the CIASE wanted, first and foremost, to acknowledge their trauma and their stories, by both learning from their accounts and by calling to mind the findings of scientific literature with regard to the long-term consequences of sexual abuse, in particular when suffered in childhood or adolescence.

Then, in a more traditional manner, the Commission puts the phenomenon in perspective by placing it in an historical, geographical and sociological context. Based on analysis provided by the EPHE, it evokes the evolution of French society – and of the Catholic Church at its heart – during the period in question. This was a period of secularisation, individualisation, evolution of the place of women and children and transformation of social ideas of sexuality and sexual violence. Against this backdrop, the phenomenon of sexual violence in the Catholic Church falls broadly into three periods: 1950-1970 can be described as the height of the abuse; 1970-1990 was a period in which the abuse appeared to decline, and the early 1990s which marked an apparent resurgence, based on information available, without it being possible to conclude that there was a definite increase during this period.<sup>11</sup> It is more likely that the decline observed from 1970 to 1990 has ceased.

Geographical analysis of the cases identified throughout the entire period would seem to indicate that, even if at first glance it would seem that more cases of abuse were committed in areas of high religious practice, if we look at the relative value, i.e. the number of cases per number of clergy in the area, it transpires that, in actual fact, more cases of abuse occurred in areas of low religious practice. This is probably a consequence of lower levels of supervision and support of priests in these areas as well as a lower tolerance of misconduct leading to a more systematic reporting of it over the past 70 years.

The sociological analysis, based principally on work undertaken by the Inserm, initially focuses on persons who suffered abuse as children. The main characteristics to emerge from the study show that most of the victims were pre-adolescent boys from all social backgrounds. The typology of abuse falls into six categories: “parochial abuse” committed by the local priest or vicar - the sort of person regarded as a village dignitary; “school abuse” committed by a priest, religious teacher or house master; “family abuse” committed by a family member or close family friend; “educational abuse” committed within the context of a charitable foundation or scouts movement; “therapeutic abuse” committed by a priest acting, or claiming to act, as a psychotherapist; and “prophetic abuse” committed within the context of so-called new communities which became particularly popular in the 1970s. Superimposed on this

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<sup>11</sup> Cf. Inserm report p. 425. Confidence intervals for the last two periods overlap.

typology in a transversal manner were three control mechanisms which aligned themselves along three powerful tenants of the Catholic Church: the sacraments, a sense of vocation and charity or serving others.

The cases of adult victims who responded to the Commission's appeal for testimonies or who were heard are dealt with separately in order to highlight specific traits of violence to which these persons were subjected. Particular emphasis is placed on the cases of sisters or seminarists who were sexually assaulted. As far as these adults are concerned, despite the diversity of their situations, there emerges an overall sense of authority morphing into power and control becoming all-important, particularly in situations of vulnerability which are reinforced by the ecclesiastical context. It comes across even more clearly with adults in so far as relationships of power associated with an age gap do not come into play.

The way in which victims spoke out or broke their silence, as explained to the Commission by the victims, shows just how long and obstacle-strewn this process is and how it is all too rarely properly taken into account or followed up by the entourage or institution.

A study of the perpetrators of sexual abuse is based on the examination of two thousand cases found in the archives of dioceses or institutions and on interviews carried out in the spring of 2021 with eleven of the perpetrators who were born between 1933 and 1954. These interviews provide an insight into the way the abusers view their own behaviour, between (often) minimising its importance, denial, and (rarely) with complete recognition and acknowledgement. Equally, these interviews shed light on the perpetrators' reaction to decisions which directly concern them, whether church sanctions, state justice, the creation of the CIASE or the changes which should, in its opinion, be brought about in priests' training, in particular about questions of sexuality.

The first section of the report ends with the presentation - and putting in perspective - of the quantitative results reached by the Commission. It affords equal importance to the qualitative analysis based on its work of listening to victims and experts but is aware that it is legitimately expected to deliver statistics reflecting the prevalence of sexual abuse and that these are useful both for reaching an accurate diagnosis and for suggesting appropriate recommendations in view of the magnitude of the trauma. However, such statistics must be treated with caution. The silence of the victims, of their entourage and of the Church inevitably limits our knowledge of the facts. The Commission, therefore, endeavoured to cross-reference its sources – the general population survey, the quantitative and qualitative survey based on the appeal for testimonies and the analysis of archive material – and to double check the consistency of the results obtained. To verify their coherence, different sources were compared to each other, to the results of foreign commissions working with similar mandates to the CIASE and to other data available in existing scientific literature.

Based on the above methodological precautions, the Commission arrived at an estimate of the number of child victims to have suffered sexual assault at the hands of priests, deacons and members of religious orders to be 216,000<sup>12</sup> over the period from 1950 to 2020, based on the general population survey of 28,010 persons aged 18 and over and representative of the French population in accordance with the quota method. By broadening the analysis to include

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<sup>12</sup> Inserm-EHESS, Table 52, p. 428. Upper and lower limits of the 95% confidence interval are 270 000 and 165 000 respectively for this estimate.

persons connected to the Church (staff of Catholic schools, laypersons providing catechism or chaplaincy services, organisers of scouts or other Catholic youth movements) the estimated number of child victims rises to 330,000 for the whole of the period. This study shows that more than a third of sexual assaults within the Catholic Church was committed, not by clergy or members of religious orders, but by laypersons. Due to a lack of scientific certitude, the Commission renounced trying to estimate the number of adult victims of sexual assault in the Church.

The CIASE has endeavoured to situate these cases of violence, which are extremely high in absolute terms, in the more general context of acts of sexual violence committed in our society as a whole. Two conclusions may be drawn by looking at it from this perspective.

The first, as may be expected from previous studies, is that sexual violence on an equally massive scale occurred across French society: 14.5 % of women and 6.4% of men, i.e. approximately 5,500,000 people suffered sexual assault in their childhood. Acts of sexual violence committed by clerics and members of religious orders represent just under 4% of this total. Those committed by persons connected to the Catholic Church (including laypersons) represent 6% of the total. The second conclusion concerns the prevalence of sexual violence committed on children in different socialisation environments surrounding or linked to the Catholic Church: family, friends, state school, holiday camps, sports clubs or cultural activity structures. It emerges that whilst the vast majority of sexual violence against children was perpetrated by family or friends (3.7% of persons aged 18 or over in mainland France suffered sexual abuse as children by a member of the family, 2% by a family friend and 1.8% by a friend or acquaintance), significantly more such acts were committed within the Catholic Church (1.16% by persons connected to the Catholic Church of whom 0.82% by members of clergy and religious orders) than in any other sphere of socialisation (0.36% in youth holiday camps, 0.34% in state school, 0.28% in sports clubs and 0.17% in the context of cultural and artistic activities). The Catholic Church is thus, with the exception of family and friendship circles, the environment in which the prevalence of sexual violence is by far the highest.

That far fewer victims are individually counted in the appeal for testimonies or in archival investigations does not in any way negate these estimates. Partly because many of the testimonies collected mention other victims who have not come forth themselves and partly – mainly – because the massive underreporting of sexual assaults is well documented in scientific studies and is corroborated by this report. Furthermore, the only general population survey carried out for a similar commission to the CIASE, that working in the Netherlands under the direction of Mr Wim Deetman, has produced comparable quantified estimates to Inserm's survey conducted on behalf of the CIASE. In fact, the proportion of the population socialised in the Catholic religion being doubtless higher in France than in the Netherlands where Protestantism is widespread, it is highly likely that acts of sexual violence were, in relative terms, fewer in our country.

Still more sensitive a question is the estimated number of members of clergy and religious orders who perpetrated sexual assaults over the period in question. Research, conducted with great rigor and thoroughness by the EPHE, into the archives of the Church, the justice system and the press, completed by data gathered from the appeal for testimonies, leads to an estimation of between 2,900 and 3,200 aggressors. This bracket constitutes a lower limit in so far as not all cases of abuse are known to the Church and not all cases which are known have led to a file being opened. It indicates a ratio of 2.5% and 2.8% of members of clergy and religious orders from 1950 to today (approximately 115,000 members of clergy and religious orders). This ratio is lower than findings published by foreign commissions, which stand

between 4.4% and 7.5% but is not incompatible with the even lower figure produced by the Deetman commission in the Netherlands. It may admittedly imply a very high number of victims per aggressor. However, such a result is not impossible as scientific literature shows that a sexual predator can effectively assault a great number of victims, especially predators of male children - as is overwhelmingly the case in the Catholic Church. In order to continue the discussion, and based on the contradictory conclusions of scientific literature, the Commission drew other hypotheses corresponding to aggressor rates of 5% and 7%. However, it is conscious of the profound disparity between different types of aggressors: those who only act on impulse a handful of times and compulsive, repeat offenders. Ultimately, while conscious of the difficulty of ascertaining the real number of members of clergy and religious orders who perpetrated sexual violence from a study reliant mainly on archives – a difficulty which, of course, applies to the studies of all the other countries too – the Commission came to the conclusion that a rate of approximately 3% of ecclesiastical perpetrators of sexual violence constitutes a minimum estimate and a pertinent basis of comparison with other countries.

The picture thus drawn reveals that the phenomenon of sexual violence in the Catholic Church from 1950 to the present day is massive; that it has decreased over time but is still present; that it is based on numerous clearly identified traits of a systemic nature. The trauma suffered by the victims is compounded by the perpetrator's function.

### **3. Revealing the Shadows: The Catholic Church's attitude has evolved over time, but it has remained too focused on the protection of the institution, for a long time with no regard for the victims**

*A Church institution which has not come to the defence of the victims. Canon law with serious failings. Legal obligations which are still not widely enough known or respected.*

In its second section, the report establishes the Commission's diagnosis regarding sexual violence in the Catholic Church. Once again, the various disciplines represented within the Commission, as well as the different sources of data used, are brought together to place the perpetrated acts and their frequent covering up, from 1950 to the present day "in the context of the period concerned" to cite the terms of the mission statement.

The historical sequencing used in the first section is again employed here to help define the evolution of the Catholic Church's attitude towards the acts of sexual violence committed within its confines. From 1950 to 1970, the desire of the Catholic Church to protect itself from scandal and to "save" the aggressors dominated its policy, while it ignored the fate of the victims who were exhorted to remain silent. From 1970 to 1990, the question of sexual violence took a back seat to the priesthood crisis, which monopolised the internal support structures for "problem" clergy and this goes too for the clinical field which was a way of treating reported cases, abandoned by the end of this period. The Catholic Church's attitude gradually began to change from the 1990s as it started to take onboard the existence of victims - even if this could not yet be considered recognition. It was only from 2010 that the Church began to recognise victims when it started reporting cases to the judicial system, imposing canonical sanctions, and accepted that dealing with perpetrators should no longer be an internal affair.

Over the greater part of the period studied by the CIASE, its observations show that the Church's attitude could be summarised as one of ignorance, relativisation or even denial, with only a very recent recognition, dating from 2015, and even then, unequally accepted by dioceses and religious institutions. If this analysis is combined with what has been said in the first section regarding the prevalence of sexual violence against children and vulnerable persons, the

concept of a systemic phenomenon emerges. It is not that the violence was organised or accepted by the institution (although this did happen in a very small number of communities or institutions), rather that the Church did not have any clear idea how to prevent such violence or indeed even see it, let alone deal with it in a fair and determined manner.

In analysing factors specific to the Catholic Church which might, in addition to the socio-historical contextualisation, help explain the sheer scale of the phenomenon and the Church's inappropriate reaction to it, the Commission firstly looked into the specificities of canon law, as to a certain degree the inadequacy of the Church's response to the phenomenon lies in the specific features of this law. Canon law was conceived, above all, to protect the sacraments and reform the sinner. The victim has no place in this law. Canon law, even its criminal aspect, is totally ill-adapted to the repression of sexual violence, which, incidentally, it never refers to by name. The Commission reached the conclusion that canon law is entirely inadequate with regard to fair trial standards and human rights in a matter as sensitive as the sexual abuse of children.

Secondly, and more fundamentally, the Commission studied the deviations, the distortions and the perversions which the doctrine and teachings of the Catholic Church have allowed to flourish, and which are likely to have encouraged the occurrence of sexual violence: the "clericalism", so criticised by Pope Francis in his August 2018 *Letter to the People of God*, including the excessive sanctification of the person of the priest; the overvaluation of the state of celibacy and charismatic authority of the priest; a misguided adherence to obedience when exercised at the cost of conscience; and a false interpretation of the Scriptures. Based on the testimonials it received, the Commission also endeavoured to identify what in the writings of the sacred tradition of the Catholic Church, such as the Catechism, could have, unfortunately, maintained this fertile terrain: a lack of attention to attacks against individuals, hiding behind "offences to chastity" or an excessively taboo view of sexuality.

It was in this context that the Commission made observations inviting the Church to ask itself some fundamental questions. A word of reassurance, however, at no point did the CIASE overreach itself or exceed its mandate, or even, it could be argued, take the high ground. On the contrary, it seems to the Commission that this was the only way of genuinely fulfilling its mandate, even if it was not how it originally envisaged doing so. It has, however, over the months, collectively come to the conviction that its creation as an independent body, exterior to the Church, at this precise moment in the history of the institution as it is hit by the acute sex abuse crisis, confers upon it the responsibility to dig right down to the roots of the problem, as deeply as the Church is itself doing, as is made clear by, among other publications, Pope Francis' aforementioned *Letter to the People of God* or the specific work of the Bishops' Conference of France's doctrinal commission which has been submitted to the CIASE.

To close the second section of the report, as a transition towards the more concrete recommendations expected to result from the commission's work and intended to put a stop to the tragedies of sexual violence and ensure that they do not recur, particular attention has been paid – as requested by the CEF and the CORREF – to the measures taken by these bodies, or under their leadership, since the turning point of the 2000s which is when, from the very top of its organisation, the Catholic Church began speaking in public about what it has chosen to call the fight against paedophilia. These measures have been substantial on both a national and local level. But – with huge differences between one diocese or religious institution and another – the response from the Church has been globally insufficient, has often come too late and only in reaction to events, or has been poorly applied. This is very much the case with the obligation to report to the justice system any behaviour from members of clergy or religious orders which

could constitute a crime or misdemeanour. This measure was decided by the CEF as early as 2000, so no later than by other public or private institutions for minors, but was applied slowly and unevenly over different dioceses. The Church also failed to take onboard criticism from, in particular, victim support groups which wanted it to go much further.

The Church's flagship measure of setting up, across dioceses, Listening Units for the victims of sexual violence, came in for much criticism. The round tables organised by the CIASE with many of the laypersons responsible for these Units from all over France, made it clear that they had been set up without any solid foundations and in a highly dispersed manner. The plan, according to announcements made by the CEF and the CORREFF in spring 2021, was to make them much more visible at a national level, however, it had failed to take the time to clarify the Units' missions, competences or even their position in relation to the Church. And yet, the goodwill is there, and these questions are just waiting to be asked for rapid progress to be made. The Commission, therefore, has made precise recommendations to structure and consolidate the existing network of Listening Units by both combining local (preferably inter-diocesan) and national levels and by clearly positioning what is internal and what external to the Church. It is recommended that the Units are staffed only by specially trained laypersons, but who are not "disconnected" from the Church, and who are in contact with professionals trained to deal with victims of sexual violence.

It is with this in mind, based on the concrete evidence of the testimonies, ambitiously and methodically, that the Commission proposes in the third section of its report the measures which it believes correspond to the phenomenon of sexual violence against children and vulnerable persons in the Catholic Church, during the period studied.

#### **4. Dispelling the darkness: towards a process of truth and reparation for the past; towards a foolproof system of prevention in the future**

The Church must recognise the facts and take steps towards reparation, inspired by the work of the CORREF and the approach of Bishop of Luçon. It must take responsibility both individually and systemically. Restorative justice initiatives must complement the criminal procedure. The statute of limitations must not be extended. The Church must establish a procedure for the recognition of abuse, even in time-barred cases, and provide compensation for the harm suffered. The governance of the Church must be reorganised to be more pluralist and to regulate the risks of abuse of power. Training is a key preventive tool that should be widely implemented.

The recommendations made by the CIASE to try and overcome the trauma caused by sexual violence and the shroud of silence covering it, are not conceived in a spirit of "turning the page" because in all the testimonies— which the Commission very much hopes echo loudly through its report — the first cry is for justice. In other words, before proclaiming "it must never happen again", the "it" has to be recognised, acknowledged, and described, those responsible for "it" need to be designated and, as far as is possible, reparation for "it's" consequences needs to be found. It is not enough for the Church to claim awareness, albeit too late in the day. Or to claim that the past is the past and that for today's and tomorrow's children and vulnerable persons the same mistakes will not be repeated. For such a discourse, which is consistent with the logic of the "help" granted to victims of historical abuse, more often than not time-barred by the [French] Criminal Code, perpetuates an attitude of non-recognition or denial of what really happened, characteristic of the Church during the period analysed, and is used as an escape from genuinely dealing with the phenomenon.

This is why the Commission insists on the Church's need for a process of truth and reparation and that it has to begin with the acknowledgement of responsibility which has so far been avoided, with the notable exception of the recent initiative undertaken by the CORREF, or the individual initiative of the Bishop of Luçon. The Commission proposes a level of responsibility which would encompass firstly the legal level – in a criminal sense – but also civil and social levels. It must apply individually by reason of the particular role exercised by the individual, as well as to all legal entities comprising the Church. It must apply to individuals who have committed acts of abuse as well as to those who have not but with whom, through the legal relationship existing between the perpetrator and the bishop of the perpetrator's diocese, they are linked. Its responsibility is also of a systemic and civic nature because the Church's social and spiritual role bestows on it a particular responsibility towards French society within which it is a major player. In other words, in the CIASE's opinion, the Catholic Church would be wrong to believe that it is immune from any responsibility that it has not itself accepted, based on an absence, to date, of any judicial conviction, other than for the individual criminal responsibility of the perpetrators or for its failure to report cases to the legal system. Indeed, other than the fact that the civil liability of dioceses (as well as religious institutes, but this point is not disputed) is all but excluded under the current state of the law, it is possible, even probable, that the legislator shall draw consequences from the trauma of sexual violence committed in society as a whole, in order to determine compensation mechanisms weighing, in particular, on the institutions and communities in which the harm occurred. It is highly doubtful that, beyond the example of the Catholic Church, a social space could exist in which measures of reparation did not prevail. In fact, this is precisely how legislation has proceeded over the past thirty years faced with catastrophes causing major health effects. In the CIASE's opinion, these considerations should be added to the moral argument for convincing the Church of the need to engage in an ambitious process of responsibility, recognition and compensation.

Such an approach should begin by recognising the violence committed, its scale - as uncovered by the Commission - the absolute illegitimacy of such acts, and the seriousness of the harm they have caused. Concrete recognition, through liturgical celebrations, public ceremonies or memorials, as the CEF committed to in March 2021, is required. The Commission is insistent, however, on a humble recognition "at a human level" which must be utterly sincere: it is not simply a question of sins to be confessed but of crimes to be repaired, without any euphemisms, without any "we did not know", without any excuses drawn from the social or institutional context. The prerequisite of such an unfeigned abasement is indispensable for the credibility of the restoration measures as proposed by the CIASE, adjusted to the specific situation of sexual abuse committed within the Catholic Church.

In response to the need for justice expressed by victims, who are frequently confronted with the limitations of criminal proceedings or the statute of limitations, despite the evolution of criminal law during the period studied, the Commission suggests that two main avenues should be explored: that of so-called restorative justice, and that of the introduction of provisions making it possible to establish the truth, irrespective of how long ago the acts were committed. The principle of restorative justice is to attempt to repair the harm done to the very being of victims, over and above the physical harm. This necessitates carrying out investigations regardless of the length of time since the violence has been perpetrated, in order both to respond to the need for justice and recognition, as well as the need to prevent future violence. This approach seems preferable to further extending the statute of limitations by law, an option that CIASE examined in detail before rejecting, seeing it as a dead end. A prolongation of the statute of limitations would not help in the recognition of crimes and would not help victims in their reconstruction, indeed these latter would be confronted with the even

more uncertain outcome of a criminal trial due to the long periods of time passed since the event.

At the end of the process described above, a system of compensation should be put in place, with some chance of it achieving what it was set out to do. The Commission heard from many victims that money could not make up for the irreparable damage incurred, and worse, if not presented to the victim in a suitable manner, could feel like the price of silence. But many also insisted on the symbolic dimension of such a scheme, or on the desire to use compensation money other than for purely personal purposes. The Commission also looked at systems put in place in other countries: Germany, Belgium, Ireland, the Netherlands, the United States and Australia.

The CIASE concluded that financial reparation - which, despite not being sufficient, is nonetheless indispensable as it completes the recognition process - must be individualised, without, however, it qualifying as “integral” in the legal sense. It cannot, therefore, be a set, lump-sum payment; a method of calculation is needed to compensate the specific harm suffered by each direct victim - rather than a scale for each category of offence - and, in the event of the victim's death, the compensation should go to the indirect victim. The compensation mechanism should be entrusted to an independent body, exterior to the Church, which should be given the threefold mission of receiving victims; mediating between them, the perpetrators and the institutions to which they belonged; and arbitrating disputes which cannot be resolved amicably. An endowment fund which the CEF announced it would create in March 2021 would provide the financing. According to the Commission, this fund should be replenished from the assets of the perpetrators and from those of the institutions belonging to the Church in France. It should exclude any appeal for donations from the faithful, as this would not be consistent with the recognition of the Church's responsibility as an institution. Any form of socialisation of funding for the compensation of violence committed in the Catholic Church, or in any public or private institution, should also be excluded. In the same way as the CIASE was financed, based respectively on a distribution key yet to be determined, the majority of contributions should therefore come from the following

- for the diocesan Church, from the Union of Diocesan Associations of France, a not-for-profit organisation established under the terms of the law of 1<sup>st</sup> July 1901 and the administrative support of the CEF.
- for religious institutes, from the CORREF.

It would be as absurd as it would be unfair if different systems of reparation were put in place by the two Conferences. However, failing the creation of a single compensation system, the CIASE proposes that the same rules and principles be applied in the diocesan Church as in religious institutes.

Beyond this triple challenge of responsibility, recognition and reparation, the Commission proposes - from the outside point view it has been asked to take on issues specific to the Catholic Church - a robust plan of action in areas of governance, sanctions, training and prevention.

The CIASE does not wish to formulate any ready-made answers as it feels these need to come from the Church itself, but as far as governance is concerned, it invites the Church to reflect in depth on the palpable tension which exists between its hierarchical constitution and its desire for synodality, and on the consequences of concentrating the powers of order and government in the hands of the bishop. Put more simply, and avoiding all dogmas, thought

should be given - as in any organisation, and the Catholic Church is no exception - to the articulation between verticality and horizontality and to the separation of powers. Similarly, the development of assessment and internal control processes with tools as simple as risk mapping or annual interviews could only be positive. This would improve the Church's governance without undermining any of its foundations. Increasing the number of laypersons in general, and women in particular, in the decision-making spheres of the Catholic Church, would appear to be, not only useful, but totally necessary with regard to the principle of equal dignity. Moreover, in a plenary session with the CIASE, the leaders all admitted to this fact, although it has to be said, with varying degrees of enthusiasm.

Despite taking into account the reform of the criminal section of the Code of Canon Law due to come into force on 8 December 2021, in the light of the bleak observations made in the second part of the report, the CIASE nonetheless pleads for a wide-ranging overhaul of canon law in criminal matters, and in dealing with and sanctioning offences. This should begin with a clear definition of the offences in the Code of Canon Law and their implementing legislation, specifying applicable reference standards by establishing a scale of the gravity of offences and by distributing a collection of case law in the matter. Secondly, canonical criminal procedure needs to be reworked and aligned with basic fair trial rules, thereby giving victims a place in canonical procedure – which is not the case today. These reforms would allow the inter-diocesan canonical criminal court, whose creation was announced by the CEF in the spring of 2021, to operate efficiently. The said court shall present all the required guarantees of competence and impartiality which shall be principally achieved by integrating specially trained laypeople into its ranks. A better articulation with the State criminal justice system is also needed, namely the recognition of the State's predominance in dealing with the criminal offences in question, which must include an absence of interference by the Church in its investigations and procedures. In this respect, the signing of protocols similar to the one concluded on 5 September 2019 between the Archbishop and the Public Prosecutor of Paris would improve the handling of reported cases.

Finally, the Church must issue precise directives to confessors regarding the seal of confession. Confessors must not be allowed to derogate, on the grounds of the sanctity of the seal of confession, from the obligations provided for by the [French] Criminal Code, which are compliant with those of natural and divine law which provides for the protection of a person's life and dignity, to report to the competent authorities cases of sexual violence inflicted against a child or a vulnerable person. This is not to question the seal of confession generally; but within the scope of sexual violence inflicted against children, a reminder is issued that the letter and the spirit of the law of the French Republic (Articles 223-6, 226-14, 434-1 and 434-3 of the Criminal Code) apply to every single person on French territory.

As regards training, before mentioning the setting up of specific sessions on child abuse and sexual violence against vulnerable persons - which are obviously necessary and would benefit from being co-organised with victim support groups - the Commission recommends really getting to the bottom of things. It suggests that the incentive contained in the Church's reference texts (the *Ratio* issued by the Holy See and implemented at national level) to carry out a psychological assessment of candidates for the priesthood or religious life be taken to heart, and that psychological follow-up be provided if desired. The content of the training itself should include more human sciences, be taught by specialists with more diverse profiles than is currently the case, and place greater emphasis on the development and affectivity of children and young people; law (canon law and state law - including the rights of the child); and the importance of critical thinking, particularly about issues of authority and obedience. The Commission also recommends a more formalised recruitment procedure of seminaries and

novitiates which would be helped by an improved communication of negative responses given to unsuccessful candidates between dioceses, seminaries and congregations. Continuing education should include modules about sex abuse, including specifically for trainers and supervisors in seminaries and novitiates, as well as for *fidei donum* priests in their induction session. It should also be nourished by peer-to-peer exchanges and the experiential knowledge of victims, and indeed of the faithful in general.

Finally, in terms of prevention, the Commission encourages a very broad approach, which, it believes could, by its very generality, spontaneity and regularity, prevent failures of vigilance or a return to silence. Thus, over and above unprompted reactions and measures which have begun to be put in place such as re-organising the living quarters of members of clergy and religious orders to avoid being alone with a child and separating private rooms from visiting areas, encouragement of parish-level preventative measures would also be welcome: initiatives and activities which teach children that they have rights and that they detain knowledge (and not only as receivers of doctrine), based on the model for thought and action organised by the City of Paris (with the Parisian Charter for the Rights of the Child drawn up in 2020 by the children themselves). The Commission also advocates implementing measures, throughout France, to ensure that every priest or member of a religious order in regular contact with children or young people is aware of the obligation of reporting incidents to the justice system; is in a position to call on a referent with whom to be able to discuss ambiguous or risky situations; is able to reflect regularly and cool-headedly on the vigilance needed around sensitive issues (physical contact, time and place for meeting with young people, procedures for making appointments etc.); reads pertinent articles on the subject on a regular basis and has others with whom to exchange on the lessons which may be personally drawn from them. The Commission also suggests regular meetings, for example an annual meeting per diocese or institute, which would provide members of clergy and religious orders with the opportunity of discussing methods of prevention, based on information received from local Listening Units. This project should not only be conducted by the heads of dioceses or institutes, but rather be deployed concretely in parishes - places of worship, exchange and sharing – with equal involvement from priests and laypersons. These initiatives are intended to strengthen trust and should, under no circumstances, be interpreted as personal accusations.

While it is convinced of the merits of such policies of prevention and practical provisions, the CIASE is not blind to the risk entailed by undue rigidity and “protocolisation”, so little in keeping with the vocation of the Church - indeed with any healthy human relationship - and which could potentially asphyxiate relationships. Similarly, too much transparency can be detrimental to intimacy and lead to a paradoxical climate of surveillance and suspicion. The balance is fragile but necessary in order to clamp down on risk without distorting human relationships.

This balance needs to be found by those whose job will be to implement the recommendations of this report. Recommendations which the Commission is, of course, calling for, but which it cannot put into place itself. Its members are now destined to become humble, post-CIASE witnesses, whilst remaining the “witnesses of witnesses” who have been heard for the last two and half years and whom, we sincerely hope, shall never be silent again.

## **LIST OF RECOMMENDATIONS**

**Recommendation N° 1:**

- Systematically check the criminal record of any person (member of clergy, member of a religious order or layperson) mandated or assigned by the Church to be in regular contact with children or vulnerable persons.
- Ensure that persons convicted of sexual violence or sexual abuse against a child or vulnerable person be offered long-term care by health professionals.
- Ensure that any person who has been implicated in a case of sexual assault or sexual violence against a child or vulnerable person has no access to children, adolescents or vulnerable persons within the context of a Church assignment.
- These last two points shall apply without prejudice to any measures which may be imposed by a judicial authority.

**Recommendation N° 2:**

- In order to be able to measure more accurately the prevalence of sexual violence within the Catholic Church of France, create a joint CEF and CORREF department responsible for collecting, processing and analysing data and ensure that the said department is equipped with a solid, lasting, statistical tool, used by all dioceses and congregations.
- Ensure that the said department is in contact with the other services responsible for monitoring sexual violence in public and private institutions.
- Monitor and assess cases of violence in the Church; produce an annual report; ensure contact between victims, their organisations and religious authorities.
- Ensure that the said department has the help of an independent committee of experts.
- Investigate the possibility of setting up a hotline in the Church (or in conjunction with other institutions) for victims of sexual violence. (cf. Recommendation N°15).

**Recommendation N° 3:**

- With the use of a tool similar to risk-mapping, identify all forms of abuse of power, or of placing the priest in a position above the baptised. In this context, distinguish between practices the Church believes to be legitimate from others.
- Closely examine practices in the episcopal and priestly ministries and study the discourse on which they are based to see if this has encouraged a distorted interpretation.

- Publish a guide of ethics and good practices in spiritual accompaniment, highlighting the distinction between the responsibility of governance and spiritual accompaniment to avoid any divergence from the said ethics and good practices.
- In all types of training and catechism, underline the fact that the Gospels should be a source of inspiration for spiritual accompaniment where the challenge is to help the subject reach his own understanding in a face-to-face relationship, not to dominate him through manipulation.

#### **Recommendation N° 4:**

- Identify the ethical requirements of consecrated celibacy, in particular with regard to the representation of the priest and the risk incurred of bestowing on him the status of hero, or of placing him in a position of dominance.
- Assess, for the Church in France, perspectives opened by the propositions of the Amazon Synod, in particular the suggestion that “*ad experimentum*, [...] married men could be ordained as priests if they fulfill the conditions for pastors, as laid down by Saint Paul in the First Epistle to Timothy”<sup>13</sup>.

#### **Recommendation N° 5:**

- Expand the doctrinal work already commenced by the Church so as to “better understand how good fruit may have come forth from bad trees” and ensure that all founding charism is, effectively, subordinated to charity.
- Identify all forms of distorted charisma and overbearing stances in pastoral practices (using risk-mapping) and all possible cross-over between seduction and charism.
- Investigate the means of remedying the above.
- Ensure that there exist effective procedures for controlling the Catholic hierarchy in all religious communities, including the more recent ones which do not fall into the traditional scope of institutes of consecrated life or societies of apostolic life.
- Ensure that the distinction between the internal and the external forum is clearly made everywhere, in particular in the so-called new communities.

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<sup>13</sup> Quoted in “Amazon Synod, the proposal that married men be ordained priests” *La Croix*, 10 September 2019.

**Recommendation N° 6:**

- Ensure that university theology departments, seminaries and diocesan training sessions teach the importance of listening to one's conscience both in the field of discernment and in consecrated life. Seek, in these teachings, to highlight ways of applying critical intelligence to issues of conscience.
- Closely examine how the rules of different religious orders and the rules of so-called new communities are taught to see if there is anything in these teachings which could lead to a warped interpretation of the obligations of obedience and silence.
- During all types of catechism, teach the faithful, particularly children and teenagers, the importance of listening to one's conscience with critical intelligence under all circumstances.

**Recommendation N° 7:**

- Teach, in all types of training and catechism, that the Gospels show us words being used in a dynamic, not as a means of exerting power over another but with the desire to help the other grow and learn, and point out that, just as in any healthy human relationship, the faculty of speech may be used only to be given.
- Highlight biblical expressions which have been distorted and used manipulatively while encouraging both a critical and a spiritual reading of the Bible at all levels of training.

**Recommendation N° 8:**

Closely examine:

- The canonical provision known as the absolution of an accomplice in sin which is fundamentally inappropriate in cases of sexual assault.
- The language of certain magisterial documents which refer to sin and forgiveness in instances of crime and punishment; it is necessary to clearly distinguish a moral situation from a legal one. A crime always implies a sin but not all sins constitute crimes.

During all types of training and catechism and in pastoral care, teach:

- Of the overriding need for sanctions and retribution for crimes and misdemeanours committed against civil law and against Church law.
- Of the risk of distorting forgiveness by granting easy absolution to torturers and, worse still, of requiring victims to forgive their persecutors.
- What the ritual of the Sacrament of Penance includes in terms of sex abuse prevention practices.
- That “I forgive you” must not be confused with a priest’s personal power over a penitent.
- That the seal of confession only applies during the period of the Sacrament of Penance.

Communicate a clear message, issued directly by the Church authorities, telling those confessing and the faithful that the seal of confession cannot derogate from the obligation laid down by law and the [French] Criminal Code - which is, in the Commission’s opinion, compatible with the obligation of divine natural law to protect the life and dignity of the person - to report to the judicial and administrative authorities all cases of sexual violence inflicted on a child or a vulnerable person (cf. Recommendation N°43).

**Recommendation N° 9:**

- Teach that the profanation of a sacrament cannot be given a higher standpoint than the most fundamental profanation: that of people.
- Closely examine anything in the declaration of the Sacrament of Grace which may be painful or unacceptable to victims, who remain churchgoers, when faced with an abuser priest continuing to officiate.

**Recommendation N° 10:**

- Teach in all types of training and catechism:
  - o That attention should not be focused on the ‘matter’ of the moral act but rather on assessing the responsibility of every individual towards another.
  - o That harm starts with an attack on a person, including a lack of respect of the person’s integrity.
- Closely examine the Catholic Church’s catechisms and make sure, before anything else, that the victim and his inalienable dignity have their rightful place.
- Embark upon a re-writing of teachings based on the sixth commandment in documents designed for children, adolescents and catechumens which are used for training purposes or in pastoral accompaniment.

**Recommendation N° 11:**

- Closely examine:
  - o In what ways the paradoxical obsession of Catholic morality on issues of sexuality could be counterproductive in the fight against sex abuse.
  - o The choice of lumping together the whole of human sexuality in just the sixth commandment of the Decalogue.
- Encourage doctrinal thought about not separating doctrine on sexuality from the Church's social doctrine and the equal dignity of all human beings.

**Recommendation N° 12: Consolidate what has already been done**

1/ Maintain existing awareness and information programmes within the Church, without excluding any of its members, by privileging - even indirectly - approaches to awareness inspired by human rights campaigns, children's rights in particular. Even if it is difficult to assess their impact, such measures can only help develop a different mindset and preventative attitudes within the Church. It would, moreover, send a clear message that the ecclesiastical institution is taking a definite stand against sexual abuse and that it is open to listening to victims. The idea is to instigate a climate of confidence propitious to discussion, rather than one of general defiance.

2/ Publish, on a regular basis, better documented reports with a programme-based approach; envisage an annual publication. Publication by the CEF of a report every two years is a powerful measure which was adopted in 2016. However, the content of these reports could be more comprehensive, less factual and retrospective and it would be preferable to adopt an approach more geared towards objectives. The CEF, and possibly the CORREF, might announce ongoing and upcoming projects as well as the current state of advancement of the said work. They might specify their objectives and advise of any commitments made to third parties, in particular to victims and organisations representing them. They will might gather information in a more systematic way regarding good practices noted at a grass roots level, thanks to feedback from national bodies, who are, when appropriate, in contact with the victim support groups.

3/ Initiate debate about the help and support mechanism set up for victims which must be maintained but the modalities of which require revision.

**Recommendation N° 13:** Provide training in internal and external control procedures for the main leaders in the organisation of the Church in France, for instance each newly appointed bishop or newly elected major superior, and develop risk management strategies specific to the Church and adapted to its way of functioning.

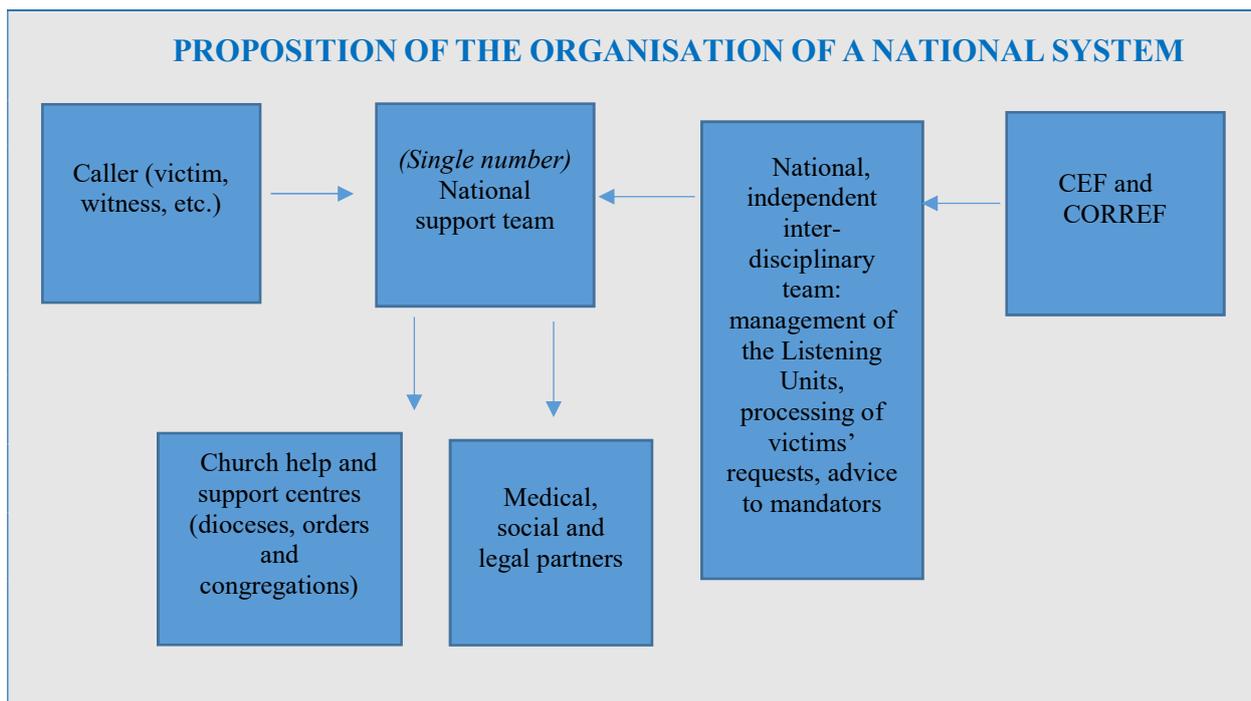
**Recommendation N° 14:** Ensure that the adoption of measures taken to combat sexual abuse are based on a qualitative approach. Current and future provisions should be more based around the desired outcome and should be subject to an assessment of their effectiveness and results.

Encourage a process of appropriation of shared references within the dioceses with priests and laypersons instead of issuing orders which may lead to misunderstandings and exclusion.

**Recommendation N° 15:** Reform the modalities of the Listening Units set up by the Church by moving towards a combined internal/external, local/national system.

The new system should include unique, highly visible, contact details (telephone, email and postal address) and be facilitated by professionals working in partnership with the Church. The professional listeners would be able to direct calls towards internal support systems (CEF services and Units managed at a diocesan, religious institution or new community level) or towards external services facilitated by victim support organisations.

At a national level, the system should be supervised by an inter-disciplinary team comprised of Church representatives, victim representatives and health professionals. Dioceses should keep local support services for people who address them directly, either through the Units set up along the existing model or directly via a bishop.



**Recommendation N° 16:** Encourage, when appropriate, merged Units at an inter-diocesan level or partnerships between diocesan Units in order to pool resources, create relevant areas of intervention and develop a network of members. It is important to maintain a dense local network in order to be able to offer support solutions close by.

**Recommendation N° 17:**

Insist upon the fact the Listening Units offer reception and listening services only and that their mission ends where care and legal advice begins. However, it is therefore essential that the Units build up directories of local professionals to be able to direct victims towards the appropriate structure (social services, medical professionals, legal counsel).

Emphasise the Units' prioritisation of victims. Their role is not to take care of the perpetrators of crimes - this should be subject to separate protocols at a diocesan level to ensure adequate care is provided, in particular with help of external partners (e.g. the CRIAVS: *Resource centres for those helping perpetrators of sexual violence*).

Formalise, in conjunction with the diocesan referents responsible for the fight against child abuse, the Units' mission in terms of prevention. The Units are automatically involved in prevention in various ways (presentations to seminarians and priests; drafting protocols; the organisation of seminars/conferences).

Clarification is needed with regard to the Units' role in advising bishops: the Units do not always have the means to advise episcopal leaders, in particular on legal issues. In any case, its advisory role seems to be ill-defined and a source of ambiguity.

**Recommendation N° 18:**

It would be preferable for Units to be composed entirely of laypersons in order to limit the risk of confusion for victims. This would also limit the risk of ethical tensions among the Units' volunteers.

However, it is important for the Units to be in contact with the diocese's bishop, vicar general or priests or with any members of religious orders present in the bishopric, for a number of reasons: to be able to put questions to them, to put them in contact with any victim who may wish to talk to a member of clergy, to ask advice or even request the participation of a member of clergy during interviews, if this is wanted by the person being heard.

Map the external resources useful for the proper functioning of the Units (organisational advice, advice on carrying out their mission).

**Recommendation N° 19:**

Make the Listening Units more visible, through regular communication in the local press and existing Church channels (posters, broadcasts, websites).

Make the means of contacting the Listening Units better known and give Unit members full control over all tools used when in contact with the victims (e.g. an electronic mailbox which can only be accessed by members of the Unit.)

**Recommendation N° 20:**

Strengthen support for Units from the CPPLP (*Catholic Church advisory board in the fight against child abuse*) or from any department which may later take over this role. It seems to the Commission that stronger action in terms of guidance (sharing guidelines), facilitation (sharing information, networking) and support (creation of an operational kit, training sessions, communication material etc.) would be mutually beneficial.

Make the Units an expert resource for the CPPLP, or any department which may later take over this role: the Units and their members have a wealth of skills and expertise which could be useful to the CPPLP on an ad-hoc basis (for instance, for an in-depth audit of the Units' functioning and development) or on a more permanent basis (for instance through thematic working groups periodically reporting their findings).

**Recommendation N° 21:**

Provide the Listening Units with organisational documentation to help clarify their missions, their position in the diocese, their material means (budget, premises, communication tools). To this end, propose, at CEF level, a model document incorporating the essential elements, while still leaving room for individual dioceses to adapt to local situations.

To the above should be added operating protocols and simple internal regulations such as the manner of responding to requests (deadlines, formats etc.); rules about discretion and confidentiality; legal procedures (GDPR, referral to the appropriate judicial authority, basic knowledge of canon law); and training sessions, particularly psychological training, for the listeners.

**Recommendation N° 22:** Undertake an in-depth audit of the functioning of the Units and the routes open to them to ensure consistency with the resolutions taken by the Plenary Assembly of Bishops on 26 March 2021.

The work carried out by the CIASE has shown that, while the current system has many positive attributes, there is also much untapped potential and there are ongoing questions which need to be addressed before the system can be reformed.

**Recommendation N° 23:** Recognise, for the entire period analysed by the Commission, the civil and social responsibility of the Church, irrespective of individual fault and the criminal and civil liability of the perpetrators of sexual violence and, as the case may be, Church officials.

**Recommendation N° 24:** Recognise the systemic responsibility of the Church and, as such, examine the factors which contributed to its institutional failure. Acknowledge that the Church's social and spiritual role confers on it a particular responsibility in the society in which it plays a part.

**Recommendation N° 25:** Recognise the Church's civil responsibility and, on this basis, undertake a deep-running horizontal exchange with the whole of society.

**Recommendation N° 26:** Implement, in consultation with victims and their support groups, concrete measures of recognition such as public ceremonies, liturgical celebrations in remembrance of the suffering inflicted; memorials to the victims and their suffering; measures which demonstrate the Church's capacity to apprehend perpetrators and keep victims informed.

**Recommendation N° 27:** Implement measures of restorative justice during criminal proceedings for sexual violence, in particular for acts committed within the Church. These need to be kept separate from mediation procedures which must not be resorted to for reparation of the consequences of such violence.

**Recommendation N° 28:** Introduce provisions for systematic police inquiries, followed by an interview with a judge for victims of historical sexual violence when the limitation period has expired.

**Recommendation N° 29:** Generalise protocols between the prosecutor's office and the diocese: these must include commitments from the diocese to transfer all reported incidents to the prosecutor and from the prosecutor's office to conduct inquiries rapidly. (cf. Recommendation N°42).

**Recommendation N° 30:** Set up within the Church a process for clarifying accusations of sexual violence made when the perpetrator is dead, or the legal proceedings instigated by the public prosecutor terminated.

**Recommendation N° 31:**

Calculate the compensation of each victim on a case-by-case basis, not that this is intended to constitute integral reparation in the legal sense.

To this end, establish a method of calculation designed to compensate each victim for the specific suffering endured. The compensation shall be paid either directly to the victim or, in the event of the death of the latter, to the indirect victim.

Favour a method of calculation which consists in considering the suffering endured rather than referring to categories of crimes committed.

### **Recommendation N° 32:**

With regard to financial reparation, entrust to an independent body exterior to the Church, the triple mission of receiving the victims; offering the possibility of mediation between them, the perpetrators (if the latter are still alive and if they accept to participate) and the institutions which they reported to at the time of the assault(s); and arbitration in the event of no amicable resolution being reached.

If this measure - which seems to the Commission to be the simplest and the clearest - fails, the independent, exterior body could be different for each diocese and institution, so long as the same rules and principles were applied.

### **Recommendation N° 33:**

Finance compensation for the victims through funds recouped from the perpetrators and from the Church of France via the endowment fund which the CEF announced it was creating and to which the UADF and the CORREF will be contributing.

Alternatively, set up two funds, applying, as indicated above, the same rules and principles to issues of compensation.

Avoid going down the route of appealing to the faithful for donations and of socialising the financing.

### **Recommendation N° 34:**

The Commission believes that it is necessary to closely examine:

- The hierarchical structure of the Catholic Church in view of internal disagreement concerning its own understanding of itself: between communion and hierarchy; between apostolic succession and synodality; and, essentially, between affirmation of the authority of preachers and the reality of grass roots practices which are increasingly influenced by democratic practices.
- Concentration of the powers of order and of governance in the hands of the same person which leads to an insistence on the rigorous exercise of power and, in particular, on respect for the distinction between internal and external forum.
- Identification of the power of the sacrament with power more generally.

**Recommendation N° 35:**

The Commission believes that it would be useful for the Church to:

- Implement and develop procedures of assessment and internal control with *ad hoc* commissions which can function light-handedly.
- Develop risk-mapping in this context.
- Set up training and organisations for this purpose.
- Consolidate the dynamics of the annual review with the bishop, vicar general, or major superior which lies at the heart of the measure of accompaniment of every priest and member of a religious order.

**Recommendation N° 36:**

The Commission believes that, with regard to the principle of equal dignity, a far greater presence of laypersons in general, and women in particular, is required amongst the deciders of the Catholic Church.

This work would necessarily involve knowing the current situation and determining objectives with implementation dates.

**Recommendation N° 37:** Substitute, to define sexual violence committed against children and vulnerable persons in criminal canon law, a reference to the sixth commandment (“Thou shalt not commit adultery”) with a reference to the fifth commandment (“Thou shalt not kill”) thereby harmonising interpretation of Canon 1398 §1 of the Code of Canon Law and avoiding all distortion of this norm.

**Recommendation N°38:** Define in the Code of Canon Law, all sexual offences committed against a child or a vulnerable person, by highlighting the constituent elements of each offence and their corresponding sanctions, to make the law easier to read; emphasise the level of seriousness of failings and harmonise the interpretation of reference norms.

**Recommendation N° 39:** Create and distribute a collection of anonymised decisions handed down by jurisdictions applying canon law, at least within the scope of offences analysed by the Commission.

**Recommendation N° 40:** Set up, without delay, the inter-diocesan criminal canon law court announced in March 2021. Ensure its efficacy and take care that it be seen to be competent and impartial, in particular, by having a collegiate bench of judges composed not only of expert priests but also of specially trained lay judges.

**Recommendation N° 41:** Align canon criminal procedure with international fair trial standards, guaranteeing, in particular for the injured party, the right to legal remedy, notably by ensuring access to a court and the free choice of legal counsel.

**Recommendation N° 42:** Emphasise to all bishops, the advantages of having protocols in place, for instance the protocol of 5 September 2019 agreed between the archbishop and the public prosecutor of Paris or that agreed in 2020 in the jurisdiction of Grenoble Court of Appeal with regard to the reporting of any sexual offence of which the archbishop is made aware and the transmission of information concerning legal actions filed further to the said reporting of the offence (cf. Recommendation N°29).

**Recommendation N° 43:** Send a clear message from the Church authorities to penitents taking confession and to the faithful that the seal of confession may not derogate from the obligation provided for by the [French] Criminal Code, - which is, in the Commission's opinion, compatible with the obligation of divine natural law to protect the life and the dignity of the person - to report to the judicial and administrative authorities all cases of sexual violence inflicted on a child or a vulnerable person (cf. Recommendation N°8).

#### **Recommendation N° 44:**

##### **Accompaniment**

In the relationship between the candidate for priesthood and his spiritual director, clarify which confidences are covered by the seal of secrecy.

Take advantage of the possibilities offered by the RFIS and the *Ratio nationalis* to improve the training of trainers in matters of accompaniment (making a distinction between vocational construction and preparation for a function).

Take advantage of the RFIS and the *Ratio nationalis'* incitement to conduct psychological assessments of candidates before they enter a seminary and make it easier for candidates for priesthood to access psychological help, if they ask for it, once they are in ecclesiastical institutions.

##### **Training**

Encourage the study of human sciences; improve access to specialists with diverse profiles; and improve access to “*extra muros*” teaching spaces for seminarists.

Align in a more systematic and formal manner, the initial training and continuing education of priests, members of religious orders and laypersons in the Church with shared training sessions (LEME).

Implement assessment procedures of the new format of training programmes dispensed in every *Ratio (fundamentalis and nationalis)*.

Reinforce the following aspects of training:

- Develop an understanding of the dynamics and challenges in the development and affectivity of children and young people.

- Teach canonical and civil rights (the rights of children in particular) during the seminary or novitiate years.

Work on the development of critical thinking, reflection and elaboration in seminarists and novices, particularly with regard to questions of authority and obedience.

Share experiences and teaching methods with other training centres. Encourage university-backed courses and externalised training (in mixed situations, with members of the public and groups of students).

Consider training sessions on the prevention of sexual violence, co-organised with victim support groups, with the participation of health professionals.

### **Assessment and Recruitment**

Formalise the assessment process by means of precise questionnaires addressed to the assessors.

Explain clearly and systematically to candidates the reasons why they have not been accepted on a course of discernment or training, or why they have been refused access to a further stage on the path to the priesthood.

Establish formal intermediary assessments which are shared with seminarists (put a name on difficulties when they are noted).

Ensure a written follow-up of candidates' progress, and communication between dioceses, seminaries and Congregations to make sure all parties are aware of the negative responses received by the unsuccessful candidates.

### **Continuing Education**

Include, in the framework of clergy's continuing education, training on the fight against child sex abuse (law, response tools, prevention plans) and on the hold one person can have over another.

Pay particular attention to the training of the trainers and seminar supervisors, ensuring that they have the necessary tools for providing good spiritual or professional accompaniment.

Adapt the welcome session of *fidei donum* priests, to integrate training in the fight against child sex abuse with specific modules on the exercise of authority and appropriate positioning in interpersonal relationships.

Encourage discussion groups between priests about their work with children and vulnerable adults so that collective, peer-led intelligence may contribute towards the regulation of practices and adjustment of positioning in relationships and groups.

Include contributions from the faithful and from victims in initial and continuing education, following in the lead of the 2019 health law and 2017 decree defining social work.

### **Recommendation N° 45:**

Strengthen prevention policies by formalising them and making them known to as many people as possible.

Involve the various stakeholders in the Church (clergy, committed laypersons, parishioners) in an adapted manner whether this is through training, awareness-raising or information.

Encourage parish initiatives and activities which teach children that they have rights and that they detain knowledge (and not only as receivers of doctrine), based on the model for thought and action organised by the City of Paris (with the Parisian Charter for the Rights of the Child drawn up in 2020 by the children themselves).

Ensure that priests' and members of religious orders' living and working space is organised with regard to the need for vigilance, taking particular care to:

- Keep bedrooms separate from any visitor/third party reception space.
- Keep a physical space between the priest and the penitent during confession

Implement measures throughout the country enabling all priests and members of religious orders in regular contact with children and young people to:

- Be aware of the obligation to report incidents to the justice system (and not simply the obligation of raising an internal alert).
- Have a referent with whom to be able to discuss ambiguous or risky situations.
- Have a space for reflection and in which to be able to stand back from regular practices to maintain a perpetually vigilant attitude towards sensitive issues (physical contact, time and place for meeting with young people, procedures for making appointments etc.)
- Read the CIASE report closely and discuss the lessons which can be learnt from it during periods of reflection with external parties.

Set up obligatory, annual meetings in each diocese or religious community thus ensuring that all priests and members of religious orders are made aware of the CPPLP (*French Catholic Church advisory board in the fight against child sexual abuse*) activity report, or that of the national department which may take over its role; make this annual meeting an occasion for collectively building measures of reparation and prevention.

## INTRODUCTION

*“The reason I’m doing this is to... I can’t say it’s so that victims will disappear, because unfortunately that’s not going to happen but so that there will be fewer and fewer of them and because, in fact, for people to start speaking openly. We need to start talking as soon as possible to avoid more horror and above all (...) the cataclysm caused by abuse, of any kind, on a child (...). I did it, more than anything, because I said to myself “Children who have suffered at the hands of the Church must be able to say so”. That’s my aim. It’s not for me. For me, personally, it doesn’t change anything very much. But I tell myself that it’s important, now, finally, that the Church begins to see things, to realise what it’s done. (...) I think that lots of people could do it much better than me, but I think it’s important for all those who have lived through it to say so! So that people know about it”. (Jacques, Hearing No. 85)*

*“It comes and goes; you learn to live with it. Today, I know that I will never be able to erase the past. Now I live with it, I make sure it doesn’t happen again to others. To be clear, today is a culmination point for me. I didn’t want to stay in my corner and say: “Others are going to testify, there’s no point”. It’s not true that it’s never useful. Everything is useful. Today I lay my past before you (...). I don’t want others to go through what I went through.” (Arthur, Hearing No. 39)*

*“I’m angry too, you know, I’m a bit like Job. It’s true that we need justice really. Job was mistreated by God with the help of the devil, when everything was taken from him. Then at one point, he yells so much, shouting “I want justice, I want justice!” that he gets it. (...) All this is to say that I was shocked by the atmosphere of revenge which some people have evolved. I would like my anger, if I can express it, to be an anger which is not counter-productive, not an anger generating yet more drama. I don’t want silence, but nor do I want noise. (Jean-Charles, Hearing No. 3)*

*“To put it in perspective, you are the end of the road for me. It’s been four months since I decided to reveal this secret that I’ve kept to myself for 48 years. It hasn’t been easy. (...) And you see, here we are around a table, and I feel a bit overwhelmed by emotion. (...) If I’m here, more than anything it’s to express my indignation. I am scandalised by the Church’s current lack of action. Even if, it’s true, Pope Francis has just made a very powerful stand in abolishing papal secrecy in cases of sexual abuse. But it’s not enough. Having met many members of religious orders (...), I come away from this feeling pessimistic. Pessimistic about their desire to change things, and that’s what makes me so indignant. (...) I am worried about the Church’s capacity to question itself. And also because I am scandalised, I am a practising Catholic and I am scandalised by the attitude of certain members of the clergy (...). The Church has manipulated people’s consciences, and by that I mean the Church as an institution, as a whole. There are lots of people who knew and said nothing, and they are also guilty, given the mission that the Church has set itself. I consider that these people are as guilty as the people who committed sexual abuse. In whose name should we be covering it up? We are in the French Republic now. After all, it’s the law of the*

*Republic to protect people, which must be applied. Why should the Church be able to evade this? By evading, by hiding, these people are the accomplices of the perpetrators of sexual abuses. Now I want to be part of a process to help the Church move on.”* (Gonzague, Hearing No. 75)

*“If it's just telling my stories for the sake of telling my stories, then I have other places to do it, luckily. (...) But (...) I know people who are in the firm today and who are in danger. (...) And it's for them that I'm here, because I've left the firm and that's good, it's clear. They can't deceive me anymore, you see, since then I have developed enough resources to identify a certain number of things, to understand that I was a victim of some hidden workings. And the workings were everywhere. (...) No matter the place, no matter the person, I have observed absolutely the same thing. (...) Today it's him [my friend, a priest of 25 years] who is in danger, not me. But what I have to say, a certain number of facts (...) if I am here to say them, it's for him, for the others.”* (Pierre, Hearing No. 114)

“I don't want silence”, said this victim at the hearing. For in the beginning there was silence. This is exactly how the birth of the CIASE could be summed up; it was born out of too much silence. A silence accumulated over so many years among the victims of sexual violence by Catholic priests, deacons, and members of religious orders and the silence of those in the Church responsible for covering up the crimes.

Victims speaking out about abuse has not only led to the creation of support organisations, the writing of books, the making of films or the renewed media attention to the issue of child sex abuse in the Church and to the sexual assaults that have been perpetrated against vulnerable people under the Church's influence, but has also, to a certain degree, been at the origin of the CIASE.

Through its two representative bodies, the Conference of Bishops of France (CEF) and the Conference of the Members of religious Orders of France (CORREF), the Church in France created the Commission and, on 20 November 2018, sent its appointed President the mission statement annexed to this report. In doing so, the CEF and CORREF joined a movement initiated in other countries of the world historically anchored in the Christian tradition and confronted by the same phenomenon and the same scandals, which have - under different laws and with different means - set up commissions with the same purpose as the CIASE, either looking at sexual abuse specifically in the Catholic Church, or in other structures responsible for looking after children, or in society as a whole. The United States, Australia, Ireland, Belgium, the Netherlands, Germany, the United Kingdom, and Chile have all undertaken similar studies. The courage shown by the CEF and CORREF in turning to an independent commission totally external to the Church (albeit financed by the Church, but the latter having no say in the Commission's expenditure, being simply entitled to check its lawfulness and accuracy) is to be commended.

In order to ensure its complete independence, the Commission did not include any victims or church representatives among its members. Working “on” and not “for” the Church, it was described by one of its members at its constitutive meeting on 8 February 2019, as a commission set up to work “not on behalf of the victims, but on behalf of the truth”. Now, two and a half years later - with nearly 250 people having testified before the Commission or Inserm, in Paris and throughout France, including in overseas French territories; 73 experts having been heard in plenary sessions; 67 people having been received by the working groups; 20 priests and seminarians having been interviewed; a call for testimonies having been conducted over a period of 17 months; a vast survey of the general population having been conducted; research work that was as thorough as it was unprecedented having been carried out (a detailed presentation of this work is given in the methodological preamble below) - the Commission has

come to the conclusion that in fact, as far as its scope is concerned, working on behalf of the victims or working on behalf of the truth is one and the same thing. This does not mean that the Commission abandoned the objectivity that has always guided its work and underlies the whole report; but honesty requires it to say that the human experience of every one of the Commission's members and collaborators has been utterly absorbed in the words they have read and heard, which the following pages attempt to recount, while still placing them in context and also looking at them – over and above their raw potency - as research material to be analysed.

This is why, right from the outset and throughout the report, the reader is given, verbatim, some of the words that struck the members of the Commission by their strength, their accuracy, their expressiveness and their resonance. It is also the reason why the report - in its printed format – is presented in two volumes: the CIASE analysis in response to its mandate, and a “literary memorial” woven from the testimonies submitted to the Commission, which is presented as a work in its own right, entitled “From Victims to Witnesses”.

The CIASE analysis was conceived in three parts in order to respond point by point to the mission statement drawn up by Monseigneur Georges Pontier, then President of the CEF, and by Sister Véronique Margron, President of CORREF.

**In the first section of the report, entitled “Casting Light”,** the Commission presents an overview of the phenomenon of sexual violence against children and vulnerable persons perpetrated in the Catholic Church in France, from 1950 to the present day. Reflecting the multidisciplinary composition of the Commission and the scope of its investigations, the overview is intended to be as complete as possible. It draws on both scientific and experiential knowledge, includes historical, geographical and sociological perspectives, and crosses qualitative studies with quantitative data from the archives explored, testimonies collected, and the vast general population survey carried out on a representative sample of more than 28,000 people.

The first section opens with an evocation of the experiences of the victims and closes with a presentation of the quantitative results, placed in context, reached by the Commission. Based on the results of this section, it is estimated that the number of child victims of sexual abuse committed by priests, deacons, or members of religious orders stands at 216,000 people<sup>14</sup> - people who are, today, adults in France. More complicated to estimate, the number of perpetrators of the violence represents a proportion of the clergy which, according to the hypotheses detailed in this section of the report, is not inconsistent with the results published by foreign commissions. The second striking result reached by the Commission is that, although the vast majority of all sexual violence against children was perpetrated within the family, there was significantly more sexual violence committed within the Catholic Church than in any other sphere of socialisation i.e. state schools, sports clubs, youth holiday camps or cultural activities.

**The second section, entitled "Revealing the Shadows",** presents the Commission's diagnosis based on the situation as outlined in the first section. The various disciplines represented within the Commission are again put to good use, as are the different sources of data, in order to place the acts of sexual abuse and the regular covering up of them from 1950 to the present day, “in the context of the periods concerned”, to quote the mission statement. Particular attention has been paid – as requested by the CEF and the CORREF – to the measures

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<sup>14</sup> Inserm-EHESS Report, Table 52, p. 428. The lower and upper limits of the 95% confidence interval are 165,000 and 270,000 respectively. The estimated number of child victims of members of clergy and religious orders lies, therefore, between these two figures.

taken by these bodies, or under their leadership, since the turning point of the 2000s which is when, from the very top of its organisation, the Catholic Church began speaking in public about what it has chosen to call the fight against paedophilia.

From this, the concept of a systemic phenomenon of sexual violence against children and vulnerable persons perpetrated in the Church during the period studied has emerged.

The report aims to determine and to understand, factors specific to the Catholic Church - with regard to its positioning, its organisation, its internal references - which might have made it possible, if not to explain, then at least to account for, the extent of the violence committed and the way in which these cases were, or were not, dealt with when they were reported or discovered.

It was at this stage of the report that the Commission made observations inviting the Church to ask itself some fundamental questions. A word of reassurance, however, at no point did the CIASE overreach itself or exceed its mandate, or even, it could be argued, take the high ground. On the contrary, it seems to the Commission that this was the only way of genuinely fulfilling its mandate, even if it was not how it originally envisaged doing so. It has, however, over the months, collectively come to the conviction that its creation as an independent body, exterior to the Church, at this precise moment in the history of the institution as it is hit by the acute sex abuse crisis, confers upon it the responsibility to dig right down to the roots of the problem, as deeply as the Church is itself doing, as is made clear by, among other publications mentioned in this report, Pope Francis' aforementioned *Letter to the People of God* or the specific work of the Bishops' Conference of France's doctrinal commission which has been submitted to the CIASE.

Finally, **in a third section entitled "Dispelling the Darkness"**, after the diagnosis has been made, the report sets out a series of recommendations intended to prevent a reoccurrence of the horrors on which this report is constructed. The CIASE, therefore, addresses the themes of governance and internal control within the Church; the profound changes needed to the canonical criminal procedure, in particular to align, within the framework of civil law, its manner of dealing with cases of sexual abuse to that of the juridical authorities; training of candidates for the priesthood or religious life as well as continuing education for clergy or members of religious orders following their ordination or vows; the implementation of concrete preventative actions.

However, before these recommendations, which it hopes will be relevant and useful, can be implemented the Commission calls on the Church, first and foremost, to establish, humbly and humanely, a genuine process of truth and reparation, and to go further in this area than it has ever gone before. It proposes an approach which would encompass every known or concealed offence, past, recent and – alas - future. An explicit recognition of responsibility, devoid of any attitude of moral superiority. Use of the tools and methods of restorative justice, which would make it possible to overcome the problem of an expired statute of limitations. A totally new system of financial compensation, which would be the final stage of the process, and which must be facilitated by third parties, independently of the institution.

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As is expected of it, the Commission is both addressing mandators, who embody the Catholic Church in France, and also the whole of French society, as well as anyone abroad who may be interested in its work - in the same way as the Commission has taken an interest in the

work of all the foreign commissions which have preceded it. The CIASE, therefore, makes ambitious recommendations aimed specifically at the Catholic Church in France, but which have a much wider scope. While theological debate about the relevance of interpreting the sexual abuse of children and vulnerable persons as a violation of the sixth commandment of the Decalogue (“Thou shalt not commit adultery”) or the fifth (“Thou shalt not kill”) is probably of little interest to any reader outside the Catholic sphere, the recommendations relating to risk analysis for better prevention of violence, are valid for many non-ecclesiastical organisations, indeed have sometimes been inspired by them. Moreover, recommendations about aligning canon and state law or listening to victims in an appropriate and professional manner or setting up measures for overcoming trauma – even if the harm remains irreparable - are all elements which the Commission hopes will speak to those who do not wish to “offer a way out” to the Church, or to those who are not, or are no longer, believers. These recommendations are general in their scope and look at the Catholic Church as a player in French society – a role which has certainly been true historically and, whether the Church itself likes it or not, is still true today.

There is no denying – as the Commission is intensely aware - that the simple fact of proposing future perspectives in a report devoted to inexpiable crimes, may be unbearable to some. The CIASE wants to tell these people that it has the utmost respect for the story of each victim, of all the victims who spoke to it, and the many more who were unable or unwilling to do so, or who did so and then changed their minds, asking for their testimony to be deleted (which, of course, it was). To all these people, the CIASE simply wants to say that it is thanks to them that this report has been written.

## METHODOLOGICAL PREAMBLE

Before getting into the substance of the report, the Commission would like to give a general outline of its working methods throughout its two and a half odd years of activity. This is all the more important as the unusualness of its creation, its status and its methods have given rise to a number of questions which must be answered with complete transparency.

### **1. The Commission before the Commission: Its composition, installation, human and material resources**

From the adoption of the principle of the Commission's creation by the Plenary Assembly of the Bishops on 7 November 2018 and the CORREF's general assembly on 12 November 2018, and from publication of the mission statement addressed to Mr Jean-Marc Sauvé dated 20 November 2018 signed by Monseigneur Georges Pontier, President of the CEF and Sister Véronique Margron, President of CORREF, began a phase lasting approximately two months, during which the President selected the members of the Commission and its first operating procedures were put in place. From the outset, emphasis was placed on the pluralism, objectivity, competence and independence of the Commission. Ten women and eleven men were asked, and of their own free will chose to join, the CIASE on a voluntary basis. Their professional skills and fields were varied: criminal, canonical and child protection law; health issues; medicine including psychiatry; education and social work, social science research (history, sociology, anthropology); ethical reflection and theology. The Commission, therefore, was able to undertake inter-disciplinary work and the richness of the exchange between members and disciplines remained a constant feature of its work, right up to the finalisation of the report. The mix of generations, the mix of philosophical and religious beliefs, and the different faiths professed by the members – inclusive of non-believers, agnostics or atheists – proved to be equally productive. It is important to stress once again the decision not to include either any member of the clergy, nor any victim of sexual abuse in the Commission. Such sidestep was vital to preserve the visible impartiality of the Commission. Consequently, it was possible to hear, in all serenity, many representatives of the Catholic Church as well as many witnesses or victims, and to constitute a “mirror group” quite distinct from CIASE which could benefit from the experiential knowledge of the victims (*cf.* below).

The Commission relied on limited human resources to assist the President and its members in conducting their mission: there was a voluntary general secretary, a project coordinator and two full-time salaried assistants, and with regard to the substantive work: a general rapporteur and six or seven rapporteurs who worked one or two days a week were paid hourly (with the exception of one volunteer rapporteur) and, finally, two psychology students who contributed to the analysis of testimonies throughout an academic year or so. It also had occasional assistance from five honorary judges, who helped conduct the hearings of victims and prepare the reports for the public prosecutor's office as required by law (*cf.* below).

Independence was also the key word with regard to material resources, and was based on frugality in operational procedures. Thus, the Commission's budget was essentially devoted to the substantive work as described below. An agreement was signed between Monseigneur Pontier, in his capacity as President of the Union of Diocesan Organisations of France (UADF, the administrative support of the CEF), and President Jean-Marc Sauvé on 14 January 2019 (*cf.* Annex 9), guaranteeing the CIASE the necessary resources to carry out its mission, while ensuring its independence and the confidentiality of its work.

The Commission initially rented 100m<sup>2</sup> of office space situated 90 Boulevard Arago in the 14<sup>th</sup> arrondissement of Paris. However, it had to move at the beginning of 2021, due to the prolongation of its work (principally caused by the Covid-19 pandemic). It was unable to keep the Boulevard Arago premises as building work was due to be urgently undertaken and it moved in February 2021 to 41 Boulevard du Montparnasse in the 6<sup>th</sup> arrondissement. It occasionally rented rooms in Paris for its plenary meetings ("La Barouillère" on Rue Saint-Jean-Baptiste de La Salle, the Centre Sèvres on a street bearing the same name, and the Foyer International d'Accueil de Paris on Rue Cabanis). It also rented, or was lent, rooms for the organisation of public meetings during its "Tour de France" (*cf.* below). The same applied to the hearings of victims or witnesses. Mr Stéphane de Navacelle, a member of the Commission, made available, in conjunction with the Paris Bar Council and entirely free of charge, rooms totally adapted to confidential hearings, during the entire period of investigations.

By 31 December 2021, the final closing date of the Commission's work, its total expenditure will have amounted to approximately 2.6 million Euros against an initial forecast budget of 3 million Euros. Cf the table attached in Annex 10 tracing the principal expenses. That expenditure was so contained can be explained mainly by the fact that a very large proportion of the work was carried out on a voluntary basis. The President, the members – including researchers in their roles as directors of studies – the associated members, some of the rapporteurs and the general secretary were all volunteers. Their commitment is estimated at 26,000 hours of work in total, representing the equivalent of 1.2 million Euros, based on the UADF hourly rate for its own volunteers. The total cost of the CIASE's work, adding together the financial cost to the mandators plus the valorisation of all the volunteers who have worked for the Commission, can therefore be valued at 3.8 million euros.

## **2. Starting the Work: Digging the Foundations**

The CIASE held its inaugural meeting on 8 February 2019. It quickly decided and announced that it would spend the first three months of its activity defining its work programme. For these purposes, a working group was set up to study the appropriate methodology for collecting information about sexual violence; this group was responsible, in particular, for preparing the collection of testimonies. Another working group was set up to look at legal issues and determine the scope of the Commission's study which, based on the original mission statement (*cf.* Annex 4) allowed for:

- Specification of the temporal and geographical scope of the study. The period from 1950 to the present day was decided upon, although older testimonies would nonetheless be accepted as would historical analysis which could help the phenomenon to be understood over a long period, such as the hearings (the reports of which are included in the digital annexes) of historians Martine Sevegrand, Anne Philibert and Claude Langlois, or the in-depth work of the EPHE (*École pratique des hautes études*) research team (Digital Annex 28). The geographical scope to be taken into account was intended to be vaster than present-day mainland and overseas France, but in actual fact the testimonies rarely concerned any acts committed outside of mainland France.

- Determination of the basic definitions necessary for the analysis: both with regard to the persons concerned and to the acts under consideration. With regard to the persons concerned, for child victims, it was decided to disregard the lowering of the age of majority from 21 to 18 in 1974. In fact, by the end of the study it was clear that this pivotal age was, in fact, of little importance with regard to the study's subject. Much more essential was the choice

made to define “vulnerable persons”, whom the mission statement asked to be taken into consideration in the same way as children. This was a new element compared with the foreign commissions whose work preceded that of the CIASE.

The Commission consequently decided to include within its scope: children; adults subject to protective supervisory measures as defined by civil law<sup>15</sup>; any person involved in a non-consensual sexual relationship in the context of a hierarchical relationship or relationship of spiritual guidance or power. With regard to the perpetrators of violence, the Commission included the following persons: bishops, priests and deacons of the diocesan clergy, members of men’s religious orders, whether priests or not, and sisters of congregations and institutes of consecrated life. This included trainee clerics and brothers (seminarians, novices and scholastics), members of “Associations of the Faithful leading a Communal Life”<sup>16</sup>, regardless of the diocese, religious institute or association to which they belonged, but not candidates - a stage prior to the seminary or novitiate - nor lay members of the Church, due principally to a lack of archives or statistics about these persons.

With regard to the acts in question, the Commission decided on a definition inspired by the Criminal Code but also sufficiently meaningful for the vast target audience of its appeal for testimonies : any sexual assault committed with or without violence, constraint, threat or surprise (rape, sexual assault other than rape, incest, exhibitionism, sexual harassment), any sexual exploitation (procurement) or any abuse of children (corruption of children, sexual propositions made to children, sexual abuse of children, the fixing, recording or transmitting of an image of a pornographic nature of a child).

## SEXUAL ABUSE OR SEXUAL VIOLENCE?

The term “sexual violence” is employed by political activists and in feminist research and there are representatives of victim support organisations who believe the CIASE should use it rather than the term “sexual abuse”, as they feel it would more accurately reflect the experience of victims. The term sexual abuse is said to be inappropriate because it implies that there is “a threshold below which sexual behaviour is permitted or tolerated as long as a line is not crossed”.<sup>17</sup>

In French, abuse does not only mean an excessive use of, but also the misuse, the deviant use of something (*cf.* the French phrase “*abus de langage*” to mean that something has been said mistakenly or put loosely) or, as in this instance, when applied to sexuality, of someone. Sexual abuse thus conventionally refers to maltreatment or abuse of a sexual nature, i.e. an abuse of power expressed in the sexual domain, or even “a seizure of power through sexuality.”<sup>18</sup> Therefore, any threshold which may be crossed in the case of sexual abuse, is, first of all, that of the power conferred on an individual by society or by an institution - in this case by the Church on its official representatives. It is, therefore, a question of relationships of power expressed through sexuality but which are generally part of a

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<sup>15</sup> That is, persons whose disability or impairment justifies a protective measure such as guardianship or curatorship.

<sup>16</sup> Expression designating the canonical framework used by many so-called new communities.

<sup>17</sup> La Parole Libérée, *Marianne, n’entends-tu pas tes enfants pleurer ?* Cerf, 2021.

<sup>18</sup> C. Lalo et J. Tricou, « ‘Si cet homme n’avait pas été prêtre...’. Patriarcalité du pouvoir, script catholique et pédocriminalité dans l’Église », *Cahiers d’histoire. Revue d’histoire critique*, 1<sup>st</sup> December 2020, N° 147, pp. 69-93.

continuum with other forms of violence expressed in other fields (in that sense, some speak of spiritual abuse, psychological abuse, etc.).

Depending on the field to which it is applied (research, legal framework, public policy or social norms), the concept of sexual abuse adopts a variety of definitions, making it difficult to analyse and compare data - for example regarding age thresholds or the type of sexual violence. Nevertheless, the following characteristics, out of those identified by researchers Ben Mathews and Delphine Collin-Vezina in their study on the variations in definitions of sexual abuse, may be retained:<sup>19</sup>

– A relationship of power: for this to exist there needs to be a closeness or dependence between the victim and perpetrator, whether this link is familial (parent), institutional (teacher, cleric) or economic (employer). This relationship of power can be superimposed on others such as age (adult vs child), sex (man vs woman) etc.

– Exploitation of a situation of dependence by one person of another: the abuser uses his position of superiority to his advantage and to the detriment of the person being abused.

– An absence of valid consent stemming from the inequality of the relationship.

What is the difference between sexual violence and sexual abuse? Sexual violence encompasses situations in which one person imposes on another unsolicited acts or propositions of a sexual nature. This expression covers forced or attempted sexual intercourse, touching of the private parts or forced kissing, exposing oneself naked, or sexual harassment. Sexual abuse specifies the setting in which the violence occurs.

The choice has been made to use both expressions in this report. The survey conducted by Inserm concerns acts of sexual violence committed against children or members of women's religious orders in the Roman Catholic Church. Because these acts of sexual violence took place within an established relational framework, in which one person, in a position of institutionalised power over another, abused this power by extending it to include the sexual realm, the term sexual abuse is used when dealing specifically with the relational context in which the sexual violence was committed.

The notion of abuse seemed appropriate for studying the factors which may be propitious to sexual violence in the Catholic Church, as it directs the analysis towards the nature of the relationship (unequal and geared towards the sole satisfaction of the abuser) of the persons concerned. Incidentally, a number of victims felt that the expression "sexual violence" badly described their experience (for example, when the abuse consisted of caresses, sometimes accompanied by tender words); although the Commission is clear that, in its opinion, there is absolutely no doubt that such acts do indeed constitute violence.

The two expressions are not, therefore, antagonistic, each finding its justification depending on its application. The survey carried out by Inserm, on behalf the CIASE, uses the expression abuse in the documents distributed to the public both for the appeal for testimonies and in the general population survey. Its choice of terminology was principally based on the need to be understood by the people taking part in the various aspects of the survey.

The concept of sexual abuse is based on the idea that the inequality of a relationship and the exploitation of the vulnerability of one person by another constitutes an intrinsic obstacle to the expression of free and informed consent; this is applicable to any relationship where a person - even an adult - under the *de facto* or legal authority of another person, is subjected to sexual violence. The phrase may also be helpful with reference to acts of a sexual nature committed without violence, coercion, threat or surprise.

*Source: Inserm-EHESS Report (Digital Annex 27), pp. 26-28.*

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<sup>19</sup> Ben Mathews and Delphine Collin-Vézina, "Child Sexual Abuse: Towards A Conceptual Model and Definition", *Trauma, Violence and Abuse*, 2019, Vol. 20(2) 131-148.

The working group responsible for legal issues was also tasked with clarifying the Commission's obligations to report incidents to the appropriate judicial authority, in accordance with the [French] Criminal Code, and with regard to data protection, pursuant to the General Data Protection Regulation (GDPR)<sup>20</sup> and the so-called “data protection law”.<sup>21</sup>

The Commission – just as any private individual - was subject to the obligation to report preventable crimes (Article 434-1 of the [French] Criminal Code), especially the ill-treatment, assault or sexual abuse of children or vulnerable persons in cases where the perpetrator is known and is alive (Article 434-3 of the [French] Criminal Code). The weight of this obligation has been the heavier in view of the increasing body of case law regarding the provisions of the said Articles building up over the successive stages (Court of First Instance, Court of Appeal, Court of *Cassation* (*Supreme Court*)) of Cardinal Barbarin’s trial. The Commission set up an internal protocol for identifying testimonies susceptible to giving rise to the obligation to report to the competent prosecutor. Mr Xavier Salvat, an honorary judge at the Court of Cassation and associate member of the CIASE agreed, on a voluntary basis, to closely examine each of these testimonies and recommend whether the President of the Commission should report the case or not and, if so, to word the report carefully. In total, 21 reports were made to the public prosecutor and 42 to the Church.

With regard to the legal obligation for the protection of personal data, the Commission has, simply by virtue of carrying out its mandate, received a mass of sensitive data as defined by Articles 9 and 10 of the RGPD, i.e. data relating to religious beliefs, health, sex life or sexual orientation, offences and criminal convictions. The CIASE’s secretariat went to great lengths to comply with RGPD requirements with the help of a law firm, specialists in this field. Consequently, voluminous technical documents were drawn up to demonstrate compliance with these requirements: a register of processing operations (an exhaustive description of all personal data flows) running to more than 100 pages, and an impact assessment (a review of the obligations designed to reduce any risk associated with the processing of the personal data collected) of almost 80 pages.

But more important even than the constant concern to comply with applicable standards, was the scrupulous culture of confidentiality developed by all members and staff of the Commission, out of respect for the victims. This culture of confidentiality has permeated the entire data collection process.

### **3. Data Collection: The weight of words & wrongs and the tribulations of conducting research during the covid pandemic**

The three-month digging the foundations period was followed by two years of data collection and its simultaneous analysis, despite disruptions to the Commission’s timetable and methods caused by the Covid pandemic. The data collection and analysis took place within the framework of four research projects, subject to four conventions drawn up between the Commission and the institutes concerned:

– An appeal for testimonies as the basis of a socio-demographic study led by a team from INSERM (*French National Institute of Health and Medical Research*) under the direction

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<sup>20</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and the free movement of such data.

<sup>21</sup> Law N° 78-17 of 6 January 1978 on information technology, data files and civil liberties.

of Ms Nathalie Bajos, which included an online questionnaire and interviews as well as a vast general population survey.<sup>22</sup>

– An archival research project led by a team from the *École pratique des hautes études* (EPHE) under the direction of Mr Philippe Portier.

– A socio-anthropological study led by a team from the *Fondation Maison des sciences de l’homme* (FMSH), under the direction of Ms Laëtitia Atlani-Duault (University of Paris-IRD<sup>23</sup>, FMSH).

– A series of interviews with priests and a deacon who have perpetrated acts of sexual assault, conducted under the direction of Mr Philippe Portier (EPHE).

It was **the call for testimonies** that first mobilised the Commission and symbolised its determination to break the silence. The appeal was implemented thanks to the expertise of the France Victims Association, the federation of French victim support organisations. The CIASE signed a convention with this body, having chosen it to help put in place the appeal. The call for testimonies was launched on 3 June 2019 and closed on 31 October 2020. Throughout these 17 months, four listeners (psychologists or specially trained lawyers) took turns every day, including weekends, to be the ears and voice of the CIASE for the witnesses and victims of sexual violence in the Church. The listeners were there to collect the first factual elements of these private traumas, about which some people were talking for the first time. Their role was also to direct the victims, when the latter wished, towards a more in-depth study of their case through an online questionnaire conducted by the IFOP Institute and towards a longer hearing period with Inserm researchers or with members of the CIASE. The listeners also proposed individualised follow-up within the France Victims network, so that the people who had testified would not then remain alone after the far from anodyne act of speaking for the first time. In 42% of cases, victims were referred to this network at their own request.

It was also possible to contact the CIASE by email or by post, always in complete confidentiality. The table attached in Digital Annex 16 gives an account of the 6,471 contacts made in this way: 3,652 telephone interviews, 2,459 emails and 360 letters processed by the France Victims’ team. This represented 2,738 different people (as some people called several times or followed their call with an email, etc.). The volume of contacts closely followed the “media curve” of coverage in the major national media: the peaks of activity for the call platform corresponded to an event relayed in the press (the launch of the appeal for testimonies, an interview with the President, the plenary assembly of bishops, media coverage of a trial, etc.). It should also be noted that very few hoax or fantasist calls were received. Only 75 victims of lay persons and three “unknowns” could not be taken into account in the above numbers, as they fell outside the scope of the survey.

Conversely, the number of contacts made - important though it undoubtedly is - is nonetheless far lower than the actual number of victims or witnesses of violence. This well-known phenomenon of under-reporting of sexual violence, studied in the report and its annexes (in particular the work of Inserm), was accentuated by the generally lacklustre media coverage of the CIASE’s call for testimonies, apart from the few peaks of attention already mentioned. Because of the cost, the Commission decided not to launch a nationwide communication campaign as did some countries, in particular Australia, and once the initial appeal had been launched, it relied mainly on leaflets and posters that the French Bishops’ Conference agreed

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<sup>22</sup> This system of survey (quantitative and qualitative) has been approved by the Inserm national ethics committee (Opinion N°20-667).

<sup>23</sup> Research Institute for Development

to distribute to all dioceses, with the support given - free of charge - by the Bayard-Press group. Although the boxes of leaflets and posters were sent out, it is clear that they were not distributed everywhere. Random tests carried out by members of the Commission and its secretariat lead one to fear that this institutional communication reached the faithful on the display racks of France's parishes very unevenly. Additionally, this hypothesis also suggests that people disconnected from the Church could not be reached this way.

In order to carry out the **socio-demographic survey**, a second or even a third level - depending on the wishes of the people who contacted the Commission - was added to the "first level" (the France Victims' team listening platform). These were:

- The possibility of answering an online questionnaire comprising 63 questions proposed and analysed by the Inserm research team and administered by IFOP. 1,628 questionnaires were completed, including 1,448 concerning persons who were children at the time of the abuse.

- The possibility of participating in a "semi-directive" research interview, i.e. offering people the opportunity to express themselves freely, confidentially and anonymously before, perhaps, asking them to return to certain subjects corresponding to the research hypotheses, if the person had not already brought up the subject of their own accord. A total of 69 interviews were conducted in this manner, 45 with people who were children at the time of the abuse and 24 with vulnerable adults, including 17 sisters, 2 seminarians and 5 lay people, victims of sexual violence, spiritual abuse or both.

Finally, a survey on sexual violence conducted among the general population between 25 November 2020 and 28 January 2021 in a quota sample of 28,010 people over the age of 18, using an online 28-point questionnaire developed by the research team and administered by IFOP. The survey made it possible to estimate the prevalence of acts of sexual violence perpetrated by a member of the Catholic Church and to compare them with violence committed in other spheres of socialisation (family, school, sports activities, other religions, etc.) and finally to assess the social and demographic specificity of the appeal for testimonies. It should be pointed out that, to the best of our knowledge, only one foreign commission, in the Netherlands, has so far conducted a similar survey on a sample of people aged over 40.

The **archival research**, which could perhaps more accurately be described as socio-historical research, carried out by the EPHE team was based on six different types of source material (for a detailed presentation, *cf.* the EPHE Report in Digital Annex 28, pp. 34-47):

- Firstly, the answers to a questionnaire sent to all bishops and major superiors of the institutions affiliated to the CORREF concerning the content of their archives in relation to the CIASE's study. Eighty-nine dioceses out of 115 provided qualitative responses, with only one not responding at all. Only 53 institutes out of 350 were able to provide documented responses.

- Primarily, the archives of the Church of France, whether those kept at the Church of France's National Centre of Archives - accessed with derogations as normally these archives cannot be consulted by researchers - or the archives of dioceses, orders, congregations and associations of the faithful. The list of entities selected by the research team is reproduced in the table below (*cf.* EPHE Report, Digital Annex 28, p. 41). We will come back later to the question of access to archives, a sensitive issue if ever there was one, but it can be noted at this stage that, although the EPHE researchers mandated by the CIASE obtained, sometimes after extensive exchanges, access to everything they wished to study - in the historical ecclesiastical

archives, the current archives and the so-called secret archives<sup>24</sup>, - they were twice refused access, once by a diocese and the other by an association of priests. The fact remains that this plunge into the Church archives, carried out directly by qualified researchers - so without the intermediary of lawyers as has been the case in other countries that have created commissions comparable to the CIASE - is a documentary source of the highest order.

**DIOCESES, ORDERS AND CONGREGATIONS WHOSE ARCHIVES HAVE BEEN SEARCHED BY THE EPHE RESEARCHERS**

Dioceses		Orders and Congregations, Associations of the Faithful	
Aix en Provence	Nancy	Timadeuc Abbey	Sisters of Providence of Pommeraye
Angers	Nice		
Armées	Montpellier	Community of Saint-Jean	Community of the Beatitudes
Arras	Orléans	Company of Jesus	
Bayeux	Paris / Institut Jean-Marie Lustiger	Congregation of the Holy Spirit	Foyers de Charité
Besançon	Pontoise	Brothers of the Christian Instruction of Ploërmel	Prado Institute
Bordeaux	Quimper	Brothers of Saint-Gabriel	
Cambrai	Reims	Brothers of Christian Schools	
Grenoble	Rennes	Marist Brothers	
La Rochelle	Rouen	Brothers Hospitaliers of Saint John of God	
Laval	Saint-Brieuc	Missionaries of Africa (White Fathers)	
Lille	Strasbourg	Order of Preachers, Province of France	
Luçon	Toulouse		
Lyon	Vannes		
Meaux	Versailles		
Metz			

<sup>24</sup> This expression is used in the Catholic Church to refer to the archives kept by the bishop's secretariat. The adjective "secret" easily, but largely mistakenly, feeds fantasies, as the website [www.vaticannews.va](http://www.vaticannews.va) reports in connection with a *Motu Proprio* published on 28 October 2019, in which Pope Francis changed the name of the "Secret Archives of the Vatican" to the "Apostolic Archives of the Vatican", explaining this choice by the "semantic evolutions" that have lent the adjective "secret" the "prejudicial" sense of "hidden", whereas these archives, which are accessible to researchers, have already changed their name during the course of history: originating from the *Bibliotheca secreta del Romano Pontefice*, i.e. the the writings directly under the jurisdiction of the Pope, the archive was originally titled *Archivum novum*, then *Archivum Apostolicum*, and finally, *Archivum Secretum* (the first known use of this term dates back to 1646).

- Additionally, access to public archives, mainly those of the Ministry of Justice, the Ministry of the Interior (the legal branch of the police force) and the *gendarmerie nationale*, thanks to the derogations obtained by the researchers in accordance with legislation, the age and degree of confidentiality of the files. The derogations included a “dispatch” dated 28 November 2019 from the director of Criminal Affairs and Pardons at the Ministry of Justice, a letter from the Minister of Justice dated 16 June 2020, and a letter from the Minister of the Interior dated 19 June 2020. Some departmental archives were also explored in order to consult judicial files kept there.
- A questionnaire-led survey of forty-eight members of clergy and religious orders on training methods to chastity, conducted by the EPEH.
- Subsidiarily, all the testimonies, whether those addressed directly to the CIASE or the very many which are publicly available.
- Even more subsidiarily, publicly available sources including public statistics and French press data bases.

The **socio-anthropological research** initially focused in-depth on this latter body of work selected from national media (the news programmes of the main French television channels between 1990 and 2020 and articles from the four major titles of the national daily press from 2016 to 2020). Its systematic review of the data is presented in Digital Annex 29. Originally conceived as a series of monographs about certain dioceses, institutes or communities, the research was reorganised for material reasons and because of availability issues of the research team – these issues being mainly linked to the Covid pandemic. As well as providing sociological analysis of the media coverage, the research was also intended to provide material for this report and the collection of testimonies entitled *From Victims to Witnesses* (Digital Annex 32), by analysing and identifying the most significant and most evocative testimonies or those most pertinent to the report’s hypotheses, based on all the witness hearings, and letters and emails addressed to the CIASE.

Lastly, **eleven research interviews** were conducted between April and June 2021 with **some priests and one deacon**, born between 1933 and 1954, **who had perpetrated acts of sexual assault** and who had accepted to be interviewed by a team working under the direction of Mr Philippe Portier. The sample of men interviewed may initially appear somewhat limited but contacts such as these with perpetrators capable of testifying are extremely difficult to organise under stringent scientific conditions. It is noted, incidentally, that the small number of reference works which exist on this subject is not based on any more sizable data.<sup>25</sup>

Finally, Ms Florence Thibaut led a study of the **personality analysis and psychiatric reports contained in 35 judicial files of ecclesiastics** convicted for crimes falling within the scope of the Commission’s investigation (*cf.* Digital Annex 30). The same observation as above is applicable to the analysis, from a psychiatric point of view, of the rich material comprising the 35 judicial archives (*cf.* the methodological precisions linked to the size of the sample in Digital Annex 30).

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<sup>25</sup> See, in particular, O. Bobineau, J. Merlet et C. Lalo, *Le sacré incestueux. Les prêtres pédophiles*, two of the authors of which were heard in the plenary session of 11 October 2019 (*cf.* the minutes of the hearing in Digital Annex 12, where they stated having organised five or six interviews with abusive priests, out of a total of some forty interviews).

In parallel to these four research projects, the CIASE based its report on a large number of **hearings** (in addition to the research interviews already mentioned), of various types:

- 73 interviews during plenary sessions with representatives of the Catholic Church (presidents of the Conferences which had mandated the Commission, bishops and major superiors of religious institutes), representatives of victims' organisations and support groups, as well as specialists, experts, keynote speakers who brought with them their academic skills, their professional experience or their experiential knowledge of the victims. The list of these hearings (Annex 11), as well as all the reports of these meetings (Digital Annex 12), illustrate the wealth of ideas with which the CIASE nourished its own thinking. Due to the pandemic, the Commission was obliged to organise almost all of these hearings remotely by videoconference, starting in March 2020.

- 48 interviews led by the Commission's four working groups which made it possible to hear 67 qualified persons from all walks of life (experts, representatives of the Catholic Church and other denominations, jurists, theologians, legal authorities, government services, members of diocesan and religious institutes' Listening Units etc.)

- 174 victims heard by two representatives of the Commission – members, associated members (the latter being Ms Lucile Lafont, honorary director of a victim support group, and Ms Françoise Neher, Ms Sylvie Pantz and Ms Marie-Pierre Porchy, honorary judges) or the general secretary, and one-to-one with the President of the Commission, depending on the preference of the person wishing to speak at length. These interviews usually lasted between two and four hours. A protocol was drawn up for these purposes, including for when the hearings had to be organised remotely by video conference, (*cf.* Digital Annex 13) in view of the restrictions on movement imposed from the spring of 2020. The pandemic caused quite a number of postponements, sometimes of several months. The protocol provided, in particular, for the long process of proofreading, correcting and validating each anonymous report. The process was first undertaken by the person listening and then by the person giving their testimony. The latter had to give his or her express consent to any possible publication.

- Twenty interviews with priests and seminarists, of differing profiles and from all over France, led by Ms Alice Casagrande, Mr Stéphane de Navacelle, which were then subjected to a scientific analysis by Ms Laëtitia Atlani-Duault (Digital Annex 31) made it possible to consolidate the diagnosis established by the Commission, and provide input for the third part of the report devoted to recommendations on training and prevention.

Anxious not to appear too “Parisian” and keen to contribute to its own appeal for testimonies, the Commission organised a series of hearings (included in the total above) in all the regions of mainland France, in Corsica and in the Caribbean. The timetable of the hearings is set out in the following table.

### THE 14 STAGES OF THE CIASE’S “TOUR DE FRANCE”

- 29 November 2019: **Lille** (*Sciences Po*).
- 9 December 2019: **Bordeaux** (*École nationale de la magistrature*).
- 30 January 2020: **Strasbourg** (Institute of Regional Administration).
- 11 February 2020: **Nantes** (Institute of Regional Administration).
- 18 February 2020: **Pointe-à-Pitre** (Rémy Nainsouta Cultural Centre).
- 21 February 2020: **Fort-de-France** (Le Squash Hotel).
- 27 February 2020: **Toulouse** (Barcelone Civic Hall)
- 3 March 2020: **Orléans** (Museum of Fine Art, Auditorium).
- 10 March 2020: **Rennes** (Conference Centre, Jacobins Convent).
- 15 September 2020: **Rouen** (Auditorium, Panorama XXL).
- 22 September 2020: **Lyon** (*École normale supérieure*).
- 29 September 2020: **Dijon** (Exhibition and Congress Centre).
- 1<sup>st</sup> October 2020: **Aix-en-Provence** (*cancelled due to Covid*).
- 5 October 2020: **Bastia** (Institute of Regional Administration).

These meetings, each bringing together a delegation from the CIASE and representatives of the France Victims Association network, provided an opportunity for public meetings and local media coverage (despite four postponements and one cancellation due to the Covid pandemic). They also enabled victims or witnesses who wanted to testify individually before the Commission to do so without having to travel to the capital.

The numerous and dense study and research materials gathered during the ‘Tour de France’ helped the Commission's four working groups to forge their diagnosis and recommendations.

#### 4. Formalising the conclusions: four working groups involved in a carefully thought through project

Quite early in the life of the CIASE, i.e. from the summer of 2019 onwards, its President decided, in view of the relatively short period of time granted to them by their mandators, to set up four thematic working groups, each co-chaired by two members and each of which received a mission statement. (*cf.* Annex 4). Between summer 2019 and winter 2019-2020, the following groups were set up:

- A group responsible for theological, ecclesiastical and church governance questions co-presided by Mr Alain Cordier and Mr Joël Molinario.
- A group responsible for studying the articulation between canon and civil law and for reflecting on ways of reforming canon law, co-presided by Mr Didier Guérin and Ms Astrid Kaptijn.

– A group devoted to the situation of victims and issues of responsibility and reparation, in particular the notion of restorative justice<sup>26</sup> co-presided by Ms Alice Casagrande and Mr Antoine Garapon. This group worked with a “mirror group” comprised of victims, either in their capacity as individuals or as members of an organisation (*cf.* composition of this group in Annex 8). The insight provided by the experience of the eleven people, who agreed to enter into an unprecedented process of co-building of some of the report's findings and recommendations, was an enormous asset. This contribution to collective reflection, stemming from what social sciences refer to as experiential knowledge, was welcomed by all parties.

– A group called the “Evaluation Group” responsible for analysing the way in which the Church dealt with, or did not deal with, cases brought to its awareness, and to evaluate the measures taken by the Church of France since 2000 – at the express request of the CEF and the CORREF, co-presided by Mr Sadek Beloucif and Ms Anne Devreese.

This group also looked at the treatment of sexual violence in other religions and in state schools.

The very title of these working groups offers an indication of their intention: to get to the bottom of things and to reveal the state of affairs, as is expected of the Commission, by presenting the most complete, objective and substantiated description of the facts from 1950 to the present day as possible and to make a diagnosis based on an all-encompassing perspective in order to formulate substantial recommendations with solid foundations. These groups did not work in a vacuum and heard from as many experts, specialists and witnesses - from both the Catholic Church and society in general - as possible.

The reader shall judge the validity of the Commission’s ambition and decide whether it has paid off and nurtured the report’s developments.

This strongly asserted ambition, aimed at bringing forth proposals, not just for the Catholic Church in France, but also for the Church full stop and for France, a society concerned with the protection of its children and its most fragile adults, has been a common thread running through CIASE’s work during 30 months of work and discoveries.

## **5. The CIASE, its mandators, interlocutors and successors: the chronicle of a sensitive and unresolved issue**

To conclude this methodological preamble, having described its tools and methods which it hopes it has shown to be coherent and solid, the Commission would like to demonstrate, with just a few small details, the culture and working atmosphere that it has adopted.

As was the case for everyone, from the spring of 2020, the CIASE’s timetable was disrupted and slightly extended by force of circumstance. It nonetheless stayed on course throughout. Meetings have been held almost exclusively online since this period but the group cohesion, which had had time to develop during the first year of working together, enabled the Commission to remain united and to persevere in pursuit of its mandate. During the course of 49 plenary meetings between February 2019 and September 2021, as well as two working seminars of three half-days each, the committee worked in a spirit of purposeful collegiality,

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<sup>26</sup> As the French usage is not completely fixed, to the best of the Commission’s knowledge, it chose the adjective “restorative”, illustrating the Anglo-Saxon origin of the concept, rather than the adjective “*restauratrice*”, which is also used in French.

never falling into a rut of easy consensus, thanks in particular to the decision taken a long time before the work reached its conclusion which, in the end was not put to use, to allow each member to submit personal contributions regarding specific aspects of their work in order to complete the report if necessary.

This spirit of cohesion enabled the commission to stick to its work plan, continuing to inform its two mandators, the CEF and CORREF, regularly, fully and loyally of the progress of its work. Three-way meetings, in the form of a fairly flexible steering committee, were organised thrice yearly to discuss issues of common interest, often of a practical nature. Much more regularly, the general secretariat enabled UADF, its financier, to follow the CIASE's operations in complete respect of the former's independence, a "controller" having been appointed as an intermediary for this purpose. The CIASE is grateful to its mandators for having responded positively to all its requests regarding its functioning, which it has sought to make as inexpensive as possible.

For their part, following on from their November 2018 assemblies, both the CEF and CORREF have continued to work on the issue of sexual abuse in the Church, each in its own way. The CEF - which incidentally changed president and general secretary in July 2019, and then general secretary again in the summer of 2020 – had its own working groups which announced measures in November 2019 and implemented them in the spring of 2021. The CORREF was less conclusive, laying down very clear principles as to the consequences to be drawn from sexual violence in the Church, but expressly waiting for publication of the CIASE report to act.

To illustrate the inevitable sensitivity behind the subject that the Church in France has had the courage – effectively, later than certain foreign Churches but before many other Churches and institutions - to ask an independent commission to shed light on, the CIASE wished to give a transparent account of the apparently simple, but in reality delicate, on legal, practical, and even "political" levels, act of "opening the archives". As the documents annexed to the report show, the expression "You will have access to the archives of dioceses and religious congregations" in the mission statement (Annex 4) was followed by five stages (Digital Annexes 20 to 24):

- A note dated June 2019 from the general secretariat of the CEF to the President of the CIASE regarding the Church's archives, setting out applicable law and enumerating the obstacles to the unhindered consultation of the archives, followed by a letter from the President of the CEF to the Holy See requesting the lifting of pontifical secrecy on the relevant archives.

- A visit by the President of the CIASE on 24 October 2019 to the Holy See, to the Secretary of State, Cardinal Parolin, to the Prefect of the Congregation for the Doctrine of the Faith, Cardinal Ladaria Ferrer, as well as to the Secretary of the Congregation for the Clergy, Monseigneur Mercier, in the presence of Monseigneur de Moulins-Beaufort, President of the CEF, and Sister Véronique Margron, President of CORREF.

- A letter dated 18 December 2019, following the papal rescript of 6 December 2019, from the Vatican Secretariat of State to the President of the CEF, giving a positive response in principle.

- The UADF-CIASE convention of 17 February 2020 with regard to access to and use of diocesan archives, negotiated at the request of the General Secretariat of the CEF.

- A letter dated 12 March 2020 from the General Secretariat of CORREF "for the attention of the major superiors whose archives are being investigated by the CIASE", as well as a letter dated 2 April 2020 from the general secretary of the CEF "for the attention of the

bishops of the dioceses whose archives are analysed by researchers commissioned by CIASE”, intended as a response to the objections raised by certain dioceses and institutes on the legality of the Commission's archival research with regard to the General Regulation on Data Protection.

As stated above, a willingness to open the archives was the overwhelming rule and the refusal the tiny exception, which of course, was welcomed by the CIASE. However, the unprecedented and audacious nature of the spotlight requested by the Church in France itself, required – and the opposite would have been surprising – a need to overcome powerful internal questionings.

The Commission wonders whether it could have acted similarly forcefully with the media. Was the media called upon appropriately, in particular with the appeal for testimonies? Did the media focus excessively on a few provisional quantitative elements to the detriment of the richness of the qualitative analyses that were periodically presented to it? Was the CIASE’s communication too institutional etc.?

In terms of the substance of the work carried out, one might also ask whether the Commission opened up the spectrum of its hearings sufficiently broadly. This was a constant subject of concern and it therefore tried to give everyone the opportunity to speak, but not everyone wished to do so before the Commission.

In any case, this exercise in self-examination pales in comparison with the real revelation - the shock, we can admit it - of these two and a half years, which for each and every member of the CIASE, admittedly to varying degrees depending on each individual’s family history, professional culture and personal experience, has represented a deeply truthful encounter with the victims of the violence and abuse that justified the creation of the Commission.

The Commission was literally transformed from within by attitudes which really marked it, for instance, amongst many others, the emotion of speaking and being listened to for the first time, the anger at not having been heard for so long, the distrust expressed - including of the CIASE which was challenged to prove its independence and usefulness - suffering which does not go away, the hope of sincere recognition, the quiet aplomb of one who has been waiting for years for the truth to come to light... These accounts and analyses have shaped a methodology and a report which, to some extent, are simply the unveiling and formatting of what the victims already knew.

To write this is not to give in to any sentimentality, and even less to demagoguery. It is about recognising a fundamental methodological contribution. The CIASE has no desire to give lessons. It merely hopes that its methods, and the state of mind that presided over its work, can be put to good use by the Independent Commission on Incest and Sexual Violence against Children (CIIVISE), as it already has by the National Commission for the Fight against Abuse and the Promotion of Good Treatment. More broadly, the CIASE hopes that the work it has begun, as described in the following pages of this report, shall continue.

## **SECTION ONE: CASTING LIGHT**

### **A QUALITATIVE AND QUANTITATIVE ANALYSIS OF SEXUAL VIOLENCE IN THE CATHOLIC CHURCH FROM 1950 TO THE PRESENT DAY BASED ON COLLECTED DATA**

# I. THE CONSEQUENCES OF SEXUAL VIOLENCE: A LEVEL OF TRAUMA WHICH RESTRICTS THE CAPACITY “TO BE”

## A. The Experiential Knowledge Approach

The voice of the victims is the foundation stone of this report and of the work on which the latter is based. For over two years, the members of the CIASE heard victims of sexual violence, receiving their written and oral testimony. The Commission wanted to recount this experience on various levels as, only by a multiplicity of approaches did it feel that it could restore the extraordinary richness of what was confided in it, of what it received. This encompassed a wide variety of elements (letters and hearings, emails and testimonies in front of a group, not to mention the silences, pauses and questions) and gave rise to a multiplicity of questions, many of them heartbreaking.

The report begins with fragments of testimonies received from the victims, organised around a life journey - or, more accurately, the deprivation of such a journey. These words are not representative in any statistical sense of the term, and nor do they seek to be. They are no substitute for scientific analysis which is essential to understanding and action. But they do complement the analysis. They provide an account of a singular experience whereby a listener gathers in words and silences, conveys his willingness to listen, and interacts with his interlocutor.

By deciding to testify, the victims donated their experiential knowledge to the CIASE. Each testimony traces a destiny which is which stands out as one example. The legitimacy drawn from a body of experience in the fields of social and health work has become so clear that legislation has been introduced to deal with it. However, the idea does require clarification.

Experiential knowledge is knowledge which anybody may acquire from personal experience, expressed and compared with a group experience of comparable ordeals and questions, thereby growing into a corpus of work which can be shared. It does not imply representativeness or exhaustiveness, but rather is a faithful account. Experiential knowledge therefore exists about illness, long-term unemployment, poverty, divorce and sexual violence. This knowledge is not the sum of the individual stories: it is the capital of knowledge of those who have not only experienced, but who have put into words, shared with others, and compared their own experience with other representations of a similar experience, thereby giving rise to a body of teachings which can be transmitted. This opens up different paths for the evolution of collective representations.

The CIASE was mandated to help bring justice to victims of sexual violence. Bringing justice, however, is also – perhaps firstly – a question of giving a privileged place to the expression, both intimate and universal, of the violence suffered. None of the fragments of the testimonies reproduced at the beginning of the report purports to represent *all* victims, nor to state a generality applicable to *each* victim, or each perpetrator, or each assault. The thematic decoupage and selection of testimonies have, however, been made with a view to ensuring that the whole is *consistent* and *resonates* with what has been heard and understood, even if it is not necessarily one hundred percent representative.

If everyone carries within him/herself the whole of the human condition, the Commission wants to give a voice, and pay tribute, to a sort of “whole of a person who has been a victim of sexual violence” in the hope that those who have spoken to us, and those many more who were unable to do so, will see themselves in the words quoted. The Commission also hopes that this collection will help the reader to understand the unspeakable.

## 1. The Rupture

A rupture is caused by the violence suffered: there is a before and an after. The life story is reconstructed *a posteriori* around the act of violence or, more often than not, around a period marked by repeated violence. The story line of a whole life is plotted around the abuse:

*“The next day, I went back to school, I was in the 5th year [UK: Year 8 / USA: Grade 7] I thought back to that awful weekend; from that day on, I didn't understand anything in maths anymore, nothing was the same anymore.”*  
(André, testimony)

The “before” grows to be seen as the lost paradise of childhood, marked by innocence and the promise of a life still to be built:

*“It's a long time ago when as an altar boy / I was infatuated with destiny.”*

In other cases, the victim describes the cracks in this “before” life to explain why this happened to him/her and not to others. One victim remembers the weakness in his/her family unit and says that it was this fragility that drew the priest to him/her, like a predator to its wounded prey.

Then comes the actual act of the sexual assault. The violence comes in various guises, from the occasional touching to repeated rape. It could be tempting to establish an objective scale, but this would not reflect the subjective experiences of the victims. In some cases, the horror of the event is described precisely. In others, it is sketched out, like a shadow made up of the disgust, the smell, the pain that continues to haunt the victim, long after the events. The concept of crushing comes up regularly: the weight of a heavy body on a defenceless body, the aggressor's breath, a smell, a gesture:

*“I have these flashes that are visions of you, and at the same time your voice, your bad breath. A short but sharp, precise video of all your gestures on me. It's not frozen, it's well and truly alive: the feel of your hand caressing my left leg, moving up to my sex... Your arms under my head, and you trying to kiss me on the mouth. As soon as I had a vision of that, I was filled with disgust! I wanted to tear my lips off, it's unbearable. Ever since I have clenched my lips, I bite them all the time, I pull them back into my mouth”. (Françoise, testimony)*

The abuser invades the body and destroys the person:

*“Even if the abuse was limited to touching, its practice over a long period of time has a destructive power, and this, on the other hand, has no limits.” (John, testimony)*

Whether child or adult, a victim is under the control of the abuser whose status as an adult and a cleric confers on him a moral authority that renders inconceivable any stance other than passivity and silence:

*“I didn’t know what to think, I thought he knew what he was doing.”*  
(Dave, testimony)

*“I went back to my tent and went to bed thinking that maybe this was normal. He was Father X after all, he had authority, he had to be respected, he was a priest. I didn't know what to think, especially considering my parents thought so highly of him.”* (André, testimony)

*“He didn’t put any pressure on me. I saw he was happy, in my head good and bad were mixed up. A part of me was silently screaming, asking him to stop, but the words wouldn't come out. Another part of me, seeing his eyes, told me not to worry.”* (Dave, testimony)

To the shock (*“I was completely stunned”*) is added the repetition of abuse:

*“It went on all through the school year. Boys and girls, it didn’t matter which. Twenty-five little ones”.* (Danielle, testimony)

The guilt and shame felt by the victims recurs in virtually all the testimonies. Psychologists and psychiatrists are well aware of this inversion, but it is unbearable for the listener, provoking as it does a moral revolt. At the time of abuse, one victim was “petrified with shame”. This shame and guilt are a source of silence and submission and subsequently contribute to the destruction of self-esteem. One victim describes the pain as a “life sentence”. Others use the metaphor of confession to describe their testimony. One person recounts how he/she has long felt guilty for being a victim. Guilt is another form by which the abuser invades the victim. Not only has the victim been sullied by the act of abuse, but s/he is also weighed down by a burden of guilt and shame:

*“For years you feel dirty, you feel guilty, you ask yourself: what did I do for this to happen to me?”* (Bruno, Hearing N° 39)

Guilt can also arise from ambivalent feelings that the victim may have towards the abuser, even after the abuse. The latter is still, for example, the one who introduced them to certain Scriptural treasures, or who gave them the attention or affection that they did not receive from their own family, or who was so charismatic and spoke so well, or had an answer for everything or gave such beautiful homilies.

How to cope with life after all of this?

## **2. Life Afterwards**

Life “after” the event, is frequently dominated by amnesia, or at least a struggle to suppress these invasive memories:

*“The week went by, the memories hid themselves far away in my brain, locked in a safe to which I lost the key for years, for many many years.”* (Dave, testimony)

*“To the question: “Why didn't you say anything?” I have no answer except, “I don't remember.””* (Dave, testimony)

But forgetting does not prevent victims from continuing to be invisibly destroyed. One victim thought s/he had obliterated all traces of the abuse only to discover, years later the extent to which the trauma was continuing to drain and undermine him/her without his/her knowledge. The protection provided by oblivion is only surface-deep and when it dissipates, due to therapy or a life event bringing memories to the surface, there is nothing left to hold back the submersion:

*“My family, especially my parents, didn't know anything about it, until one evening they talked about a priest abusing children on the radio. And then, the tsunami. Everything came up to the surface. (Dave, testimony)*

The oblivion, perceived *a posteriori*, to its full extent, its inexplicability, its unconsciousness, adds to the victim's feeling of not belonging completely:

*“I don't know if I belong / To oblivion or to hate” (Paul, testimony)*

Life “after” is marked by long-term suffering which ebbs and flows through all aspects of existence. The abuse inflicted on the victim occupies the whole of life via this suffering, like a foreign army occupying a conquered land. One testimony talks of unbearable physical pain, of the impossibility of resting, of a body that somehow refuses to carry on.

All the testimonies are marked by psychological suffering. Victims talk of depression, sometimes of violent anxiety attacks. Moments of happiness and peace are always precarious, built as they are on shaky foundations. The constant effort of repressing memories means that one is building on quicksand with the ever-present risk of collapse:

*“When you are raped or abused, you are not raped or abused just in one part of your body, it's everywhere, it's the soul. You see, I couldn't be in one part of my body because for me it was a rape of my soul and my body and my conscience and my spirit”. (Laurence, Hearing N°132)*

Suffering is “managed” by distancing oneself. And the consequences of this are troubled lives, characterised by profound difficulties at school, at work, in the home and in the family:

*“As I was growing up, I realised that I was not like other friends my age. I felt like my life was at the margin of what they lived. I was confused in my head, I didn't know where I stood and what real life was, the life boys my age should live.” (Sebastien, testimony)*

*“Sometimes, during intimate moments with my wife, the shadow of the priest stills hangs over my head. I become intimidated.” (André, testimony)*

Victims often struggle to express the extent of their suffering. They keep the secret in spite of themselves, the shadow hangs over them, accompanying and isolating them:

*“You for instance, I don't know what you can really understand, you can understand intellectually, but really understanding how it can transform and structure an individual, to the point where he has to make choices, in relation to temptation, in relation to violence, in relation to the encounters he has in the street every day, in relation to sexuality: we are completely crushed, damaged, troubled by it, so the only thing we can do is (...) (either) get revenge,*

*but I think that's a dead end, or accept. The pain doesn't go away". (Alain, Hearing N°. 40)*

At the root of all this suffering is a reduced capacity "to be". In order to survive, the victim isolates him/herself from him/herself. They amputate a part of themselves. Commitment, attachment and a life truly lived are no longer possible. It is in this sense that so many victims say they were killed by their abuser. "After", is an aimless wander through life.

*"A whole life distorted, always running on ahead in an attempt to put at a distance a gesture that one can't get rid of, which remains imprinted, engraved, tattooed. But every morning that life has given me, the gesture is still there. So here I am, running and still running... so as not to have to think anymore. Doing to undo. Too much energy spent." (Martin, Testimony)*

*"I may have been lucky enough to pass the famous milestone of "seventy", but the thorny, harmful bush of the place of the ignoble and destructive initiatory act remains so precise in my memory that it has, once again been revealed in tears and widespread fear. A long time, such a long time later. I think that only death will break the seal, the ring of terrible deeds. Can a child ever forget the tragedy?" (Martin, Testimony),*

*"That's why I have never succeeded in understanding myself. I have spent my life running away from even my own questions." (Martin, Testimony)*

Continual fear ("the foul beast is lurking") prevents life being lived. The repression of emotions ("I had to learn to concrete over, concrete over, always concrete over"), results in an inability to feel anything at all:

*"You totally destroyed my life the first time you raped me / I became a stranger to myself so I could survive without affect, without emotion / I am one of the living dead for life / At 66, I am so empty that I can hardly find the words to revolt against you." (Catherine, Testimony)*

*"The loathsome creature had broken down any real sense of compassion and love in me. I was love-disabled, unable to receive it, unable to give it. I pretended. What does a life without love mean?" (Martin, Testimony)*

The victim passes through life, outside of time, far from the living, "disaffected":

*"You arrive at a stop that is in every way similar to the disused St B's train station. Grass grows on the tracks and the horn of the Micheline train is only a memory of your childhood ears. Your joy has grown tired in the shadow of falsehoods. The falsehood of everything that has jumped down your throat since those years of falls and ditches. You saw too much at the age of learning to see. Today you lack momentum." (Philippe, Testimony)*

The fact that the perpetrator belongs to the Church is the cause of a specific disorder. This violence appears to the child to be a shameless lie, the striking proof - but one that no one sees - of the complete failure of moral institutions and, more generally, of adults. The unbearable gap between the standard and the reality, between what is taught and what is practiced, leads to a loss of any reference points, an inclination to distrust, the conviction that nothing is pure, and the inconsolable sorrow born of this moral abandonment:

*“Who can understand the dull and constant pain of the child who has seen his parents' friend deceive everyone around him with his double speak from the height of his moral pulpit?” (Philippe, Testimony)*

*“I don't really know what to do with all this, but maybe you can help me; I have never lost my faith but part of me has lost faith in humankind.” (Yves, Testimony)*

The family is a knot of suffering. The parents' consideration for the priest and for the Church, their blindness at times, feeds the child's astonishment. Fear that the shame they feel will spill over onto their family, imprisons the victim in silence. In some cases, after the revelation, the lack of family support is the nail in the coffin, proving that there is no way out:

*“I'll leave it to your imagination to picture how I trembled when I came home from school, hounded by this terrible shame and by the worry of how my mother would react. And then one day she came upstairs, came into my room, she looked serious, I wanted to melt into the ground, to disappear. “So, is it true what they say?” I answered in the affirmative and that was that. It was never mentioned again.” (Danielle, Testimony)*

*“All through my childhood, I heard my father's mother and his sisters telling him that he had to forgive, and “how difficult it is to be a priest.”” (Audrey, Testimony)*

In other cases, the revelations provoke a wave of anger and regret which takes over the whole family:

*“Dad became furious and Mum was crying. She was so angry with herself for not having seen anything. Both of them were so involved in their work that they never noticed how badly I was doing, or my repeated absences, my indecision. Dad wanted to KILL him. I barred his way in front of the door and told them that I needed them, that I needed their love”. (Sebastien, Testimony)*

But the family - sometimes the one we are born in, more often the one we build ourselves - can also provide a place of careful listening, a place in which to learn a new and liberating lesson about love:

*“I have no idea how I actually told him, but my memory is of my father laughing. And my mother said to me “But this isn't funny at all and it is not normal. So, you will never go back to that priest because what he did to you is not normal”. So, without any further explanation, and I think that's what saved me from worse. (...) My mother verbalised that it was serious, and that it was not normal behaviour (...). It was determining, and if I had gone back to that priest it would have ended badly (...). I talked about this when I was 8 years old and then I never talked about it again in my life. Except with my mother, yes, I spoke about it recently, and I thanked her, because our relationship is a bit strained, and I thanked her for having intervened and I remember, she said to me “I didn't save you but ...”, she had an expression, something like “I avoided the worst, it could have been really bad”. (Guy, Hearing N° 99)*

*“No, “NEVER again!” I was 23 the day my first daughter was born. When I held her in my arms for the first time, I secretly swore to myself one thing: “You, you will never be raised like I was!”” (Frédéric, Testimony)*

Outside of the family, the lack of support from all institutions - first and foremost the Church – has added to the suffering. One victim calls on the Church authorities to acknowledge that they have not understood the victims. Others write:

*“My suffering is there today. There is incomprehensible behaviour [...] Our parents told us that they had failed to see what was happening, but they added “We should have”. They recognise that part of responsibility. And I would like the Church to say the same thing. At the very least “We didn't know, and we should have” but even that, we haven't heard it.” (Tanguy, Hearing N° 38)*

### 3. A Legacy of Anger and Violence

Another type of consequence of sexual abuse, in addition to the ones referred to above, needs to be mentioned: that of the anger, or even rage, that the perpetrator leaves his/her victim(s) as a legacy and which can then veer off in various directions.

The risk of developing psychiatric disorders (anxiety and depression or post-traumatic stress disorder) is two to three times greater in the aftermath of a sexual assault.<sup>27</sup>

Generally, this rage is turned against oneself, and the victims evoke the whole range of self-destructive behaviours, from self-harming to suicide, through anorexia or bulimia.

The anger is also sometimes projected into violent behaviour towards others and is worsened by addiction (particularly to alcohol) - another known complication of the psycho-traumatic disorders raised by the victims. In some cases, victims reiterate what they have suffered.

Strong feelings of guilt, self-deprecation and even self-contempt accompany expressions of anger or rage. It can take years for victims to reclaim their lives and to understand the source of their violent behaviour and thus put an end to it.

*“The day I blurted it out, it was at a family meal, and I was being accused of I don't know what. They said: “Anyway, you're as hard as nails”, or whatever, and I don't know, it just came out. And I told them: “Listen, shut up because I'm going to tell you something”, and then everyone said: “We can understand better why he was in prison! We understand better why he was smoking drugs, why he was doing all that. And it was afterwards that I had to go through the whole process in reverse, to find out why I had ended up... If I had ended up like that, there must have been a reason. You know what I mean? So, it came back to me, I did all that. That's what I did. And it fills up a life anyway, I tell you that. - In what way? - Well, in the sense that when you look back you realise that... all this time, all this time wasted with the shit I did that I don't even know why I did it. I*

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<sup>27</sup> See Chen et al. Sexual abuse and lifetime diagnosis of psychiatric disorders: systematic review and metanalysis (30 000 victimes), *Mayo Clin. Proc.*, 2010, 85(7): 618-629 et Thibaut F. *Les abus sexuels : des clefs indispensables pour comprendre, aider et prévenir*. Odile Jacob, 2015.

*mean, beating up cops is not my... I mean, I'm not beating up anyone. But at the time I was crazy". (Lucas, Hearing No. 57)*

In such cases, it is the recourse to psychotherapy that interrupts what could otherwise become a lasting endorsement of violence.

#### **4. Overcoming the Trauma, when Possible...**

It is possible to overcome trauma; the Commission has witnessed it. Victims sometimes speak of long therapeutic journeys which, while not healing in the sense of removing all traces of trauma, still offer the possibility of life and happiness:

*"The therapy came to an end in September and the doctor made the following conclusions: "Yes, you have indeed experienced the trauma of repeated sexual assaults, you were indeed the victim, and this led to your attempted suicide". Which I translated as: you were indeed killed, you are indeed dead! ... "but you are here today, caring and supportive, and I do not see you suffering from any behavioural problems". Which I translated as "What I mean is: you are indeed alive and well today, able to recount, and carry on, your life!" (Audrey, Testimony)*

Reconstruction can also take place through the family, work, faith and even, for some victims, with the help of the Church:

*"In the end, I wanted to testify because even though the worst acts were committed by a member of the Church, it was also in the same Church that I was able to find the help which allowed me to let go of my shame." (Matthew, Testimony)*

Others do not manage to overcome the trauma and some victims remain walled up in silence. The CIASE has only had distant echoes of them, relayed by their relatives, like this tribute from a sister on her brother's coffin:

*"The Pierre of our childhood, the second of the siblings, at ease in his skin, fun-loving, always laughing... gradually disappeared... Your life full of suffering, what could we say about it, even if we often sensed things... but there were also moments when you were happy... And then, little by little, physical and physiological problems took over and you let go... So, it's true, even looking from the heart, we don't know what your life was like for you, your suffering, your loneliness, and above all, why?" (Christian, Testimony)*

Many victims manage to overcome trauma through the act of testifying, obviously, in particular, those whom the CIASE has heard. It is a manner of appeasing some of the shame and of finding a certain reconciliation with the self. The act of writing and of naming things helps to finally understand an experience. It dispels the amnesia and the shadow of confusion that sexual violence casts over moral values. In some cases, it is a means of spitting out the anger which consumes from within. The next stage of communicating and distributing the testimony helps give meaning to a life of suffering and helps the victim to finally emerge from passivity. For a victim to address a neutral third party - but one who is there to support the victims, who will listen without judgement, who will not minimise or trivialise their experiences and who will then present their words to the Church and to society - leads to a feeling of being

truly understood, often for the first time. One victim sees in the account of his/her suffering a call to fraternity. Another testifies “for the good of the Church and its priests”:

*“It comes and goes; you learn to live with it. Today, I know that I will never be able to erase the past. Now I live with it, I make sure it doesn't happen again to others. To be clear, today is a culmination point for me. I didn't want to stay in my corner and say: “Others are going to testify, there's no point”. It's not true that it's never useful. Everything is useful. Today I lay my past before you (...). I don't want others to go through what I went through”.* (Bruno, Hearing No. 39)

*“I would like my anger, if I can express it, to be an anger which is not counter-productive, not an anger which generates yet more drama. I don't want silence, but nor do I want noise”.* (Jean-Charles, Hearing No. 3)

Finally, forgiveness is not necessarily the only way forward to reconstruction. Some victims say they have forgiven, while others cannot bring themselves to do so. The possibility of forgiveness must not lead to the perpetrator's fate being indefinitely linked to that of his prey. What really counts is the liberation of the person and the subsequent abandonment of the status of victim:

*“I don't know if I have forgiven him. I just know I'm not responsible”.* (Dave, Testimony)

*“Today I am retired and have risen from the grave. I live happily with my wife, my daughters, their spouses and my granddaughter. I don't blame my parents, I pray to them regularly and have forgiven them for not seeing what was happening, for not seeing me. I prayed for him but I am not sure he has been accepted “in Heaven”, if there is one”.* (Sebastien, Testimony)

Keen to express clearly the shock caused to most of its members by the revelation of the extent of the trauma - be it through the written or the oral testimonies addressed to it - the Commission decided to complete the introductory remarks of the report with a succinct and objective description of what is known today, scientifically, about such traumas and their after-effects.

## **B. The Scientific-Knowledge Based Approach**

The effects of psychological trauma on children have been known for over a century, although they were not studied seriously until the 1950s. The common belief that trauma did not really affect children (for example because they would forget) has been totally contradicted by scientific study.

The term ‘psychological trauma’ refers to the effect of certain events on the psyche and the development: events involving a risk of injury or death and all sexual abuse whether perpetrated with or without physical violence. Both victims and witnesses of such violence may be affected. When confronted by a traumatic event, the fundamental response is terror, which goes beyond fear (the normal reaction to something frightening) and anxiety (an omnipresent fear even when not faced with an objective situation of danger). The experience of terror is that of looking death or annihilation in the eyes and the universe losing its meaning; language and

words disappear, shame and guilt surge up accompanied by a feeling of powerlessness and abandonment, as if one stood outside the human community (Damiani & Lebigot 2011<sup>28</sup>). This moment changes the rest of one's existence.

The clinical consequences are marked by the possible development, early or delayed, of post-traumatic stress disorder (PTSD) which associates 1) reliving the experience: an incessant return of one's perception of the traumatic scene accompanied by a distress as intense as during the original event, sometimes real flashbacks; 2) the avoidance of all objects, situations, thoughts which could reactivate the memory of the trauma; 3) a state of hyper-alertness, with a perpetual expectation of danger; 4) overwhelming emotions, a feeling of distance from loved ones. Other manifestations associated with PTSD, or in isolation, may appear: other anxiety disorders, depression, addictions, suicidality (even in the absence of depression), behavioural disorders with, for example, dangerous behaviour.

When the traumas are repeated or long-lasting, or the assaults are perpetrated in a controlling relationship, the result is often Type II Trauma (Terr, 1991)<sup>29</sup> or Complex PTSD (WHO). The victim needs to develop survival mechanisms to cope with the horror, its repetition, and his or her own powerlessness to change the situation. The victim resorts to defence mechanisms such as denial of reality, psychological cleavage (the coexistence of antagonistic positions within the self), dissociation (the separation of psychotic elements which are usually united in the subject's experience) and important memory disorders (with partial or total amnesia). Clinically, patients present more severe disorders, feel profoundly altered by the experience and feel worthless. Self-harming behaviour and episodes are frequent as is anger or rage, a difficulty in establishing interpersonal connections without feeling threatened, and emotional anesthesia. The subject's fundamental beliefs are shaken, and he or she falls into an absurd and meaningless universe that reinforces the feeling of existential despair (Herman 1992<sup>30</sup>).

In the case of sexual violence, the victim has been confronted with the perverse pleasure of another and, in addition to psychological destruction has been dispossessed of his/her body. The victim is pushed into no longer desiring, into no longer existing.

The age at which the traumatic events occur is an important point. Psychological (emotional, cognitive) and relational functioning is modified in the face of trauma. The child is a being in development, and following a trauma, all the developmental tasks that need to be acquired over time are affected, for example the ability to relate to others, to trust, important aspects of learning, the construction of identity and the choice of affiliations, adolescence, affectivity and sexuality, the relationship towards food, the body and health, the ability to cope with anxiety, social life. Thus, in children and adolescents, psychological trauma has both immediate effects (symptoms) and developmental effects which, if they remain untreated, impact their entire life trajectory.

When the abuser is a person close to the victim, someone who should have protected the child, the problem and suffering are aggravated further. Shame, guilt, avoidance, threats or pressure from the abuser are all factors that make it more difficult to disclose the abuse to a

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<sup>28</sup> Damiani C, Lebigot F, Editors. *Les mots du trauma. Vocabulaire de psychotraumatologie*. Paris, Editions Philippe Duval ; 2011

Terr LC. Childhood Trauma: an outline and overview. *American Journal of Psychiatry* 1991; 148:10-20.

<sup>30</sup> Herman J. Complex PTSD: A syndrome in survivors of prolonged and repeated trauma. *Journal of Traumatic Stress* 1992; 5(3): 377-91.

third party, even to parents. When it is disclosed, the manner in which the information is received can also be an aggravating factor, for instance if the child is not believed, or the abuse is minimised or trivialised, or if the child is told to keep quiet. Many acts of child sexual abuse are never disclosed and are only discovered retrospectively in adulthood, yet therapeutic measures can be taken to treat the child's trauma and limit its damaging effects.

The consequences in adulthood of sexual violence suffered in childhood or adolescence are significant and have been recognised in many studies. Affecting mental health and all areas of life (Blakemore 2017,<sup>31</sup> Greenfield 2010<sup>32</sup> Murray 2014<sup>33</sup>), they are summarised in the table below:

Mental Health	PTSD, Complex PTSD Anxiety disorders Moods swings (depression) Addictions (alcohol, illegal drugs) Suicide attempts / self-harming Personality organisation disorders (borderline) Eating disorders
Sexuality	High-risk sexual behaviour Difficulties with sexuality Revictimisation
Relationships and Social Interaction	Couple problems Parental problems Relationship difficulties Academic difficulties Financial difficulties
Physical Health	Cardio-vascular disease Broncho-pulmonary problems Hepatic complaints

<sup>31</sup> Blakemore T, Herbert JL, Arney F, Parkinson S. The impacts of institutional child sexual abuse: A rapid review of the evidence. *Child Abuse Negl.* 2017; 74:35-48

<sup>32</sup> Greenfield EA. Child abuse as a life-course social determinant of adult health. *Maturitas.* 2010 May;66(1):51-5.

<sup>33</sup> Murray LK, Nguyen A, Cohen JA. Child sexual abuse. *Child Adolesc Psychiatr Clin N Am.* 2014 Apr;23(2):321-37.

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Having placed the victims of sexual violence in the Catholic Church at the centre of the beginning of the report, victims whom the Church has so long consigned to a minor role, the Commission shall now move on to a series of more academic approaches to continue to cast light on the phenomenon.

## II. THE HISTORICAL APPROACH OVER THE PERIOD 1950-2020

### A. THE CONTEXT OF A CHANGING CATHOLIC SOCIETY

The CIASE mandated a research team from the *École pratique des hautes études* (EPHE), led by Mr Philippe Portier, its first vice-president and member of the Commission, to conduct historical and archival research on sexual violence in the Church. The EPHE report, (Digital Annex 28), begins by placing the object of its study in historical perspective. It shows how the period preceding that on which the Commission worked, created the landscape of France in the early 1950s as it is presented at the opening of this study.

#### 1. The Evolution of French Society

An understanding of the phenomenon of sexual violence in the Catholic Church – from a more scientific perspective than that proposed at the beginning of the report - requires a prior description of the context in which the sexual violence occurred. It is futile to think that one can gain just such an understanding without taking into account the general situation in which French Catholicism participates and to which it contributes. In the 70-year period which falls within the Commission's scope, sensitivities and representations of the world underwent a transformation in our society affecting the role and presence of the Church.

##### a) Secularisation: a first step in the evolution of French society

The secularisation<sup>34</sup> of French society stemmed from the gradual separation that occurred between religious and public domains, with the abandonment by the Catholic Church of certain functions that it had traditionally fulfilled in civic society and even in public services. In the 1940s, the Church's<sup>35</sup> investment in the education – in its broadest sense - of young people was at its peak. It is estimated that in 1950 (the beginning of the period analysed by the Commission) one fifth of French children were enrolled in Catholic educational establishments and in regions with a strong Catholic tradition, such as Brittany, this figure rises to fifty percent of all school children. Catechism classes were also very well attended, with state school closed on Thursdays to allow pupils to go to catechism instead. In the private education sector *petit* seminaries [secondary school level] played an important role. At a time when most children, especially those from the countryside, did not have access to secondary education, the *petit* seminary was a school which trained both future seminarians of the *grand* seminary [i.e. training college for priests] and the children of poorer Catholic families who were not necessarily destined for the priesthood. The *petit* seminary often represented a means for the most gifted children living in the countryside to gain an education and social advancement as, having first been spotted by the parish priest, the Church would then take charge of their secondary education and subsequently direct those with a vocation to a *grand* seminary to train

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<sup>34</sup> Danièle Hervieu-Léger, 2010, « Sécularisation », in *Dictionnaire des faits religieux*, PUF, pp. 1151-1158, and Philippe Portier, Jean-Paul Willaime, 2021, *La religion dans la France contemporaine. Entre sécularisation et recomposition*, Paris, Armand Colin.

<sup>35</sup> Michel Lagrée, « L'histoire de l'enseignement primaire catholique. Le problème des sources », *Revue d'histoire de l'Église de France*, Year 1995, pp. 25-34).

for the priesthood. The introduction in 1963 of state lower secondary schools strongly competed with the *petit* seminaries, and the number of pupils attending them declined rapidly.

All structures for young people, especially boys, saw their public shrink rapidly from the 1970s onwards, particularly youth movements and the different types of lay apostolate movements. In 1957, the two male and female branches of the Catholic Agricultural Youth organization (JAC) boasted 200,000 members. By the mid-1990s, the Rural Movement of Christian Youth (MRJC), a federation of various youth movements including the JAC, had only 15,000 members. The decline continued during the 1990s.

Thus, a refocusing on the function of transmitting the faith and spiritual assistance took place as the Church abandoned its traditional implication in other social fields. Parallel to the refocusing was a fall in religious practice and a loss of Catholicism's social influence in French society. While in the early 1960s, 96% of French people declared themselves baptised and Catholic with a third of French people claiming to be regular churchgoers, the percentage fell to 16%<sup>36</sup> in 1998. Religion ceased to be the ultimate concern or reference point. The place taken by religious provisions diminished among Catholics, giving way to actions based on more personal choices and the concrete consequences of these actions rather than on the teachings of the Church and the worry about possible consequences after death, i.e. the salvation of the soul.

At the end of the period, secularisation had led to the loss of Catholicism's religious monopoly.

#### **b) The second step in the evolution of French society is strongly linked to the first: individualisation**

In an accelerated manner since the 1960s, the process of individualisation has transformed France from a society of honor and reputation, weighed down by the opinion of community or family, to a society of transparency driven, above all, by the concern for individual dignity and behavioural autonomy.

A society based on honor and reputation assigns everyone a place within the community. This begins with the family, within which there is limited autonomy for leading one's daily life and making one's own choices, in particular with regard to one's job or one's marriage. Rural life, whose natural scale is the village, adds a second level of community to that of the family - the village, where life is led under the gaze of the community. Church attendance forms part of village community life and parish life is a central point of social life. At the beginning of the period studied by the Commission, every village corresponded to a parish and it was highly unusual for a village not to have its own parish priest. By the 1970s, this was no longer true. Between 1950 and 1990, the number of ordained priests dropped tenfold and by the early 1980s Sunday mass was no longer held in over half of French parishes, mainly in rural areas.

During this period, religious practices also became much more individual. Danièle Hervieu-Léger describes, in *Le pèlerin et le converti: la religion en mouvement*,<sup>37</sup> how people begin to live their faith in a manner largely disconnected from the Church's fixed way of doing things, thus making their own personal religion. Believers adopt "pilgrim" forms of religiosity

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<sup>36</sup> Jean-René Bertrand and Colette Muller, « Où sont passés les catholiques, la religion, un enjeu pour les sociétés », Review *Sciences humaines*, Special Edition N° 41, June-July-August 2003. Inset D. Hervieu-Léger.

<sup>37</sup> Danièle Hervieu-Léger, in *Le pèlerin et le converti : la religion en mouvement*, Flammarion, 1999.

seeking their own path which can change along the way - no longer endorsing at birth an inherited religious identity. Membership of the Catholic Church, for those who choose it, is no longer suffered, but consented to.<sup>38</sup>

### **c) The period is also marked by the transformation of social conceptions of sexuality**

Again, this movement advanced rapidly putting an end to the mental reasoning that had dominated society for several centuries. Under the influence of the Church, sexuality had long been linked to the function of reproduction, a concept which gave rise to restrictive legislation aimed at regulating its practice. The law of 31 July 1920, prohibiting the promotion of contraception and consolidating the criminalisation of abortion, was one of the expressions of the authoritarian regulation of sexuality.

A public challenge to this model appeared as early as the nineteenth century and, by the end of the First World War, had a growing number of proponents: feminist activists in particular and anarchists but also doctors taking hygienist views opposed to the tightening of legislation on contraception and abortion. However, it was not until the 1960s that legislation evolved: the Neuwirth Act of 1967, which liberalised access to contraception, marked a turning point, and other legislation, including the Veil Law of 1975 on the decriminalisation of the voluntary interruption of pregnancy, followed. This movement was supported by a wide group of feminist militant organisations centred around the French Movement for Family Planning. However, it was, above all, born of the evolution in the thought patterns of French society and driven by the double dynamic of secularisation and individualisation. Despite resistance from the old guard, a growing section of the population found itself in a position to avail itself of the "freedom to choose".

In this new context, the perception of a sexual pervert was transformed. From the last third of the twentieth century, and then massively from the beginning of the twenty-first, the adoption of an ethos of "singularism" made the notions of freely disposing of the self, of the primacy of consent and respect for the dignity of the person, the central criteria of moral judgment. The scandal, therefore, stems from the concept of the violated dignity of the person attacked, either because the person has not consented, or because the person is a child or in a vulnerable situation. A pervert had long been defined in psychiatry as an individual suffering from perversion, i.e. from psychiatric disorders which provoke "non-natural" behaviours. He now became a person who ignored the other's granting consent or the impossibility of the other to give consent. Abnormality is no longer seen as the actual sexual behaviour (although judgments about this may still be expressed), but in the way in which this sexual behaviour is imposed on others by alienating them.

### **d) A transformation of attitude towards the place of children and women in society, and towards sexual violence in general**

Just as women have long been subjected by patriarchal society to marriages in which choice is not a factor and the sole aim is perpetuation of lineage, the child has long been of any specific consideration. Subject to high infant mortality rates, receiving little attention from his parents and driven to learn about life from an entourage other than his or her own nuclear

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<sup>38</sup> J.-M. Donégani, « Attitudes et pratiques religieuses. » in Olivier Galland and Yannick Lemel (dir.), *La Société française : un bilan sociologique des évolutions depuis l'après-guerre*, Paris, Armand Colin, 2011, p 283-309

family, the child - etymologically “the one who does not speak” –may have been subjected to violence, including sexual violence, without this necessarily being socially condemned.

As Philippe Ariès has shown, the notion of the child has become much more valued over time, becoming, since the 1960s, almost sacred. Criminal law contributed greatly to this notion by granting the child specific protection in the Criminal Code of 1810. School legislation also helped by making the child, as distinct from the adult, a specific subject of public policy. The Catholic Church too was part of the movement, as can be seen in its affirmation of the worship of the baby Jesus or the ritual of First Communion. So how was this sacredness transposed to the area of the discourse on sexuality? From 1960-1970 there were two opposing theories on the subject. One theory considering that the child, already fully a person, was, as such, a sexual being and consequently capable of making choices. This dynamic ignored age differences in social relations and encompassed a certain “pro-paedophile movement”. The complacency towards this theory of some intellectuals of the era seems unbearable today.

However, in the same era, and already in reaction to the above theory, the discourse regarding the need to protect children against the sexual games that some adults wished to subject them to, became more widespread. This was based in two sources: one, in a theory of “personalism” inspired by social Catholicism which argues that the child is, as a being in the making, vulnerable and therefore in need of protection. In 1981, the organisation “*La voix de l'enfant*”<sup>39</sup> (The Child’s Voice) was set up, which rejected the theory that a child is capable of giving consent. Medicine also began to reassess its conception of the effects of child sex abuse on the development of the child. The other source was based in the feminist struggle against male violence and the social silence that surrounds it, which supported the idea that sexual violence against children was no less harmful than that against women, that it was just as systemic and that it illustrated the reality of male domination. These two types of discourse – one affirming the autonomy of the child and the other affirming his/her singular vulnerability – ended up combining, although not always easily, to form the future International Convention on the Rights of the Child, adopted by the United Nations General Assembly on 20 November 1989 and ratified by France on 7 August 1990.

The secularisation described above, the empowerment of the individual with regard to institutions, and the shift of the general *ethos* of society, which by now was centered on the rights of the individual, led to acts of sexual violence perpetrated on children, especially but not only by ecclesiastics, being increasingly denounced. The movement to condemn assaults on children grew from the 1960s to 1980s, with an increase in public denunciations and the legal repression of offences and sexual crimes. In the 1980s, legislation was rewritten, increasingly criminalising sexual practices against non-consenting persons and children. From the 1990s on, the denunciation of sexual violence against children grew easier as it became more talked about. The law of 10 July 1989 on the prevention of ill-treatment of children and the protection of childhood encouraged the support of victims of sexual violence and the denunciation of assaults. Even if the number and percentage of cases of offences against children which have been closed with no further action is still very high, the figures for convictions for rape of children have increased sixfold in nearly 10 years, passing from index 100 in 1984 to index 578 in 1993<sup>40</sup>. The increase is confirmed by the almost as significant increase in convictions for acts of indecency with aggravating circumstances committed against children: this rose from 538

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<sup>39</sup> The Commission heard its president Martine Brousse during a plenary session.

<sup>40</sup> Catherine Bonnet, *L'enfant cassé*, Paris, Albin Michel, 1999, p. 51.

in 1984 to 1,531 in 1990.<sup>41</sup> The National Observatory of Social Action, which lists acts of sexual assault not yet gone to trial, estimated that the number stood at 2,500 in 1992 and 5,500 in 1995.<sup>42</sup>

Annex 3 contains a chronology prepared by Mr Jean-Pierre Rosenczveig, honorary judge and member of the CIASE, which traces the evolution in French society and, in parallel, the Church, during the period under study, of how the child's right to respect of his/her person, has been taken into consideration by relating it to legislation of all kinds adopted year after year and the relevant contextual elements.

The story of the victims, on the other hand, did not develop until the late 1990s. At the heart of this story which includes different types of victims, sexual assaults perpetrated against children, are specifically apprehended<sup>43</sup> now that the collective indignation is unanimous and absolute. The last decade of the twentieth century was thus the decade in which the first quantitative scientific surveys on sexual violence were conducted. Since then, studies on victims have diversified, with analysis of the trauma suffered, including "post-traumatic stress syndrome". Henceforth, the victims' words attest to the trauma they have suffered, the reality of the violence to which they have been exposed and the truth of the suffering which they have voiced. Giving testimony has become a phenomenon that has continued to develop since the 1960s. Testimony is centered on the narrative of life and is socially, for the person who expresses it, an affirmation of a subjective, unsurpassable, irreducible truth, an affirmation of individual identity and one's own authenticity, truth and self, which, by being communicated and by the very act of stating it, is given a socio-political sense.

This recognition of victims of violence has made it easier for other victims to speak out. People assaulted towards the end of the period under study were generally more willing to speak out, compared with those assaulted towards the beginning of the period who were more reluctant. For those sexually assaulted after 1990 there is also a much greater likelihood of having recourse to professional help, again probably indicating both a generational effect and the democratisation of access to psychological or psychiatric care. Men, however, speak out less, due to multiple obstacles. Society primarily understands rape and sexual assault as being a sexual assault by a man on a woman, which, incidentally, corresponds to the statistical reality. Being a male victim presupposes acknowledging an attack on virility as well as denouncing an act that is mainly homosexual - in a society that has long condemned this sexual orientation. Even today, it remains very difficult to speak freely about sexual abuse. Finally, the recognition of victims of violence has made it easier for families and third parties to listen and hear. Being aware that it is possible to find a listener also plays an important role in encouraging people to speak out.

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<sup>41</sup> *ibid.*

<sup>42</sup> *ibid.*

<sup>43</sup> The 1992 ACSF survey was the first scientific survey to objectivise sexual violence in a sample representative of the general population (Spira and Bajos, 1992). The ENVEFF Survey (National survey on violence against women in France) was carried out in 2000 (Jaspard et al 2020). The CSF survey (The Context of Sexuality in France) in 2006 (Bajos, Bozon et al), addresses the issue more broadly, although devotes part of the analysis to sexual violence. The Virage Survey (Violence and Gender Relations) in 2020 (Hamel et al), the results of which were published in December 2020, addresses the issue of sexual violence mainly from the point of view of the places in which it occurs: family, work, school, among other examples.

The Catholic world may have undergone the same process of evolution, common to society as a whole on these points, but there are also developments specific to the Church, which shall now be examined.

## 2. The Evolution of the Catholic Church

At the beginning of the period under study, the Church still lived in accordance with doctrinal and ecclesiastical choices made at the Council of Trent and reformulated at the time of the ecclesiological (Jansenism) and socio-political (Revolution) crises of the late eighteenth and early nineteenth centuries. Under the impetus of the popes, whose role became increasingly important, the Church developed an intransigent relationship with modernity, challenging its philosophical, economic and political foundations and proposing an alternative model for the reorganisation of social order based on Catholic foundations. This provoked the intense mobilisation of Catholic militants and clerics under the auspices of Catholic Action from the 1930s. In 1950, the Church had a very clerical vision of itself emphasising the cleric's distance and social differentiation<sup>44</sup>. Focus on the liturgy, which was standardised in accordance with the Roman Rite in the second third of the nineteenth century, was based on the same principle. In the post-war period this model may have ensured the dynamism of the Catholic Church, but the intra-ecclesial effects of the Catholic commitment to reconquering societies and the secularisation movement led the Church to renew its approach. The Second Vatican Council<sup>45</sup>, realising that it needed to draw lessons from history in order to "read the signs of the times", decided on the *aggiornamento* of the Church, i.e. its adaptation to new social conditions and a revalorisation of its judgment on the modern world. Its ecclesiology, organised around the notion of the "People of God", decreased the importance of the centralisation of Rome, valorised the role of bishops, and promoted the laity. These changes were echoed in the liturgy with the reform of many rituals, especially that of mass which, by 1969, was allowed to be celebrated in the vernacular language while the choice of biblical readings was expanded. Changes in the expression of clerical identity could also be observed, with the rapid abandonment (from 1962 in France) of the cassock, in favor of a clerical collar or, more often than not, civilian dress.<sup>46</sup>

The transition from an intransigent stance<sup>47</sup> to adoption of the *aggiornamento* was far from trivial. For one, criticism about updating the doctrine and the Church's attitude - as implemented by the Second Vatican Council - resurfaces with every crisis the Church ever goes through, and the study of sexual violence in its midst has proved to be no exception: there is animated debate regarding the question of whether the Church's openness has encouraged or reduced sexual violence. For two, the daily lives of the faithful have been radically altered.

In addition, new "Church ways" were emerging. From the second half of the 1970s, secular and regular clergy saw their numbers drop dramatically. Effectively, the Church in

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<sup>44</sup> Alain Tallon, *Le concile de Trente*, Cerf, 2000.

<sup>45</sup> *Histoire du Concile Vatican II*, ss dir. G. Alberigo, 5 t, Paris, Cerf/Peeters, 1997-2003, and Philippe Chenaux, *Le temps de Vatican II. Une introduction à l'histoire du Concile*, Paris, DDB, 2012.

<sup>46</sup> These choices are, however, contested, notably by the Priestly Fraternity of St. Pius X, which considered the Council's statements to be in contradiction with Pope Pius X's denunciation of modernism, and uses the Latin Mass as the banner of its challenge to the Council.

<sup>47</sup> Emile Poulat, *Eglise contre bourgeoisie. Introduction au devenir du catholicisme actuel*, Paris, Casterman, 1977, Yvon Tranvouez, *Catholiques d'abord. Approches du mouvement catholique en France (XIXe-XXe siècle)*, Paris, Éd. Ouvrières, 1988, and Jean-Marie Mayeur, « Catholicisme intransigeant, catholicisme social, démocratie chrétienne » *Annales. Économies, Sociétés, Civilisations*. 27th Year N° 2, 1972, p. 483-499.

France had only 13,331 diocesan priests in 2012,<sup>48</sup> with the number rising to 16,830 if members of religious orders (brothers and Apostolics) are included. Among these, only 14,000 were incardinated on French territory (so dedicated to the service of French dioceses) whereas in 1965, there were 40,994 priests in France. From the beginning of the 1950s, the number of priests ordained for dioceses and congregations in France dropped, before collapsing from the 1970s onwards. Nearly 2,000 priests were ordained in 1949 but by the 1990s this was down to a hundred a year or less. The fall in number of new clerics was accompanied by massive departures of priests and members of religious orders from the late 1960s with an estimated 2,135 leaving the secular priestly ministry between 1966 and 1980.<sup>49</sup>

On the other hand, the so-called “new” communities being set up benefitted from quite the opposite dynamic. The new orders and communities<sup>50</sup> that developed from the mid-1950s - their numbers exploding after the Second Vatican Council - are all grouped together under this name. There was a tendency in these communities, particularly at the effervescent moment of their founding, to denigrate the law (be it ecclesiastical or state) in the name of mystical impulse. They recruited their members through networking and peer groups, veering between antimodern intransigence (*Œuvres de Riaumont*<sup>51</sup>) and devoting a large place to spiritual life and contemplative action (Community of the Beatitudes<sup>52</sup>). The internal organisation of these “new” communities was generally careful to distance itself as much as possible from any regulations and any internal (the Church) or external (society) counter-power. These groups constituted networking communities of people practicing a chosen life; they broke with traditional parish life which was in fast decline. They were places where one could realise an ideal, of gradual incubation, conversion and personal election for the faithful who had made the choice to live in the community or adhere to its precepts. The communities chose to base themselves - in fact if not in law- directly on the authority of Rome, which was both distant and anxious to reconquer, rather than on the “ordinary” authorities of the time, i.e. the diocesan leaders who were considered lackluster and overly concerned with management, balance and compromise. The local institutional framework being thus much less present meant that there was more room for power dynamics and more weight lent to the prophetic charism of the community’s “father” or “shepherd”. A significant number of the priests ordained since the

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<sup>48</sup> General Secretariat of the Bishops’ of France Conference, *L’Église catholique en France, Guide 2013*, 2014.

<sup>49</sup> EPHE Report, p. 342.

<sup>50</sup> The creation of the new communities is written into the long history of Catholic militant mobilisation which began shortly after the Revolution. It is now in its fourth wave; the first comprised a wave of works undertaken by laypersons and congregations between 1800 and 1880, the second was the “Catholic movement” which acted with trade unions, lay associations and congregations between 1870 and 1930, and the third wave was that of Catholic Action, under clerical control, between 1930 and 1970. The characteristic of this fourth wave is that since the 1960s it has created mixed congregations and communities of states of life, notably with the inclusion of consecrated laypersons people. This chronological description is given by Yvon Tranvouez in *Catholiques d’abord, Approches du mouvement catholique en France (XIXe - XXe siècles)*, Paris, Les Éditions Ouvrières, coll. Églises/Sociétés, 1988, 264 p, and in a more recent article in the *Revue suisse d’histoire religieuse et culturelle* which adapted the situation to the present day.

<sup>51</sup> The Riaumont Institution was founded by Fr Revet in 1958 as a home for children in care, set up with the approval of the social services, and managed as a “scout order” as Fr Sevin had envisaged in the 1930s.

<sup>52</sup> The Community of the Beatitudes was founded in France in 1973 under the name the “Community of the Lion of Judah and the Immolated Lamb”. Part of the Charismatic Renewal movement, it is a community of the “ecclesiastical family of consecrated life” type, placed directly under the authority of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (CIVC) of the Vatican.

1970s belonged to these new communities, which is a sign of their vitality and the attractiveness of their message. It was precisely this dynamism, in conjunction with their demographics, which justified the direct reliance on the Roman authority, as well as a less stringent control of their rules of governance.

To sum up, an upheaval of the reference points of judgement took place during the period 1950-2020, both due to an evolution of the norms of civil society and due to choices made by the Catholic Church itself. During the course of the seven decades studied by the Commission, the analysis of the phenomenon of sexual violence identifies an evolution that is not linear but does pinpoint specific eras.

## **B. A PERIODISATION OF VIOLENCE IN THREE PHASES**

The work carried out by the EPHE and Inserm research teams mandated by the CIASE, (*cf.* the annexes for more details), makes it possible to identify three distinct periods, both in terms of the number of acts of violence perpetrated and the policies implemented by the Church and the State. It is noted that this periodisation is very similar, give or take a few years, to that of the other countries which set up commissions similar to the CIASE.

### **1. Three clear phases corresponding to different Church and State policies**

#### **a) 1950-1970: The Peak of the Violence Curve**

The twenty years from 1950-1970 correspond to the phase in which the number of acts of sexual violence, counted within the Church during the temporal sequence studied by the Commission, peaked. According to the general population survey conducted at the end of 2020 by IFOP and Inserm for the CIASE, 55.9% of violence committed against children by clerics or members of religious orders was concentrated in the period 1940-1969, equating to approximately 121,000 children, compared to 25.4% of violence committed by people not belonging to the Church (nearly 1,400,000 persons).

In a predominantly rural France, the assaults were committed in the village, mainly at the Brothers' Schools or even the *petit* seminaries or were connected to the priest in charge of the parish. The rate of perpetrators in teaching functions was higher than that of those in parish functions. In 1946, there were still 7,166 diocesan priests assigned by their bishop to teach the youth, i.e. 17% of the 41,573 priests active in France.<sup>53</sup>

Although state law provided for repressive sanctions - updated since the beginning of the nineteenth century – as did canonical law, such sanctions were deliberately scarcely ever implemented. Less than 10% of known perpetrators have been legally sanctioned. On this point, the attitude of the Catholic Church does not differ from that of the other institutions concerned, but to it is added the specific culture of the ecclesiastical family: management of sexual violence is done strictly internally. The very existence of a victim of the aggression is ignored. In particular during canonical proceedings, the victim is only mentioned to ensure that the alleged facts have occurred and that the latter shall remain silent. The practice is therefore to make the victim swear on the Holy Scriptures that s/he will not speak out against the

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<sup>53</sup> C. Mercier, « Le prêtre-professeur de Marcel Launay », Review *Études-Culture contemporaine*, October 2020, and Marcel Launay, *Le prêtre-professeur. XIX<sup>e</sup>-XX<sup>e</sup> siècles, un ministère oublié*, Paris, Salvador, 2020.

institution. This injunction to silence is also found within families. A testimony, given by a parishioner justifying the silence in the face of the abuse perpetrated by a priest in the diocese of Rodez in the 1960s, is very representative: “In the 1960s, a friend of mine confided to his parents how the abbot did it. He received two sharp slaps and was sent to bed with no supper<sup>54</sup>”. If the victim took the initiative of contacting the judicial system, it was not uncommon for the processing of his request to be complicated, slow or even just not to happen at all, thanks to the connivance of the authorities and the public prosecutor. This first period is therefore, with regard to the institutions, a time of silence, an imposed silence.

The culprit-perpetrator would remain in the Church where he would be treated in accordance with an *esprit de corps*. It was relatively common for priests to be sent to different parishes, particularly in dioceses with low religious practice, but it should also be noted that, in a bid to clean things up and participate in the behavioural normalisation of French clerics, the Church established an administrative body for dealing with priests and began setting up help centres and specialised clinics equipped with medical staff and accommodation and endowed with modest financial means to which perpetrators could be sent. Thus, in the early 1950s, a structure called the *Secours sacerdotal* (Help for Priests) was set up, designed to help priests in difficulty, to reform them and keep them in the priesthood.<sup>55</sup> The Catholic Church’s attitude was defined by its fear of scandal and this found an echo in the attitude of families. Effectively, in a society built on reputation, families themselves found it preferable not to make anything public and thereby keep the abused child’s place in the village. The only attention paid to the victim was the insistence that s/he kept silent. Silence always prevailed, unless the affair received publicity rendering this impossible, for example in the scandal of the parish priest of Uruffe.<sup>56</sup> A certain number of cases were nonetheless referred to the justice system and between 1953 and 1962 a hundred or so convictions were made, according to the total count of the justice system.<sup>57</sup> This situation, inherited from the distant past, shows how entrenched the notion of reputation was in village life and how these communities were resistant to the changes which were occurring rapidly across much of society.

### **b) 1970-1990: A significant decrease which must, however, be put into perspective**

During this period, according to the general population survey conducted by the IFOP and Inserm on behalf of the CIASE, the estimated number of child victims of sexual violence committed by clergy and members of religious orders fell sharply, standing at 48,000 (i.e. 22.1% of the total number of child victims of clergy and members of religious orders over the entire period under study), compared with 121,000 for the previous period from 1950 to 1970. The number of victims of other aggressors, however, is estimated to have risen sharply to 1,860,000 people representing 34% of the total violence committed by these aggressors.

Data from Church records confirms the decline in sexual violence in the Church. The first reason seems to be the general fall in the number of clergy and members of religious orders. The second reason, linked to the first, is the decrease in the number of sexual assaults by clergy

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<sup>54</sup> EPHE Report, p 141.

<sup>55</sup> EPHE Report, p. 284 *et seq.*

<sup>56</sup> A case that received a great deal of media attention in 1956-1958: Guy Desnoyers, a young priest in Uruffe, Meurthe-et-Moselle, murdered his underage pregnant mistress, who was then disembowelled in order to baptise the child. This affair resulted an article by Claude Lanzmann, « Le curé d'Uruffe et la raison d'Église », *Les Temps modernes*, 1958, n° 146.

<sup>57</sup> EPHE Report p. 319.

and members of religious orders in the education sector due to the rapid withdrawal of the clergy from institutions which were dominant in the previous period. The decrease in number of boarding schools and rapid closure of *petit* seminaries<sup>58</sup> was due to the double effect of the Debré law of 1959<sup>59</sup> which overturned the financing of private Catholic educational establishments and the generalisation of secondary schooling from 1963 and, in this respect played a definite role in the reduction of cases of abuse. Another factor to weigh in was the shift away from the historical strategy of orientating boys towards the priesthood from an early age.<sup>60</sup> In general, the fall in the number of priests and members of religious orders caused the competent authorities - bishops and major superiors – to turn to apostolic activities, whether parish-based or not, to the detriment of teaching. Although this did not provoke the change in the Church's way of transmitting faith and evangelising young people, it undoubtedly accelerated it. The transmission of faith began to happen less through the combination of schooling and religious supervision, and more through the spiritual accompaniment of young people, outside school time.

At the same time, activities concerning children began to be professionalised with Catechism being provided by lay people (mainly women); teaching in Catholic schools having entered into a contract with the State and being controlled by the State Education Board; centres for children such as summer camps, scouting groups, day leisure centres beginning to fall under State supervision and becoming more professionalised with the establishment of training and diplomas, even if the sector remained staffed by volunteers to a certain extent.

This downward trend in absolute terms in the number of victims of sexual assault by clergy and members of religious orders is also seen in relative terms, if the number of clergy in its broadest sense is taken into account. Table 51 below shows that the rate of clergy-perpetrated assaults on children who attended a Church-related activity dropped from 0.6% in the period 1950 to 1970 to 0.2% in the period 1970 to 1990.

We looked at this decline in numbers in relation to the influence of the “pro-paedophile” movement which would have led to a minimisation of the facts, perceived as being scarcely, or not at all, traumatic by the aggressors – and also by the ecclesiastical authorities. The 1970s corresponded to a period of change in the exercise of ecclesiastical authority, influenced by a movement of indulgence affecting the whole of society. As a general rule, priests guilty of perpetrating sexual violence, had no wish to leave the Church in an era otherwise characterised by significant departures of priests and a huge fall in vocations. This context of demographic crisis may have led the Church to show less severity towards the aggressors, whom it believed could be maintained in the priesthood. During this period, the victim was still as little taken into account as during the first period studied.

However, this attempt to explain the decrease is clearly contradicted by the above-mentioned general population survey which highlights the persistence of abuse during this

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<sup>58</sup> On the closure of the *petit* seminaries, J.-M. Mayeur, J.-P. Willaime, « Les cadres de la vie des Églises », Histoire du Christianisme, J.-M. Mayeur, L. Pietri, A. Vauchez, M. Venard (dir.), Paris, Desclée, 2000, vol. 13, p. 229. For a specific example, see, J.-R. Chotard, *Séminaristes... Une espèce disparue ? Histoire et structure d'un petit séminaire. Guérande (1822-1966)*, Sherbrooke, Namman, 1977.

<sup>59</sup> For the impact of the 1959 Debré Law on the financing of private Catholic schools, see, for example, Y. Verneuil, « École et religion : enjeux du passé, enjeux dépassés, enjeux déplacés ? », Histoire, monde et cultures religieuses, 2014/4, n° 32, p. 13-27.

<sup>60</sup> EPHE Report, p. 501.

period as well as a sharp increase in violence observed outside the Catholic Church. While the “pro-paedophile” movement - which was anyway socially and geographically extremely limited as France does not simply boil down to St Germain-des-Près - may have contributed to a lesser social stigmatisation of sexual violence, it cannot, however, account for the decline in sexual violence observed in absolute and relative terms (i.e. by relating it to the number of members of the clergy) in the Catholic Church during this period. If this had been the case, the decline would have been widespread across the Church and the rest of society. This was not the case. Any attempt to link sexual violence at that time in the Catholic Church with the permissiveness of the spirit of May 1968 has, therefore, to be excluded.

Compared with the previous period (1950-1970), the little importance given to sexual violence certainly continued during the 1970s and 1990s. It also affected the judges responsible for the repression of such acts. It remained a persistent reality within the Church, at a time when its attention was diverted from the subject of the paedophile attractions of priests to that of the priestly crisis. While the Catholic Church remained silent on sexual violence, the internal care and support structures it had set up in the 1950s for deviant priests, especially sexual aggressors, began to close from the late 1960s. At the same time, the paedophile issue was no longer being addressed by priestly organisations, which had refocused their messages and actions towards relationships with women and homosexual practices, and from the 1980s, alcoholism. The Church was also devoting its financial resources to the accompaniment of priests leaving the clergy. The change in policy meant that the relative blindness of the central authorities of the Church of France on the subject of sexual violence was maintained. Finally, the attitude of the Church towards the victims remained identical to that of the 1950s, the fate of the latter being both unthought about and hidden.

The decline in the figures coincided with a lack of treatment of the subject, which is not unrelated to the evolution of the situation after 1990.

**c) From 1990 onwards: An increase, or at least the appearance of such, in sexual violence, which remained at a significant level**

Since the 1990s, the number of sexual assaults committed within the Church has stabilised, but it has remained at a significant level. Twenty-two percent (13.3% in the 1990s and 8.7% in the 2000s) of the total violence affecting an estimated 47,500 children has been concentrated in the last thirty years. In absolute terms, the number of victims of clergy and members of religious orders has thus remained stable from the period 1970-1990 to the period 1990-2020. The same is not true for the victims of aggressors who are neither clergy nor members of religious orders. Their number has continued to grow, increasing during the same period from 1,860,000 to 2,220,000.<sup>61</sup>

Looking at these statistics in relative rather than absolute terms (i.e. by taking into account the change in number of clergy), sexual violence over the last 30 years appears to have increased from 0.2% to 0.4%, without, however, it being possible to conclude with certainty,

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<sup>61</sup> The percentage of victims abused during their childhood by non-clergy is estimated at 40.6% for the period 1990-2020 (15.4% in the 1990s and 25.2% in the 2000s). Their total number is estimated at about 2,220,000 people for this period. Inserm-EHESS Report, p. 420.

as the 95% confidence intervals overlap. The following table illustrates this analysis (cf. Digital Annex 28, p. 425):

**Table 51: Evolution in percentage terms of acts of sexual violence (first event) committed by a member of the clergy over time**

Period	% of sexual violence	CI 95%
1940-1969	0.6%	0.4 - 0.9
1970-1989	0.2%	0.1 - 0.4
Since 1990	0.4%	0.3 - 0.6

Source: General Population Survey, 2000 Inserm-CIASE  
Interpretation: During the period 1970 to 1989, 0.2% of persons involved in a Catholic Church related activity as a child, declare having been abused by a member of clergy.

In contrast to the above sociological data, the data gleaned from the Church’s archives shows more of an upward trend. The CIASE sent a questionnaire to the archivists of the dioceses and congregations and their replies show that this increase cannot be explained either by a change in archival policy – for example more systematic archiving on the subject since 1990, leading, therefore, to a more exhaustive list – nor by the destruction of archival collections or by them being less well maintained during the previous years (1970-1990). The only period showing incomplete archival collections is, effectively, the oldest period of the study (1950-1970).<sup>62</sup>

The number of victims, as well as perpetrators, increased during the 1990s. It would appear that a more systematic disclosure of sexual violence from these years onwards partly explains the increase in the number of victims reported during this decade. More - and more systematic - reporting led to the more rapid disclosure of priests’ abusive behaviour and the more immediate imposition of sanctions. Re-offending became more difficult and the number of victims per perpetrator<sup>63</sup> dropped.<sup>64</sup>

The increased vocalisation by victims of the abuse suffered, due to a favorable legal, social and cultural context, may have played a role. However, this observation needs to be qualified immediately as, due to the long period of time often required by a victim before s/he is able to speak, it is highly likely that the more recent victims have not yet voiced their suffering. It should also be noted that the forms of speaking have changed: in the main, victims do not turn to the institution, but rather to a third party, such as a victim support group or the justice authorities. According to Inserm, sexual violence committed by priests and members of religious orders - although showing an increase in recent decades- is actually in decline over the long term, although it is important to bear in mind the difference between the evolution in relative and absolute value.

<sup>62</sup> However, the CIASE also witnessed the disappearance of an entire collection of archives for the whole diocese as in Martinique, for instance, on the visit of two of its members. (cf. below).

<sup>63</sup> All these sociological elements relating to victims and perpetrators, as they result mainly from the socio-demographic analyses conducted by INSERM on behalf of the CIASE, are studied below

<sup>64</sup> EPHE Report, p. 134-135.

As a final point, it is also probable that the advance in age of the perpetrators at the time the violence is denounced has played a role in shifting the cataloging of the act over time, especially towards the end of the 1990s. The average age of the perpetrator has evolved significantly from 38 years old in the 1950s, to 46 in the 1970s, to 48 in the 1990s and to 58 at the beginning of the 2020s<sup>65</sup>. This does not mean that the perpetrator was older when the violence was committed, on account of a better training on this subject, but because acts committed many years ago are now denounced. Priests convicted after 1990 are both those who were denounced relatively quickly after an act of sexual violence committed in the 1990s, and also those guilty of historical abuse. An important catch-up effect is therefore to be noted.

In this context, the Church moved from silence to recognition of the victims during this period. Until 2010, the Church was slow to align with societal change which was pushing for victims, in general, and their words, to be taken into account. The Church was forced to begin reflecting on the question of victimhood without, however, in the short term, (1990 to 2010), this leading to any substantial modification in its practice. It is only from 2010 that things began to change and the rapid pace of reform subsequently undertaken makes of these years a period of rupture.

Identification, based on the Church's archives, of the three phases in the 70-year period covered by the Commission's study, is confirmed by legal archives consulted by the Commission. Effectively, the number of criminal trials involving perpetrators of sexual violence in the Church decreased from the 1960s, was then sluggish during the years 1970 to 1990, before experiencing a very sharp increase from the 1990s. From then on, according to EPHE, about 40% of abusers identified during this period have been convicted further to legal proceedings (*cf.* Digital Annex 28, p. 444).

The study of archival sources has clearly delineated the periodisation of this era, but such sequencing should not let us lose sight of the enduring factors and socio-historical evolutions throughout the entire period which improve our understanding of it.

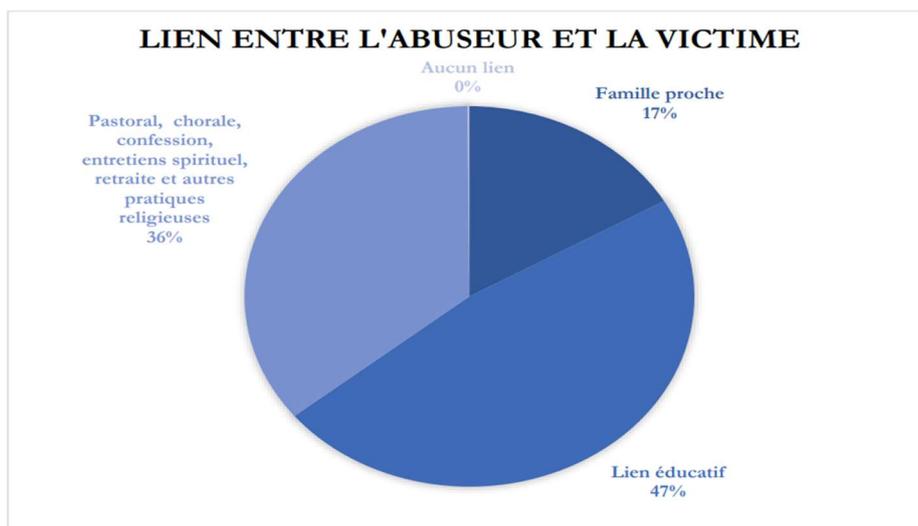
## **2. Cross-sectional analysis of archival data makes it possible to highlight constant factors and evolutions across the three periods**

### **a) Numerous constant factors, both with regard to the players involved and to the follow-up given to cases of abuse**

As is seen in the archival sources analysed by the EPHE, the perpetrator - in the Catholic Church as elsewhere - is not a stranger, but a person who is already in contact with the victim, on a daily, or at least regular, basis, either in the context of educational activities (47% of cases), or pastoral activities (36% of cases -19% taking place in a church, a vestry, a presbytery, or even a bishopric). Methods of approach vary very little. These results can be inferred from EPHE's graph below.

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<sup>65</sup> EPHE Report, p. 206.



751 mentions, aucun lien = 1 mention

### CONNECTION BETWEEN ABUSER AND VICTIM

Pastoral activity, choir, confession, spiritual interview, retreat or other religious practice: 36%

Close family: 17%

Educational connection 47%

Out of 751 comments, "no connection" was only indicated once.

The social profile of the victim also remains relatively constant: even if all socio-professional categories are represented, the victim often comes from a modest, but very religious background where the priest is viewed as a person of eminence due to the holiness of his function. The profile often presents different psychological fragilities (loss of a parent, lack of parental investment), which are accentuated after the first assault. The overwhelming majority of victims are boys aged between 10 and 13, with childhood clearly being a factor increasing their vulnerability when faced with an adult aggressor. The physical superiority and authority conferred by the age differential alone creates an imbalance between victim and aggressor, to which is added the particular status held by a cleric. The latter observation is one of the particularities of the phenomenon of sexual violence perpetrated in the Church. Towards the end of the period (i.e. as we approach the present day), even if the overall number of child victims has decreased, the number of girls and young women victims has increased, as has the number of vulnerable persons, - the latter category becoming the majority from 2010.<sup>66</sup>

Several constants are noted with regard to the experience of victims being able to speak out. The first is the time needed before vocalising the abuse; this is due in part to feelings of guilt, in part to going against an order and, in part to other psychological factors. Towards the end of the period under study, the amount of time needed is reduced because it has been made easier for the victim to speak out and s/he is surer of being listened to. We thus pass from an average reaction time of 10 to 15 years at the beginning of the period under study, to 5 to 7 years by the end of the period. However, despite the easier experience of vocalisation in recent times and despite the efforts made by the Catholic Church, and indeed by the CIASE itself, the CIASE believes that there is still very significant under-reporting of sexual violence in an ecclesiastical context and that this factor must be integrated into the analysis. (*cf. below* the socio-demographic study of quantitative data).

<sup>66</sup> EPHE Report, p. 155.

Moreover, the attitude towards Catholicism of child victims who have since become adults is consistent: victims usually only remain in contact with the Church if the Church has helped or accompanied them after revelations of sexual abuse. When the Church has not been present and no follow-up has been offered, all links are severed, and the practice of Catholicism is generally abandoned. For some victims, this estrangement from the Church, which is usually definitive, means that they no longer consider themselves believers, while others make a distinction between faith and the formal practice of religion.<sup>67</sup> The reaction of the Catholic Church at the moment of speaking out about the abuse is a determining factor in the relationship of the victim with it and in the keeping or not of one's faith, even if other factors also play a role, including the duration and intensity of the violence, the age of the victim and the nature of the relationship of the victim with the aggressor.

Constants are also noted with regard to the perpetrators: in addition to such factors as a lack of supervision enabling the actual act to be carried out (in line with analysis of statistics concerning "detached" dioceses, i.e. only nominally Christian, or de-Christianised dioceses) or the belonging to an institution incapable of furthering the socialisation process, it has been seen that young seminarians who were abused during their own training went on to be abusers themselves. This observation was inferred, in particular, by cross-checking the archives.<sup>68</sup> It is also consistent with findings made in the general population, according to which (as is now an established theory) having been a victim of sexual violence can be a risk factor for committing a sexual assault. It is estimated that, overall, 30% to 60% of child sexual abusers have themselves suffered abuse during their childhood.<sup>69</sup> As 25% of perpetrators of sexual violence against women have themselves experienced violence during their childhood<sup>70</sup>, it can be inferred that the proportion of perpetrators of sexual violence against boys having experienced violence in childhood is significantly higher. Marie-Jo Thiel estimates that 15% to 20% of sexual assault cases in the Church adhere to this pattern.<sup>71</sup> According to the study conducted by Ms Florence Thibaut based on the legal information, psychiatric reports and character investigations – where they existed – contained in 35 judicial files (*cf.* Digital Annex 30), clergy perpetrators of sexual violence had themselves been victims of child sexual abuse in about 27% of the cases studied. The Commission concludes that in our societies there does indeed exist a

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<sup>67</sup> Inserm-EHESS Report, pp. 241-250.

<sup>68</sup> Thus, the *petit* seminary of Chavagnes-en-Paillers housed a significant proportion of the known perpetrators of the diocese (12%) and trained several of the known perpetrators of the second half of the 20th century. More specifically, 65% of the Vendéen missionaries were trained in Chavagnes and 27% of went on to perpetrate sexual violence later, i.e. 3 of the 11 White Fathers who were trained in this seminary. No clear evidence of sexual violence suffered by seminarians who were later identified as perpetrators was, on the other hand found, in the archives of the diocese of Luçon. See EPHE Report, pp. 248-249.

<sup>69</sup> Figures established by Bruno Pellerin, Michel Saint-Yves and Jean-Pierre Guay in « La théorie de l'abusé-abuseur en délinquance sexuelle: qui dit vrai? » *Canadian Journal of Criminology and Criminal Justice*, janvier 2003, p. 82

<sup>70</sup> Figures established by Bruno Pellerin, Michel Saint-Yves and Jean-Pierre Guay in « La théorie de l'abusé-abuseur en délinquance sexuelle : qui dit vrai ? », *Canadian Journal of Criminology and Criminal Justice*, January 2003, p. 82.

<sup>71</sup> This figure was put forward by Marie-Jo Thiel at the plenary assembly of the bishops of France in Lourdes in 2000. The full quote is as follows: "A history of incest or inappropriate touching is not enough. It is not because a seminarian has a history of abuse that he will automatically become a pervert or a paedophile, far from it. It is applicable in about 15 to 20% of cases. Note that Marie-Jo Thiel does not specify the source of these figures. Document kept in the archives of the CNAEF, file no. 27CE125. Such a fundamental point obviously requires in-depth analysis.

certain type of reproduction of the sexual violence suffered in childhood. The proportion of abused who subsequently become abusers remains to be determined but it would appear to be significant. It may even be possible to establish a genealogical record of abuse, but there is no valid argument to suggest that this is in any way specific to the Catholic Church.

However, at the same time, the Committee wishes to strongly emphasise, particularly in view of the number of victims per aggressor, that only a very small minority of victims may subsequently go on to become aggressors once they reach adulthood. The proportions mentioned cannot in any way be applied to other persons. Any assertion of determinism between the status of victim and that of aggressor is therefore particularly unfounded.

#### **b) Developments, however, related to the transformation of Catholicism**

The places where sexual violence takes place have evolved with society: essentially rural in 1945, mostly urban thereafter. However, it was largely the proximity between children and perpetrators of violence in the educational sphere and village community which facilitated the sexual abuse about which the report is concerned. The work carried out by the EPHE goes so far as to show that 46% of the violence was committed by members of congregations involved in teaching (Brothers of the Christian Schools, Marist Brothers, Brothers of the Christian Instruction of Ploërmel, Brothers of St. Gabriel and the Jesuits). Sexual violence was also very prevalent in places connected with pastoral care or events specifically designed for the youth such as summer holiday camps.

The proximity of clergy and members of religious orders to children declined rapidly during the period under study, so that while the phenomenon of sexual abuse has not disappeared, the statistical possibility of a child being exposed to the risk has greatly decreased. Various developments, in particular the combined effects of a growing and massive religious disaffiliation and the decrease in numbers of clergy, mean that children are very rarely in direct and prolonged contact with priests: these days, children and young people are more likely to establish relationships with laypersons mandated by the Church. The popularity of Catholic summer camps fell into sharp decline from the mid-1960s, again thereby decreasing the statistical possibility of being exposed to sexual assault by a priest or a member of a religious order. This does not mean, however, that the possibility of violence does not exist. In general, places where young people mix with priests remain prone to cases of sexual violence: youth camps hosting priests from the Community of Saint John<sup>72</sup> in the years 1990-2000; the Eucharistic Youth Movement camps,<sup>73</sup> scout camps, charitable foundations, charitable communities (*Oeuvre* of Riaumont), schools (Community of the Beatitudes, Congregation of the Legionaries of Christ), retreats (*Foyers de Charité*, for example). The so-called new communities are emerging, in particular, as a new place of sexual abuse. In these communities, the most notable factors propitious to abuse are the lack of any regulation of powers and the lack of any check-keeping of magnetic leaders. In the light of these communities' system of governance, without any controls or counter-powers in place, and the importance attached to charisms, these entities are particularly vulnerable. Sexual violence committed in these

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<sup>72</sup> The Community of St John, founded in 1975 in Fribourg, is a community of three congregations.

<sup>73</sup> The Eucharistic Youth Movement (MEJ) is the successor of the Eucharistic Crusade, a devotional movement for children created at the beginning of the 20th century. Its transformation into the Eucharistic Youth Movement brought it into the sphere of specialised Catholic Action after the Second Vatican Council.

communities today represents a significant proportion of all sexual violence committed within religious institutes and societies of life, i.e. not amongst diocesan clergy. Since the mid-1980s, the total number of aggressors who belong to the new communities has increased very substantially.

Thus, the archival sources consulted by the Commission, cross-referenced with existing studies of a socio-historical analysis of French Catholicism, draw in sharp relief the parallel developments and evolution of French society and the Church at its heart, from the aftermath of the Second World War to today, with regard to both the reality and the apprehension of the phenomenon of sexual violence against children and vulnerable people. The following geographical analysis makes it possible to complete the picture.

### III. THE GEOGRAPHICAL APPROACH, MAINLAND FRANCE AND BEYOND

#### A. OVERALL TENDENCIES

##### 1. A geography of sexual violence that is superimposed on the map of religious practices

The CIASE's research, based on various archival sources, has made it possible to identify significant disparities in the geographical distribution of recorded cases of abuse which are linked to the level of Catholicity of the region concerned. In this sense, the map of violence overlaps quite neatly with a map of the level of religious practice in the dioceses of France, drawn up by Canon Boulard in 1947<sup>74</sup>, confirmed by him in 1966<sup>75</sup> and then again in 1975 by a map of the social background of priests<sup>76</sup>. The map has, therefore, become a reference in contemporary history<sup>77</sup> and continues to be used as a basis for discussion.<sup>78</sup>

This sociological map shows three types of places: the “dioceses of Christianity” are dioceses with strong religious practice (Brittany – the western inlands, the north and east – the Basque Country and Béarn, south of the Massif Central, and a vast eastern strip running from Haute-Marne to Alsace and from the Meuse to Jura). The “detached dioceses” are either only nominally Christianised or de-Christianised; they form what can be called the “diagonal of the void” from the Landes to the Ardennes; these represent relegation zones for certain priests. Between the two, Corsica and the Mediterranean Coast can be described as “dioceses of Christian tradition” with an intermediate level of religious practice.

Analysis of archival sources over a long period shows that the most Catholic dioceses are those in which the highest numbers of perpetrators, in absolute terms, are reported. Thus, over the whole period, the twelve “Christian” dioceses have the largest number of cases per diocese (16.3 cases per diocese, against 11.9 per diocese of “Christian tradition”, and 14 cases per “detached” diocese).

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<sup>74</sup>Fernand Boulard, Religious map of rural France, 1947, *Cahiers du clergé rural*, p. 403.

<sup>75</sup> Fernand Boulard, *Premiers itinéraires en sociologie religieuse*, Paris, Éditions ouvrières, 1966.

<sup>76</sup> Map drawn up in 1975 on the origin of priests in terms of ordination, see Hervé Le Bras, Emmanuel Todd, *L'invention de la France, Atlas anthropologique et politique*, Paris, Gallimard, re-ed. 2021, p 351.

<sup>77</sup> Timothy Tackett has shown that the Boulard map was virtually identical to the map showing the distribution of refractory and constitutional priests in 1791, thus revealing that the divide between the territories was firmly established. See T. Tackett, *La Révolution, l'Eglise, la France*, Paris, Cerf, 1986.

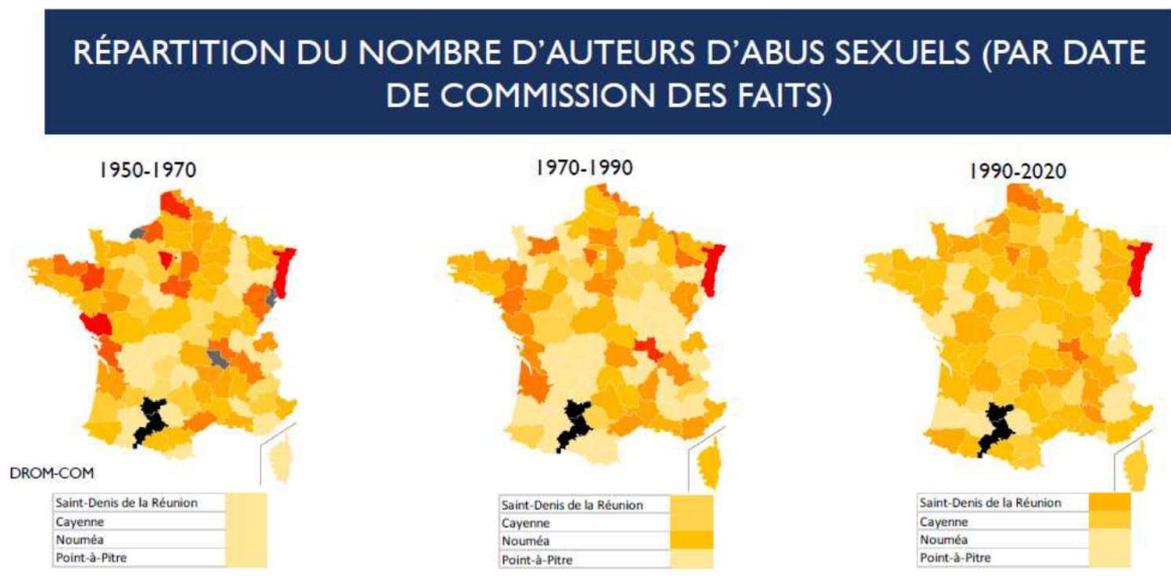
<sup>78</sup> In *Comment notre monde a cessé d'être chrétien*, the historian Guillaume Cuchet looks back at the genesis, publication and interpretation of Canon Boulard's religious maps of rural France from 1947 to 1968, to initiate a more general discussion on the historicisation and interpretation of the spectacular decline in Catholic practice in France during the 1960s. The author concludes that “the Boulard map ‘photographed’ post-war Catholicism, and more precisely, in its last versions, in the years 1955-1965, just before it underwent a profound rupture which introducing a completely different history” (p. 82). G. Cuchet, *Comment notre monde a cessé d'être chrétien*, Paris, Editions du Seuil, 2018, p 33-85.

The same observation can be made if we analyse a map of the dioceses of incardination of the perpetrators of violence: at first sight, it again fits neatly on the map of the religious practice as drawn up by Canon Boulard. The dioceses where the Catholic religion is most established are also those where the presbyterium is the most important, and where, in absolute value, the highest number of perpetrators is concentrated. The dioceses to the west of Mayenne, those of the Nord, Alsace, Moselle, Besançon and the diocese of Lyon constitute an arc of Catholicity from which a significant number of perpetrators of sexual violence originate. And in total, of the ten dioceses with the most identified perpetrators, eight are considered by Canon Boulard as territories of Catholic practice.

However, if reported cases of abuse are applied to the number of incardinated priests, the perspective changes and the places with most abuse become, tendentially, in relative value, the dioceses of “tradition” or “detachment”.

The divide is thus very clear between the areas defined as “Christian” and those defined as indifferent: in the latter, the ratios measuring the prevalence of the phenomenon, whether it is the ratio between the number of cases and the number of inhabitants (ratio of persons suspected)<sup>76</sup>, or the ratio between the number of cases and the number of priests (ratio of persons convicted) are respectively 1.3 (for the suspected) to 4 times (for the convicted) higher than in “Christian” areas. In other words, the rate of incrimination decreases when clerical supervision of the population increases, and the conviction rate is highest when clerical supervision is weak. However, this analysis is only relevant for the first period under study (1950-1970) and, to a lesser extent, the second (1970-1990). It ceases to apply during the last period (1990-2020).

These are the first results of the EPHE research team to be inferred from the reading of the maps below.

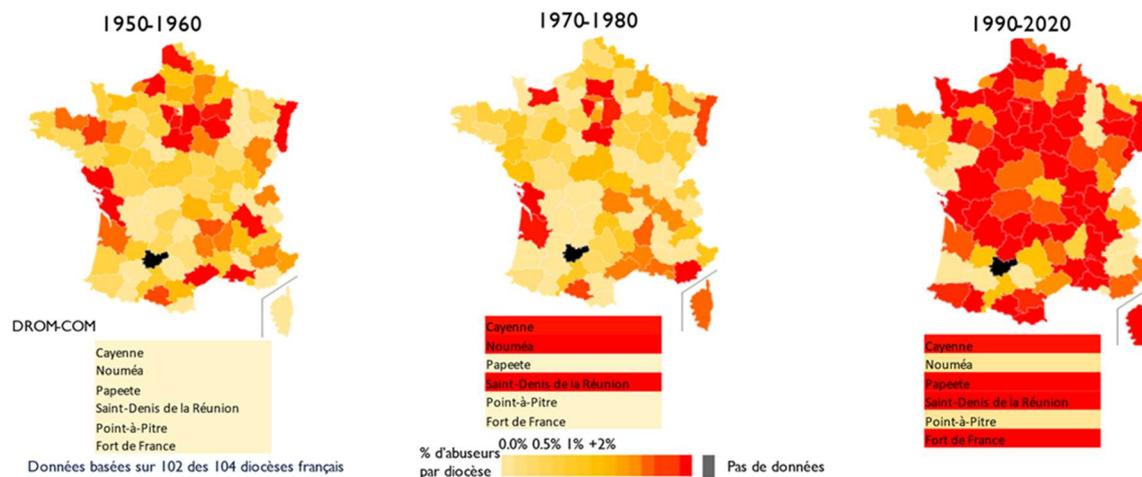


DISTRIBUTION OF NUMBER OF PERPETRATORS OF SEXUAL ABUSE  
(BY DATE OF THE INCIDENT)

*Nb: The dioceses for which we had no information on the date of creation of the maps, figure in black. Toulouse has since sent in its questionnaire. The maps will be updated for the final report.*

*Source: EPHE Report pp 137-138*

## CARTES 8 : RÉPARTITION DU POURCENTAGE D'AUTEURS D'ABUS SEXUELS (PAR DATE DE COMMISSION DES FAITS)



MAP 8: DISTRIBUTION OF PERCENTAGE OF PERPETRATORS OF SEXUAL VIOLENCE  
(BY DATE OF THE INCIDENT)

*Data based on 102 out of the 104 French dioceses.*

*% of abusers*

*No data*

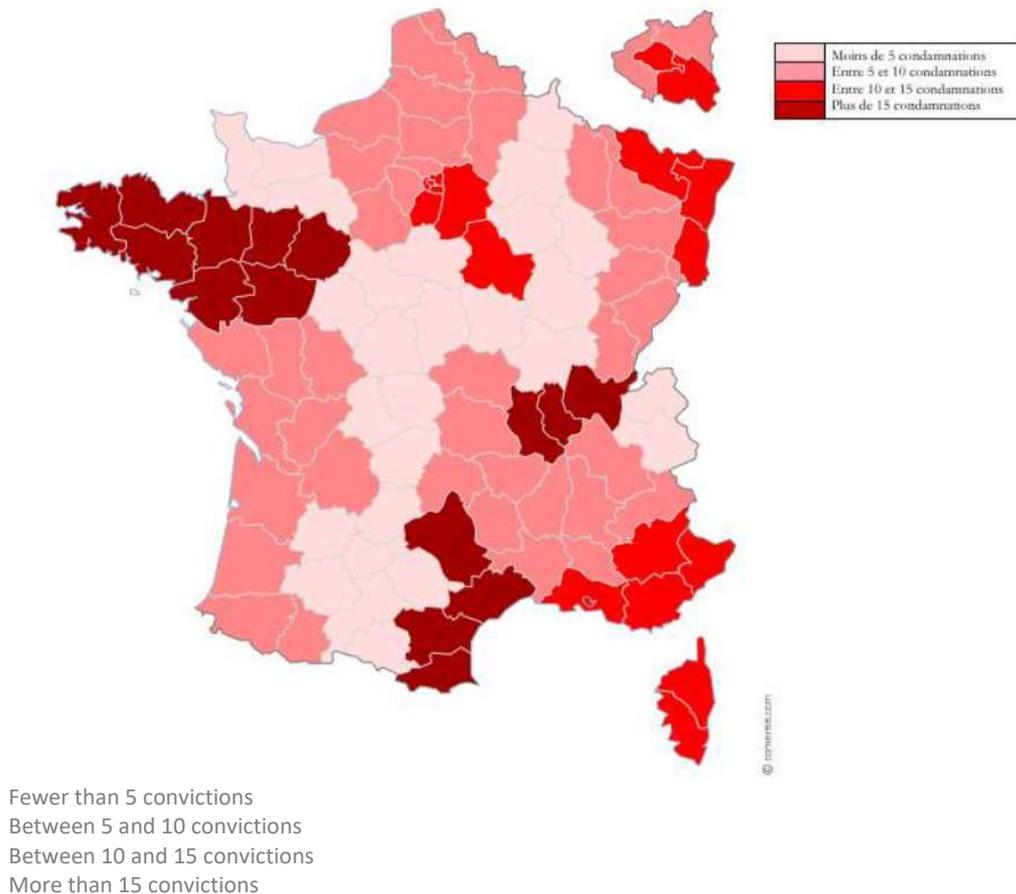
*Source: EPHE Report p. 140*

The role played by the local context in the accusation and condemnation of priests cannot be overlooked. In areas of indifferent religious practice, the higher proportions of cases and convictions may be related to several factors: a higher proportion of abuse due to less institutional supervision (by other priests, by parish priests-deans) and less social control of clerics by the general Catholic community, but also less leniency in the face of ecclesiastical sexual assaults and more conflictual local situations between the Church and the civil society, including those in which the conflict manifests itself in accusations of sexual violence. In “Christian” dioceses it may be that the lower proportion of cases and convictions is due to a correspondingly lower number of cases of sexual violence, owing to the greater social control exercised over the clergy (both by the general population and by the institution), to the Church’s greater capacity to influence the course of justice, or even to juries showing greater tolerance towards clerics. The higher number of acquittals in criminal cases in “Christian” dioceses could be read in this manner.

Similarly, there is a clear age difference between “Christian” and other types of dioceses. Priests convicted in “Christian” dioceses are much younger, and almost half of them are tried within ten years of their ordination. Elsewhere, they are mostly mature men, near or already in their fifties, or for the “indifferent” dioceses, up to their late sixties. The age difference stems mostly from the fact that there are more young members of clergy in the “Christian” dioceses but this does not explain why more of them are charged with sexual abuse of children: is it because of the greater possibility of abuse of power (due to the existence of many youth institutions and organisations)? Is it because young members of clergy are more fragile because of a weaker selection system and poorer training? Or because community control is stronger making it easier to report abusive priests?

A study of criminal convictions identifies the same trend. The whole of Brittany, the north of France, the former Concordat lands, the regions of Besançon and Lyon comprise (apart from Languedoc) a well-identified arc of Catholicism, where the number of convictions is also high. But here again, although there are more cases in absolute terms in the “Christian” dioceses, there are more cases per priest, in relative terms, in the “indifferent” dioceses.

**Map 14: Geographical distribution of clergy convicted for the sexual abuse of vulnerable persons per Court of Appeal jurisdiction (1950-2020)**



*Source: EPHE Report, p. 146. Geographical distribution based on a total of 214 convictions. The jurisdictions of the courts of appeal of Metz and Colmar as well as those of Aix-en-Provence and Bastia have been grouped together, in accordance with the recommendations of the Commission, in order not to allow the number of perpetrators to be identified within a single diocese.*

The evolution, over the course of time – the period under study - of the spatial distribution of sexual abuse cases in the Church, must also be taken into account.

## 2. A Geography which has been Evolving since the 1990s

As can be seen from the first maps reproduced above, the geographical distribution just described existed, strictly speaking, only up until the 1990s and 2000s, at which point all regions were affected equally. Thus, even if over the entire 70-year period studied by the Commission, we can clearly see a “telling” picture of geographical distribution emerge, mainly because of the number of cases identified at the beginning of the period, in the long run these disparities tend to fade. The geographical differentiation of cases tried in court also disappears by the end

of the period, as does the map of religious practices, again suggesting a gradual disappearance of traditional patterns in parallel with the decline of Catholicism.<sup>79</sup>

Several factors come into play here. The first is the evolution of the map of religious practice. Despite some resistance from Catholic strongholds, there was a decline in practice even in these areas, particularly in the west of France, the Basque Country and Savoy, whereas the Paris area - especially Paris itself - as well as the Mediterranean Basin proved to be areas of relatively higher religious practice with a strong presbyterium. The difference between the Catholic world and the “detached” world in terms of religious practice is therefore diluted with the level of practice becoming something of a social marker.<sup>80</sup> The map indicating the most recent sexual violence follows this evolution. Paris and the Mediterranean Basin are now very represented, in particular due to the concentration of a relatively large number of priests in these areas.

It is possible that the growing number of cases in former Catholic strongholds stem from an ability to report incidents without passing through a local filter, thanks to the decline in religious practice in Catholic areas, and more generally, to the empowerment of individuals.

This geographical analysis of the distribution of sexual violence, however, focuses exclusively on secular clergy. A spatial distribution of members of religious orders belonging to institutions or societies of apostolic life is not of great interest, since, more often than not, the members of these institutions are spread over several places and so the location of the mother house does not necessarily provide any relevant information.

Within these overall trends characterising the geographical evolution of sexual violence in the Catholic Church, the Commission completed its analysis by shining the spotlight on certain specific places.

## **B. SPECIFIC ANALYSIS: AN OVERSEAS VISIT BY A DELEGATION FROM THE CIASE PROVIDING A SPECIFIC EXAMPLE**

In the CIASE appeal for testimonies, French overseas departments, regions or territorial communities were only very rarely mentioned as places where sexual violence had been perpetrated. Only 6 responses to the victimisation survey - or 0.4% - came from people abused by a member of clergy or a member of a religious order in an overseas department or community, whereas these territories account for 0.9% of general sexual violence and 2.45% of the French population. In view of the very old and established presence of the Catholic Church in these territories and the high rate of adherence to Catholicism, the smallness of this number is questionable.

We can only formulate hypotheses about what seems to be an under-declaration: perhaps the CIASE’s poor communication, in particular, with regard to the appeal for testimonies locally; perhaps Catholicism’s enduringly strong social grip due to its history in the territories and the clergy’s power therefore reinforcing ecclesiastical impunity and the silence of the victims; perhaps, (as verified locally in at least one of the dioceses visited by the CIASE) the disappearance of archives relating to sexual abuse; and lastly, because of the generally more

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<sup>79</sup> EPHE Report, p 140.

<sup>80</sup> Hervé Le Bras, E Todd, *Le mystère français*, Paris, Ed. du Seuil, 2013, p 79.

precarious situations of the local population, perhaps people were less inclined to respond to the appeal.

Although means and travel possibilities, hampered as they were by the Covid pandemic, did not allow the Commission to study overseas specificities with regard to sexual abuse in the Catholic Church to the extent it would have wished, a number of observations may, nonetheless, be drawn from the archives consulted by the EPHE, the testimonies sent to the CIASE and the travel the CIASE did manage to undertake.

In the overseas departments and collectivities, it is likely that a combination of social and cultural factors may deter men from speaking about abuse they may have suffered.

The testimonies collected from former North African departments mainly concern religious institutes. Only one testimony concerns Sub-Saharan Africa, and its content requires a critical approach.

The archives of missionary congregations, in particular those of the Congregation of the Holy Spirit provide the principal sources of information. The latter reveal the sexual abuse of local populations by missionaries, firstly against girls, but also sisters of European origin. The abuse of young people seems to have developed during the 1970s and 1980s. The independence of the missionary-clergy during their tours of the territories once again suggests that the lack of a control system may have facilitated deviant behaviour as well as helping it to remain hidden for longer.

The following box summarises the CIASE's analysis further to the visit of two of its members to the Caribbean and French Guiana.

#### LESSONS TO BE DRAWN FROM THE VISIT BY CIASE MEMBERS TO THE CARIBBEAN IN FEBRUARY 2020

As part of the CIASE's "Tour de France" (*cf.* above), two members of the Commission, Ms Laëtitia Atlani-Duault and Mr Stéphane de Navacelle, went to Guadeloupe and Martinique from 18 to 24 February 2020, to hold public meetings, present the CIASE, exchange on sexual violence in the Catholic Church in France, in partnership with representatives of *France Victimes*, respond to requests from local media and conduct hearings of victims.

The public meetings were held on 18 February 2020 in Pointe-à-Pitre and on 21 February 2020 in Fort-de-France. As reported by the local press, a man took this opportunity to travel from Guiana and participate in the second meeting in order to discuss a Guianese case and the situation of the diocese of Cayenne.

As is the case elsewhere in France, the dioceses of Guadeloupe and Martinique reflect their local context. It became clear to the CIASE, in particular through on-site meetings with victims, members of organisations and Church leaders, as well as the Archbishop of Fort-de-France and the Bishop of Basse-Terre, that these contexts differed in many respects.

Nevertheless, some common assessments can be made. These are two dioceses with high levels of religious practice. The Church is also directly or indirectly involved and powerful in many sectors of economic and social activity (media, health, education, youth supervision, public services, etc.). Finally, the victims who testified all stressed the insular nature of these territories, where the rapid dissemination of information coupled with the two above-mentioned characteristics – namely the high levels of religious practice and the power of the Church - leaves little room for private expression and can

undermine freedom of speech for fear of reprisals which, the CIASE delegation understood, were not merely hypothetical.

These different factors explain why, according to the victims heard by the two members of the CIASE, few victims of sexual violence committed by members of the Church in Martinique and Guadeloupe have chosen to testify via the partnership with *France Victimes*, either on the latter's premises or through the appeal for testimonies operated by the *France Victimes* platform, then still in operation. The extremely low number of perpetrators identified by the two dioceses in their communication with the CIASE, in comparison with other dioceses, or the disappearance of archives reported by one of them, must also be noted.

All these elements suggest that a significant number of victims in these departments live in a definite state of isolation.

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The historical and geographical backdrop to the Commission's study is thus drawn up, after the main people concerned have been able to give an overview of their experience. It is their story which makes it possible to weave this web humanely. It is now necessary to sketch their sociological portrait and thus begin to cross-reference qualitative analysis with quantitative analysis.

## **IV. THE SOCIOLOGICAL APPROACH: A TYPOLOGY OF VICTIMS, THE SEXUAL VIOLENCE SUFFERED AND THE PERPETRATORS OF SEXUAL VIOLENCE**

The sociological portrait of the victims is an essential component of the inventory drawn up by the Commission and has been established in some detail thanks to the data collected and the many sources used and cross-referenced. While the typology developed by the Inserm team obviously applies to persons who were abused as children (constituting the vast majority of cases), in-depth analysis was also carried out with regard to adult victims, in accordance with the mission statement. Thanks to the expertise of its members in this field and despite the difficulty of the exercise, the CIASE also wanted to develop a sociography of the perpetrators of sexual violence, inclusive of a psychiatric dimension which was based on research interviews with perpetrators of sexual violence as well as on the analysis of character investigations and psychiatric reports contained in legal files to which the Commission had access.

### **A. THE VICTIM POPULATION, AS SHOWN BY THE CALL FOR TESTIMONIES AND THE GENERAL POPULATION SURVEY**

The research carried out by the Inserm team for the CIASE makes it possible to draw a profile of the population of victims who were children at the time of events, thanks to the general population survey (*cf.* below about prevalence), the responses of 1,448 people abused as children to the online questionnaire administered by the IFOP (*cf.* Digital Annex 17) and the 46 semi-structured interviews conducted with victims who were children at the time.

As a preamble, care needs to be taken when employing the results of the questionnaires of the 1,448 victims, children at the time of events. This sample of the appeal for testimonies represents a population with specificities compared to the people who reported sexual assault in the general population survey. In particular, women are over-represented, constituting 35% of the group, compared to 21% in the general population survey, while in terms of age, people aged 75 and over today are under-represented (10% in the sample resulting from the call for testimonies, against 27% in the general population survey), as are the youngest: those under 25 years of age represent 0.3% in the same sample, compared to 6% in the general population survey. The appeal for testimonies sample also presents a population who come disproportionately from the highest social categories: 49% of the victims in this sample have an intellectual profession against 32% of the victims from the general population survey. Only 3% have manual jobs, compared to 26% of victims in the general population survey; 49% of victims have a qualification higher than two years of further education, compared to only 25% of victims in the general population survey. Lastly, the victims who responded to the CIASE's appeal for testimonies are people who have remained much closer to the Church than those interviewed in the general population survey: 48% of them say they are still Catholics today, compared to 25% of those interviewed in the general population survey, 52% of them even declaring that religion is still important to them, compared to only 10% in the general population survey.

This social distortion of the sample of the appeal for testimonies can be explained by the greater tendency of the most advantaged socio-cultural categories and highly educated people to respond to surveys. Moreover, we know that the public which remains attached to Catholicism – those who responded the most in the appeal for testimonies - belongs above all

to the upper classes.<sup>81</sup> Finally, and more prosaically, the victims furthest away from the institution may, due to methods of communication and distribution, not even have been aware of the call for testimonies.

### **1. Demographic characteristics: the vast majority of victims are pre-adolescent boys**

While young girls are not spared by the phenomenon, sexual violence against children committed in the Church mainly affects boys, unlike sexual assaults perpetrated in the family circle, whose victims are overwhelmingly girls,<sup>82</sup> and those that take place in other spheres of socialisation (state schools, sports clubs, cultural activities etc.) where boys and girls are affected equally. Thus, boys account for 80% of those who experienced sexual violence as a child for the first time at the hands of a member of the clergy (priest, deacon or member of a religious order). This rate is still as high as 75% when acts of sexual assault committed by lay members of the Church are taken into consideration.

Nevertheless, the proportion of female victims seems to have increased over time: female victims represent 32% of the sample based on the appeal for testimonies with regard to abuse committed between 1940 and 1969, 39% between 1970 and 1989 and nearly 60% since 2010. The same trend can be observed for all under 21-year-olds assaulted by a member of the clergy from the general population survey: only 10% of assaults that occurred before 1970 concerned women, compared with 29% between 1970 and 1990, and 34% after 1990. The increase in the proportion of women in the surveys does not, however, allow us to conclude with any certainty that women are more frequently abused in the Church today than they were in the past. Women probably testify more easily today because of recent social developments encouraging the denouncement of violence, which has traditionally concerned women.

Sexual offences committed by members of the clergy are, on a massive scale, committed against children: according to the general population survey, 93% of the first assaults perpetrated by a member of the clergy or of a religious order take place before the age of 18, compared to 77% of all the first cases of abuse by all perpetrators combined.

The average age at which victims are first abused is 10 or 11 years old, which remains stable over time according to the general population survey: 10.8 years old for an assault committed before 1970, 10.3 years old for an assault between 1970 and 1990, and 10.5 after 1990. This data contrasts sharply with that resulting from the appeal for testimonies which shows a sharp decrease over time in the group of victims first abused between the ages of 10 and 13 which drops from 55% to 31%, while that of people aged 14 to 17 when first abused increases from 15.8% to 34.4% and that of people aged 18 to 20 jumps from 1.7% to 21%.<sup>83</sup>

According to the appeal for testimonies survey, nearly 55% of victims were assaulted for the first time between the ages of 10 and 13, 22% at age 9 or younger, 22% between the ages of 14 and 17, and 0.5% between the ages of 18 and 21. While the average age for a first incident of abuse is similar for boys and girls, the distribution differs by sex, being significantly more concentrated around 10 to 14 for boys. Boys suffer their first assault overwhelmingly

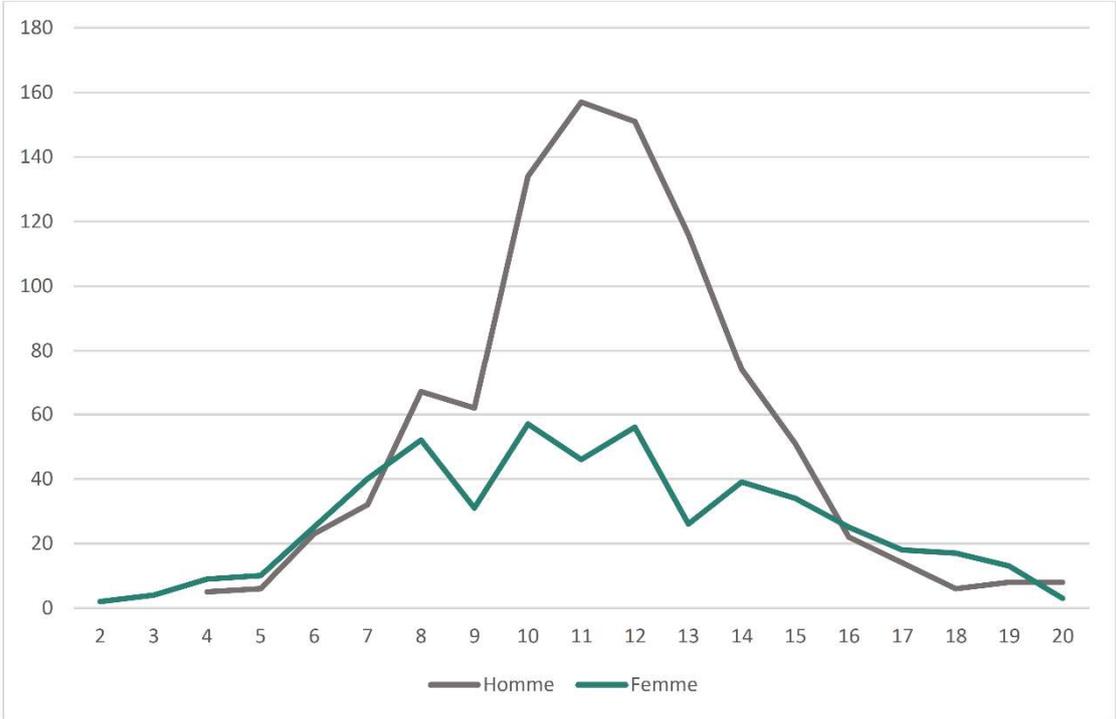
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<sup>81</sup> Josselin Tricou, « Le catholicisme romain » dans Anne-Laure Zwilling (dir.), *Les minorités religieuses en France*, Montrouge, Bayard, 2019, p. 205-232.

<sup>82</sup> 5.8% of the female population and 1.5% of the male population have experienced sexual violence by a family member, while 0.35% of the female population and 1.3% of the male population have experienced sexual violence by a member of the clergy. Inserm-EHESS Report, p. 413.

<sup>83</sup> Inserm-EHESS Report, figure 5, p. 50.

between the ages of 10 and 14 whereas among girls first incidents of abuse are spread much more evenly over the whole of childhood and adolescence: they exceed those of boys before the age of 7 and again from the age of 16. It is as if the curve corresponding to girls has been upset between the ages of 8 and 14 unlike that of boys, which evolves into a bell curve for this age group, as illustrated by the following graph.



Source: Inserm-CIASE 2019 inquiry-appeal for testimonies  
 Scope: All persons having answered the question regarding their sex (N=1443=1448-5 persons who did not answer this question).  
 Interpretation: 157 men were abused at 11 years old compared with 46 women. 17 women were abused at 18 years old compared with 6 men

The overwhelmingly male composition of the victim population and the highly contrasting gender distribution of ages can be interpreted in several ways. The predominance of male victims could be explained by an “opportunity effect” linked to the clergy’s greater access to boys compared to girls. This especially applies, for much of the period, to pre-adolescent boys in single-sex institutions such as Catholic secondary and boarding schools, scouts, charitable foundations and other educational institutions and Catholic youth movements. The predominance of males may also reflect a psychological fixation of the “choice of object” on pre-adolescent boys in clerics whose elaboration of sexual desire may effectively have been frozen at this age when a first inkling of vocational desire was experienced. Lastly, it is also possible that it reflects an effect of idealisation of childhood and rejection of women. At the beginning of the period under study, i.e. the 1940s and 1950s, the transmission of vocation amongst future priests often occurred around the age of 10 or 11, and these boys were then looked after throughout their long, intense period of training during which they were usually separated from the secular world. During this period, the boys were expected to maintain a scrupulous concern for their own purity, often leading them to idealise their

childhood in comparison with adolescence which often came to be perceived as impure,<sup>84</sup> leading to a fear or rejection of the nubile woman, perceived as the “temptress”. During his hearing by the Commission<sup>85</sup>, Dr. Bernard Cordier, a psychiatrist, evoked the hypothesis of a potential recruitment bias: “The majority of those entering the priesthood have such faith that renunciation of the woman as a conscious and assumed choice is compatible with their vocation. However, it is possible that such a renunciation is easier to make when there is no heterosexual attraction, or if one is asexual.”

## 2. Social characteristics of the victims: all environments are equally affected

The general population survey shows that sexual violence in the Catholic sphere concerns all socio-professional groups: the population of victims does not have a marked specificity compared to the general population in terms of qualifications or profession of the father when the person was 15 years old. There is, however, an under-representation of the socio-professional category of employee and an over-representation of that of managers and directors. When the father's occupation is taken into account, the children of employees and professionally unstable persons are over-represented, while those of farmers, medium-level socio-professional backgrounds and senior managers are under-represented.

**SOCIO-OCCUPATIONAL CHARACTERISTICS OF VICTIMS ABUSED UNDER THE AGE OF 18 BY A MEMBER OF THE CLERGY, COMPARED TO THOSE OF THE GENERAL POPULATION**

	Total population	Persons abused by a member of the clergy before the age of 18	
		%	95% Confidence Interval
<b>Level of Qualifications</b>			
Below baccalaureate level	31.8 %	34.8 %	[26.2 ; 43.4]
Baccalaureate level	26.8 %	18.8 %	[11.8 ; 25.9]
Baccalaureate +2 years higher ed	21.2 %	20.9 %	[13.5 ; 28.2]
More than Baccalaureate +2	20.3 %	25.5 %	[17.6 ; 33.4]
<b>Respondent's last occupation</b>			
Farmer	1.0 %	0.0 %	[0 ; 0]
Tradesperson	5.1 %	9.9 %	[4.5 ; 15.3]
Labourer	17.2 %	26.2 %	[18.3 ; 34.2]
Employee	30.2 %	9.7 %	[4.3 ; 15.0]
Medium-level socio-prof. background	19.5 %	13.0 %	[6.9 ; 19.1]
Managerial	17.7 %	32.1 %	[23.7 ; 40.6]
Pupil/ Student	5.9 %	7.4 %	[2.7 ; 12.1]
Never worked	3.4 %	1.7 %	[0 ; 4]
<b>Profession of the father when respondent was 15 years old</b>			
Farmer	3.2 %	0.8 %	[0 ; 2.4]
Tradesperson	10.1 %	10.4 %	[4.9 ; 15.9]

<sup>84</sup> Cf. Olivier Bobineau, Joseph Merlet et Constance Lalo, *Le sacré incestueux : les prêtres pédophiles*, Paris, Desclée De Brouwer, 2017.

<sup>85</sup> Plenary session of 11 September 2020 (cf. Minutes in Digital Annex 12).

Labourer	35.6 %	33.7 %	[25.2 ; 42.2]
Employee	14.1 %	23.1 %	[15.5; 30.7]
Medium-level socio-prof. background	11.4 %	8.1 %	[3.2 ; 13.1]
Executive	14.2 %	10.4 %	[4.9 ; 15.9]
Unstable professionally	4.9 %	9.9 %	[4.5 ; 15.3]
Father not known, deceased...	6.6 %	3.6 %	[0.21 ; 6.9]

Source: Inserm-CIASE General Population Survey, 2020, Table 49 pp. 417-419.

Over and above the classic exercise of drawing, in broad strokes, the demographic and sociological profile of child sex abuse victims, the questionnaire developed for Inserm's survey was careful to also include questions about the respondent's relationship with Catholicism.

### 3. Victims and their faith: the affiliation to Catholicism decreases after suffering sexual abuse

It is logical that people who suffered abuse within the Church received a more Catholic education than other people (80% against 59%) so it is interesting to note that they are much less likely today to identify as Catholic than the general population (25% against 44% of the total population). 56% say religion is not very important to them now, compared to 36% of the total population. It is certainly highly likely that this discrepancy reflects a loss of confidence in the Catholic Church and the loss of faith that may have resulted from the violence suffered.

#### RELATIONSHIP TO RELIGION OF VICTIMS ABUSED UNDER THE AGE OF 18 BY A MEMBER OF THE CLERGY, COMPARED WITH THAT OF THE GENERAL POPULATION

	Total population	Persons abused by a member of the clergy before the age of 18	
		%	95% Confidence Interval
<b>Religious education</b>			
No religious education	28.1 %	3.7 %	[0.28 ; 7.07]
Catholic	59.4 %	80.5 %	[73.3 ; 87.6]
Protestant	2.1 %	1.4 %	[0 ; 3.4]
Jewish	0.8 %	0.8 %	[0 ; 2.4]
Muslim	4.3 %	3.3 %	[0.1 ; 6.5]
Orthodox	0.6 %	5.1 %	[1.1 ; 9.1]
Other religion	1.5 %	4.1 %	[0.5 ; 7.7]
You do not wish to reply	4.0 %	2.2 %	[0 ; 4.8]
<b>Current religion</b>			
No religion	41.6 %	48.1 %	[39 ; 57.1]
Catholic	43.9 %	25.1 %	[17.3 ; 32.9]
Protestant	1.9 %	7.2 %	[2.6 ; 11.9]
Jewish	0.7 %	1.9 %	[0 ; 4.4]
Muslim	4.7 %	4.3 %	[0.1 ; 8]
Orthodox	0.6 %	5.8 %	[1.6 ; 10.1]

Other religion	2.1 %	1.6 %	[0 ; 3.9]
You do not wish to reply	4.5 %	5.9 %	[1.6 ; 10.1]
<b>Importance of religion today (among respondents who currently adhere to a religion)</b>			
Very important	12.6 %	7.5 %	[2.8 ; 12.3]
Important	28.3 %	14.1 %	[7.8 ; 20.4]
Not very important	36.1 %	55.6 %	[46.7 ; 64.6]
Not important at all	21.1 %	19.1 %	[12 ; 26.2]
You do not wish to reply	1.9 %	3.7 %	[0.29 ; 7.1]

Source: *Inserm-CIASE General Population Survey, 2020. Table 49, pp. 417-419.*

These results contrast strongly with those of the victimisation<sup>86</sup> study which show that 48.2% of people who were sexually assaulted during their childhood by a member of clergy or of a religious order remain members of the Catholic Church (43.1% keeping the faith) against 45.5% who have broken with it (30.7% who have lost faith). These differences are probably due to the specificity of the sample of this survey (Introduction of § A pp. 152-153).

We can now move on to a more detailed analysis of the “patterns of abuse” - the expression retained by the Inserm team for the reasons mentioned in the methodological preamble - which consists in establishing an unprecedented typology reflecting the multifaceted characteristics of the sexual violence perpetrated against children by members of the Catholic clergy during the period under study.

#### 4. The Circumstances and the Perpetrators of Violence

Inserm's analysis of the responses to the appeal for testimonies has taught us a lot about the context of sexual violence and the identity of the perpetrator.

Thus, with regard to the places in which the violence occurred: the three major places are day or boarding schools (30% of abuse); Catechism and chaplaincies (21.2%); youth movements, inclusive of holiday camps and pilgrimages (20.2%) and the office or home of the abuser (21.2%). Other settings are family and outings (13.9%) as well as congregations, communities and spiritual retreats (7.9%). However, it is significant to note how these contexts have evolved over time. For obvious reasons -as mentioned above, priests and members of religious orders being redeployed away from education- schools, with the highest rate of abuse, dropped from 36.3% until 1969 to only 8.9% since 1990. Catechism and chaplaincies, activities which are increasingly delegated to laypersons, have also declined regularly, dropping from 22.7% to 14.4%. On the other hand, the importance of “other places” has risen sharply: abuse within youth movements increased from nearly 17% to 30% from the first to the third period. At the same time, abuse in congregations, communities and retreats jumped from around 5% to more than 25%. The abuser's home or office increased from 11.5% to 22.2% and the family setting or outings from 18% to nearly 28%. The share represented by the Church's structures and services decreased in conjunction with a reduction in circumstances favouring intimacy and interpersonal exchange with members of clergy and religious orders.

<sup>86</sup> Inserm-EHESS Report, table 28, pp. 242-243.

It is possible to look at the context of sexual violence in another manner: the parish environment represents more than 39% of the violence, the school environment more than 30%, the third most common environment (i.e. holiday camps, youth movements, pilgrimages or retreats) 27.7%, and the family environment, nearly 15%.

With regard to the perpetrators of the violence: at the head of the list, parish priests (30%) then, teaching members of the clergy (24.5%), chaplains and leaders of youth movements (14.8%) and members of religious orders (7.7%). “The other priests” represent 22.8%. The share of teaching members of the clergy has fallen over time from 30.6% to 3.5% but the share of all other categories has increased correspondingly.<sup>87</sup>

## B. THE GEOGRAPHY OF ABUSE BASED ON DATA FROM THE APPEAL FOR TESTIMONIES AND THE GENERAL POPULATION SURVEY

The geography of reported sexual violence in the Catholic Church appears – as far as the European territory of France is concerned - in line with that of the historical strongholds of Catholicism: the eastern, western and northern regions of the country are the most represented areas along with the conurbations of Paris and Lyon, while the central regions have been less affected by the violence. Also, in the Ile-de-France- where the geographical distribution of Catholic households overlaps to some degree with the most economically and socially advantaged areas - the western departments are more represented than the eastern.

In the answers to the appeal for testimonies, 17.4% of respondents said they suffered their first sexual assault in Île-de-France and 14.5% in Auvergne-Rhône-Alpes, far more than in Hauts-de-France (9.3%), Occitanie (6.3%), Nouvelle Aquitaine (6.2%) or PACA (5.2%). However, it is important to note the figures for the west of France: 19.2% of the responses to the appeal for testimonies came from this area (9.2% in Brittany and 10% in Pays de la Loire) despite it representing only 10.1% of the French population in 1990.<sup>88</sup>

In the general population, sexual violence (taking into account all types of perpetrators, not only members of the clergy) reported by the respondents is distributed as follows: 19.5% in Île-de-France, 12.5% in Auvergne Rhône-Alpes, 9.7% in the east of France, 7.2% in Occitanie, 7.1% in PACA, 6.5% in New Aquitaine and Pays de la Loire, 5.6% in Normandy, 5% in Bourgogne-Franche-Comté, 4.3% in Centre-Val de Loire and 0.25% in Corsica. This distribution is very close to the share of the French population represented by each French region in 1990. In three regions, however, the rate of violence is one point higher than the percentage of the population: Île-de-France, Auvergne-Rhône-Alpes and Pays de la Loire. Conversely, in New Aquitaine, the rate of violence (6.5%) is significantly lower than population percentage (8.8%).

In total, if we compare the rate of sexual violence suffered in the context of the Catholic Church with the rate of sexual violence of all origins, it emerges that there is a much higher rate within the Church in two areas of France, the western region of France which includes Brittany and the Pays de la Loire (19.2% against 11.3%) and, to a lesser extent, Auvergne Rhône-Alpes

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<sup>87</sup> For more on these subjects, see the Inserm-EHESS Report, pp. 44-45 and Table 6 *Sociography of Abuse by Year of First Incident*.

<sup>88</sup> Inserm-EHESS report, Table 38, pp. 279-280.

(14.5% against 12.5%). In all other regions, the rate of violence suffered in the Church is lower than the rate of sexual violence of all origins.<sup>89</sup>

It should also be noted that, out of the testimonies, 41 people (2.9% of the sample) reported having first been sexually abused in a former overseas territory (North Africa or Sub-Saharan Africa) or in a country other than France. This was another European country for 31 of these respondents.

This geographical data must, however, be interpreted with caution, because it does not take into account the number of clergy in the different regions – which was much higher in the so-called “Christian” regions than in other regions. Also, even if the appeal for testimonies was distributed on a national level, it was unevenly communicated and in regions with an active associative network it, naturally, incited a greater response, without it being possible to deduce with any certainty that the number of cases of abuse was proportional to the number of responses received.

### C. PATTERNS OF ABUSE AND MEANS OF CONTROL

In order to grasp the social and institutional pattern of child exposure to sexual violence placed in its historical context, Inserm analysed the diversity of situations in which clerical abuse took place.<sup>90</sup> The 45 semi-structured interviews conducted with victims, children at the time, made it possible to define a typology of six categories of abuse, based on the context, the identity of the perpetrator, the characteristics of the victim, the type of abuse, and the justification made for it by the perpetrator. They correspond to as many institutional patterns of power construction by the clergy-perpetrator. This classification, established by the qualitative analysis of the interviews, was verified statistically against the 1,468 responses to the questionnaire which was attached to the appeal for testimonies launched by the Commission (*cf.* above for the detailed methodology in the Methodological Preamble and the Inserm Report in Digital Annex 27). Chronologically, over the period studied by the CIASE, Inserm distinguished the following six categories of abuse:

– Parish abuse, embodied by the almighty priest. This pattern is linked to the power conferred on the parish priest within the “parish civilisation”, i.e. within the centuries-old system set up by the Church with a priest in the role of the head of the community who accompanies the faithful on a daily basis while inspiring and controlling his parishioners’ practices.

– School abuse, embodied by the teacher, the initiator, the holder of knowledge. This pattern corresponds to the Catholic Church’s decision, ever since the Counter-Reformation, for its pastoral care of the youth to take the form of schools. This began in the seventeenth century with the Jesuits, followed in the eighteenth by the Brothers of the Christian Schools, and in the nineteenth by the *petit* seminaries.

– Instructional abuse, embodied by the chaplain or instructor, the initiator, the holder of wisdom. This pattern corresponds to a strengthening of the pastoral care of the youth, from the

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<sup>89</sup> Inserm-EHESS Report, Figure 1, p. 411.

<sup>90</sup> See above in the methodological preamble, the box explaining Inserm's choice of the term abuse to characterise the situations analysed in this sub-section.

end of the nineteenth and early twentieth centuries. The instruction takes place outside school, in places such as charitable foundations, sports federations, youth movements, scouts, etc.

– Family abuse, embodied by the priest who is close to the family, the “adopted uncle” who is sometimes also a real member of the family. This pattern is linked to the Church's strong interest in the family from the end of the nineteenth century.

Two other types of abuse appear later, during the “Catholic crisis”<sup>91</sup> of the 1960s and 1970s, which saw the social collapse of the powers of the priest and the charisma of the function of the priest (leading to an over-reinforcement of the affective personalisation of the situation of abuse):

– Therapeutic abuse, embodied by the priest-therapist. This pattern is linked to the reemergence of a spiritual approach which had been devalued by the psychological approach. Currently, one can even see the two merged in certain pastoral practices which play on the vulnerability of those in “search of meaning”.

– Prophetic abuse, embodied by the prophet, either the founder with an overblown charisma or the “father” - with the airs of a guru - of a new community. This pattern is linked to the sectarian excesses of certain ecclesiastical sectors in a context of French society’s general turning away from Catholicism.

Statistically, 32% of the abuses recorded in the sample from the appeal for testimonies are parish abuses, 30% school abuses, 23% *extra muros* abuse (which includes the instructional, therapeutic or prophetic abuse categories as established by the interviews) and 15% family abuse.

The abuse of power, which, in reality, applies to any act of sexual violence when it is inflicted by a legitimate representative of an institution in an institutional context, can rarely be separated from a form of control based on the distortion of the very principles of the institution, allowing the perpetrator to erase the victim’s resistance and ensure his/her silence. The authority of the clergy-perpetrator is reinforced by three transversal means of institutional control:

- Vocational: This plays on the power of “choice”, that of the person being abused, guaranteed by that of the cleric; this hold is exercised mainly through spiritual abuse, namely by distorting the divine word - of which the perpetrator is a privileged spokesman - in order to obtain assent to his demands.
- Sacramental: This is linked to the instrumentalisation of sacred rites which the faithful can only access through the cleric.
- Charitable: This is linked to the denial of clerical power, under the guise of exercising a charitable service intended, with preference, for the most vulnerable: the poor, women, children, homosexuals, the disabled, prisoners, indigenous people in a colonial context, *etc.*

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<sup>91</sup> Denis Pelletier, *La crise catholique*. Religion, société, politique en France (1965-1978), Paris, Payot, 2002.

## 1. Parish Abuse

Parish abuse is determined by what we have termed the “parish civilisation”<sup>92</sup>, an all-encompassing socio-religious world, organised around the authority of the parish priest who, thanks to his function, is perceived as the local dignitary, and who intervenes in all areas of his parishioners’ lives as the latter are immersed in a culture of reverence and dependence on the former. The parish system that meshed rural France and placed the priest as the central point and mediator of the village until the years 1960-1970 is clearly instrumental in the institutional pattern of the cases grouped together here. This type of abuse mainly took place, therefore, before 1970 accounting for 62% of cases, between 1970 and 1989 for 32% and after 1990 for 6%.

The context of “parish abuse” is generally rural and agricultural, with populations that are neither geographically nor socially very mobile and which are faced with priests who settle virtually for life in the same parish. Geographically, the notion of parish civilisation was particularly entrenched in areas such as the Alpine valley or the hedged farmlands of Brittany and the Vendée. In such a context, the priest enjoyed a “charismatic authority”<sup>93</sup> sufficiently important to prevent any reaction from the community. A victim interviewed by the Inserm team said: “The witnesses do not believe [the violence] they see”; they kept quiet because “we were afraid of hell” and “the priest [was] a God”.

A conjunctural factor in abuse could also have been parental inability to temporarily take onboard a specific aspect of their child's education: perhaps due to illness or because the village school had closed, or there was a need for specific educational requirements (music lessons, or even Latin for example). The priest’s proposal to compensate for the lack of an alternative by giving private lessons or individual accompaniment at the presbytery or the church, would appear to have been determining.

In this context, the violence is characterised by inappropriate touching which could quickly lead to rape, often in the presbytery or in the parish church. Rape constitutes 28% of the assaults recorded in the sample from the appeal for testimonies. Girls are almost as affected (42%) as boys (58%); the majority of victims are aged between 10 and 13 or younger.

The decline of parish civilisation, from the 1970s, saw a corresponding decline in this type of abuse, in favor of the following three types (school, family and instruction).

## 2. School Abuse

School abuse is defined as that committed by teaching clergy or members of religious orders in the context of a day or boarding school. This violence occurred, in particular, from the 1940s to the early 1960s in the period before schools became co-ed. It was predominately located in urban areas. The abuse consisted of inappropriate touching or other, and rape in 19% of cases, so less frequently than in the context of parish abuse. It was generally long-term violence, repeated for less than a year in 41% of cases, and for one to five years in almost a third of situations, as the school setting perpetuated contact with a child as long as s/he did not

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<sup>92</sup> Yves Lambert, *Dieu change en Bretagne : La religion à Limerzel de 1900 à nos jours*, Paris, Cerf, 1985.

<sup>93</sup> Max Weber, « La transformation du charisme et le charisme de fonction », *Revue française de science politique*, 25 October 2013, Vol.63, n° 3, pp. 463-486.

change schools. Perpetrators exerted a spiritual or emotional influence on more than 60% of victims.

The status of teacher, “prefect of division”, class monitor or school head, reinforced in this type of abuse the power of the aggressor, severely limiting any possibility of resistance from the victim. School abuse is part of a *continuum* of pedagogical violence which has characterised the “school form” of the process of socialisation. According to the sociologist Guy Vincent,<sup>94</sup> the “school form” emerged in the classical age (around the seventeenth century) and became a place of mass socialisation which replaced the old mode of learning by hearsay, by observation and by doing alongside others. This form of socialisation was initiated by the Catholic Church as a counter-reformist measure as it fought to win back souls faced by the “Protestant peril” (which was not unrelated to a first attempt of State centralisation). This “school form” was intended to oversee, totally and in a systematically organised fashion, the development of the young generation, both in terms of instruction and morality. Education became subject to impersonal rules structuring both the organisation of everyday life and the transmission of knowledge. Guy Vincent demonstrates that this “school form” has been imposed on our society for over three hundred years, from the pre-industrial age to our industrial society. It is easily recognisable by a coherent set of traits, at the forefront of which are the constitution of a separate and entirely dedicated universe; the establishment of a specific power relationship between a teacher and the children (who are, in this context, “pupils”) – otherwise known as a “pedagogical relationship”; the rational organisation of time and space; the serial division of knowledge; the gradual introduction and multiplication of exercises with no other function than to learn and learn according to the rules; the imposition of a written relationship to knowledge, *etc.* The characteristics of a “total”<sup>95</sup> institution are found in boarding schools, which bring together adults, with their halo of knowledge-power,<sup>96</sup> and children in a highly unequal relationship.

Historically, however, it should be noted that the “school form” to which Guy Vincent refers is linked to a double institutional filiation: the Brothers and Jesuit schools. Effectively, the Brothers’ schools, in a working-class environment, and the Jesuit ones in an originally aristocratic environment then bourgeois one, crisscrossed the school landscape like two organisational and categorical matrices until the twentieth century. The violence associated with pedagogical power took, different - more or less refined - forms, in a continuity of the distinctive class *habitus* of their respective publics. In the first case, the bodies of the teacher and the pupil were directly in contact, or almost directly (with the simple intermediary of a tool such as, for example, a ruler being brought down on fingers) and the relationship was marked by a certain immediacy, as per the socialising practices of working-class families. In the second case, the violence, like the pedagogy, was often more indirect. The son of a Breton peasant interviewed by the Inserm researchers, spoke about his primary school as a daily “entry into hell” not because of the sexual violence – which came as an extra - but because of the generalised physical violence. However, in the case of a country boy who managed to resist the fumblings of the prefect of division, we note that he was unjustly expelled from his excellent boarding school and sent by his parents, on the advice of the Jesuit in question, to another religious boarding school run by Brothers (so no longer “Fathers”), which prepared pupils for vocational diplomas, not for the baccalaureate. The boy, who had dreamed of being an engineer, says:

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<sup>94</sup> Guy Vincent, *L'école primaire française : étude sociologique*, Paris, Maison des Sciences de l'Homme, 1980 ; Guy Vincent (dir.), *L'éducation, prisonnière de la forme scolaire ? Scolarisation et socialisation dans les sociétés industrielles*, Lyon, Presses Universitaires de Lyon, 1994.

<sup>95</sup> Erving Goffman, *Asylums: Essays on the social situation of mental patients and other inmates*, New York, Anchor Books, 1961.

<sup>96</sup> François Dubet, *Le Déclin de l'institution*, Paris, Le Seuil, 2002.

“The trauma was not primarily sexual but social.” Without a baccalaureate, he would not be able to fulfill his dream. He did eventually become an engineer by virtue of rising internally within his company, 20 years after being hired as a technician.

School abuse massively affected boys, who constitute 83% of the victims, the majority of whom (62 %) were abused between the ages of 10 and 13. Girls were also affected although to a lesser extent, as co-education came late. The perpetrator offers no justification of his actions to his victims, which often take place during school activities, in silence in view of the presence of the other pupils. In a number of cases of historical abuse, a prior closeness of the perpetrator was perceived by the victim as a mark of special attention and a happy contrast to the impersonal nature and coldness of the school climate, before clearly revealing itself to be violence. To begin with it seemed that the usual pupil/teacher distance was, exceptionally, being broken down. An example was a teaching Brother’s presence at the funeral of the mother of M... (interviewed by the Inserm team), just prior to him beginning to abuse M... sexually. The Brother was from the village but was not a family friend, as M... was from the surrounding countryside, but he had nonetheless come to his mother's funeral. His presence had touched M... In class, the ritual was implacable: every morning there was prayer, followed by a reading out of marks which were either rewarded by a boiled sweet for those who had done well, or a blow for those who had done badly. M... being generally a good student, had only once received a blow from this Brother the year earlier, when he was in a different class. But, the Brother regularly called him up to the raised teacher’s desk and abused him, going so far as raping him, in front of all the other pupils.

This type of abuse seemed to dry up in the 1980s. A first reason was undoubtedly to do with the structure of schools: “The figure of the priest-teacher began to disappear in the 1960s, partly because of the scarcity of ordinations of priests, partly because of the professionalisation of teachers in private education, but also due to a change of strategy in the manner of evangelising young people in which instruction and religious supervision became less interlocked and the spiritual accompaniment of young people outside school time grew in importance”.<sup>97</sup> A second reason was undoubtedly related to changes in the manner of imposing pedagogical power. Under the pressure of pedagogical movements and at the request of the middle classes, schools experienced an “expressivist”<sup>98</sup> revolution from the 1970s onwards which certainly contributed to reducing opportunities for abuse in schools. Social valorisation of the child's expression led to the evolution of a number of teaching and educational practices, in particular to the current format of lessons which are more centered around discussion rather than being a lecture, and of general “school life” which has become less disciplinary and more concerned with activities. In so doing, it has undoubtedly helped foster the space and the possibility for victims to act and speak out, reducing the chances of perpetrators being able to abuse without meeting with any resistance.

### 3. Family Abuse

Stories of abuse perpetrated by priests or members of religious orders in a family context start to appear at a more recent period in the body of testimonies. The perpetrator creates links with his victim which are referred to metaphorically as bonds of kinship. The victims think of him as “Uncle Priest” (according to the expression of one of the men interviewed), that is to

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<sup>97</sup> Charles Mercier, « Le prêtre professeur de Marcel Launay », *Revue Études - Culture contemporaine*, October 2020. For a more in-depth history, see Marcel Launay, *Le prêtre professeur. XIXe-XXe siècles, un ministère oublié*, Paris, Salvator, 2020.

<sup>98</sup> Éric Plaisance, *L'enfant, la maternelle, la société*, Paris, Presses universitaires de France, 1986.

say the priest who “sneaks into the family” (another expression heard in the interview), “installs himself” (same source) or is actually the real “Uncle Priest”, i.e. the biological uncle of his victim (as in the case of one woman interviewed). In any event, it is this “family” bond, real or fabricated, that facilitates the abuse. Nine out of ten people who have been victims of this type of abuse report having been intellectually, spiritually or emotionally influenced by their abuser. All the victims interviewed also speak of this type of perpetrator as a priest whom they have greatly appreciated, even loved.

This type of abuse lasts for a longer period of time than other types: more than five years in 22% of cases, compared to an average of 7%. The priest rarely provides justification for his actions, but usually asks for secrecy. It is, on average, in this type of abuse that the violence goes the furthest: there is the highest proportion of rape (41.5% against 27.3% on average in the sample). There are almost the same number of boy victims (52%) as girls (48%) and it covers all ages: 41% of victims of this type of abuse were abused before the age of 10 (the highest proportion, all categories combined), 33% between the ages of 10 and 13 (which is less than all the other categories which are at their peak) and 19.6% between the ages of 14 and 17. As in the so-called “instructional abuse”, we see a higher proportion of people aged 18 to 20 (6.3%) compared to other categories. We see here confirmation, even more clearly than in “parish abuse”, that the perpetrator’s choice of victim, in terms of sex or age, is first and foremost a question of opportunity and ease of access to children, rather than necessarily a question of sexual preference.

We find the most children of medium-level socio-professional backgrounds in this category. Apart from the woman abused by her biological uncle in a bourgeois family in 1965, all the cases from the qualitative survey grouped in this category by Inserm, took place after Vatican II, coinciding with the cultural revolution of the 1970s, which left its mark as strongly on society as on the Church.<sup>99</sup> The most recent case in this body of work dates from 1990. These cases indicate a general change in the ways in which the priest and his parishioners interact in their social context. The faithful are divided between families from the upper echelons of the working classes in the oldest cases, and families from the intellectual bourgeoisie of the provinces in the more recent cases. In all events these are families very committed to parish and church life. The family context is often that of a rather progressive Catholicism, where the relationship with the priest is more familiar, despite remaining implicitly marked by clericalism. This is something akin to the “modernising middle classes” and the “modernising element”,<sup>100</sup> of Catholicism, described by André Rousseau which emerged as early as the 1940s, and which by the 1970s and 80s began to be given a certain credibility by the institutional machine. Thus, the mother of the woman interviewed by the research team was, despite her daughter’s revelations, still “fascinated by priests”, yet not a “bigot”. Her daughter’s story being out in the open, she would even use it to condemn paedophilia among the clergy and draw even more sympathy from the priests and the bishop who, according to the daughter herself, belonged to this category of open contemporary Catholics. This relationship - to all appearances egalitarian but in reality one of allegiance to the priest - was also very present within the upper strata of the working classes. The parents of S... addressed the parish priest with the familiar “tu”, inviting him to lunch every Sunday. But

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<sup>99</sup> Denis Pelletier, *La crise catholique*, op. cit. ; Denis Pelletier et Jean-Louis Schlegel (dir.), *À la gauche du Christ. Les chrétiens de gauche en France de 1945 à nos jours*, Paris, Seuil, 2012.

<sup>100</sup> André Rousseau, « Les classes moyennes et l’aggiornamento de l’Église », *Actes de la recherche en sciences sociales*, 1982, vol. 44, N° 1, pp. 55-68.

S... recounts how his family competed with another family to be the lunch hosts. The integration of a priest in the family was, by all accounts, a guarantee of prestige.

In this context, the priest is considered a member of the family. He is therefore invited regularly, or easily invites himself to the family home as well as to family celebrations, even going on holiday with the family, or inviting the family on holiday, allowing them to benefit from properties owned by the Church. In such a position, he may well sleep in the same room as the children, he can, with the full confidence of the family, take them in his car, invite them to his home, and thus, temporarily remove them from parental vigilance. In such situations, the perpetrator has opposite him parents who are “blind” to the situation, or even - especially in the case of young girls - mothers who almost seem to consent to the abuse because they are seeking, or have found in the priest, “another man”, one more interesting than their husbands and whose mode of domination may be more empathetic. In several of the cases studied, victims discovered *a posteriori* that their mothers had themselves been abused in their youth by a member of the clergy or the family.

In cases of sexual violence that include rape, and in one case, “torture”, the criminal act would seem to have been “prepared”. The victims all describe a tentative, groping approach from the priest initially, which may have involved trials on other children before he eventually settled on “the right one”. The approach is also described by the victims as progressive: going from “light” touching which, if met with no resistance, went further and further, ending with the rape of the chosen “target”.

Family abuse is linked to the phenomenon of priests entering the home sphere of pious families, which grew in importance from the second half of the nineteenth century as Catholic familialism<sup>101</sup> and family pastoral<sup>102</sup> care developed in the aftermath of revolutionary upheavals of the years 1789-1871 and the Church experienced setbacks in the field of schooling in the face of the Republic. However, the accounts of family abuse collected by Inserm appear to be marked by both changes in the family and the conciliar changes which took place in the Catholic Church after the 1970s, demonstrating three contextual rationales. Firstly, an attempt by the post-conciliar Catholic machine – which did not, however, break with clericalism - to reduce the institutional distance separating its representatives from the faithful. This attempt at more familiarity was symbolised by the permission given to priests to stop wearing the cassock (from 1962); a tendency towards abandoning the designation of “Reverend Abbot” in favour of “Father X”, which was seen as being more familiar and family-minded, and generally, a tendency for the institution to reflect the new behavioural modalities of the emerging “relational” family. Secondly, the families affected by the sexual violence welcomed the relative modernisation of Catholicism and proved intensely committed to helping bring about this new intra-ecclesiastical relational modality within a Catholic sector still divided on the issue. The charismatic priest thus became an ally. Lastly, it seems that, despite a desire for the Church to be modernised, the families in question were more likely to adhere to traditional family roles, with bread-earning fathers and a majority of stay-at-home mothers who were actively invested in voluntary pastoral activities and therefore in close proximity to priests. The combination of these three conjunctural factors undoubtedly contributed to families welcoming

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<sup>101</sup> Understood as “a doctrine that advocated an ambitious state policy to defend the family, not simply in itself, but as an institution of extreme importance for the functions of biological and social reproduction that it fulfilled”. Jacques Commaille, *L'esprit sociologique des lois : Essai de sociologie politique du droit*, 1st ed., Paris, Presses Universitaires de France, 1994. See also Anne Verjus, « Familialisme » in *Dictionnaire, Genre et science politique*, Paris, Presses de Sciences Po, 2013, p. 251-262.

<sup>102</sup> The sociologist, H el ene Buisson-Fenet, defines pastoral care here as “the set of localised institutional practices whose aim is to disseminate the religious message in concretely receptive conditions”.

priests – who were seen as being isolated and in need of support to carry out their mission, into their midst.

#### 4. Instructional Abuse

“Instructional” abuse occurs in independent educational spaces, which are an extension of school or parish. They mainly take the form of “charitable foundations”,<sup>103</sup> or autonomous bodies within the framework of “Church movements” - scouts being the most well-known example. Although this pattern of abuse exists throughout the period of observation, it is nevertheless the type most seen, along with family abuse, in the most recent cases of abuse, dating from 1990s and into the 2000s.

Historically, the figure of the priest chaplain – as opposed to the routine parish priest of the declining parish civilisation – began to assert itself alongside a militant laity throughout the twentieth century. From the late nineteenth century and throughout the first half of the twentieth century, secular priests or religious teachers set up youth movements, pilgrimages, youth retreats outside the parish, weekend camps, summer camps and scout groups. This pastoral displacement found itself at the crossroads of several historical patterns:

– the defeat of the Church by the State in the “school war” that opposed the two parties until 1905, and which favoured reassignment of the Catholic Church’s educational troops.

– the battle to stop parishioners turning away from religious and sacramental practices led to the promotion of attractive related activities in a bid to reconquer, in particular, the urban working classes.

– the widespread development of “popular education” and, at the same time, the “pillarisation”<sup>104</sup> of the nascent leisure society put the pillars of “secular socialism” and “social Christianity” in competition with each other to attract as many recruits as possible.

After the war, many priests or members of religious orders joined youth movements which had been founded before the war. These movements often offered an antidote to a sense of social worthlessness and loneliness. Priests, known for being authoritarian and having time on their hands, would frequently take on the role of director of a summer camp or pilgrimage or “recollection”. This was in the days long before the governmental Ministry of Youth and Sports began to oversee and regulate the reception of groups of children and to introduce qualifications for this type of function. One can imagine that such measures – the placing of large numbers of children in a situation of direct dependence in the care of a priest combining priestly with hierarchical authority, with no family intervention, in an educational situation by definition unequal - presented a veritable boon for any potential perpetrator of sexual abuse, in the light of the lack of obstacles to committing abuse and the ease of overcoming any resistance from children in such a context.

In fact, the four interviews conducted with victims of this type of abuse all speak of serial violence: acts of groping or rape committed by surprise and on many children, without any of the prior targeting or progressive approach characteristic of family abuse. The actual committal of the act is essentially nocturnal. Nothing is verbalised by the perpetrator, but the

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<sup>103</sup> Cholvy, *Le patronage : ghetto ou vivier ?* Bruyères-le-Châtel, Nouvelle Cité, 1995 ; Yvon Tranvouez, *Sport culture et religion. Les patronages catholiques*, Brest, Centre de Recherche Bretonne et Celtique, 1999.

<sup>104</sup> Marie-Claire Cécilia, Églises, État et « pilarisation », *Le Monde diplomatique*, 01/03/2005, (Consulted on 24 Septembre 2020).

violence is committed under the guise of looking after the child or of maintaining discipline. The context might claim to be punitive such as removing a child from a dormitory or could happen opportunistically for instance to an “ill” child tucked away in the infirmary.

An often-understaffed team would tolerate behaviour which included “straying from the path” or “fantasies” more easily from a priest than a lay director. This facilitating factor is reminiscent of the case of Father Preynat, who organised a “satellite” scout group in his parish of Saint-Luke in the diocese of Lyon. The satellite group was centered around him, it did not have the authority of a recognised scouting organisation, and the parents-parishioners offered no opposition - in fact, quite the contrary, it made them proud, as Isabelle de Gaulmyn<sup>105</sup> told the Commission.

Instructional abuse, along with therapeutic and prophetic abuse (*cf.* below), constitute the statistical category of so-called “*extra muros*” abuse. Girls make up 36.9 % of this category, or more than one in three victims of sexual violence. Access to girls was undoubtedly facilitated by the increased gender diversity within Catholic youth movements from the 1980s onwards. Even when these movements were separated into two distinct male and female branches, as was the case for the *Jeunesse ouvrière catholique* (JOC) for example, or existed as two separate organisations, such as the scouts and guides of France, priests, unlike male lay members, had access to the female section. According to the Inserm survey, people included in this category of abuse were assaulted at between 10 and 13 years old in 51.1% of cases, between 14 and 17 years old in 26.6% of cases, and between 18 and 20 years old in 6% of cases: so more adolescents than children. This violence was carried out by chaplains or clergy youth leaders (42.8 %), parish priests (18.8 %) or other priests (22.8 %). It mostly took place in a village or in the countryside, probably due to the site of the camp, colony or retreat, because those abused were more frequently urban: children of managerial, intellectual and liberal professions. 59.6% of those abused were influenced by the chaplain, youth leader or priest. Of these, 83.6% felt emotionally influenced (much higher than the survey average) and 36.9% felt spiritually influenced (less than the average). While in 40.3 % of cases an act of violence only occurred once, it was repeated over time for anything up to five years, in the rest of cases (54.1 %). Rape occurred in 27.2 % of cases.

## 5. Therapeutic Abuse

This is the type of abuse carried out by priests using psychological techniques to justify their actions. It takes place in a therapeutic setting, or one which is presented as such by the priest. Justifications fall within the psycho-affective scope: the aggressor of Y... offered him sessions of what he called “baths of tenderness”, to cure him of his introversion.

This type of abuse was made possible from the 1960s by confusion between the spiritual and the psychological, more precisely from the moment when “*Psy*” theories gave a meaning to the devalued “*Spi*” [spiritual] theories.<sup>106</sup> Despite psychoanalysis having been ruled out by Rome,<sup>107</sup> it proved nonetheless to be a salutary resource for many priests caught up in the

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<sup>105</sup> Isabelle de Gaulmyn, author of *Histoire d'un silence* (Seuil, 2016), heard during the plenary session of 12 April 2019.

<sup>106</sup> Agnès Desmazières, « La psychanalyse entre médiatisation et censure. La morale sexuelle de Marc Oraison en procès (1955-1966) », *Archives de sciences sociales des religions*, 17 October 2013, N° 163, pp. 123-142.

<sup>107</sup> Agnès Desmazières, « La psychanalyse à l'Index ? », *Vingtième Siècle. Revue d'histoire*, 6 April 2009, N° 102, pp. 79-91.

turbulence of the “Catholic crisis”<sup>108</sup> of the 1960s and 1970s. Many of the priests’ testimonies show that psychoanalysis had been helpful in rethinking their lives, compensating for the decreasing plausibility of the arguments justifying their vocation, and rearming their charismatic authority as it was losing its meaning.<sup>109</sup> But, for some, it may also have served as a means of regaining their powers.

The sexual violence characterised by this type of abuse therefore requires, as a conjunctural factor, an expression or identification of a certain psychological fragility by the future victim. It also requires a kind of collective complicity, in the form of a recommendation, by a priest or other Catholic, to consult the perpetrator, “in confidence”. The recommendation is often justified by a distrust of non-Catholic psychologists, whereas this person is a priest, which is both reassuring and blinding. In all the cases heard by the Commission, the perpetrator has benefited, directly or indirectly, from his holy status, to which is added his status as a caregiver, both facilitating factors leading the victim to surrender him/herself into the hands of the aggressor. Concretely, this type of abuse is characterised by touching although it can involve more serious assaults.

Even though it was not widespread, yet the emergence of this pattern of abuse was indicative of two things: the social collapse of the power of priests and the Church’s investment in psychology to compensate for this collapse. Tony Anatrella, a French priest and psychoanalyst, beloved of the media, provided the perfect example of this. Specialised among the clergy in the accompaniment of so-called “suffering” priests and in training seminarians in the domains of affectivity and sexuality, Tony Anatrella’s main public work since the 1990s has been to denounce homosexuality as a sign of individual and social immaturity. In 2006, he was appointed expert to the Vatican on issues of “gender theory” and on the management of child sexual abuse among the clergy, thus escaping the limelight in France in the very year a former student of the *Lycée Stanislas* in Paris - where Anatrella was chaplain - and former male patients, began filing criminal complaints against him for rape or inappropriate touching during psychotherapy sessions. It was not until 2018 that the Catholic Church withdrew him from public ministry in connection with these accusations. Despite the controversy, in September 2016 he was still officially training all recently ordained bishops in the Vatican on issues of child sexual abuse. The hierarchy’s attitude of denial, bordering on cynicism, despite being duly and repeatedly alerted, in particular by the Dominican Philippe Lefebvre,<sup>110</sup> as reported by the press, is symptomatic of the lack of courage so necessary for the eradication of abuse, especially when an eminent figure is involved. Yet, as many cases reported to the CIASE have shown, it is precisely such eminence that is one of the driving forces behind the perpetration of abuse. Courage is also required when it comes to opening our eyes to the darker side of the success of “new communities”, which have proven to be a veritable breeding ground for serious abuse against the integrity of the person.

## 6. Prophetic Abuse

The pattern of “prophetic abuse” is characterised by the cases of *extra muros* sexual violence taking place within the so-called “new communities”, i.e. communities essentially born out of the “renewal” following the Catholic crisis of the 1970s. Two testimonies of young

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<sup>108</sup> Denis Pelletier, *La crise catholique, op. cit.*

<sup>109</sup> Charles Suaud, *La Vocation : conversion et reconversion des prêtres ruraux*, Paris, Les Éditions de Minuit, 1978 ; Charles Suaud, *Prêtres et ouvriers. Une double fidélité mise à l’épreuve 1944-1969*, Paris, Karthala, 2004.

<sup>110</sup> Heard during the plenary session of 13 December 2019.

girls assaulted by the same priest within the same community, made it possible to identify a pattern specific to this type of abuse. Although these two victims were girls, male victims have also been affected by this type of abuse and, as in the previous pattern of abuse, victims are both child and adult.

Catholicism in France and, more broadly across all of the “old Christianity” countries, has, over the last 40 years, in parallel with the traditional model of the transmission of faith through impregnation and socialisation within the family or classic youth institutions (school, catechism, charitable foundations, youth movements), seen the rise of a model of transmission based on conversion or reconversion within numberless communities sporting various affinities, comprised essentially of lay persons, and in which the Inserm research team has no hesitation in discerning cult like behaviour. New communities, founded mainly in the 1970s and 1980s have been principally responsible for the split. Some, peopled by the “inspired”<sup>111</sup>, have adopted and adapted American neo-Pentecostal “charismatic” practices; others, peopled by “Observants”, believe in “restitutionist” practices (seeking to revive pre-crisis Catholicism). The former insist on an individual and emotional expressiveness of faith with all ecclesiastical statuses coexisting within the communities (lay men and women, consecrated men, and priests) in a Church-communion. The latter, on the contrary, emphasise a neo-traditional collective expressiveness, with the focus on the clergy, presenting a neo-clerical Church-hierarchy. Nonetheless, despite these differences, the foundations have much in common. Firstly, they have created elected life communities which operate in a network and in a break with the exhausted parish civilisation - even if, today, thanks to generational changes and the shortage of diocesan clergy, they have reinvested in parishes and dioceses. Secondly, they work as “greenhouses”<sup>112</sup>, in the sense that they provide places of realisation, gradual incubation, conversion and personal choice for the faithful who have taken refuge there. Thirdly, even if, at first sight, they seem to have withdrawn from making collective demands, in reality, their approach is clearly counter-hegemonic and proselytic, as is expressed during public debates considered important for the future of society. Fourthly, they have chosen to adhere to the authority of Rome – distant and in need of being reconquered - for their legitimacy, rather than the era’s ordinary authorities i.e. diocesan leaders who are more affected by local tensions and who are considered “lackluster”.

In the eyes of the faithful, the prophetic charism of the “father” of the community compensates for the loss of legitimacy of the charism of the “routine” function of the traditional parish priest. In the cases encountered by Inserm researchers, this prophetic charism is maintained and nurtured by members of the community competing to please the “father”.<sup>113</sup>. Thus, the founder and “father” who assaulted two of the young girls interviewed by the researchers in the three cases grouped together (in all 70 girls or women were assaulted by this priest, according to the anti-abuse help centre recently set up within this community) was also the confessor (confusing spiritual accompaniment and exercise of power, or as it is known in the Catholic tradition, the external and internal forum, which the Church prohibits as a matter of principle). The abuse is therefore anchored in a *continuum* and in the confusion of powers, as well as the incestuous symbolism of the “father” of the community. The “father” told each of the girls that he was speaking to them “on God’s behalf”, thereby indicating both his personal

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<sup>111</sup> According to the typology proposed by Yann Raison du Cleuziou in *Qui sont les cathos aujourd'hui?* Paris, Desclée de Brouwer, 2014, to account for this process of fragmentation.

<sup>112</sup> C. Pina, *Voyage au pays des charismatiques*, *op. cit.*

<sup>113</sup> This is a “cult” type of process, denounced, among others, in Catholic circles since the 1990s. Cf. Thierry Baffoy, Antoine Delestre et Jean-Paul Sauzet, *Les naufragés de l'Esprit. Des sectes dans l'Église catholique*, Seuil, 1996. See also, Vincent Hanssens (dir.), *De l'emprise à la liberté - Dérives sectaires au sein de l'Église*, Bruxelles, Mols, 2017.

privileged status of being in direct contact with the divinity and the honor he is bestowing on each individual with whom he shares the wisdom granted to him by God. In such communities, bourgeois families find themselves among peers, but also in a place of self-surrender, which they can no longer find elsewhere in the parish. The “father” benefits from the girls’ obedience and piety, raised as they have been by conservative bourgeois families, while also profiting from their enthusiasm, because they are galvanised by a collective desire to reconquer an ecclesiastical society considered too lackluster.

Acts of violence against girls are characterised by furtive, general inappropriate touching, and more when met with docility, which happens especially during confession and spiritual accompaniment. Justification for the sexual violence is clearly verbalised by the perpetrator in a manner which a number of victims call “spiritual abuse”.<sup>114</sup> In the cases of the two young girls interviewed by the researchers, when the “father” proposed sexual relations at the end of the Sacrament of Reconciliation, it was, he said, to show the tenderness of God. This is a similar distortion of the spiritual discourse to that of the “friendship love” promoted in the Saint-Jean community by its founder Marie-Dominique Philippe “which gives a religious “authority” to these wrongdoings that, consequently, are no longer wrong”.<sup>115</sup> More precisely, it should be noted that such justifications for acts of abuse are based on a process of “de-metaphorisation”<sup>116</sup> of a religious symbolic language which is itself saturated by affective and sexual metaphors. One of the girls interviewed also noted that the “father” made ambiguous gestures in front of everyone, allowing him, when some of his victims complained openly, to be excused by the members of the community: “You know very well that Father X is very tactile, don’t misinterpret his gestures!” they said they were told. Numerous studies, dealing with the scouting movement or sports clubs in particular, show that certain organisational patterns which favour public gestures of proximity, or even intimacy, between adults and young people certainly increase the likelihood of adults abusing children, but more than anything leads to sexual violence going unnoticed and therefore inadequately dealt with by these organisations.<sup>117</sup>

It is the charisma of the priest’s personal authority that sits at the heart of the pattern of abuse. Such situations are increasingly occurring in secularised societies in which the capacity for domination associated with the charism of the function of the priest and the sacred institution of priesthood is declining. And the latter remains true, even if we observe that the new entities have, by virtue of their duration, rehabilitated the sacred figure of the priest, this “rehabilitated” priest having the advantage of “durability” as compared to that of an individual’s charisma. According to the Inserm team this is the most dangerously effective contemporary configuration from the point of view of possible abuse: a place where the accumulation of legitimatising factors conferred on the priest's domination meets the vulnerable, yet educated, young woman or young man in the grip of a powerful mindset of personal adherence, a thirst for the absolute that becomes potentially auto-destructive when spotted and put to good use by a manipulative “guru”.

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<sup>114</sup> Sophie Ducrey, *Étouffée: Récit d’un abus spirituel*, Paris, Tallandier, 2019.

<sup>115</sup> Damien Le Guay, « Abus dans l’Église : “Le « maître spirituel » connaît les failles d’une âme” », interview by Marie-Lucile Kubacki, *La Vie*, 18 May 2020.

<sup>116</sup> Danièle Hervieu-Léger, *La Religion pour mémoire*, Paris, Le Cerf, 1993. The Commission heard Danièle Hervieu-Léger during the plenary session of 5 July 2019.

<sup>117</sup> Cf. Sylvie Parent and Guylaine Demers, “Sexual abuse in sport: a model to prevent and protect athletes”, *Child Abuse Review*, 2011, Vol. 20, N° 2, p. 120-133; Paul Mones, “Response to ‘Acquaintance Molestation and Youth-Serving Organisations’ by Kenneth V. Lanning and Park Dietz », *Journal of Interpersonal Violence*, 28 May 2014.

## 7. Three means of institutional hold and control over the victims: sacramental, vocational and charitable

The six patterns of power that have just been described are reinforced by three transversal means of control over the victims used by all the perpetrators regardless of the pattern of abuse around which their power is constructed to back up their authority, overcome any resistance and ensure the silence of their victims.

### a) The Sacramental Hold

A first means of transversal control used by the perpetrator lies in the sacred office of the rites; the cleric, as the only legitimate dispenser of salvation in Catholicism, is supposed to act *in persona Christi*, as expressed in the theological language of the Catholic tradition. This priest is, therefore, the only dispenser of the sacraments, and until recently, also a certain number of para-sacramental practices, such as the forming of conscience. The story of a young man interviewed as part of Inserm's research work, assaulted at the age of 8 in 1968 in a context of parish abuse, provides a clear illustration of this. His aggressor told him that what they were doing together was indeed a sin, but that it was erased by the Sacrament of Penance. On that basis, he gave absolution to the child after each session of masturbation, claiming that he, too, received it. The victim, therefore, was meant to conclude that: "everything's sorted then". This situation is close to the "crime of solicitation" as defined by canon law, i.e. use of the Sacrament of Penance to make sexual advances to penitents (*cf.* below the developments relating to canon law).

Such instrumentalisation of the Sacrament of Penance seems widespread as it appears in many of the cases reported, but it is not the only sacrament exploited as we also see sacramental control being put into use via other rituals, most notably to ensure the victim's silence. For example, in situations where the victim, accepts - even reluctantly - that his aggressor marry him in church or baptise his children, the sacredness of these other sacraments reinforces the shame felt by the victim making the violence suffered even more unspeakable, whether to himself or others. The same applies to the Sacrament of Ordination: thus, this victim heard by Inserm who became a priest, remembers the laying on of hands during the ordination ritual performed on him by his aggressor and speaks of an "*unholy confusion*" about this moment.

In the many cases where the Sacrament of Penance is used to abuse a child, the sacredness attached to the rite weighs on the victim, fostering his/her passivity. In a context of school abuse, the obligation of confession, enshrined in school regulations, reinforces the moral or religious obligation to have one's conscience formed. The aggressor knows how to play on this obligation and remind his victims of it. As this man, abused in 1961 at the age of 9 by his spiritual director and teacher of conscience at the school, says: "If we didn't go, the higher authority – Father X – threatened to expel us. So, it was a well-designed system, especially with parents totally believing in teachers and the whole school thing at the time. When we tried to say that what was going on wasn't normal, we were punished." In a school context, confession did not take place in a confessional, but in the confessor's bedroom /office in the school; similarly, in parish-type abuse, confession took place in the ambivalent space of the presbytery. The tendency is to start with intrusive questions about sexuality, maybe a little excessive, but not totally incongruous in such a setting. From there, it goes from words to action: making the child sit on the perpetrator's lap or inappropriate touching to console or comfort, masturbation or requests for masturbation, forced fellatio etc. Rather than justifying himself afterwards, the

perpetrator reminds the victim of school or spiritual rules and reiterates the obligatory nature of confession or forming of conscience.

### b) The Vocational Hold

A second means of transversal control used by the perpetrator is the vocational principle, or the principal of election, which lies at the heart of Catholic spiritual discourse and pastoral practice. It comes into play in the context of the appeal - the vocation - to priesthood or to a religious life, enabling the abuse of students of *petit* seminaries and of pious young women.

What sociologists refer to as “clerical recruitment” is seen in the Roman Catholic Church as a “consecration”; etymologically, an institutionally desired setting aside of the “elected”. And every elected person must comply to the person who has called him – who himself is complying in principle to Christ in accordance with an uninterrupted chain of called-callers. In the context of sexual violence, the choice of victim - the “preferred”, “chosen” one who has been “elected” by God himself through the intermediary of his aggressor - is therefore guaranteed by the “election” of his aggressor as a priest, an election that will accord him, the victim, a kind of extra-lucidity, recognised by all, to “elect” in turn. According to Inserm, this hold is based to a certain extent on illusion: that of the enormous sacrifice entailed by entry into a religious life, especially in terms of renouncing all sexuality. In reality, such an entry into religious life actually always provided significant material and symbolic benefits, the amount and type of which have changed over time and depending on the particular context. As the Inserm team points out, such benefits have not disappeared today in post-Christian societies such as France, even if they are significantly less than fifty or a hundred years ago. On the other hand, actually leaving the priesthood or religious life may prove very costly for the individual who has committed to it (*cf.* Sub-section E, Part IV about adult victims, p. 186 *et seq.*).

The second characteristic of the “vocational hold”, which is related to the setting aside and the apparent sacrifice, is that any interaction with an elected person, or interaction between elected persons has, in principle, an intrinsically asexual character. This also applies to entities outside the Church. Studies of sexual violence in youth organisations, for example, have shown that sexual violence is facilitated by “other organisational patterns [which] may include norms that codify all sexualised behaviour as inappropriate. When this happens, adults and children find it difficult to recognise the distinction between appropriate and inappropriate adult-child interaction. Adults are often ill-equipped to manage their sexual desire and children their sexual awakenings. As a result, young people are often unable to resist the sexual advances of adults.”<sup>118</sup>

The third characteristic is that the hold is differently employed depending on the gender of the person with the vocation. This can be explained both by the differentiated expectations between members of the clergy and by the differences in girls’ and boys’ socialisation in the Catholic culture, which promoted the total ignorance of sexuality - under the guise of innocence - for girls. Sexual violence in the Catholic Church is overwhelmingly perpetrated by men of

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<sup>118</sup> Donald Palmer and Valerie Feldman, *Comprehending the Incomprehensible: Organization Theory and Child Sexual Abuse in Organizations*, Cambridge University Press, 2018, p. 35. The book develops a systematic theory of sexual abuse in an organisational context based on the model of the four preconditions of Finkelhor (*cf.* David Finkelhor, *Child Sexual Abuse: New Theory and Research*, New York, Macmillan USA, 1984; Kevin Howells, « Child sexual abuse: Finkelhor’s precondition model revisited », *Psychology, Crime & Law*, 1 July 1994, Vol. 1, N° 3, pp. 201-214).

power and authority, both on children and women; the differences in patterns of behaviour when the aggressor instrumentalises the victim's vocational call to be a priest or sister are very marked depending on the sex of the victim. Inserm, therefore, studied both the role of Catholic *petit* seminaries and the vocational hold over women.

### *i. The role of Catholic petit seminaries for boys*

Recruitment of boys for the priesthood has long been characterised by a concentration of parish, school, family and educational patterns conducive to the perpetuation of parish civilisation, while the recruitment of girls, on the other hand, has generally been on the fringes of all this - the recruitment of boys for the priesthood being a priority for the maintenance of the institution.

A vast network of seminaries developed by the Church in France in the nineteenth century crisscrossed the country. Child candidates for the priesthood were sent to these boarding schools where the training was long, totally integrated and completely separate from society. From the First World War, with increasing disenchantment with parish civilisation and the potential competition from secular school, training priests in sufficient numbers was carried out at the cost of a new rationalisation of methods, in particular via this proactive recruitment network.

The *petit* seminaries of the rural west of France - described by one of the people heard in a semi-structured interview as “nests of paedophiles” – appeared, at first, as incarnations of the concept of “total institution” which Goffman defines as “a place of residence and work where a large number of individuals, placed in the same situation, cut off from the outside world for a relatively long time, lead together a reclusive life whose modalities are explicitly and meticulously regulated”.<sup>119</sup> Jean-Pierre Sautreau, a victim of the *petit* seminary of Chavagnes-en-Paillers, very subtly describes the effects of such a life, in terms of subjectivation, in his autobiographical account.<sup>120</sup> Henri Couturier, another former seminarian, in his still unpublished biographical account, illustrates the sexual culture, marked by two non-contradictory characteristics: the obsession with body control and excessive spiritualisation, particularly through a form of exacerbated worship of the Virgin Mary. At the *Petit Séminaire* (he was then 14 or 15 years old), a weekly shower was the order of the day but, caution *oblige*, not naked. It was mandatory to wear underpants, but not any old underpants. The priest in charge of discipline, says Couturier, “handed out, well let's call them “anti-temptation underpants”, most of which had no belt so that while the right hand was busy with washing the left was kept occupied holding the pants up and the priest would open the shower curtain to make sure that we were obeying the rules. Once, I dropped the pants on purpose and he came to see, and I understood that the father-oh-so-moral was a shameful voyeur”. From a more sociological point of view, Charles Suaud's study of the “imposition of the priestly vocation” and the “inculcation of the priestly *habitus*”<sup>121</sup> was based, in particular, on the archives of this *petit* seminary, and shows that, in the middle of the twentieth century, it was over and over again by the incorporation and the corporal marking of the future priest - much more than the quality of his intellectual training - that the seminary, *petit* and *grand*, proved to be the effective matrix of reproduction of the priestly *habitus*.

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<sup>119</sup> Erving Goffman, *Asiles. Étude sur la condition sociale des malades mentaux et autres reclus*, Les Éditions de Minuit, 1979.

<sup>120</sup> Jean-Pierre Sautreau, *Une croix sur l'enfance en Vendée*, La Crèche, Geste, 2018.

<sup>121</sup> C. Suaud, *La vocation : conversion et reconversion des prêtres ruraux*, Les Éditions de Minuit, 1978.

This abusive system of recruitment was fostered by a set of social factors, starting with the willing “self-surrender” of farming families. Unable to share the inheritance of the farm amongst their “supernumerary” boys, they were happy to hand them over to the Church in exchange for a certain notability for the boys and the recognition of the Church for the family. It was also fostered by a culture of family respectability with the family honor within the village community<sup>122</sup> to be preserved at all costs in the event of “leaks” regarding abuse. Collective complicity, or even, according to Inserm, the transmission of a “culture of abuse”, within the local clergy as well as within families, also played a role: for example, a man born in 1955, raped by his elder brother when the latter returned from the *petit* seminary where he was himself sexually abused by a trainer-priest; the boy subsequently started Catholic boarding school aged 11 and told his confessor about his brother, only to be raped by his confessor; his school work suffered badly and the school principal’s choice of punishment was to abuse him again. A system of covering up sexual violence at the highest level can be observed in a post-war context where the clerical hierarchy was concerned by (even drunk on) the idea of maintaining its numbers in certain regions which would seem to be the last “reservoirs of priests”<sup>123</sup> in France.

The decline of *petit* seminaries, under the respective onslaughts of the generalisation of lower secondary schools from 1963, the growing urbanity of France during the *Trente Glorieuses*, and the cultural revolution sweeping through Western societies, caused this system of recruitment to disappear by the early 1970s when the vocational hold had undoubtedly reached its climax.

## *ii. Individual face-to-face encounters with the aggressor as a means of vocational hold over women*

Since the recruitment of sisters, unlike that of male clergy, was not rationalised or massified by the institution, the religious vocation of women was mainly played out in an individual face-to-face between the recruiter and the young woman, without the presence of a third party.

In the case of pious young girls, the recruiting priest frequently benefited from a certain temporary loneliness due to specific family circumstances. Thus, one young girl interviewed by Inserm found herself cut off from her friends, because the family had moved house. Another was in foster care, complicated by the presence of a hearing-impaired “sister” and a change of school. The attention paid by a priest or brother came at just the right moment to fill the void. Observation of the girl’s piety triggered in the priest a particular implementation of the vocational means of control; not collective implementation as in the case of the recruitment of the *petit* seminarians, but an isolated initiative emanating from an individual priest.

The priest would then propose individual accompaniment to “trusting” parents or directly to the girl herself. There would be activities geared towards her vocation such as visits to convents, vocational discussion groups in town and retreats. All of this - without the presence of any third party – would help build a relationship leading very gradually to imposed sexual

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<sup>122</sup> So it was that concern for family respectability determined the destiny of Pierre, today 71 years old. Second of five children of a family of farmers, his elder brother had been placed with the priest who sent him to the *petit* seminary for a three-day retreat in preparation for his admission to secondary school. However, he was sexually assaulted by one of the priests in charge of training and refused to stay there. It was Pierre, therefore, who had to replace him because the place has already been paid for by the priest, and it was out of the question for the family not to honour this debt at the risk of losing its reputation.

<sup>123</sup> Timothy Tackett, « L’histoire sociale du clergé diocésain dans la France du XVIII<sup>e</sup> siècle », *Revue d’histoire moderne et contemporaine*, translated by Dominique Julia, 1979, Vol. 26, n° 2, pp. 198-234.

acts. If the girl should have any flirtations or crushes these would be seen to jeopardize her vocation and her “secret relationship” with the priest and give rise to “bouts of jealousy” from the latter. In the eyes of the abuser, reminders of the call to vocation did not seem to be in any way contradictory to the pursuit of sexual practice.

The priest would reap the benefits of the girl’s traditional education (which would these days be described as “gendered”) with its emphasis on obedience and piety and from the equally classic family taboo of anything to do with sexuality. Thus, the future prey, steeped in Catholic morality, sexually immature, unable even to identify a sexual advance or act, even of a problematic nature, would seem from this point of view, to be caught in a net of docility faced with the priest. Sexual violence would here be presented by the abuser as sexual initiation and a secret “love”, with romantic words sometimes accompanying the acts of abuse. Such acts would take place in the church, the presbytery or while the priest was taking the girl to vocational activities. This type of violence continued over a long period of time, sometimes until adulthood. The victim finds it difficult to blame her abuser because he has taught or given her a lot, especially on an intellectual level. This is undoubtedly one of the most destructive situations of abuse with regard to long-term consequences due to the hold the abuser had over the victim being so difficult to disentangle from the question of consent. All these women still testify, years later, to suffering from sexual disorders. They all take longer to be able to qualify the acts committed as abusive because entry into a convent or community meant that there was no immediate way of taking a step back to reflect. Sometimes, even when they talked about it to their superiors or spiritual directors, it was suggested that, in the name of Christian charity, they forgive their aggressor.

### **e) The Charitable Hold**

The third means of transversal control identified by Inserm, which is used by the clergy and its hierarchy in particular to avoid scandal in the name of the “national interest of the Church”, is based on the principle of charity.<sup>124</sup>

Like any hierarchical institution, the Church demands loyalty, even secrecy, but there is another factor specific to the Catholic Church which has been conducive to the covering up of abuse and to its resistance to criticism: power in the Church is enthroned as an act of charity, a service. But this mode of institution of power generates a blind spot, namely the impossibility of thinking about “abuse of service”, i.e. of power. As Pope Francis said at the Mass for his pontifical inauguration of March 19, 2013: “Let us never forget that true power is service.” Thus, the Pope is traditionally referred to in the Church as “the servant of the servants” and priests the “ministers” of worship, in the Latin sense of servants.

The case of this man interviewed by Inserm is emblematic of this type of influence: the sexual assaults perpetrated against him took place precisely in the context of a charitable deed. When the orphanage in which he was placed at the age of five closed, the mother superior entrusted him to a priest who offered to place him in a boarding school and pay all the costs. The smoke screen of such a humanitarian approach, financed by a Catholic bourgeoisie in admiration of the worldly priest who initiated it, and the utter inequality engendered by such good deed between the benefactor priest and his poverty-stricken beneficiary, constitute two conditions which simultaneously facilitate committing acts of sexual violence, while rendering it unimaginable for either the victim or the abuser’s entourage. The victim is unable to resist or

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<sup>124</sup> Claude Lanzmann’s expression based on the ‘national interest’ of the State. Cf. Claude Lanzmann, « Le curé d’Uruffe et la raison d’Église », *Les Temps modernes*, 1958, N° 146.

speak out, because he owes everything to his protector. The protector buys his body and his silence by paying for his studies, his clothes, *etc.* If the victim resists, the aggressor can simply withdraw all financial assistance. Moreover, the victim will never be believed, blinded as the entourage is by the abuser's charitable aura and because of the social and spatial distance between the worlds of the benefactor and the beneficiary.

Under the guise of charity, this means of control may be employed by the aggressor to disregard all types of social relations - class, age, origins (as in the case of the man we have just mentioned), gender relations in the case of abuse of pious young girls or relations having to do with sexual orientation in the case of therapeutic abuse of homosexuals.

It is interesting to note that the corpus of interviews conducted by Inserm also includes examples of the hierarchy's use of the "charitable hold" to cover for abusers after discovery of the facts. Two victims report the expatriation to Africa of the priests who abused them in order to work for charitable institutions there.

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To conclude this sociological portrait of child victims of sexual violence in the Catholic Church, and to echo – as was stressed at the opening of this report - the words of the people who have addressed it, the Commission also wants to show what the data it has collected says about the experience of victims who have broken the silence.

## **D. THE DIFFICULT ROUTE OUT OF SILENCE FOR CHILD VICTIMS AND THE CONSEQUENCES OF SEXUAL VIOLENCE ON THEIR LIVES**

### **1. Exit from Silence**

The route out of silence for child victims of sexual violence in the Catholic Church, as analysed by Inserm based on answers to the questionnaire appended to the appeal for testimonies and on the semi-structured interviews, is an eminently difficult process. The study highlights the impossibility of being heard and believed once one has spoken, as much as the huge effort required to break the silence in the first place.<sup>125</sup>

Firstly, it would appear that the "secret" of sexual violence is a widely shared secret: 83% of people who were subjected to sexual violence as children, had spoken about the abuse to a third person before the appeal for testimonies. Nearly 21% had talked about it straight away, and nearly 63% later. Only 237 people out of 1,448 had never talked about it before the appeal for testimonies (13% of the women and 19% of the men who responded).

However, this high proportion of vocalisation in the sample formed from the CIASE's appeal for testimonies is obviously related to the way in which the sample was constituted, namely on a voluntary basis. The people who responded to the appeal for testimonies are characterised by the fact that there was a tendency for them to have already spoken of the abuse suffered.

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<sup>125</sup> Inserm-EHESS Report, p. 121 *et seq.*

The three most cited reasons for silence given by the 237 people of the sample who had never said anything about the abuse they had suffered were: shame (54% of cases), a lack of words to express what had happened (33%) and the fear of not being believed (33%).

We see that women have kept quiet less than men: only 13% of women have never spoken about the sexual violence suffered, compared to 19% of men. Twenty per cent of women spoke out immediately after the assault and also again later, compared to only 14% of the men abused.

In whom did the victims confide? And in whom in priority? Those who spoke out straight away mainly told family. Regardless of the sex of the victim, the mother was the first choice of confidante. The father came second for boys, while girls preferred to talk to another member of the family. So, out of the boys who spoke of the abuse immediately, 61% told their mother, 31% their father, 13% another person in their family, 19% a friend of their age and 20% a person holding office in the Catholic Church. Out of the girls who spoke of the abuse immediately, 56% told their mother, 18% their father, 22% another person in their family, 18% a friend of their age and 13% a person holding office in the Catholic Church. Boys, therefore, mostly spoke immediately after the event to their father or to a person belonging to the Church while girls mostly spoke to another member of the family or the entourage.

The first person to be told by the majority of victims emerging from silence is, therefore, a family member. This is followed by the entourage for a third of victims. The Church and State justice system only then becoming a point of contact in less than a quarter of cases.

And what about the immediate aftermath of emerging from silence? Speaking out within the family mainly did not generate any reaction, even when the victim was believed: 32% of men who spoke to their mothers straight away were listened to and saw their revelations give rise to an action. This percentage drops to 10 % for women in the same situation. 54% of men who approached their father immediately after the event encountered a refusal or a rejection, compared to 38% of women.

The ecclesiastical institution was questioned in 413 cases (29% of cases), either directly by the person who had been abused or indirectly by the victim's parents. Speaking to the Church mainly provoked a rejection (for 46% of those who challenged it), or the victim was listened to but this did not give rise to any action (for 44% of those who challenged it). The Church reacted positively in only 10% of cases brought before it.

## **2. The consequences of violence on the lives of the victims**

The work carried out following the appeal for testimonies led to the documentation of a little-known and potentially controversial subject: the consequences of sexual violence among its victims. The results collected are extremely worrying.<sup>126</sup>

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<sup>126</sup> On these points see the Inserm-EHESS Report, pp. 210 *et seq.* and in particular tables 26 *Very severe or severe troubles according to the area of life concerned* and 27 *Physical and psychological consequences of abuse according to the sex of the respondent*

The study shows that sexual violence generates, in the medium and long-term, very severe disruption or severe disruption in the lives of the victims of abuse. Women are more affected than men, but both are very affected. Education has a certain protective effect, but even highly qualified people are not exempt. The consequences of violence are also directly linked to their duration: the longer the period of abuse and the more recent the abuse, the more the victim is troubled. On the other hand, there is no clear correlation between the impact on the victim and the severity of the penalty incurred in the [French] Criminal Code although, of course, the most serious criminal acts provoke the most serious consequences.

In total, 60% of men and women who have suffered sexual violence experience very severe disruption or severe disruption to their emotional and sexual lives. The rate actually approaches 70% for women and exceeds 50% for men. Only the consequences on people's family, social and professional lives falls below the 50% threshold, although even then 44% of people experience very severe disruption or severe disruption to their social life and 27.4% to their professional life.

The Inserm report contains another striking conclusion; in total, 48% of people who have experienced sexual violence during their childhood now experience severe (28.7%) or very severe (19.2%) disruption, while 26% of people experience disruption described as mild. Only 26.1% victims report no disruption at all.

## **E. ADULT CASES**

In a relatively original way compared to similar foreign commissions, the CIASE was also mandated to study the cases of vulnerable adult victims of sexual abuse. As explained above in the methodological preamble, this term is used broadly. An in-depth examination by the Inserm team has revealed some common factors and specificities with the more widespread cases of child sexual abuse victims.

Sexual violence against sisters had scarcely been investigated either by the Church, the media or scientific research, until the recent advent of the “Me too” movement. As for sexual violence committed by clergy and members of religious orders against adults other than sisters, this has not figured at all in public debate of the issue until now. Of the 1,628 responses received further to the CIASE’s appeal for testimonies, 151 came from persons who were aged over 21 at the time they were first abused and 55 from persons aged between 18-20, the age of majority having changed during this period.

The Commission first carefully examined the data on adult victims based on its appeal for testimonies.

### **1. Data based on the appeal for testimonies**

The appeal for testimonies collected very complete data on 151 persons who were sexually abused as adults, 79% of whom were women and 21% men.

#### **a) Composition of the Panel**

Of these 151 persons, 36 (i.e. 23.8%) were, at the time of the events, either a priest (1), a brother (3) or a sister (32). Even if this sample is not representative in the statistical sense of the term, the high percentage is indicative of a serious problem.

The age distribution at the time of the survey shows that:

- only 1% of the sample were aged 21 to 29 (3% of men and 1% of women);
- 32% were aged between 30 and 50 (36% of men and 31% of women);
- 44% were aged between 51 and 69 (55% of men and 42% of women);
- 23% were aged over the age of 70 (6% of men and 26% of women).

37% of the sample is comprised of single people.

35% of the men and 40% of the women who responded to the questionnaire have children.

The level of education of the people involved is high: 8% have a qualification lower than the baccalaureate or no qualifications at all. The sample includes only 6% of employees and no manual workers and, at the other end of the scale, 27% of the sample practice an intellectual profession.

### **b) The Abuse Suffered**

The abuse, as reported, took place:

- within the context of a religious congregation or community (35% of men and 22% of women).
- in the family home (7% of men and 15% of women).
- as part of a spiritual retreat (3% of men and 12% of women)
- or in other contexts (45% of men and 51% of women).

Far fewer cases of abuse were committed in an institution or boarding school or in the context of catechism or chaplaincies.

The people concerned remained close to the Catholic Church, only 10% say they have lost their faith.

With regard to the sociography of abuse: the testimonies indicate that 26% of persons were first abused in Île-de-France. 50% of these cases took place between the ages of 21 and 25 for men and 21 and 29 for women. Rape accounted for 29% of reported violence (53% for women, 11% for men).

### **c) Breaking the silence and the consequences of abuse**

93% of the people who responded to the questionnaire had already spoken of the abuse before the CIASE's appeal for testimonies. Of the 13 people who had not yet spoken about it, the reasons given were: shame (6), pain (5), at the request of the abuser (3) because of the embarrassment for the family (3).

As is the case with child victims of abuse, 51% of those who completed the questionnaire say they know other victims of their abuser.

On the consequences of abuse, 17% of men and 14% of women believe that their mental health is poor or very poor. 38 and 37% consider it average. 44% and 46% consider it good or very good. The results are a bit better with regard to physical health.

Analysis of the responses to the appeal for testimonies indicates that sexual violence against adults, although significantly less than against children, is a painful reality that cannot just be ignored. It mainly concerns women, young adults and a significant percentage of clergy and members of religious orders. The Catholic Church must learn from these findings and be particularly vigilant with regard to these categories of persons and those who accompany them.

## **2. The Results of the Semi-structured Interviews**

As part of the investigation entrusted by the CIASE to Inserm, 19 people who had contacted CORREF or the appeal-for-testimonies telephone line, were heard during semi-structured research interviews. The group included twelve sisters (or former sisters or consecrated laypersons living in religious communities) and two former seminarians who had been abused by priests or members of religious orders at the age of 18 or over; five sisters who had not suffered sexual abuse but who wished to testify to other forms of abuse experienced in the Church and 5 Catholic laypersons – 3 women and 2 men - who were abused by a member of the clergy or a person connected with the Church, at the age of 18 or older. The Inserm team travelled to several regions to carry out these interviews and, based, on their results, the following picture emerges (details and methodology to be found in Inserm's report, *cf.* Digital Annex 27).

## **3. Social and Institutional Patterns of Abuse<sup>127</sup>**

### **a) Characteristics of Sexual Violence against Adults**

#### *i. A Wide Variety of Situations*

Most of the sisters and seminarians interviewed were abused at a young age, around 20-25 years old, usually by much older -by twenty to fifty years- men depending on the case. The oldest cases date from the early 1970s, the most recent the mid-2000s. The acts of abuse range from caresses to rapes. Certain gestures, such as pressing a hand for a long time or lightly brushing a shoulder, may seem innocuous, but their repeated or insistent character makes them symbolically very violent towards people committed to, or preparing for, a life of chastity and celibacy.

Only one sister experienced a one-off act of sexual violence by a priest passing through, for the others, the abuse was repeated over a few months, over a few years, over twenty years, by the same person or by two people successively. Without fail the acts were committed in the context of a spiritual relationship with the aggressor being the spiritual father, the priest confessor, the leader or founder of the community, or a brother with hierarchical superiority. The abusers were mostly priests, but in one case, sexual violence was also committed by a sister against a novice. The abusers were community leaders or founders, friends or confidantes, predators acting irregularly and taking the victim by surprise or persons supposed to provide therapeutic help.

#### *ii. A Gradual Assumption of Power*

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<sup>127</sup> As for the previous sub-section, see above, in the methodological preamble, the box explaining the retention of the term abuse to analyse the situations described here.

The *modus operandi*, updated by the interviews conducted by Inserm and which confirms data collected by the Commission from testimonies or hearings with specialists, consists of a gradual assumption of power. The aggressor starts by developing a close relationship with his victim, giving him/her the illusion of a privileged relationship. He bestows responsibilities on the future victim or brings comfort, sometimes posing as a surrogate father for the sisters or as a friend for those seeking the support of friendship. He gradually isolates the person from any potential support systems and, in most cases, alternates signs of affection and indifference thus creating a psychological dependence on him. Physical contact is established very slowly but can lead as far as rape. The abuser tends to rely on spiritual justifications (“this is what God wants”) or therapeutic ones (“this will make you better”) to encroach on the limits of his victim’s physical integrity.

This gradual assumption of power creates a trust which prevents the victim from identifying inappropriate gestures or even violence. At the same time, the aura and the charisma of the aggressor who is adulated by an entire community, makes it impossible to question his conduct. The aggressor may also try to arouse the compassion of his victim by exposing his own weaknesses or traumas; by entrusting her with his own failings. The abused sister feels a sense of responsibility, believing that it is her role to forgive the weaknesses of her aggressor or even help him overcome his own inner difficulties such as the shame of harbouring ambivalent feelings. He may also turn the situation around to blame his victim: “you were the one who asked for my help, for my affection”. This leads the abused person to perceive the abusive relationship as a shared responsibility.

### *iii. The functioning of certain religious communities: a context conducive to abuse*

Sexual violence against sisters takes place in a *continuum* of abuse, specific to the functioning of certain religious communities: in particular spiritual abuse and abuse of power and trust. A number of sisters contacted the CIASE, not to testify to sexual abuses, but to report other kinds of abuse related to life in a religious community. The sisters’ stories, regardless of whether or not they concern sexual abuse, reflect many similarities in the organisation of community life which are risk factors for abuse. Seclusion from the world is more or less extreme depending on the type of community but, in general, religious life involves little or no contact with the world outside the chosen community. Very tight supervision is often added to the isolation: visits outside the community are limited and controlled, letters are read, discussions with other community members – when silence is not obligatory – are monitored. Doctors, psychologists or psychiatrists, are intentionally avoided and, when indispensable, visits are mainly accompanied. In certain communities, the doctor may be a close friend of the leaders, relied on for his discretion.

As part of their commitment to religious life, some sisters learn obedience to a degree which is sometimes pushed to the extreme. They may have to silently submit to various forms of abuse on a daily basis and, for example be subject to vexation, humiliation, prohibitions, mockery, denigration, the withholding of information. The Commission was given the opportunity to hear this type of analysis during Brother Gilles Berceville’s<sup>128</sup> plenary hearing. Such “infantilising” practices (as described by the sisters interviewed) may be interpreted as strategies destined to annihilate any critical thinking or resistance. The sisters’ submission is also obtained through a lack of any training, criticised by many of them when theological

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<sup>128</sup> Hearing of 15 November 2019.

knowledge is frequently an aspect of the religious vocation of these young women. The lack of training, combined with inexperience, perpetuates an ignorance of canon law among these young women, and consequently of the rules and limits of community life, thereby favouring the acceptance of deviant, even cult-like behaviour.

#### *iv. An increased level of risk in the so-called “new” communities*

Out of the twelve women who were sexually abused interviewed by the Inserm team, nine belonged to so-called “new” communities. As explained above, these places are particularly conducive to abuse. Their cultivation of the values of sacrifice, obedience or work ethic is far more extreme than that practiced in more traditional communities. New members are actively recruited but the communities are perhaps less rigorous than traditional orders in respecting basic rules concerning maturity and discernment, i.e. being capable of making, in a free and enlightened manner, the choice to embark on the difficult path of consecration to religious life. Two of the sisters described practices in their communities of the kind of sectarian techniques exposed by the Inter-ministerial Mission for the Vigilance and Combat against Sectarian Aberrations (Miviludes), designed to create a state of psychological or physical subjection. One of these women had been abused by the founder and leader of the community, who also acted as her spiritual director, her confessor and her doctor, in which role he prescribed her psychotropic and anxiolytic drugs. The other woman spoke of incredibly hard work, very few days’ rest, inadequate nutrition and sleep deprivation, including having to get up in the middle of the night, with the specific aim being to exhaust the members of the community.

Another dysfunction should be highlighted which confirms the above analysis: the mixing of “forums”. The distinction between the internal and external forum is, as we know, necessary to prevent the risk of confidential information being used for manipulation or control purposes by the clergy directing the member in his/her internal and external forum. In the “new” communities this is often the same person. Many of the people interviewed believe that their abuser used their confessions to manipulate them: they were accompanied in their spiritual direction or confession – sometimes both - by the community leader, i.e, the very same person responsible for the organisation of their daily lives.

#### **b) Institutional Patterns: the difficulty of questioning the authority of the abuser**

Sexual violence committed against lay women or sisters by clergy is based on an inequality of power in the relationships between the religious leaders and the people they abuse. Such inequality of power can be analysed in the three following contexts: male domination, spiritual authority and what the Inserm team has described as a “mentoring” authority.

Regarding male domination, several of the sisters testified to the chauvinism of priests: “I would hear priests of all ages talking about sisters forgetting that I was there. I can tell you that I was feeling very much embarrassed. Anything goes. Our physique, our way of speaking...” ; or: “There is a chauvinism that makes them unthinkingly contemptuous of us. Yes, definitely, there’s that attitude, even from the brothers I experienced that. They have a hard time listening to us, taking us into account. Cooperation has been imposed on them, we experienced it on a daily basis. [...] They have a kind of superiority complex while we have an inferiority complex”. The sisters are at the service of the priests and this subordinate position, increased tenfold by their vows of obedience, exposes them to all kinds of abuse. Gender stereotypes persist, such as the myth of the temptress which feeds the suspicion of abused sisters

having seduced the priest. Several of the interviewees reported that they were scared of being accused of having initiated a sentimental or sexual relationship by having seduced a priest – while he is seen as essentially pure and innocent.

The interviews confirmed what the Commission had already read and heard in many of the experts' reports: according to one of the expressions of Catholic theological tradition, the priest is the *alter Christus*, the representative of God, which makes him sacred. Faced with such an imposing and even “holy” figure, the abused person loses all points of reference, doubting their own ability to correctly evaluate apparently inappropriate gestures or remarks. The charismatic authority enjoyed by priests exempts them from any accountability or any supervision which might limit their room for maneuver and the possibility of committing abuse.

The “mentoring” authority of the priest stems from his relationship as a spiritual guide or counsel to the person. In the context of a pastoral relationship, this authority is fed by the intimate reflections which have been shared with him, sometimes under the seal of confession. Marie Fortune, a theologian and pastor of the United Church of Christ in the United States, in a book published in 1989, was the first to warn of sexual abuse committed by clergy against lay women and for these acts – at the time generally considered to be consensual liaisons – to be deemed serious “professional misconduct”.

#### **c) The pattern of interaction which characterises the abuse: the abuse of persons in a vulnerable situation**

The sisters and seminarians interviewed stress that they were, for various reasons, in a situation of crisis or extreme vulnerability at the time of the meeting with their abuser: for seminarians, it may have been a period of self-questioning about their sexual orientation, for sisters, doubts about their religious vocation or where to live such a vocation and, more generally for most, suffering due to family conflict or bereavement. The family context in which a religious vocational path is highly valued tends also to be a culture which values obedience, male dominance and submission as Christian values, and as such may nurture the kind of relationship which will later be formed with the abuser. In these families, priests are generally trusted, no one has ever heard of priests sexually abusing children or young people, and such behaviour is, therefore, difficult to recognise when it does occur.

Over and above family problems, the sisters interviewed speak of how the first years of community life are often accompanied by doubts and periods of great distress. In hindsight, many of them say they were depressed at the time of the encounter with the perpetrator. The relationship of abuse is often established in this context with the sisters probably having been selected by the abuser because of their fragility. Several of them described these religious leaders as being their “lifeline” or their only support. With the exception of two women interviewed, all the sisters and seminarians were abused by priests and brothers whose help or friendship they had sought for psycho-spiritual support – either tacit or explicit - when going through difficult a period. The clergy and brothers thus built the abusive relationship on this request for pastoral mentorship, deliberately directing it towards a sexualised relationship.

#### **d) Non-consecrated Catholic adults, also potential victims**

The testimonies of the five lay people abused as adults serve to remind that sexual violence and abuse committed within the Catholic Church can also concern adults who do not live in a religious community. In this context the abuser may be a famous psychologist priest

who abuses during therapy sessions, a lay minister<sup>129</sup>, a spiritual guide, a priest solicited due to a personal crisis, or the parish priest.<sup>130</sup>

#### 4. The Modalities of Speaking Out

##### a) Reporting sexual violence and abuse: a long process

One of the questions raised by the phenomenon of sexual violence perpetrated in a Catholic context is the silence of those abused and why it has taken so long for them to be able to speak out about it. However, such a silence is not corroborated by the results of the appeal for testimonies which show that 83% of respondents had already spoken of the abuse before addressing the Commission. This sample is, of course, made up of people who are willing to testify but the general population survey also indicates that 42% of those abused as children in the Church had already spoken of the abuse before responding to the survey.

This idea of silent victims allows the Church authorities to excuse, to some degree, their lack of action when faced with a new scandal. They can divert the blame to the victims of abuse; it is their fault for never having reported it. The data collected from sisters and seminarians shows that most victims of abuse had confided, in more or less explicit terms, in a third party. However, the road can be very long between a first revelation made to a close relation and the public reporting of sexual abuse. The life journey of one of the women interviewed by the Inserm team illustrates this well. She was about twenty when the sexual abuse began. It lasted twenty years. It took her nearly forty years to really take on board the experience, and for her situation, particularly materially speaking, to allow her to speak out and only then were the conditions right for her to feel the need to testify.

People who have been abused sometimes disclose elements of their relationship with the abuser to a close relation, often without any real awareness of the situation of abuse and without any intention of actually reporting the event, or it may be spoken of during therapeutic sessions which the abused person starts going to. It is to be noted that, unlike for child victims of sex abuse, the first confidante of an adult is never a family member. Indeed, even in cases where a religious life has not been chosen specifically to break with family ties, it may actually result in the weakening of these ties.

Some people turn to their hierarchical superiors for support or advice on how to behave faced with their abuser and, although inappropriate gestures or violence are spoken about in these cases, they are not always thought of as violence by those upon whom they have been inflicted. The interviews indicate that such revelations to community leaders have always remained ineffective.

Finally, public reporting of sexual violence usually occurs after a certain period of time. When this happens, denunciation of the abuse is addressed to Church authorities, organisations or journalists with the aim of obtaining recognition of the violence experienced, reparation for it or the punishment of the aggressor. It can only happen once the victim of abuse has become

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<sup>129</sup> A lay minister is missioned by the Church to participate in the organisation of services.

<sup>130</sup> The results of the general population survey conducted by IFOP Inserm on behalf of the CIASE on this subject were considered too inconclusive to be published: adult victims of members of clergy or religious orders stood at 15 000, whereas victims of persons connected to the Catholic Church (including, therefore, laypersons) stood at 35 000.

aware of the fact that what s/he experienced constituted sexual violence, that s/he did not consent and that s/he was manipulated.

So, in their different ways, people who have suffered sexual violence at the hands of members of the clergy have spoken out, sometimes immediately, more often after several years, either to friends – whether members or not of the Catholic clergy – to leaders of their community, or to representatives of the Catholic hierarchy (bishops, archbishops, cardinals).

## **b) Barriers to Speaking Out**

### *i. Willful Ignorance*

Despite the theory which places the responsibility for speaking out entirely on the shoulders of the persons who have suffered abuse, sociological analysis reminds us that the ability to speak out requires multiple resources, which life in a religious community and the abuser-clergy ensure that the victims are deprived of.

In order to denounce sexual violence, it is necessary for the person who has suffered from it to a) be able to recognise it as sexual violence and b) have someone to whom to talk and who will accept to listen. Both these factors are strongly influenced by the specificities of community life or of the religious commitment of the people interviewed by Inserm.

Victims' inexperience in sexual matters at the time the violence begins, the fact that they have never heard of the idea of sexual violence or of the existence of priests who commit sexual violence, added to the lack of training on issues of sexuality and chastity or on the significance of a priest's commitment to celibacy, combine to obscure the real nature of the acts committed against them. This is even more true in new communities, where married lay people, consecrated persons and priests all coexist. The same inexperience deprives them of the words to describe what is being imposed on them. A former sister, abused at the age of 25 first by a founder and then by a leader of a new community, says: "Also, it has to be said that I didn't have the words to talk about it. I mean, when I entered my community, I knew how babies were made - in theory. I had never been interested in boys because from the age of 14 I wanted to dedicate my life to God and had never so much as flirted with a boy. Father K. was the first man to kiss me on the mouth."

In the interviews, Inserm also heard about the interviewees' doubts and uncertainties as their relationship with their abuser grew. They had greater confidence in him than in their own judgment. Added to this, the lack of reaction from those around seemed to confirm the normality of the visible elements of the relationship such as the attention paid to the victim, the new responsibilities accorded to the victim by the abuser, the time spent together. One sister, who was taken aback by the founder caressing her back or her chest, ended up reassuring herself that these gestures must be harmless, since they took place in public. Difficulty in judging whether or not behaviour is normal is particularly pronounced for recent arrivals to a community who feel less entitled to challenge practices, especially if these practices do not appear problematic for other members.

Members of clergy who sexually abuse often resort to various justifications (spiritual, therapeutic) to disguise the violence as a positive experience: "I bestow on you mystical blessings", "I reconcile you with your being"... They create a sense of guilt by blaming their victims for acts of sexual violence thereby ensuring their silence: "It was you who wanted it",

“You’re the one who came to get me” *etc.* The impossibility of conceiving or verbalising sexual violence is therefore also due to the state of psychological confusion created by the aggressor. Incomprehension about the situation stems from the discordance between the suffering, shame felt, and the justification given by the aggressor. People who have been raped over a period of years seem to have particular difficulty in identifying the situation as sexual abuse. This may be due to a coping mechanism, frequently described as a state of dissociation, which often kicks in. In some cases, this dissociation can be so extreme that victims of rape, who suffer physically and emotionally from the violence without identifying its cause, confide in their abuser and seek his help. This, of course, gives the abuser the opportunity to reinforce his victim’s blindness by attributing her suffering to a variety of other causes, or by urging her to accept more “therapy” sessions.

### *ii. How the community functions: silence, loneliness, suffering*

The absence of a confidante is certainly a major obstacle to revealing abuse for women living in communities where silence and loneliness are a way of life. The words of this sister, abused at the age of 25, in the mid-1970s, by a priest of a traditional order, clearly indicate this: “And I looked for someone with whom I could talk about it, [...] to whom I could ask for advice, locked away in a closed place when you are twenty-five years old, I don’t know. I was away from home. [...] I couldn’t go to the prioress or the novice mistress and tell her about what this father wanted me to do. Everyone in the community had venerated him for years.”

The victim’s isolation is also cleverly engineered by the abuser. Due to being isolated, the victim thinks she is the only one in this situation or that she is responsible for it and that she would never be believed if she spoke about it. Everybody interviewed pointed out that a rule insisted upon by the abuser was that the victim only talk to him about her problems or distress. This former sister, abused at the age of 18 in the early 1990s by a diocesan priest and then by the head of a new community, told the Inserm team: “The argument went “you only talk with the father” or, possibly with the leader: if something was wrong, first of all you talked about it to the father of the community. In fact, inevitably, we were always going to talk to him about it. And we even had to tell the father if we wanted to talk to someone else about it, or if between us we needed to discuss our suffering; we had to ask the father for permission, authorisation.” The abusers took care to isolate their victims and prevent them from talking to each other, cultivating an atmosphere of mutual mistrust and competition.

Lastly, the abuser would normalise or even valorise the state of suffering as the path towards sanctification. Nightmares, depression could be attributed to a lack of commitment to their vocation, a weakness in their faith and be used to push the victim into an eternal state of self-questioning. According to this former sister, abused at the age of 31 in the mid-2000s, her abuser, a priest of a traditional order, “spoke of how to achieve union with God, not in spite of suffering, but through suffering. I thought he talked very, very well about that. I said to myself, “so it’s all ok, everything is fine.””

### *iii. The Dominance of the Abuser*

Another difficulty in identifying or denouncing violence is also linked to the relationship of dominance with the abuser. Dominance is usually due to the hierarchical nature of the relationship, but also to the sacred status of the figure of the priest. The aura enjoyed by the abuser in the community reinforces the positive image that the victim has of him as well as the group pressure that would have to be faced in the event of revelation of the abuse.

As a number of the interviewees recalled, some of the difficulty of identifying a situation of abuse also lies in the positive things perceived by the victim, such as signs of affection, recognition, having responsibilities conferred on one – like this young woman whom the priest asked to be one of his private secretaries to help prepare his conferences, *etc.* thanks to which the victim managed to regain confidence and restore her sense of self-esteem. Or the difficulty could be due to the abuser’s spiritual teachings, which are important steps in the commitment of victims, and which contribute to making the situation unreadable. Another scenario is that, encouraged by the romantic vocabulary of the abuser (“my darling” “you’re so beautiful”, “I love you” etc.), the victim interprets the situation as a flattering chosen relationship, which she must keep hidden if she wants to preserve it.

The balance of power between the aggressor and the victim is, in the main, highly unequal, thus accentuating the difficulty of speaking out about the abuse. This young man, abused by a very prominent priest, high up in the Catholic hierarchy, who, faced with the inertia of the Church when he did report the abuse, came to understand that his abuser was protected and that he had no means of battling such an opponent: “In fact, the thing is, any public testimony will put me at risk of a defamation lawsuit. And I don’t have the money. What can I do about this guy who clearly can afford to pay his lawyers?”

#### *iv. The Fear of Putting Oneself in Danger*

Interviewees were conscious that the revelation of sexual violence would expose them to all sorts of issues: the fear of being open to attack from their community, the fear of reviving painful memories, of being involved in a scandal, of hurting one’s family, of shame, of guilt. All the above obstacles to speaking out are very clearly identified in scientific writings on the process of disclosure of sexual violence.

The women interviewed regularly evoked the fear of being considered the seductress, the one who has caused the saintly man to sin, or the fear of losing emotional, social or material resources. For women living in a community, speaking out was synonymous with having to rebuild a whole new life, or possibly even return to a secular way of life. After years, sometimes decades spent in religious communities, such a change of existence is huge, a total upheaval. And even more so in view of the fact that most sisters have taken a vow of poverty, are distant from family or friends, and often, therefore, find themselves destitute, with no social support, no resources and often no job prospects, for starting a new life.

### **c) Factors which Raise Victims’ Awareness**

Analysis of the factors which promote awareness and lead to speaking out, highlight the fact that the victim cannot leave the abusive relationship without outside help, or the occurrence of a specific event, or without the abuser himself ending the relationship. This shows, not only the degree of dependence but also the destitution of the victims. Moreover, the people interviewed are already engaged in a process of testifying and are not necessarily representative of all those who do not want to, or cannot talk, about their experience.

#### *i. The Domination of the Abuser Ceases*

The end of the relationship of dominance with the abuser can take the form of a physical separation: the victim leaves, or is sent elsewhere, on a mission abroad, to another site owned by the community. External retreats, sabbaticals, exclaustations, missions abroad, a change of

residence for those who can, i.e. anything which contributes to removing a victim, even temporarily, from the influence of their abuser, is an important step in what victims refer to as their “release”, and then in their decision to reveal the facts to a third party.

The distancing can also be due to a breakup, for example when the abuser rejects his victim or replaces her with another. One sister, for example, was sent on a mission abroad, but had no intention of ending her relationship, however destructive it was, with the founder of her community. On her return to the country, she considered returning to the community, but she explains, “He was the one who got rid of me. I might never have left without him doing that. I needed to be thrown out, even though, in fact, I was in perpetual conflict.” In some cases, the abuser feels that the victim is showing resistance or that the bond is weakened and separates to avoid a scandal. This is a relationship of dominance and if the victim no longer seems to be completely under his control, she is rejected by the abuser. Lastly, the death of the abuser is also described as a step towards speaking out.

### *ii. The Help of a Third Party*

Speaking out about sexual violence often depends on the encouragement or solicitation of a third party, whether a friend or a therapist; this person proposes words to (re)formulate what the victim has euphemistically described, thereby helping raise awareness of the fact that what the victim has recounted is, in fact, sexual violence. This former sister, abused at the age of 24 in the mid-1990s, by the leader of a new community, was helped in her journey towards awareness by the clairvoyance of another sister of the community: “And there was a Polish sister who was there, a trained psychologist, a really good psychologist, she’s really solid and I was quite close to her and who, at that period, said to me on a number of occasions: “What’s wrong with you?” “And I’d just answer: “I’ve just seen M... he said...” and she just looked at me, not understanding: “So what? [...] Your attitude’s weird! Your life doesn’t depend on M.!” “It was like a smack in the face because my life had depended on M... for ten years!”

### *iii. The context of "speaking out" and solidarity with other victims*

The testimony of other victims, including the documentary by Éric Quintin<sup>131</sup> and Marie-Pierre Raimbault, about abused sisters, broadcast on ‘Arte’ [French TV channel] on 5 March 2019, the “Me too” movement, high-profile scandals, the books/testimonies published by former sisters, all can constitute powerful levers in the process of raising awareness. They are clear indicators that the victim’s is not an isolated case and that the problem does not come from her/him but from the member of clergy responsible for the manipulation.

### **d) From rebuke to indifference, revelations barely taken into account**

In total, several dozen people in the Church have been sent letters or e-mails or received oral statements about the violence, misconduct and sexual abuse reported by the 14 people interviewed by Inserm. However, speaking out in this manner has had virtually no effect.

As indicated above, families are very rarely the first port of call for adult victims, and when they are, they offer little or no support to their daughters: they are often disappointed by the latter’s choice to leave the consecrated life, or worried about their future outside a religious life. They do not ask their daughters why they are choosing to leave the religious life choice,

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<sup>131</sup> Heard during the plenary session of 17 July 2020.

whether because the family ties are too weak, or whether because they imagine that they are responsible for this departure. We find denial or making the victim feel guilty or stereotypes about women “temptresses” in the family’s responses. For parents who are very religious, it is often especially difficult to admit that the priest may be at fault.

Legal obligations for therapists (psychologists, psychiatrists) who are aware of cases of abuse have changed in recent years (*c.f.* below), as has the context and society’s tolerance threshold towards such crimes. Respect for professional secrecy no longer prevents a doctor from reporting a suspicion of sexual violence to the services concerned. Yet, according to the data collected by Inserm, therapists informed of sexual abuse did not think of suggesting that their patients report the incidents to the police or the justice system: there was no advice or referral to formal procedures for the disclosure of sexual violence or situations of abuse.

The Church and members of the community concerned, also reacted with rejection – several victims have spoken of the very virulent reaction towards them of former colleagues, leaders or the Catholic hierarchy. Bishops, in particular, have been the subject of unanimous criticism from those heard in this investigation. Of the dozen bishops contacted by victims, only one or two followed up or took any action, most listened but then took no action thereafter. Ecclesiastical leaders often remained inactive or offered prayers as the only measure. The answers were off-hand, like that received by a former sister when she raised the subject of the re-election of her abuser as prior: “Yes, of course, if there was no consent, it is a more serious offence. But a brother can be guilty of gross misconduct and still retain responsibilities in the order.” Sisters are listened to, but they do not count since the only important thing is to maintain the priest’s reputation. They are, therefore, urged to remain silent or to leave. In general, victims complain that when Church officials or leaders are told about the violence, even if they believe them, they do not seem to care about their well-being. A former sister in a new community says that when she spoke to senior Church officials about her situation, the only answer was an admission of impotence: “I cannot separate the wheat from the chaff,” replied a well-known member of the French episcopate. However, when her case began to receive publicity, the same people wrote a statement to launch an appeal for testimonies, demonstrating to what extent media pressure can act as force of action on the Catholic hierarchy. Internal investigations can then be carried out, but again, the people interviewed by Inserm, report an effect of inertia: several years into the investigation, no results have been shared with the members of the community, or their delivery has been indefinitely postponed for no understandable reason.

However, the testimonies do speak of supportive reactions too; sometimes it is enough to simply listen to the person and let him/her know s/he is believed. Some have received encouragement to testify and report the violence, with the support stopping there. Others have been accompanied further, receiving assistance with actually reporting the violence.

Very few of those interviewed are aware of any action having been taken against the perpetrators of abuse. In general, it would seem that nothing, or very little, happened. The abuser may have been transferred to another site. Most of the priests spoken about in the interviews, despite having abused and raped, were not subject to any disciplinary measures. The prioress who sexually assaulted a sister, on the other hand, was immediately relieved of her duties, while in the same community sexual violence committed by priests - and revealed by sisters - had been going unpunished for years. Such generalised inaction from the Church in the face of revelations of offences and crimes, has an important effect on victims, contributing to an inability to overcome the trauma associated with abuse. The victims stress the importance of the recognition of abuse by the ecclesiastical institutions.

The above analysis is exactly in line with the more general analysis formed by the Commission with regard to the entire period under study and with regard to all the victims (*cf.* below).

## 5. After Sexual Violence: Life Journeys and Expectations

### a) The Consequences of Sexual Violence

The 1998 study by Chibnall *et al.*, conducted among a representative sample of 2,500 apostolic sisters in the United States<sup>132</sup>, identified the same symptoms in the sisters as those identified by scientific study of victims of sexual abuse in the general population: depression, sleep disorders, eating disorders, anxiety, addictions, post-traumatic stress disorder, suicidal thoughts, chronic pain, poor health and relationship difficulties. The sisters and seminarians interviewed as part of the Inserm study described similar disorders, sometimes experiencing the symptoms even before being aware that they were actually suffering from sexual violence. Among the interviewees, as in the survey conducted among children, it would appear that the more serious the abuse in the legal sense (rape or attempted rape), the greater the health effects on the victim, more often including risky behaviour and suicide attempts. Nevertheless, this does not mean that in some cases, acts of lesser severity may have had very significant effects on the health of the victims. Data collected from the sisters shows that the specificity of the relationship with their aggressor influenced their feelings at the time of the abuse: the bond of trust, friendship or even emotional and spiritual dependence, on which the abusive relationship was forged in the majority of cases, contributed to blinding the victims to the intentions of the aggressor. Subsequently, the awareness of having been manipulated - which is often interpreted as an error of judgment by the victim thus feeding their sense of guilt - adds brutal disillusionment to the effects of sexual violence.

The consequences of sexual abuse on the emotional and sexual life of sisters was a subject which came up naturally during the interviews. Those who have left religious life since being abused evoke difficulties which have been more or less overcome today depending on the case. One of them spoke of her fear of men, despite her desire to meet someone: “The funny thing is that after lodging a criminal complaint, I developed a fear of men [laughs] what a carry on! It's an odd mechanism. Taking the metro was quite something! [...] If anyone came near me.... it wasn't a good idea... I was aggressive. So, I don't have any male friends. These days, I am marginally less scared of talking to men. But two years ago, a man tried to sit opposite me in a café and I tore him to pieces in front of everyone!” Asked about the consequences that sexual abuse has had on him, a former seminarian talks of the impossibility of linking sex life and love life: “A dissociation of sexuality and desire. I could easily have prostituted myself - I didn't for ethical reasons and because I am not interested in money, but I could have. I've had people who have been in love with me. I've had sex with people who would say “but it's impossible to reach you.”” A former sister who, after leaving her community, met a man with whom she later had three children, describes a fulfilling family life but difficulties in “rebuilding relationships with men”, which only the patience and understanding of her spouse have helped her overcome.

An additional indirect effect of sexual abuse is the immediate loneliness caused by the break with the religious community. When this former sister, hospitalised in a psychiatric clinic

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<sup>132</sup> CHIBNALL John T., WOLF Ann et DUCKRO Paul N., « A national survey of the sexual trauma experiences of Catholic nuns », *Review of Religious Research*, 1998.

as a result of the violence she suffered, announced to the founder of her community that she did not wish to return, he immediately forbade her to have any contact with the brothers and sisters of the community. She found herself suddenly ostracised, neither able to explain her situation to them nor to say goodbye.

The consequences of sexual violence on the means of subsistence and professional lives of sisters is an aspect that remains unexplored by research. It is clear, however, that a major obstacle to speaking out about abuse lies in the precarious situation of sisters. In the absence of financial resources, housing or social networks, sisters are often hesitant to engage in a process of denunciation which would end in them having to leave their living environment. All the interviews with the sisters highlighted the challenge of leaving the community from a material point of view, despite the fact that canon law stipulates that it is the duty of the religious community to financially help the outgoing person settle. The average period of reclusive life is twenty years and many of the sisters had not been able to study during this time. Unsurprisingly, those interviewed all experienced very difficult moments in the weeks after leaving their community. This former sister recounts how, after suddenly leaving her abuser and her community, it was thanks to the generosity of an old acquaintance, a layman met during a retreat, that she was able to begin rebuilding her life: “I started working again very gradually. Due to my health problems, I could only work part-time. In fact, after a while, it was also necessary to find housing. It was a former layman, he found me a studio flat. He paid the first month, he paid the deposit and when I made a suicide attempt, he found out about it and said, “I’m cutting off all means of subsistence. Do you realise what you are doing to the people who care for you?” And then I found myself completely alone”. When another sister left her community, she asked the leaders of her order to help her find temporary accommodation: all they proposed was a place to work as a home-help in a Catholic family, where she was raped by the father of the family several times. The destitution in which sisters find themselves on leaving their community makes them extremely dependent on friends, family or the Church. If they are not too old, the only way to manage is to quickly find a job despite often limited, or even non-existent – professional experience. One of them says that the poverty of sisters can lead them to having to “beg” for health care, i.e. to resort to the generosity of others. The age at which a sister leaves the community is a factor in finding alternative work.

### **b) Consequences on Faith and the Relationship with the Church**

Because of their social status, sexual violence committed by priests is experienced as a multidimensional violence: physical and psychological, but also moral and spiritual. Out of the twelve sisters sexually abused by a member of the clergy interviewed by Inserm, only four of them were still in a religious life. The other eight, as well as the two seminarians, had left their communities. The sisters who left their communities after suffering sexual violence appeared to be those who had experienced the most serious violence (from a legal point of view) or for the longest period of time (several years). They were mainly abused by the founders or leaders of the community and could no longer live there due to the abuser’s threats or because they had been marginalised by speaking out about the abuse. The choice to stay in religious life for the other four women can be explained either by their more distant relationships with the abuser or because the latter did not enjoy the same very charismatic image meaning that the violence would not have so entirely tainted the relationship the victims had with God or with the Catholic Church.

In most cases, the abuser was seen as a very holy person, if not the very incarnation of God. The relationship of the victims towards the Church as an institution or towards priests had

been absolutely overturned: almost all those interviewed expressed their mistrust of priests in general since the abuse.

The faith of victims may also have altered: a former sister decided to leave the Catholic Church and was considering turning to Judaism while a former seminarian said he had renounced his status as a priest. We also see several abused sisters redefining their notion of spirituality: practices which involve too many intermediaries are, in particular, rejected in favour of a more personal relationship with religion. Such a profound shaking-up of the relationship with God, until then an immensely important resource, indeed, constitutive of identity, and at the very moment when help is most needed, can be very destabilising. As the words of this woman clearly indicate: “So, in fact, faith is seriously damaged. I can no longer bear sumptuous liturgies, community prayers or very expressive ceremonies. I prefer more sober liturgies and prayers. It is true that I have always had, and still do have, trouble with personal prayer, with my connection with God. In fact, it's a bit like God is absent, like I can't be in a relationship with Him anymore. That has caused me a lot of suffering over the last few years, because everything was getting very, very difficult, very hard.”

### **c) Not Enough Help to be Able to Cope**

Speaking out about sexual abuse is a process that those heard by Inserm described as a journey of “reconstruction”, which can be long and grueling, all the more when it involves leaving a religious life and housing and a job is needed and psychological or psychiatric help is required. Having a network of friends and family in these instances is immensely valuable. It was only with the help of just such a support network that this former sister was put up and introduced to a social worker and eventually embarked upon a vocational training course which contributed to her recovery. The testimonies confirm that it is rarely families, or parents at least, who provide help during these major life events and, in general, it is friends to whom sisters have turned for help. However, while three of the women interviewed had been able to form friendships with people met during retreats, pilgrimages or other missions during their years in community, other sisters, coming from very closed communities, have no such support and find themselves in a particularly precarious situation.

All the sisters interviewed said that therapy with psychologists, psychoanalysts or psychiatrists was essential and all of them had, at some point in their journey, embarked upon such therapy. However, all of them also stressed the high - sometimes prohibitive - cost of therapy, evoking sums reaching several thousands of euros. The sisters were sometimes obliged to put an end to the therapy due to its long duration and their precarious financial situation.

Recourse to victim support organisations was hardly mentioned by the sisters we met, but some were still in the very early days of their new lives, having denounced the violence only a few weeks or months prior to the interview. In fact, they did ask for contact details of victim support organisations. Only a few persons spoke of using lawyers or of instigating civil judicial proceedings. In cases of repeated rape, sisters and seminarians have always preferred to seek canonical justice first.

The resources on which abused sisters can rely at the time of speaking out about the sexual violence they have suffered and on leaving religious life, therefore appear to be extremely limited.

## **d) What Sisters Would Like from the Church**

### ***i. Real Support for as Long as it Takes Post-Violence***

Those heard expressed a strong need for the Church to recognise their abuse and their suffering. It is seen as an essential step to getting better. The silence of the Church has been described as a cause of distress, accentuating that inflicted by the violence itself. In cases where the victims were taken seriously, they received an apology from the Church and were asked to forgive their abuser. These requests for forgiveness, as well as the offers of prayers, were perceived as an extra layer of violence, representing a denial of their suffering and an inadequate response to the situation.

The victims also want the Church to provide material help. This former sister suggested that the Church think about “the price of suffering”, i.e. the importance given by the Church to the counselling, therapy and other help required by victims to help overcome their suffering. This leads to the issue of what resources are made available to members who leave the religious life of a community. A large number of communities have long functioned without guaranteeing any social protection to their members. Although CAVIMAC, the social security body responsible for managing the old age, disability and sick benefits of members of religious entities, has existed since 2000, not all congregations and communities immediately paid the social contributions due which would have allowed their members to benefit from the social security payments available. The majority of sisters interviewed by Inserm worked informally, never receiving a pay slip, not being paid a wage commensurate with the hours worked and without contributing to any pension scheme or health insurance policy. Some sisters tried to obtain benefits once they had left the community but reported difficulties in getting financial assistance for periods worked in the community for which the latter did not pay any social contributions.

Lastly, in terms of help provided by the Church, victims also want information; one of the requests expressed is the provision of a list of psychologists and legal professionals specifically trained in the issues of sexual violence committed in a religious context. In the third part of this report, the Commission makes recommendations to this effect.

### ***ii. Training of Priests and Accountability***

Virtually all the interviewees raised the question of priests’ training. The victims expect the Church to review the spiritual accompaniment of women by priests. They want measures to promote better discernment with regard to the vocations of priests and to combat the excesses of clericalism. They also believe that it is necessary to review the Church’s relationship with sexuality and chastity, especially in existing training programmes where these subjects are currently scarcely addressed. The idea expressed is that there is a need for more profound training of priests, especially in the field of spiritual accompaniment.

Another expectation expressed during the interviews concerns the clarification of areas of responsibility for abuse. Canonical justice is exercised first at a diocesan level; this sister asked: “What about communities that cut across dioceses? What is applicable in these cases?” This refers us back to the question of territorial jurisdiction and thus the issue of who is responsible for dealing with a priest who has committed sexual abuse in diocese X but resides, at the time the abuse is reported, in diocese Y? Several sisters have indicated that, when abuse

was reported, the ecclesiastical authorities responded with just such issues of territorial jurisdiction in order to justify not taking any action against the abuser.

Again, these reflections about canon law, organisation or training, have helped form the recommendations made by the Commission in the third part of the report.

The survey reflects the situations of persons highly involved in the process of testifying. They are likely to be those most able to overcome the trauma they have lived through. What, of course, is not reproduced in these pages is the experience or life journeys of victims who have not managed to talk, who have perhaps not found the strength necessary to report the abuse inflicted on them, who have not started therapy because they do not have the financial means, or who have not yet escaped from the violence of their abuser. During the interviews, the Inserm team heard of several sisters who had committed suicide as a result of the violence they had suffered. It is therefore crucial that beyond the cases studied here - which do not reflect the full range of situations - the cause of sisters in the Church be taken more fully into consideration, particularly with regard to sexual abuse, but also with regard to other abuses of power to which they are particularly vulnerable in their institution and at the hands of the institution.

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The Commission would not have fulfilled its mandate if its sociological analysis of the phenomenon of sexual violence in the Catholic Church focused only on the victims. For it also owes it to the victims, as well as to all the readers of its report, to strive to draw a sociological and psychiatric portrait of the aggressor clergy, not as a complement to investigation, but as an essential element of the desire to “cast light”.

## **F. A TYPOLOGY OF AGGRESSORS, BASED ON THE STUDY OF ARCHIVES, INDIVIDUAL INTERVIEWS AND JUDICIAL FILES**

The phenomenon of sexual violence in the Church cannot be fully understood without changing the focus of the analysis to its perpetrators. The CIASE, therefore, decided to analyse the life journeys of the perpetrators of violence. It has endeavoured to understand and question the way in which these persons may view the acts they have committed and any subsequent punishment they may have received. To this end, the EPHE team met with clergy perpetrators (*cf.* Digital Annex 28). In addition, Ms Florence Thibaut led a study based on 35 files from the judicial archives which included legal documents, personality investigations and psychiatric reports – where they existed – of clergy convicted of sexual abuse. As stated in the methodological preamble, the apparently low number of cases studied - which is often the fate of this type of study - precludes us from going too far in extrapolating the results obtained, but nonetheless does not prevent us from drawing lessons from the said results.

### **1. Lessons Learned from Interviews: a Frequent Tendency to Minimise**

The EPHE team relied on the Church authorities’ assistance to find persons whom they could interview. In May and June 2019, the President of the CIASE asked every bishop and major superior to relay the Commission’s request to interview any member of clergy or of a religious institute, now or previously under the bishop or major superior’s authority, who has admitted to, or been convicted of having committed sexual violence. For confidentiality

purposes, these persons were invited to contact the President of the Commission directly. Several cases were discarded either due to old age and memory loss or because of criminal proceedings with which it was imperative not to interfere. Twelve interview projects were finally selected and, among them, ten priests and a deacon were interviewed. One priest could not be heard for health reasons. The interviews, which lasted about two hours, took place between 21 April and 14 June 2021. They added to the nigh-on 2,000 cases of abuse examined in Church records by the EPHE. Together, this body work provides information about (i) the life path of the perpetrators, (ii) their attitude towards the violence committed and (iii) their attitude towards being convicted.

A synthesis of these interviews and the EPHE's analysis of the material is presented below. It cannot claim to be representative but does, however, cast some light on some of the perpetrators' pattern of violence as it appears in the way they speak about it.

#### **a) Unremarkable trajectories other than the question of having suffered from sexual violence**

Born between 1933 and 1954, the priests and the one deacon interviewed mostly came from working-class backgrounds: their parents were farmers, railway workers or tradesmen. Three priests, however, came from more affluent backgrounds, with a doctor and an officer among the parents. None of the interviewees claimed to have suffered from a lack of attention or affection in their family. A few family tragedies were reported such as the early loss of a father or sister. Levels of religious practice in the families were mixed, but none of the priests interviewed indicated that their choice to enter the seminary met with any hostility.

Two profiles of seminarian appear. For some, the priesthood quickly became an obvious option with pressure from a religious entourage possibly playing a role. For others, a secular adult life preceded entry into the priesthood. Among the latter, some had had professional lives or were involved in trade union activities; one of the priests said he had sex. It should be noted that none of the priests mentioned any sort of supernatural or transcendent experience having led to his vocation.

Regarding their own conception of the role of a priest, the most accentuated tendency was to equate the priesthood with listening, helping and providing social support. The majority of the priests interviewed were based in working class parishes, claiming that this gave meaning to their commitment and, effectively, transfers outside these parishes were found to be difficult. With the exception of one priest who belonged to a more traditional form of Catholicism, all the others defended a horizontal vision - characteristic of the post Vatican II period in France - of their role.

The priests were very different in terms of their approach to sexuality. Some claimed to have questioned their sexuality as early as adolescence, while for others, it did not appear very important at the time. Several of the interviewees were embarrassed by the lessons in sexual issues they had had, deploring the fact that sexuality had been approached solely through the prism of sin. Some would describe any sexual act as a sin while others reserved this definition for sexual relations with women (virtually the only topic addressed in seminary training).

Just over half of the priests interviewed said they were homosexual, with some of them reporting having had sex with adults their age, before or after ordination.

The question of violence repeating itself also emerged at this stage of the interviews. Some priests claimed to have been victims of violence themselves, while others reported physical closeness between seminary teachers and seminarians, without actually saying that there had been sexual violence. These comments reflect the analysis of Church archives carried out by the EPHE which suggests that powerful mechanisms of reproduction of violence exist, for example at the *Petit Séminaire de Chavagnes-en-Paillers*<sup>133</sup> They also need to be analysed in relation to Ms Florence Thibaut's work below, according to which, in 27% of the cases studied, clergy-perpetrators of sexual abuse had themselves been victims of sexual abuse in childhood. The same mechanisms for transmission of abuse are also documented outside the Catholic Church.

#### **b) With regard to the violence committed: relativisation, denial and rare contrition**

Two reasons are given most often to explain how the deed actually came to be acted out. Some of the priests spoke of a need for affection and intimacy with another person or of needing to feel some sort of compensation to counteract an unsatisfying period in their life. Others cited a curiosity about sexuality in general or about specific sexual practices. In any event, few priests indicated having sought another outlet for their impulses. Only one reported having had regular sex with adults. Another said he had tried to put in place a system of safeguards, including refusing to take charge of a chaplaincy. None of the interviewees reported asking for help from their superiors or from those around them.

With hindsight, three attitudes towards committing sexual violence can be identified: minimisation, denial and genuine recognition.

The most common of the above reactions was to minimise or relativise the act. The person formally admitted to having committed some, or all, of the acts of which he is accused and recognised their hurtful nature, but then turned to mechanisms of self-justification or at least of partial delegation of responsibility, either by accusing the ecclesiastical institution or the context of the time (especially around 1968). These perpetrators of sexual abuse failed to really understand the harm inflicted on their victims: they appreciated the latter's suffering, but generally did not reflect on their responsibility in having caused it. These priests were very forthcoming in their requests for forgiveness and apologies to the victims, but their words often rung hollow to the interviewers. It felt as though the priests were just saying the words their various legal and therapist interlocutors want to hear. Thus, a recognition of the acts committed coexists with a non-acceptance of fault which creates a gap which makes talk of forgiveness seem largely academic.

The second attitude is denial. Among the interviewees, three priests did not admit to having committed any violence. In addition to disagreement over the facts, a persistent euphemisation of the acts can be observed. One priest spoke of "tender" gestures with children. The use of positively connoted terms is an attempt to escape moral condemnation.

Only one priest genuinely recognised and acknowledged what he had done, in the sense of really being contrite and not expressing any reservations nor asking for anything in exchange. Another also assumed responsibility for his actions although still had recourse to mechanisms of relativisation.

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<sup>133</sup> EPHE Report, pp. 251-252.

**c) The reaction of the perpetrators faced with the decisions taken about them: particularly critical of the Church**

Sanctions were experienced differently by the priests interviewed. Some of the initial decisions (being sent away, change of diocese) were not interpreted as punitive measures for deviant behavior. The priests were divided as to the usefulness and fairness of these sanctions. Many considered them a helpful way to raise awareness: in the absence of limits set either by their own judgment, by the ecclesiastical institution or by the faithful, some priests seem to have felt entitled to perpetuate the same gestures, or at least confirmed in a feeling of unconsciousness and inconsequence. Other priests considered the sanctions to which they were subject, unfair - being in denial or downplaying the importance of the facts, of course, makes it difficult to accept the validity of the sanctions imposed. Others suggested that they had “been in the wrong place at the wrong time,” and were being made to pay for all the abusers within the Church. Comparisons were made with worse behaviour which had gone unpunished. Some priests thought the sanctions imposed by the Church were especially harsh – notably when they were relieved of their ministries, returning to a lay life. They believed the Church should show more mercy to its ministers.

With regard to injunctions to engage upon a course of therapy, some of the priests were happy for it to come to an end. Although they found it difficult to accept in the beginning, it was not, according to these priests, completely useless but it is, anyhow, now over. Another group of priests insisted, on the contrary, that they had made significant progress by undertaking therapy, and on the duration of the whole process (“we are never done with this kind of stuff”).

The Church was reproached, on a number of occasions for not doing more to prevent the violence or to respond to it. Only one priest clearly recognised that, in view of the elements he shared with his spiritual director at the time, it would have been impossible for the latter to come to his aid. A recurring leitmotif, however, concerns the lack of training in sexuality issues and the lack of support. Some are quite militant about the institution, demanding that sex education received during training, should be more explicit, clearer and also less axiological. These priests believe that training should help candidates become aware of their emotional and sexual desires in order to better be able to express them to hierarchical superiors without the fear of being judged. The Church would thereby be able to detect certain attractions incompatible with the priesthood.

Finally, with regards to the CIASE, the priests interviewed adopted at least three different attitudes. For some, participation in the investigation was an obligation, a means of satisfying a particular bishop, of showing good faith. For others, talking to the CIASE was a sort of compensatory measure with their contribution helping to “move things forward”, to repair a wrong done to the Church and to prevent such acts from ever happening again. In some cases, however, the priests’ relationship with the CIASE felt more instrumental: it was as if the interview was an extension of legal proceedings, where it was up to the interviewee to reestablish the truth or defend himself.

It was precisely in a judicial context that the Commission gathered more information to pursue an in-depth study of the personality of the aggressors on a psychiatric level.

## **2. Lessons drawn from the legal files: certain specificities applicable to the Catholic clergy**

Thirty-five files from the judicial archives, transmitted by the EPHE, were studied under the scientific direction of Ms Florence Thibaut. They were the files of 33 priests in activity, a deacon and a consecrated layman. Despite the methodological limitations (discussed in detail in the report on this study, in Digital Annex 30) inherent to the small number of cases, or the lack of medical information in some of the files, a number of conclusions useful to the Commission's analysis can nonetheless be drawn, in particular with regard to the type of sexual assault committed by these perpetrators and the history of sexual abuse suffered by them in childhood.

### **a) Perpetrators of Sexual Violence – a Mirror of their Victims**

Thirty of these cases concern the perpetrators of sexual violence against children and five against adults. The average age of the perpetrator at the time of the first assault of a child is almost 36 years old (33.4 years old when the victim was a male child). The average age of the perpetrator at the time of the first assault of an adult is over 65.5 years old: this result is very atypical compared to what is observed in the general population, according to existing studies, commented in the research report.

The average number of victims is 7 per perpetrator. The number is slightly higher when it is exclusively children who are assaulted (7.5), particularly for male victims, and even higher when victims are of both genders. (12.2).

The victim is known to the perpetrator in 91% of cases (97% of cases if the victim is a child; 61% of cases if the victim is an adult). Abusers of female children assault on average twice as many victims when they are known to the perpetrator.

The average age of victims is 12.5 for children, with no significant difference between the genders (12.5 years old for boys and 13 years old for girls), and 27 years old for adults.

In 80% of cases, for perpetrators of sexual violence against children, the victim is male. However, for perpetrators of sexual violence against adults, the “gender ratio” is balanced, as it is for perpetrators of sexual violence against child victims of both genders.

Sexual violence against children is more often repeated on the same victim (on average twice) and over a period of several years (on average three years). There are many more assaults on the same victim, and over very long periods of time, when the victim is female (five assaults over an average of five years, if the victim was previously known to the perpetrator, with in one case a period of nine years of abuse). For perpetrators of sexual violence against adults, the assault only happened once.

Of child victims, only one third lodged criminal complaints, compared to 80% of adult victims. Convictions are rarer and less severe (with prison sentences three to four times shorter on average) for child, especially male, sex abusers. Very few perpetrators had previous convictions (two among the perpetrators of sexual violence against children) and they were for the same offences.

## **b) Elements Relative to the Sexuality of the Perpetrators**

There is little detail about the fate of those convicted of sexual violence within the Church in the files, nor is there much information about any recourse to canon law. Three canon law judgements were handed down to child sex abusers and in the 14 cases that the CIASE was able to analyse, all the perpetrators continued to practice after being convicted of sexual violence (including 13 cases of child abuse).

In almost half of the cases, child sex abusers identify as homosexual (the figure rises to 80% for those who assault exclusively male children), and in one third of cases they identify as bisexual (11% among those who assault exclusively male children compared with 77% of those who assault children of both genders). All the child sex abusers who assault exclusively female children identify as heterosexual. Of those whose victims are adult, 20% identify as homosexual and none as bisexual.

The sexuality of perpetrators of sexual violence against male children or children of both genders appears to be more developed (frequency of masturbation, pre-priesthood sex) with a greater sense of frustration compared to perpetrators of sexual violence against exclusively female children.

From the elements in the files, it can be hypothesised that some of the child sex abusers have a pedophilic disorder. Sexual abusers of boys or children of both genders (27 cases) all report masturbating in 14 analysable cases, and more than half of them watch pornography, or even child pornography (3 cases), when it is documented in the file, (9 analysable cases and 5 cases respectively) and a significant level of sexual frustration is expressed. Thus, it is reasonable to assume that at least three of the persons analysed have a paedophile disorder. Effectively, in three cases of sexual violence against children (one abuser of exclusively boys and two abusers of children of both genders), paedophiliac fantasies are described and there is a history of paraphilia in the case of one abuser of exclusively male children. Moreover, in two cases (one an abuser of exclusively male children, the other of children of both genders), criminal records for the same offences are even noted in the files.

## **c) The question of violence repeating itself: when the abused becomes the abuser**

27% of perpetrators of sexual violence (32% of child sex abusers) report having been abused by a man themselves as children (on average at the age of 11 although this is slightly lower for abusers of boys exclusively who were themselves abused at 9.33 years old on average) and not having received any psychological help. An assault perpetrated on both a boy and a girl at the same time has been observed to have been committed by an abuser of children of both genders. Perpetrators of sexual violence against adults revealed no history of sexual abuse. The alleged sexual assaults were mostly inappropriate touching in half of the cases, and they were carried out at repetition in 28% of cases. In only one case was the abuser convicted. None of these victims appear to have received any mental health care following the assaults but such care is not often documented in court records.

In just under 10% of the cases, physical abuse or humiliation was noted in the childhood of the perpetrators of sexual violence against children (mostly against boys or both genders). These factors are noted in 20% of the cases of perpetrators of sexual violence against adults.

Among perpetrators of sexual violence with no history of having suffered childhood sexual abuse, inappropriate touching above and beneath the clothing is more frequent. The relationship is more sexualised. These perpetrators also used pornography more and filmed or photographed the victim, making the hypothesis of a paedophilic disorder more likely.

#### **d) Insufficient Documentation of Psychiatric and Medical History**

The psychiatric and medical histories of these perpetrators are difficult to interpret in the absence of a systematic and standardised assessment. There is not much psychiatric history, apart from addiction (mainly to alcohol) and this is only present among perpetrators of sexual violence against children: in 18% of cases, 50% of those who assault children of both genders. A history of addiction in the father is observed in one out of two cases, when this has been documented in the files of perpetrators of sexual violence against children of both genders. Psychiatric comorbidities are rare and only observed in perpetrators of sexual violence against children (especially anxiety-depressive disorders: 22% of depressive disorders in perpetrators of sexual violence against male children). Few of the perpetrators have received psychotropic medication (three cases in all). A few perpetrators of sexual violence against male children (three cases) have a neurological history, including one case of Parkinson's, but no history of severe head trauma.

It would appear that four perpetrators had psychotherapy in the aftermath of the sexual abuse but this is poorly documented. Moreover, when the perpetrator has a proven pedophilic disorder, the combination of psychotherapy with drug therapy is often required, yet no such treatments appear to have been used in these cases.<sup>134</sup>

#### **e) The Conditions in which the Abuse Took Place**

The sexual abuse of child victims mainly took place at the perpetrator's home or workplace: two-thirds of the cases studied, 100% of cases if the victim was a girl, compared to 85% of the cases for adult victims. Otherwise, the abuse took place in a summer camp for children (especially for male victims - in 34% of cases, or for both genders, 17% of cases. It was more unusual for it to take place in the victim's home (9% of cases for boys, 15% of cases for adults, no cases of girls).

#### **f) Putting in Perspective and Conclusive Lessons**

The report also contains precise data on the nature of the abuse committed. It reviews the various published scientific studies as well as Inserm's research work on behalf of CIASE, to highlight the many convergences between the work. The conclusions of the study, which focuses on characterising the specificities of Catholic clergy perpetrators of sexual abuse, are reproduced in the box below.

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<sup>134</sup> For national and international recommendations on this subject [https://www.has-sante.fr/upload/docs/application/pdf/2010-03/aas\\_-\\_recommandations.pdf](https://www.has-sante.fr/upload/docs/application/pdf/2010-03/aas_-_recommandations.pdf) ; [https://www.wfsbp.org/fileadmin/user\\_upload/Treatment\\_Guidelines/Thibaut\\_TG\\_Paraphilias\\_2020.pdf](https://www.wfsbp.org/fileadmin/user_upload/Treatment_Guidelines/Thibaut_TG_Paraphilias_2020.pdf). Cf also in Digital Annex 12 the report of the hearing of Dr Bernard Cordier, who was heard during the plenary session of 11 September 2020.

## COURT RECORDS OF 35 CLERGY SEXUAL ABUSERS

Personal, interpersonal and systemic factors combine in very complex ways to foster sexual abuse within the Catholic Church, as in all societies. However, as this study and several previously published studies on this topic show, perpetrators of sexual abuse within the Catholic Church have a number of specificities, such as the much more frequent abuse of male children, a higher number of victims, victims who are slightly older than the average, and a higher socio-cultural level compared to the general population of sex offenders.

In terms of personal factors, a few perpetrators have a preferential sexual orientation for children or young adolescent men, but they account for less than 10% of cases (John Jay College, 2004<sup>135</sup>). Sexual and emotional immaturity as well as highly developed narcissistic traits in some clergy, as pointed out by several Anglo-Saxon authors, are factors which may nurture sexual abuse. It would seem that abuse is often the result of a difficult personal context (loneliness, sexual frustration, search for affection) in an environment which facilitates such behaviour, thus affording the perpetrator a sense of protection and total impunity in any event.

On an institutional level, the particular hierarchical structure of the Catholic Church can give a member of the clergy the illusion of having power over the faithful (parishioners...), which frees him from any suspicion and even allows him to justify certain sexual assaults. Strict sexual morality that antagonises, or denies any sexual desire, can also promote sexual abuse. A lack of rigour in the process of recruiting clergy, especially when there are not enough vocations, can lead to the recruitment of people at risk (Terry et al. 2011<sup>136</sup>). The absence or lack of awareness of the risk of sexual abuse and of the difficulties of positioning oneself emotionally when looking after young people, can lead to an increased risk of sexual abuse, which is then followed by its concealment. The lack of supervision or tutoring may amplify the covering up. And, since clergy are presumed incapable of immoral conduct, sexual abuse can be more easily concealed, in turn facilitating renewed abuse (for review, see also Dressing *et al.* 2017,<sup>137</sup> and Glancy *et al.* 2021<sup>138</sup>).

At the end of the chapter concerning the perpetrators of sexual abuse, the Commission believes it appropriate to make several suggestions, many of which it appreciates are already widely applied. So, independently of the very useful work carried out by the National Expertise Commission which shall be discussed in the second section of the report, it must be established as a principle that any person who has been implicated in a case of child crime may not have any access to children or vulnerable persons within the framework of a Church mission. It is also necessary to ensure any person who has been convicted of the sexual assault of a child is given long-term medical care by health professionals in order to avoid the risk of reoffending. Lastly, it is essential, through systematic access to criminal records and, if necessary consultation of the FIJAIS [criminal records of sexual and violent offences], to check the background of all persons – clerics, members of religious orders and also lay persons – whom

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<sup>135</sup> John Jay College (2004). The nature and scope of sexual abuse of minors by Catholic priests and deacons in the United States 1950–2002. A research study conducted by the John Jay College of Criminal Justice in the City University of New York 2004.

<sup>136</sup> Terry K, Smith LM, Schuth K, Kelly JR, Vollman B, Massey C (2011). The causes and context of sexual abuse of minors by Catholic priests in the United States, 1950–2010. A report presented to the United States Conference of Catholic Bishops by the John Jay College research team.

<sup>137</sup> Dressing H, Dölling D, Hermann D, Horten B, Kruse A, Schmitt E, Bannenberg B, Whittaker W, Salize HJ (2017). Sexual abuse of minors within the Catholic Church and other institutions. A literature review.

<sup>138</sup> Glancy G, Saini M, Hardy K (2021). Sexual abuse by clergy: special populations. In Ed JMW Bradford. In press.

the Catholic Church regularly mandates or assigns to work with children, adolescents or vulnerable persons.

The above is not intended as a means of applying derogations to existing rules, which would simply be irritating to those sent on missions by the Catholic Church, but rather of properly applying the general rules and best practices applicable to all professionals working with children or vulnerable persons in France.

**Recommendation N° 1:**

- Systematically check the criminal record of any person (clergy, members of religious orders or layperson) mandated or assigned by the Church to be in regular contact with children or vulnerable persons.
- Ensure that persons convicted of sexual violence or sexual abuse against a child or vulnerable person be offered long-term care by health professionals.
- Ensure that any person who has been implicated in a case of sexual assault or sexual violence against a child or vulnerable person has no access to children, adolescents or vulnerable persons within the context of a Church assignment.
  - These last two points shall apply without prejudice to any measures which may be imposed by a judicial authority.

The data analysed above, which constitutes an unprecedented contribution to research on the issue of sexual violence committed in the Catholic Church in France from 1950 to the present day, makes the transition between the previous qualitative sociological analysis of the subject and its detailed quantitative analysis contained in the next section of this report.

## **V. THE SHEER PREVALENCE OF SEXUAL ABUSE IN THE CATHOLIC CHURCH: MASSIVE AND OVERREPRESENTED IN COMPARISON TO ANY OTHER INSTITUTION (OTHER THAN IN FAMILY AND CLOSE FRIEND CIRCLES)**

Although the CIASE was keen to open its study with its most human dimension – the most essential in its eyes – it is aware that the quantitative analysis of its data also forms parts of its mission and there can, of course, be no shirking it. Numbers and graphs can often speak more eloquently than a long argument and they have an essential place in any thorough investigation designed to cast as much light on the subject as possible. However, it is precisely because these numbers are very likely to be taken up and discussed that the Commission was especially careful to give as consistent a cross-referenced interpretation of the available data as possible, whether data collected by the entities working on behalf of the CIASE or that found in existing sources. A methodological warning is, however, necessary before delivering the quantitative data which paints - for the first time quite so completely - a very sombre picture of the prevalence of sexual violence against children and vulnerable people in French society in the Church of France.

## **A. A WARNING REGARDING THE METHODOLOGY USED FOR THE COHERENT ALIGNMENT OF MULTIPLE QUANTITATIVE SOURCES OF DATA**

It is a particularly delicate process to measure sexual violence against children and vulnerable people in the Church as acquiring knowledge of the facts is limited by the silence of the victims, their entourage and the Church. In order to get close to the hidden reality, it is necessary - as in all cases of sexual violence - to consult all available archival sources, to carry out quantitative research and, if appropriate, to extrapolate the most significant results. It is the combination of these methods that makes it possible to reach results that will, depending on the situation, either be measured quantities, extrapolations, estimates, or possibly even hypotheses. Additionally, despite scientific investigations having been conducted on sexual violence against children in France since the early 1990s, none of them makes it possible to identify, as such, violence committed by members of the Church.

### **1. The work of statistically estimating the level of prevalence**

At the Commission's request, a team from Inserm conducted an internet survey of a sample of 28,010 people between 25 November 2020 and 28 January 2021 to estimate the prevalence of sexual violence in the entire population of mainland France. The size of this sample is what differentiates the survey from the standard sample of a thousand people aged 18 and over which is used by polling institutes for most studies destined to be given to the general public via the press. The survey was designed in such a way as to make it possible to analyse the sub-population of people who have been abused by a member of clergy or of a religious order. The sample came from a panel set up by a company working with the IFOP Institute. It was composed according to the quota method, then adjusted according to the age, gender, region in which the person lived, size of conurbation and occupation of the respondent, so as to produce estimators representative of the question of sexual violence in the Catholic Church. The questionnaire included socio-demographic questions (age, gender, father's occupation when the person was 15 years old, current occupation, level of education, spheres of socialisation during childhood); questions about the type, number and function of the perpetrators of sexual violence, the type of violence suffered, the duration of the violence, the age of the respondent at first incident of abuse; and questions on the respondent's rapport with religion. This general population survey made it possible to estimate the number of people who have been sexually abused, at least once, not only in the Catholic Church, but in society as a whole (families and friends, public and private institutions, etc.).

As this is an estimate, it is necessary to ensure its reliability. Other national surveys that have recently measured the prevalence of sexual abuse in French society, not specifically within the Catholic Church, but from all backgrounds, can serve as a benchmark, by comparing the prevalence of sexual abuse in French society as a whole measured by these surveys, with that measured by the survey conducted by Inserm for the CIASE. Comparative readings indicate that the level of sexual violence estimated by the Inserm survey - which falls in the lower range of estimates - probably constitutes a minimum estimate of the number of victims.

Effectively, previous surveys showed that rates of sexual violence doubled between 2000 and 2006, although this is probably due to more victims talking about it rather than a real increase in violence. It has doubtless become easier to speak out in recent years with the emergence and popularisation of the "*#MeToo*" movement (and *#BalanceTonPorc* in France) accompanying women's testimonies about sexual violence, especially since the Weinstein case

in 2017. The Inserm survey for the CIASE was the first large-scale quantitative survey conducted since the Weinstein case and so one could therefore logically expect to find a continued increase in reported violence.

Yet the last survey, dating from 2016, and conducted on a sample of 15,000 people (rather than the 28,010 for the CIASE), measured higher rates of abuse among women than the CIASE survey: 24% in 2016 against 20.1% in 2020. Among men, on the other hand, the rates measured remain similar (7.7% in 2016 and 8.2% in 2020, the difference not being statistically significant). This discrepancy may be due, firstly, to the method of sample constitution: the 2020 CIASE survey used the quota method and the 2016 survey, the probabilistic method, the latter being statistically more reliable. Secondly, the way the questions were asked may have led to a decrease in the number of cases of sexual violence being reported in the 2020 survey: the 2016 survey asked the questions about sexual violence at the end of the questionnaire, while the 2020 survey jumped in immediately, perhaps leaving respondents less time to feel confident about replying. Thirdly and finally, the wording differs from one survey to the other, with the 2020 survey clarifying that the term “sexual abuse” includes rape, attempted rape and inappropriate touching without consent. It is possible that the fact of having clearly mentioned rape or attempted rape may have caused some people not to speak of such experiences in view of the explicitly criminal nature of such acts. It is therefore possible that the level of prevalence measured by the survey conducted by the CIASE is a low estimate of the number of victims of sexual abuse in France.<sup>139</sup>

A final remark should be made about the general population survey. Although respondents were asked about sexual violence suffered during their lifetime, including therefore abuse inflicted during adulthood, it is not possible to estimate levels of violence suffered during adulthood as the questionnaire focused on the first incident of sexual abuse –therefore ignoring sexual violence suffered after the age of 18 by persons who were first abused before the age of 18. Moreover, the system put in place created a bias (a truncation effect) based on the age of the respondents, the prevalence of sexual violence being very underestimated for young adults compared to older generations. The survey presented below, therefore, does not take into account sexual violence inflicted on adults (at the time of the violence).

## **2. A Complementary Count of Known or Uncovered Facts.**

The other work carried out by the Commission, which has been presented above, also contributes to the total count of sexual assaults in the Catholic Church since 1950, in a way that complements and informs the estimation of their overall prevalence in the general population. Thus, the cases of abuse identifiable in all the sources that have nourished the developments of this report have been counted: archives operated by the EPHE team (archives of the Church at the national and local levels, archives of the Ministries of Justice and the Interior, archives of the gendarmerie, departmental archives, press archives), testimonies brought to the CIASE, hearings of victims by the commission, by its members or associate members and by the research teams mandated by it.

This set of sources complementary to the general population survey provides different information, which makes it possible in particular to characterise the offences, geographically, chronologically, and socially. The number of victims and perpetrators that they identify do not represent – by far, given the very low, scientifically documented propensity to reveal such facts to the justice system or the Church – the actual prevalence of sexual assault, but rather a count

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<sup>139</sup> Inserm-EHESS Report, pp. 440-444.

of the facts known with certainty, identified in various sources. In this respect, the numbers derived from it are hypothetically a low water level, necessarily much lower than the estimates of the survey in the general population. Indeed, only facts that have been brought to the attention of the Church or justice, and that have been the subject of documentation kept by the latter until today, are identified in the archives. This is therefore a small minority of the facts: according to the survey in the general population, only 4% of the victims informed a representative of the Church of the violence they suffered. In the same way, since the phenomena of awareness of the reality of the attacks and the freedom of speech of the victims are far from complete for the past decades, the testimonies given to the CIASE cannot be considered exhaustive.

## **B. DATA RELATING TO THE VICTIMS AND PERPETRATORS REVEALS PARTICULARLY HIGH FIGURES**

Despite the efforts of the research teams, it is impossible to accurately reproduce the number of victims and perpetrators of sexual assault, in the Catholic Church as in other circles. Any person or researcher researching violence knows that there are major discrepancies between the actual figures (the black figure of crime and delinquency), the reported figures (from reports to the courts or social services) and the legal data (convictions). The latter, especially in the area of sexual violence, is only a tiny part of the former. With this belief, the Commission has therefore moved cautiously on the enumeration of victims and perpetrators of sexual assault.

### **1. Multiple sources of data, but all equally damning with regard to the number of victims:**

#### **a) 330,000 child victims of persons associated with the Church including 216,000 victims of clergy and members of religious orders, according to the findings of the general population survey**

The findings of the general population survey allow us to estimate that 330,000 persons were sexually abused under the age of 18 by people connected with the Church: i.e. members of the Catholic clergy (priests, deacons) and religious orders and also by laypersons, male and female, working in Catholic schools – day and boarding schools - giving catechism classes, holding Catholic chaplaincies, or responsible for charitable foundations, summer camps or Catholic youth movements (scouts, Catholic Action etc.). Of this total number, 216,000 persons were victims of members of clergy or religious orders, corresponding to the Commission's specific scope. The huge number of persons sexually assaulted as children, is both striking and appalling.<sup>140</sup>

These figures are estimates and, in the interests of scientific rigour, need to be situated within a confidence interval:

- the estimate of the number of victims of persons linked to the Church (330,000) is situated with a 95% probability in an interval between 265,000 and 396,000.

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<sup>140</sup> Inserm-EHESS Report, pp. 427 et seq., Table 56, p. 447.

- the estimate of the number of victims of members of clergy or religious orders (216,000) is situated with a 95% probability in an interval between 165,000 and 270,000.

Contrary to popular belief, the data shows, firstly, that sexual violence in the Church is not limited to members of clergy or religious orders: over the period studied, if in effect, they have carried out 65.4% of assaults within the Church, laypersons were, however, responsible for 34.6% of assaults, i.e. more than a third. Where adults are in contact with children, there is a risk - in the Catholic Church as elsewhere - of abuse of power, authority or trust leading to sexual assault. It is also likely that, over time, due in particular to the decrease in number of members of clergy or religious orders and the increase in responsibility of the laity, the proportion of victims of laypersons in the Catholic Church has increased.

Data on sexual violence in the Catholic Church cannot be presented without also looking at the equivalent data in other sectors of French society. The CIASE therefore asked IFOP and Inserm to count the number of victims of sexual violence in other environments of socialisation. The number of persons victims of such violence at school is estimated at 141,000<sup>141</sup> and the number of victims in sporting activities at 103,000. The same number of victims – 103,000 - is estimated for summer camps and holiday centres. In the population as a whole, 3,900,000 women and 1,500,000 men aged 18 and over, i.e. almost 5,500,000 people, have been abused as children. The survey conducted under the aegis of the Commission shows that 0.17% of women and 0.69% of men aged 18 and over were sexually assaulted during their childhood by Catholic members of clergy or religious orders. The overall percentage of persons assaulted during their childhood is extremely high: 14.5% of women and 6.4% of men.

Sexual violence committed by persons connected with the Catholic Church represented 6.1% of the total violence inflicted on children, while that committed by members of clergy or religious orders amounted to just under 4% (3.93%) of this total: 7.9% from 1950 to 1969; 2.5% from 1970 to 1989 and 2% from 1990 to 2019. However, the prevalence of sexual violence in the Church is higher than in any other sphere of socialisation, other than family and friendship circles (*cf.* C below).

Having placed these damning statistics in perspective, the Commission wishes to emphasise that the horror represented by sexual violence in French society as a whole in no way obscures the reality and seriousness of this other horror which is sexual violence in the Catholic Church. This violence is intolerable in itself, intolerable in its size and intolerable in its absolute incompatibility, not only with the law and respect of the person, but also with the mission of the Catholic Church and the message of the Gospel.

#### **b) A much lower number of identified victims but this does not invalidate the general population survey**

Analysis of the archives of the Catholic Church and the justice system and the responses to the questionnaires sent to the dioceses, orders and congregations, led to directly identifying 4,832 victims. This is the number of victims known to the Church or to the justice system - sometimes to both.

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<sup>141</sup> This number does not include, however, victims of sexual abuse committed by persons working in state boarding schools who, in a sample of the general population survey represent 30.8% of sexual assaults committed in state schools. Inserm-EHESS Report, p. 419 et seq., Table 55, Profile of the perpetrator at the first incident of sexual abuse committed on a person under the age of 18.

The massive discrepancy between the number of victims estimated by the general population survey and those identified in the archives can be explained in part by the silence of the latter: only 4% have spoken of the abuse to a member of the institution, as indicated above. Nevertheless, this rate should have resulted in approximately 13,000 victims being found in the archives - more than double the figure actually obtained through archival research. It is likely that this discrepancy reflects the fact that the Church has not recorded, documented and kept many of the cases of abuse reported to it.

Even more massive is the discrepancy between the results of the general population survey and the number of people who approached the CIASE via its appeal for testimonies. The appeal clearly identified 2,014 victims and 724 direct and indirect witnesses, i.e. 2,738 different people. Victims who called anonymously may not have been recorded as such, but this data would not significantly change the findings. In all events, the discrepancy revealed by the figure 2,738 is, more than anything, indicative of the many limitations encountered by the appeal for testimonies, as mentioned in the Inserm Report which is attached in Digital Annex 27. The appeal encountered various difficulties including a very low level of awareness of its existence among the Catholic population and, even more so, among the general population, despite the interest shown in it by the media and the Church; the difficulty for the vast majority of victims and witnesses of embarking upon the process of speaking out and breaking the silence; questions about the genuineness of the Commission's independence and position which may have influenced the decision to testify. Therefore, the sample of people who approached the Commission directly was inevitably comprised of a certain specific profile. A comparison with the results of the general population survey makes it possible to describe these specificities and thus enrich the qualitative analysis of the sociology of victims (*cf.* A to D of Section One, above)

## **2. Uncertainties around measuring the number of perpetrators of sexual violence: hypotheses which oscillate between a very high proportion of perpetrators among the clergy and a very high number of victims per perpetrator**

The Commission wishes to emphasise from the outset that it does not intend to take a position on which is worse for the Catholic Church: a high percentage of priests and members of religious orders who have committed a small number of assaults on an occasional basis, or a small percentage of top predators who, through a lack of vigilance, have harmed a huge number of victims, e.g. more than 100 during the course of an ecclesiastical or religious career.

### **a) Findings based on inventorying Church archives and the appeal for testimonies: at least 3,000 perpetrators, representing 2.5% to 2.8% of members of the clergy and religious orders**

The exercise of counting the perpetrators of sexual violence is even more delicate than that of counting the victims. One fact seems to be established with a fairly high probability: according to the general population survey, the percentage of male perpetrators of sexual abuse is 93.2% and that of female perpetrators 6.8%.

But the survey cannot determine the number of perpetrators. This, for two reasons, is very difficult to extrapolate from the number of victims: on the one hand, a large proportion of the perpetrators abused several victims - 44.6% of the victims who responded to this survey indicated that, as far as they were aware, their abuser had also abused other people. On the other hand, a significant proportion of victims were abused by more than one perpetrator. Among

victims under the age of 18 of sexual abuse committed by a member of the clergy, 69.8% declared a single abuser, 10.5% declared two and 19.7% declared more than two.

To reach an estimate of the number of perpetrators of sexual violence, the EPHE research team (*cf.* Digital Annex N°28) used the results of the questionnaire sent to dioceses, orders and congregations, archives and the testimonies collected by the CIASE. The replies to the questionnaire identify approximately 1,500 perpetrators since 1950. According to the investigative research carried out in the archives of selected dioceses and congregations, the number of perpetrators identified by the archives is 1.3 to 1.5 times higher than that resulting from the replies to the questionnaires. This is due partly to the rapid nature of the initial census and also to the failure to detect certain clues in the archives, difficult to identify at a first reading for an eye not trained to spot certain cryptic or allusive comments. Extrapolating to all the dioceses and religious congregations, we obtain a number somewhere between 1,950 and 2,250 perpetrators. At least another dozen additional cases were identified in judicial archives, to which can be added approximately 950 new cases revealed by the testimonies. The total number thus stands somewhere between 2,900 and 3,200 perpetrators for the period from 1950 to the present day. The researchers and the Commission's secretariat took meticulous care to avoid, as far as possible, based on the information available, counting the same case more than once if it had been, for instance, recorded in the archives, reported in the press and revealed in a testimony.

If the number of perpetrators is indeed 3,200, this would mean that the number of child victims per male perpetrator would be 63 which seems very high - subject to the results of the medical and psychiatric studies reported below.

This number would, in fact, be out of all proportion to the ratio of three victims per perpetrator as indicated by analysis of the archives and the replies to the questionnaires sent to the dioceses and congregations. However, this ratio measures above all the Church's attempt to identify the victims of each reported perpetrator. It reflects the fact that no investigative work has been carried out by the Church into the priest or member of a religious order accused of abuse to try to find any other people he may have abused.

In order to calculate the proportion of perpetrators we needed to know the total number of priests and members of religious orders in the period from 1946 to the present day. This was calculated on the basis of data provided, at the CIASE's request, by its mandators in a very accurate note (*cf.* Annex 19) containing information enabling the following table to be completed:

**NUMBER OF PRIESTS AND MEMBERS OF RELIGIOUS ORDERS DURING THE PERIOD 1946 TO 2019**

	Diocesan Priests	Priest member of a religious order	Non-Priest Member of a Religious Order / Monastic House	Total
Members of clergy in 1946	44 398	12 792	16 078	73 268
Ordinations from 1947 to 2019	24 100	3 860	(3 860)	27 960
Entrants to the novitiate	–	–	18 111	18 111

Total number from 1946 to 2019	68 498	16 652	30 329	<b>115 479</b>
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*Source: CIASE calculations based on the CEF note in Annex 19.*

From this table, it can be deduced that the proportion of priests and male members of religious orders who perpetrated sexual violence is close to 3% - between 2.5% and 2.8%.

This rate of 2.5% to 2.8% seems low in comparison with the international comparisons available, which are between 4% and 5% in Germany and the United States, and as high as, or even higher than, 7% in Australia and in some Irish dioceses (*cf.* below).

However, in the Netherlands,<sup>142</sup> the rate of abuse among members of the clergy and religious orders might not reach 3%. As Inserm has noted (*cf.* below), the rate of sexual violence among people over the age of 40 who attended Catholic Church in the Netherlands is very close to, or possibly even slightly higher than, that of France. It would therefore be logical to consider, in the absence of any circumstances allowing us to distinguish the two countries with regard to this data, that the rate of perpetrators compared with the total number of clergy and other male members of religious orders in France, is not significantly different from the rate in the Netherlands.

Furthermore, it is clear that the estimation of the number of perpetrators in all the countries which have undertaken similar research, has been afflicted by the biases and underestimations specific to work on archives (the non-recording of facts or the destruction - legal or otherwise - of documents), but the EPHE does not appear to have been confronted with biases any greater than those encountered by the foreign teams. On the contrary, its researchers had direct access to the archival files of dioceses and congregations, which was not the case in either Germany or the United States. It must be said also that the EPHE carried out its work with the greatest care and assiduity.

It is also true that findings based on archival research depend not only on the actual number of perpetrators, but also on the number of reports of the perpetrators made by victims or witnesses and the subsequent documentation by the Church and the courts of these reportings. The results obtained are, therefore, as much a reflection of the prevalence of sexual violence as they are of its institutional treatment. But again, while this observation may explain certain underestimations, it does not invalidate the apparent rates observed in France and the Netherlands in comparison with those of other countries.

These initial estimates can be put in perspective firstly with the help of scientific literature concerning the number of victims per perpetrator of sexual violence and the work carried out for CIASE by Ms Florence Thibaut and secondly, with the hypotheses developed by the Commission.

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<sup>142</sup> In 1967, the Netherlands counted 13, 500 priests, not inclusive of members of religious orders or monastic houses. All combined, the figure stood nearer to 20,000. For the period 1940 to 2010, the total number of clergy and members of religious orders approached, or even exceeded 40,000. Since 800 perpetrators have been identified during this period in the Netherlands, the rate of perpetrators in this country may not be significantly higher than 2%.

## **b) Putting the information into perspective by comparing it with existing scientific literature on perpetrators of sexual violence: a variable, but potentially very high, number of victims per perpetrator**

The Commission looked into ways of fine-tuning the interpretation of the above findings, in the light of available scientific literature on the number of victims per perpetrator of sexual assault. In this respect, it is indebted to Ms Linda Tromeleue, a clinical psychologist and member of the Independent Commission on Incest and Child Sexual Abuse (CIIVISE) for the elements reproduced in the following box, which summarise the findings of the scientific literature of the 2000s.

### **WHAT SCIENTIFIC LITERATURE CAN TEACH US ABOUT THE NUMBER OF VICTIMS AND THE FREQUENCY WITH WHICH ACTS OF CHILD SEXUAL ABUSE ARE PERPETRATED (2009)**

Two reviews (1, 2) were selected from the literature that provided data on the number of victims and the frequency of the acts of sexual abuse. Cohen *et al* (1) reported the following results on the number of victims: a 1967 study of a sample of 376 paedophiles in institutions convicted of sexual assault on children under the age of 11 showed that the number of convictions for sexual assault varied from 1.57 to 2.24. However, when confidentiality and data protection were guaranteed, the paedophiles admitted to more acts; in another study, 453 paedophiles recruited into treatment programmes admitted to an average of 236 acts and 148 victims per paedophile. When limited to physical contact, 371 perpetrators admitted an average of 210 acts and 104 victims.

The same authors (1) summarised the data on the number of victims as follows: the median for paedophile abusers of boys not known to them was 10.7 acts and for abusers of girls not known to them 1.4 acts; the median in incest cases was 4.4 acts against girls and 5.2 acts against boys; the average number of victims for perpetrators of acts of sexual abuse against unknown boys was 150.2 victims; for perpetrators of acts of sexual abuse against girls 19.8 victims, and in cases of incest 1.7 victims for boys and 1.8 victims for girls.

Hall *et al* (2) reported the following results: in a study of a sample of 377 non-incestuous, non-incarcerated paedophiles who had served their prison sentences and who were included in an anonymous survey, heterosexual paedophiles reported sexually abusing 19.8 children and committing 23.2 acts and homosexual paedophiles reported sexually abusing 150.2 children and committing 281.7 acts. Heterosexual paedophiles reported sexually abusing on average 1.8 children and committing 81.3 acts and homosexual and incestuous paedophiles reported sexually abusing on average 1.7 children and committing 62.3 acts.

In France, a 2007 study by Saint-Martin *et al* (3), conducted with a sample of 756 victims of abuse, of whom 496 were children under the age of 15, found the following: in cases of intrafamilial sexual abuse, 38 child victims under the age of 15 reported a single event and 71 repeated events; in cases of extrafamilial sexual abuse, 63 child victims under the age of 15 reported a single event and 27 repeated events.

#### **Summary**

There is a high variability in the number of victims and the frequency of acts of sexual abuse committed by paedophiles. It appears that depending on the context of the perpetrator, there is significant under-reporting of the acts committed. Nevertheless, these studies show that the number of children abused per paedophile is often high.

(1) Cohen LJ, Galynker II. *Clinical features of paedophilia and implications for treatment*. J Psychiatr Pract 2002; 8(5): 276-89.

(2) Hall RCW, Hall RCW. *A profile of paedophilia: Definition, characteristics of offenders, recidivism, treatment outcomes, and forensic issues*. Mayo Clin Proc 2007; 82(4): 457-71.  
(3) Saint-Martin P, Bouyssy M, O'Byrne P. *Analysis of 756 cases of sexual assault in Tours (France): medico-legal findings and judicial outcomes*. Med Sci Law 2007 ;47(4): 315- 24.

*Source: Haute Autorité de santé [Public Health Department] : The care management of perpetrators of acts of sexual abuse against children under the age of 15" July 2009, p. 36*

These documents show, in particular, that the number of underage male victims of a paedophile offender can be extremely high (around 150 victims per offender for Cohen and Hall). This is in line with the CIASE investigations which, having traced the activity of one particular priest over several decades, found that he had abused many children and, what's more, in totally different places and ministries.

For her part, Professor Florence Thibaut, a member of CIASE, has identified in an ongoing and as yet unpublished study of 350 perpetrators of abuse, an average of 2.8 victims per perpetrator, with extreme values ranging from 1 to 30 victims. Only 10 perpetrators abused more than 5 victims.

In her analysis of the legal case files of clerical perpetrators (*cf.* Digital Annex 30), Florence Thibaut concludes an average of about 7 victims per perpetrator, detailed as follows:

*“On average, the number of different victims is 7.5 among child sexual abusers (28 perpetrators; minimum 1, maximum 57) and 4.6 among adult sexual abusers (5 perpetrators; minimum 2, maximum 11). Those who exclusively abused underage male victims have an average of 5.75 different victims (16 perpetrators; minimum 1, maximum 22); those who exclusively abused underage female victims have an average of 2.6 different victims (3 perpetrators; minimum 2, maximum 3) and when the underage victims are of both sexes, the average number of victims is 12.2.”*

The significant differences in these scientific studies, whether related to the profile of the perpetrator, the profile of the victim and the context of the abuse, or to the statistical differences between average and median values,<sup>143</sup> do not allow us to rule out the hypothesis either of a large number of victims per perpetrator, or that of a large number of perpetrators with a smaller number of victims per perpetrator.

Nevertheless, it follows from these studies that a predator can have a number of victims that is much higher than the average resulting from the 2.8% rate observed in France (i.e. 63 victims), especially when his target is male children, as is very much the case in the Catholic Church. The Commission, therefore, considers that a rate of around 3% cannot be ruled out, but that this would constitute a minimum threshold rather than a definitive estimate.

### **c) The presentation of several hypotheses in an attempt to quantify the number of perpetrators of sexual abuse**

Given the uncertainties associated with directly calculating the number of members of clergy and religious orders who have committed sexual violence and the discrepancies in scientific literature, the CIASE felt that it might be useful to present several hypotheses

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<sup>143</sup> Less well known than the mean, the median is the value that separates the sample into two equal parts. The median makes it possible to erase the extremes, which better reflects the reality of the situation when the sample includes very disparate values. For example, for a sample of five perpetrators who abused 1, 2, 5, 25 and 117 people respectively, the mean will be 30 victims per perpetrator, and the median 5.

corresponding to the rate of perpetrators of sexual violence in the total population of priests and members of religious orders over the period concerned, i.e. 115,479 men, as indicated above.

Three hypotheses are presented, corresponding to rates of 2.8%, 5%, and 7% of perpetrators among the population of priests and members of religious orders, which would indicate approximately 3,200, 5,800, and 8,100 perpetrators respectively. Each of these hypotheses corresponds to an average number of victims per perpetrator of 63, 35 and 25 respectively. Other hypotheses are possible and can easily be calculated on the basis of a rule of three. The hypotheses presented here do not reflect any opinion held by CIASE regarding the actual number of perpetrators but simply allow us to sketch out a possible spectrum of the prevalence of sexual violence and provide a point of comparison with the results published by similar foreign commissions, in view of the impossibility of establishing a definite figure for the number of perpetrators of sexual abuse in the Catholic Church.

Thus, an already high average number of victims per perpetrator (25 victims) would imply that 7% of clergy and members of religious orders since 1946 have been guilty of acts of abuse. A 5% rate of perpetrators would imply a larger number of victims per perpetrator (35). The rate (2.8%) based on analysis of the archives and information revealed by the appeal for testimonies gives a number of victims (63) per perpetrator that is not repudiated by some of the scientific literature. For the number of victims per perpetrator to fall to 17, the total number of perpetrators would have to reach 11,500, which would mean that 10% of priests and members of religious orders since 1946 have committed acts of sexual violence. This number and rate are implausible. This case scenario also has to take into consideration that these calculations do not reflect, due to the lack of sufficient data, the fact that many people have been victims of more than one perpetrator: this implies that the average numbers of victims per perpetrator presented in the table are in fact a strict minimum and would increase if this factor (being the victim of more than one perpetrator) were taken into account.

It should also be noted that, although a certain number of perpetrators of violence are women, an analysis of the proportion of female perpetrators in the population of sisters is not carried out here, as their very small number - both in the questionnaires filled out by the dioceses and congregations (seventeen cases) and in the general population survey (6.8% of persons assaulted for the first time before the age of 18 by a person connected to the Church were abused by a woman) - does not allow for reliable analysis. In addition, specific work remains to be done to quantify the abuse of adults, particularly in congregations. The data collected in the general population survey was considered insufficient or not usable.

**ESTIMATED NUMBER OF PRIESTS OR MEMBERS OF RELIGIOUS ORDERS WHO COMMITTED SEXUAL OFFENCES OVER THE PERIOD 1946 TO 2020, ACCORDING TO THE DIFFERENT HYPOTHESES OF THE AVERAGE NUMBER OF VICTIMS PER PERPETRATOR**

	Hypothesis 1	Hypothesis 2	Hypothesis 3
Percentage of perpetrators among the total number of priests and members of religious orders	2,8 %	5 %	7 %
Which equals a rate of priests and members of religious order perpetrators	3 200	5 800	8 100

Number of victims per perpetrator	63	35	25
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*Source: CIASE calculations, based on the number of child victims of priests and members of religious orders estimated by the general population survey.*

*Interpretation: Given the total of 216,808 child victims of priests and members of religious orders, estimated in the general population, a proportion of 2.8% of perpetrators among priests and members of religious orders over the entire period (i.e. approximately 3,200 members of clergy or religious orders) would correspond to an average number of victims per male perpetrator (member of clergy or religious order) of 63. A proportion of 5% (i.e. approximately 5,800 perpetrators) would be equivalent to an average of 35 victims per male perpetrator (member of clergy or religious order).*

The establishment of these hypotheses was made possible by the unprecedented work of estimating the number of victims carried out by Inserm at the request of the CIASE, as well as by the list of priests and members of religious orders provided by the Bishops' Conference of France and the Conference of Brothers and Sisters of France.

In conclusion, while acknowledging that estimates based on archives and an appeal for testimonies may suffer from bias (because not all assaults were declared and, when they were, they were not necessarily documented in writings preserved to this day), the Commission believes that a rate of around 3% of priests and members of religious orders who committed sexual violence against children, constitutes a minimum rate and a relevant point of comparison with other countries.

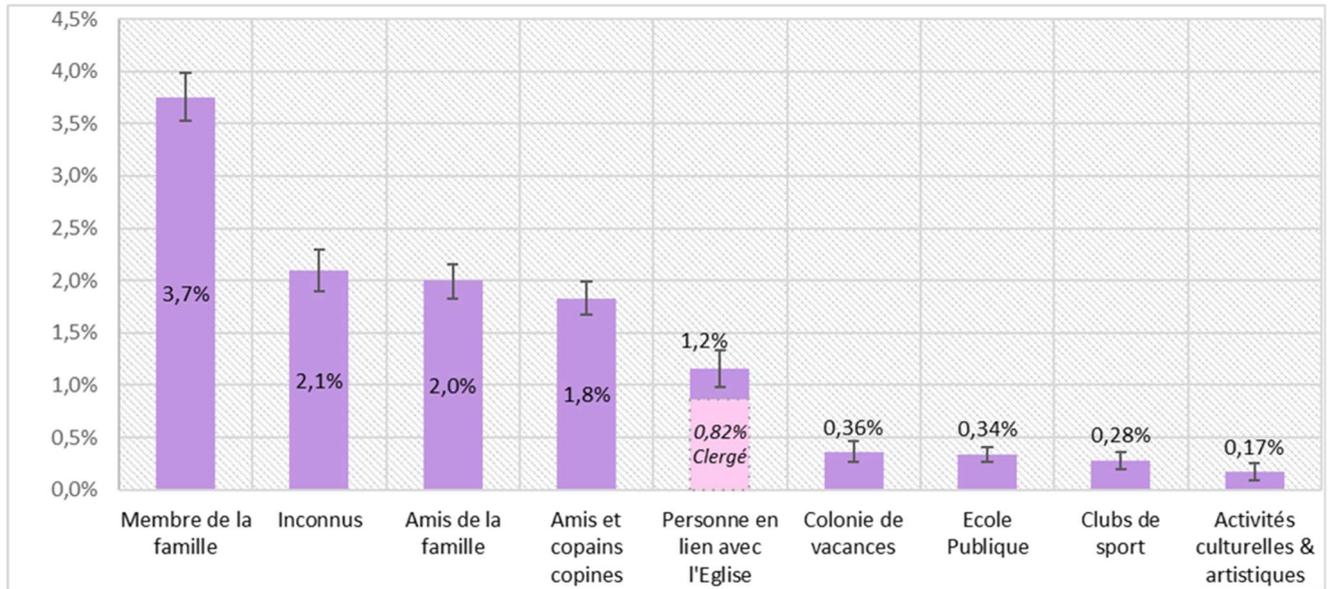
Subsequent work will make it possible to corroborate or modify these results in France and in comparable countries.

### **C. DATA ALLOWING A COMPARISON WITH OTHER SPHERES OF SOCIALISATION, WITH THE EXCEPTION OF FAMILY AND FRIENDS, SHOWS A HIGHER PREVALENCE IN THE CATHOLIC CHURCH**

The sheer scale of the number of victims estimated by the scientific investigation carried out under the aegis of the Commission raises the question of the particularity of the Catholic Church: did these offences specifically concern the Church or were all institutions involved with young people affected in the same manner? For the first time in France, the data collected and analysed by Inserm on behalf of the CIASE provides an answer to this important question and invalidates the “relativist” theory, according to which the prevalence of child abuse and sexual violence against vulnerable adults in the Catholic Church was simply a reflection of the mores of the time.

The general population survey identifies the different environments in which the offences reported by the survey’s respondents took place, and thus makes it possible to compare the prevalence of abuse in the Catholic Church with other social environments - a comparison that is essential for an informed analysis of the phenomenon. The graph below shows the results obtained by measuring the number of victims (the numerator) against the number of people in each social environment (the denominator) to obtain a rate of prevalence. The key specifies the denominator used for each population.

**PERCENTAGE OF RESPONDENTS WHO INDICATE HAVING BEEN SEXUALLY ABUSED BEFORE THE AGE OF 18 BY PERPETRATOR OR CHILDHOOD SOCIALISATION ENVIRONMENT**



- Member of the family
- Stranger
- Friend of the family
- Friends
- Person connected to the Church
- Summer camp
- State school
- Sports clubs
- Cultural or artistic activities

Source: Inserm-CIASE General Population Survey 2020

Interpretation: 3.7% of persons over the age of 18 in mainland France were sexually abused as children by a member of their family:

NB: Denominators:

- Total sample for members of the family, family friends, friends, strangers and others
- Persons involved in Church related activities during childhood
  - o Catholic scouts
  - o Youth Catholic Movement
  - o Catechism or Catholic Chaplaincy
  - o Catholic boarding school
- Persons having gone to a state school : total sample to which a state/private progressive rate was applied dependant on year of birth
- Persons having attended summer camps
- Persons having attended sports clubs in their childhood
- Persons having attended cultural or artistic activities in their childhood

In total, in the general population, 14.5% of women and 6.4% of men report having been sexually abused under the age of 18. While the family is by far and away the first social environment in which sexual offences against children occur - 3.7% of the mainland population has been sexually abused by a family member before the age of 18, and 2% by a family friend - with strangers and close friends coming second with rates which are also high (around 2% each), the Catholic Church comes next and is, proportionally, the first environment concerned by sexual violence against children and, consequently, the first of all institutions, public or private concerned: 1.2% of persons who participated in a Church-related activity as a child (Scouts, Catholic Youth Movement, catechism, chaplaincy, day or boarding school) declare

having been assaulted by a person connected with the Church before the age of 18.<sup>144</sup> This drops to 0.82% if sexual violence committed by laypersons is excluded.

Sexual abuse is, in particular, more frequent in the Catholic Church than in other socialisation spheres (with the exception of the family and friends circle) such as summer camps and holiday centres (0.36%), the French national education system (0.34%),<sup>145</sup> sports clubs (0.28%) or cultural and artistic activities (0.17%). A conclusion which can, on a sociological level, be drawn from this is that the two institutions which operate on a patriarchal model – explicit in the case of the Church and implicit in the case of the family - favour the exposure of socially “dominated” people, such as women and children, to male violence.

It is possible that some respondents did not indicate having participated in particular activities during childhood and are therefore excluded from the denominator of these ratios, which would lead to an overestimation of the rate of abuse. It is also possible that the duration of activities (and consequent exposure to the possibility of abuse) differed from one instance to another: for example, one may have gone to Sunday school for 8 years but only had music lessons for a year, or have encountered the perpetrator every day for two weeks during scout camp and but one hour a week for a music lesson. But the reverse may also have been true: 10 years of football stadiums and changing rooms with weekly training sessions and matches versus one hour of catechism lessons every fortnight between *CE1* and *CM2* (UK: Years 3 to 5 / USA: 3<sup>rd</sup> to 5<sup>th</sup> Grade). The data presented should therefore not be interpreted as intrinsic rates of violence in any particular sphere of socialisation. The fact remains that when more than 14% of women and 6% of men of the French population aged over 18 today - i.e. approximately 5.5 million people - suffered from sexual violence during their childhood, this data reflects the cumulative risk of violence which is significantly different, from a statistical point of view, from one sphere to another: the highest risk lies in the family in its broadest sense, next within the child’s close entourage, then come strangers and lastly, public and private institutions with, in first place, the Catholic Church, ahead of holiday centres and summer camps, state education, sports clubs or cultural activities.

Further research will be welcome to fine-tune the above study, which was not central to the CIASE’s mandate but which it was keen to conduct for the sake of scientific rigour and the objectivisation of the specificities of the Catholic Church with regard to an issue which crosses all spheres of socialisation.

## **D. THE SOCIOGRAPHY OF ABUSE WHICH EMERGES FROM THE QUANTITATIVE ANALYSIS DOES NOT SHOW A LESSER EXTENT OF THE PHENOMENON IN THE CHURCH**

Over and above a purely quantitative analysis of acts of sexual abuse, the general population survey carried out by Inserm for CIASE contains a certain amount of information that makes it possible to identify certain ecclesiastical specificities, i.e. certain characteristics of sexual assaults perpetrated by clergy that, depending on the situation, are either similar to, or distinguish the Catholic Church from, other socialisation environments. In this respect, the

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<sup>144</sup> Members of the Catholic clergy, people working in Catholic day and boarding schools, laypersons involved in catechism or a Catholic chaplaincy or Catholic youth movements.

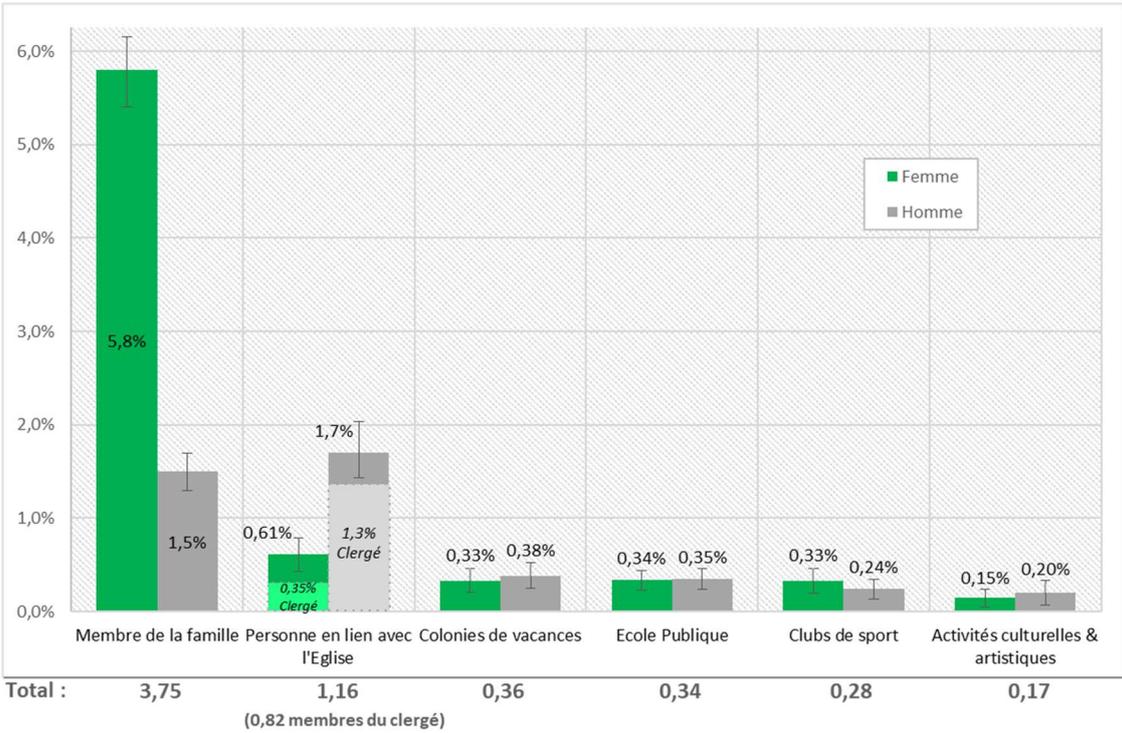
<sup>145</sup> This rate was determined without taking into account sexual violence committed by people working in state boarding schools.

Inserm report highlights the importance of the victim’s gender as well as certain specificities of the offences committed.

**1. An Ecclesiastical Specificity Linked to the Prevalence, by Gender**

The following graph is the same as the one reproduced above on the comparative prevalence of the phenomenon by socialisation environment, but adds the gender of the victim into the equation.

**PERCENTAGE OF GIRLS AND BOYS WHO REPORT HAVING SUFFERED SEXUAL VIOLENCE BEFORE THE AGE OF 18 BY PERPETRATOR OR SOCIALISATION ENVIRONMENT**



- Member of the family
- Stranger
- Friend of the family
- Friends
- Person connected to the Church
- Summer camp
- State school
- Sports clubs
- Cultural or artistic activities

Source: Inserm-CIASE General Population Survey 2020  
 NB: (Same denominators as for the total rates)  
 Interpretation: 5.8% of women over the age of 18 in mainland France were abused by a member of their family during their childhood.

This graph shows how, within incestuous families, young girls are much more affected than young boys: 5.8% of women over the age of 18 have been subjected to abuse within the family during childhood, compared to 1.5% of men of the same age. Conversely, in the ecclesiastical sphere, 0.6% of underage girls have been subjected to abuse, compared to 1.7%

of boys. Moreover, and in contrast, in the other three spheres of socialisation studied (summer camps, state school and sports clubs/cultural activities), the rate of sexual abuse based on the gender of the underage victim does not at all show the same imbalance. In other words, three quarters (74.2%) of child victims of a first abuse committed by a non-cleric are women (or girls), whereas four fifths (78.5%) of child victims of a first abuse committed by a member of clergy or a religious order are men (or boys).<sup>146</sup>

According to the theory advanced by the Inserm researchers, the inversion of what demographers call the “gender ratio” between the family institution and the ecclesiastical institution largely reflects an “opportunity effect”. It also reflects the weight of social patterns which cause men of the cloth to preferentially assault pre-adolescent boys. This ties in with the above theory, according to which the opportunity effect, which is certainly a strong argument - the victims being mainly pupils from single-sex day or boarding schools, choir boys or scouts in predominantly single-sex groups - is nevertheless not sufficient to account for such disproportion. According to Inserm, among the other social and institutional rationales at work among clergy perpetrators are: the modalities of the transmission of faith, the call to vocation, the hypothesis of a development of sexual maturity fixed in pre-adolescence at the age of the first callings of a vocation or the possible consequences of priesthood training being separated from the secular world, out of both a scrupulous concern for the future priests’ own purity and out of a relative fear of the female figure (*cf.* part IV-C). While these social and cultural causes deserve consideration, the possibility that the prevalence of sexual abuse in the Catholic Church may be due to atypical psychological profiles with a particular paraphilia of sexual inclination towards male children, cannot be excluded.

## **2. The seriousness of the violence: the proportion of rape is not very different to that of sexual violence in society as a whole, but the abuse is more often repeated**

Sexual violence, as we have seen, covers a variety of acts of varying severity: rape or attempted rape, inappropriate touching and other forms of abuse. From this point of view - and contrary to the common belief that acts perpetrated in an ecclesiastical setting, often euphemised as “clumsy gestures” or “difficulties with children”, are less serious than the same acts committed in other settings - sexual abuse of children committed within the Catholic Church is not significantly different from that committed by other types of perpetrators of sexual violence. In the general population survey, 32% of sexual violence committed against children by members of clergy or religious orders was rape. The proportion of rape is slightly higher - 38% - for sexual violence committed by persons other than clergy or members of religious orders.<sup>147</sup>

On the other hand, sexual abuse committed by members of clergy are distinguished by the fact that they are much more likely to be acts of repeated violence than those committed by other types of perpetrators. According to a 2006 survey on the context of sexuality in France, “persons reporting acts committed by a single perpetrator on a single occasion are more numerous than those reporting repeated acts of violence, regardless of the age at which the first forced or attempted intercourse occurred (before or after the age of 18)”.<sup>148</sup> The general population survey carried out by Inserm on behalf of the CIASE confirms this fact: according

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<sup>146</sup> Inserm-EHESS Report – Table 49 p 416

<sup>147</sup> Inserm-EHESS, t Report – Table 50 p. 419 et seq.

<sup>148</sup> N. Bajos, M. Bozon, “*Les agressions sexuelles en France : résignation, réprobation, révolte*”, quoted on p. 388.i

to the estimate that emerged from the survey, 51% of victims of sexual violence, all perpetrators and all places combined, were victims of violence on only one occasion. However, when it comes to violence committed within the Church, only 36% of those abused by a member of clergy or of a religious order experienced only one incident of sexual violence.

All the other persons assaulted by a member of the Catholic clergy either suffered repeated violence from the same member of clergy or were abused by more than one perpetrator. In the general population survey, the proportion of people who have been victims of multiple perpetrators is 53% for child victims of sexual violence committed by a member of clergy or of a religious order. These other perpetrators are connected to the Church for only 30.2% of victims of members of clergy or religious orders. Persons sexually assaulted by a person connected with the Church have often already been, or will be, sexually assaulted by one or more perpetrators from outside of the Church. This multiplicity of perpetrators is much less marked among victims of sexual violence in the general population, who are abused by multiple perpetrators in 29% of cases according to the general population survey. This characteristic of sexual violence committed in the Church suggests an unbalanced, institutionalised, power relationship, which is exercised over more fragile people, in situations of greater dependence, than in other socialisation environments, apart from the family. As regards the repetition of violence by the same perpetrator, it appears to be more prevalent in the Church than in other socialisation environments: it emerges from the general population survey that repeated violence by the same perpetrator concerns 58.5% of victims of sexual violence by a member of clergy or of a religious order as opposed to 44.7% of victims of sexual violence by all perpetrators combined; still according to the general population survey, the violence perpetrated by the first perpetrator lasted more than 5 years for 6% of the general population, as opposed to 14% of the population abused by a member of clergy or of a religious order.

Having begun its report with a review of the impact sexual violence inflicted in an ecclesiastical context has had on its victims, the CIASE is insistent that the preconceived idea according to which these acts of sexual violence are, from a factual viewpoint, more “venial” than those perpetrated in other socialisation environments, is totally misguided.

**E. THE LIMITED INTERNATIONAL COMPARISONS DO NOT INVALIDATE THE ESTIMATED SIZE OF THE PROBLEM OF SEXUAL VIOLENCE IN THE CATHOLIC CHURCH IN FRANCE**

**a) Parallels with the Catholic Church in other countries are limited from a methodological point of view**

In its report, the EPHE research team listed the main numerical findings of the CIASE counterpart commissions in other countries, regarding the number of victims of sexual violence in the Catholic Church and the number of perpetrators of such violence.

**PRINCIPAL RESULTS OF THE INVESTIGATIONS INTO SEXUAL ABUSE BY FOREIGN COMMISSIONS**

Country	Victims	Perpetrators
United-States of America	15, 736	5, 948, namely 4.8% of the clergy

Child sexual abuse between 1950 and 2010 <sup>149</sup>		
Germany Child sexual abuse between 1946 and 2014 <sup>150</sup>	3, 677	1,670, namely 4.4% of the diocesan clergy
The Netherlands Child sexual abuse between 1945 and 2008 <sup>151</sup>	More than 17, 000 among the population aged over 40, namely 1.7% of Dutch people over the age of 40	800
Belgium <sup>152</sup>		
<i>Prosecution Service: Child sexual abuse between 1930 and 2011</i>	201	
<i>Episcopal Conference of Belgium: Child sexual abuse between 1960 and 2010</i>		134
<i>Flemish Union of Religious Orders: Child sexual abuse between 1960 and 2010</i>		109
<i>Conference of Brothers and Sisters (French- speaking) of Belgium: Child sexual abuse between 1960 and 2011</i>		30
<i>Adriaenssens Commission: Between 1930 and 2010<sup>153</sup></i>	507	504
Australia, sexual abuse criminal complaints between 1980 and 2015 <sup>154</sup>	4, 444	1, 165
Ireland, child sexual abuse in institutions for children closed between 1936 and 1989 <sup>155</sup>	369	422 perpetrators of which 195 were clergy members

Source: EPHE Report, pp. 18-19.

<sup>149</sup> John Jay College of Criminal Justice, *The Nature and Scope of the Problem of Sexual Abuse of Minors by Priests and Deacons*, Washington, DC: United States Conference of Catholic Bishops, 2004; Karen J. Terry, *The Causes and Context of Sexual Abuse of Minors by Catholic Priests in the United States, 1950-2010*, Washington, DC: United States Conference of Catholic Bishops

<sup>150</sup> *Sexueller Missbrauch an Minderjährigen durch katholische Priester, Diakone und männliche Ordensangehörige im Bereich der Deutschen Bischofskonferenz*, 2018.

<sup>151</sup> *Wim deetman seksueel misbruik van en geweld tegen meisjes in de rooms-katholieke Kerk een vervolgonderzoek*, 2013 ; Willemien Langelanda Adriaan W. Hoogendoorn, Daniel Mager, Jan H. Smit, Nel Draijer, « Childhood sexual abuse by representatives of the Roman Catholic Church: A prevalence estimate among the Dutch population », *Child Abuse & Neglect*, vol. 46, 2015, p. 67-77.

<sup>152</sup> Belgian Chamber of Representatives, 31/03/2011, « *Le traitement d'abus sexuels et de faits de pédophilie dans une relation d'autorité, en particulier au sein de l'Église* ». Report drawn up on behalf of the special commission for the management of sexual abuse and acts of paedophilia in authority relationships in particular in the Church, by Ms Sophie De Wit and Ms Marie-Christine Marghem, and Mr Raf Terwingen and Mr Renaat Landuyt.

<sup>153</sup> « *Rapport des activités de la Commission pour le traitement des plaintes pour abus sexuels dans une relation pastorale* », 2010

<sup>154</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of Child Sexual Abuse Made With Respect to Catholic Church Institutions in Australia*, 2017

<sup>155</sup> Commission to Inquire on Child Abuse Report, vol. III.

The purpose of the CIASE here is not to provide a true comparative analysis of the work of the various commissions that preceded it, since, despite a common theme, their approaches and methods vary, each having its own merits. We will simply sketch two analogies, one concerning measurement of the number of victims, the other measurement of the number of perpetrators of sexual abuse.

**b) A percentage of victims in the population similar to that measured in the Netherlands and probably lower for persons who attended the Catholic Church**

At the time of the Commission's work, a general population survey of the number of victims had only been conducted in a similar fashion to the CIASE's in one other country - the Netherlands. However, the commission chaired in the Netherlands by Mr Wim Deetman did not use the same methodology and its survey was limited to the population aged over 40, considered to be that most affected.

The results showed that 1.7% of the general population over 40 (2.7% of men and 0.7% of women) had been assaulted before the age of 18 by a person connected to the church, compared to 0.7% of the over 40s in the French survey (1.1% of men and 0.3% of women). Although the French rates are lower than those of the Netherlands, there is no significant difference, as analysed in the Inserm report which extracted from its own survey the data directly comparable with that of the Dutch report, as the confidence intervals overlap. It cannot therefore be said that sexual violence committed by Catholic members of clergy or religious orders in France is any lower than that committed by the Catholic members of clergy or religious orders in the Netherlands. In any event, it is clear there have not been proportionally more cases of sexual violence in France than in the Netherlands.

However these initial observations need correcting in so far as more than 60% of the French population over the age of 40 was in close contact with the Catholic Church during their childhood and youth (catechism classes, chaplaincies, Catholic youth movements, Catholic day or boarding schools, etc.) whereas this proportion would necessarily have been lower in the Netherlands where, other than persons brought up in a non-Christian religion or with no religion at all, there is a fairly equal number of Catholics and Protestants. Therefore, taking into account the percentage of the population that has been socialised in the Catholic religion, there seems to be no doubt that the prevalence of sexual violence committed in the Catholic Church was lower in France than in the Netherlands. Further studies are needed to clarify and confirm this point.

**c) In France, the number of perpetrators of sexual abuse identified in the archives is situated at the lower end of the ratios identified by archival investigations in other countries**

As has been said, the proportion of members of clergy or religious orders identified as perpetrators of sexual abuse in France, particularly from the archives, is a minimum of 2.5% to 2.8% and, although lower than the proportions found by foreign commissions on the basis of archives or testimonies, is of an order of magnitude which is not so very different. In this respect, the Commission believes that it has probably had access to a wider variety of sources than the commissions which preceded it in other countries.

For example, in the United States, the benchmark John Jay College survey published in 2004,<sup>156</sup> based on records provided by dioceses and religious communities, estimated that 4.8% of practising Catholic priests during the period 1950-2002 had been accused of child sexual abuse. Similarly, in Germany, the study by a research consortium of Catholic Church archives - obtained through the intermediary of lawyers - found that 1,670 priests or other members of religious orders (4.4% of practising clergy) between 1946 and 2014, had been accused of child sexual abuse.<sup>157</sup> In Australia, the *ad hoc* Royal Commission calculated, based on the testimonies of victims, that 2,410 priests or members of religious orders (7% of practising clergy) between 1950 and 2010, had been accused of child sexual abuse.<sup>158</sup> According to a report published in 2011, the commission mandated by the Irish government to investigate child sexual abuse in the diocese of Cloyne received reports of 12 cases of abuse out of 163 clergy (7.6%) practising in the year 1996.

It is to be hoped that further research will enable such comparisons to be made in greater depth with comparative analysis and views leading to more reliable results.

Cross-analysis with the situation of other religions would also be extremely helpful.

Although the general population survey included a question about the perpetrator's religion, the number of victims who reported their abuser's religion as anything other than Catholic (16) is too low to be reliably usable. Therefore, although raw data on this point is included in the Inserm study annexed to this report, no extrapolation of the information should be made.<sup>159</sup>

In the context of the Commission's qualitative analysis, hearings of representatives of other religions were organised by the working group on the assessment of the measures taken by the Catholic Church to combat sexual abuse, particularly with a view to benchmarking them (cf. Part II). These hearings allowed us to see that the phenomenon of sexual violence also affected other religions, although the discussions did not focus on quantifying the prevalence of recorded offences, since this was not the purpose of the meetings. However, the activities of this working group led its members to realise that there exists no tool for measuring and monitoring the phenomenon within the various churches, in particular not within the Catholic Church, as the reports of the Permanent Unit for the Prevention and Fight against Paedophilia, which is part of the CEF's General Secretariat, published to date, do not present any statistical apparatus as such, only a non-exhaustive inventory of the cases brought to its attention by the dioceses (*cf.* below).

However, the Commission has become convinced that to fight well, one must be able to count clearly. An ongoing, increased awareness and knowledge of the phenomenon is required to fight effectively against the sexual abuse of children and vulnerable persons in the Church

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<sup>156</sup> John Jay College of Criminal Justice, *The nature and scope of sexual abuse of minors by Catholic Priests and Deacons in the United States 1950-2002* [A Research Study Conducted by the John Jay College of Criminal Justice in the City University of New York], 2004.

<sup>157</sup> H. Dressing, D. Dölling, D. Hermann, A. Kruse, E. Schmitt, B. Bannenberg, K. Whittaker, A. Hoell, E. Voss, H.J. Salize, « Child Sexual Abuse by Catholic Priests, Deacons, and Male Members of Religious Orders in the Authority of the German Bishops Conference 1946-2014 », *Sexual Abuse*, 2019, 1-21.

<sup>158</sup> Royal Commission into Institutional Responses to Child Sexual Abuse (2017). Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia.

<sup>159</sup> In the survey sample, sexual violence perpetrated by a person with a religious role and responsibilities in a religion other than Catholicism represents 11.8 % of the overall sexual violence committed within a religious context. Inserm-EHESS Report, Table 55, Type of perpetrator at the first act of abuse under the age of 18, p. 419 et seq.

as this, in turn, will make it possible to measure, year after year, just how effectively the fight is being waged. This is why the CIASE recommends that the future “national department responsible for the protection of minors, the fight against paedophilia, the promotion of vigilance and training in pastoral relations”,<sup>160</sup> under the responsibility of the new “Council for the Prevention and Fight against Paedophilia”, which will take over from the current permanent unit, working in collaboration with the CORREF, should include a robust statistical dimension in its missions and working tools. If appropriate, exchanges with representatives of other faiths could also be envisaged.

### **Recommendation N° 2:**

- In order to be able to measure more accurately the prevalence of sexual violence within the Catholic Church of France, create a joint CEF and CORREF department responsible for collecting, processing and analysing data and ensure that the said department is equipped with a solid, lasting, statistical tool, used by all dioceses and congregations.

- Ensure that the said department is in contact with the other services responsible for monitoring sexual violence in public and private institutions.

- Monitor and assess cases of violence in the Church; produce an annual report; ensure contact between victims, their organisations and religious authorities.

- Ensure that the said department has the help of an independent committee of experts.

- Investigate the possibility of setting up a hotline in the Church (or in conjunction with other institutions) for victims of sexual violence. (cf. Recommendation N° 15).

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At the end of this inventory of sexual violence in the Catholic Church in France since 1950, established with the help of numerous disciplines, which concludes with a numerical estimate indicating the existence of some 216,000 victims who were children at the time (two hundred and sixteen thousand!), the light cast on this phenomenon by the CIASE reveals a damning reality. The Commission therefore felt that it was all the more necessary for it to draw up its diagnosis, which forms the second part of the report, with the utmost assiduity.

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<sup>160</sup> Under the terms of the resolution adopted by the CEF at the Bishop’s meeting in late March 2021, this department “shall be responsible for conducting quantitative and qualitative assessments of its work and, notably, to produce an annual report under the supervision of the Council.”

## **SECTION TWO**

**REVEALING THE SHADOWS:  
THE CATHOLIC CHURCH'S ATTITUDE HAS EVOLVED  
OVER TIME BUT IT HAS REMAINED TOO FOCUSED ON  
THE PROTECTION OF THE INSTITUTION, FOR A LONG  
TIME WITH NO REGARD FOR THE VICTIMS**



Inserm's research, based on the responses to the appeal for testimonies launched by the CIASE establishes, as we have just seen, that sexual abuse perpetrated in the Catholic Church was reported to the ecclesiastical institution in 28.6% of the cases studied, on average, over the entire period under study.<sup>161</sup> Yet, only 10.2% of these reported cases received a response. 46.3% gave rise to no reaction at all and 43.5% resulted exclusively in a hearing of the persons concerned.

Marie Jo Thiel, who was heard by the Commission during a plenary session, says in her book published in 2019, entitled *L'Église catholique face aux abus sexuels sur mineurs*, that the former promoter of justice in Rome (equivalent to a prosecutor in a judicial system) Monseigneur Charles Scicluna, estimated in 2010 that 4,000 cases of child sexual abuse over the past fifty years had been referred to the Holy See, of which 20% had resulted in "some form of trial" and 60% had not been followed up due to the "advanced age" of the accused.

The socio-historical study conducted by the EPHE, which is based on the testimonies of victims, surveys of religious institutions, national and local church archives as well as state archives and publicly available sources such as public statistics and the press, and its survey on training on the subject of chastity, shows that sexual violence has not always been treated by the Church in the same fashion since the 1950s to the present day. Its way of dealing with the issue is, in fact, indicative of the transformation of "sensitivities" in the Church and in society in line with the increasing secularisation and individualisation of contemporary France. The study, as mentioned above, considers the Church's approach to the acts of sexual violence perpetrated within it from the perspective of the country's transition from a "society of reputation" to a "society of transparency". But overall, as we shall see, this analysis leads to the Commission qualifying the facts it observed with unequivocal severity: the systemic nature of the abuse, the prevalence of which has been demonstrated, is in no doubt, because despite the clear signals given, Catholic Church officials have been unable or unwilling to face up to the problems, to prevent them, or to deal with them with the necessary determination. It is important to search for the causes of the phenomenon. In asking "how could it have come to this?", the Commission, while placing the facts in the context of the times, deepened its study with regard to two elements specific to the Catholic Church. One, canon law and its fundamental inadequacy for dealing with sexual violence committed by clergy. Two - and more fundamentally - the deviations, distortions and perversions to which the doctrine and teachings of the Catholic Church have given rise and which are likely to have encouraged sexual violence, and the texts comprising the sacred tradition of the Church such as the Catechism which may, unfortunately, have sustained or created favourable conditions.

To conclude this section and as a transition to the more concrete recommendations to prevent the reoccurrence of the tragedies of sexual violence, as expected from the work of the Commission, particular attention is paid – as requested by the CEF and CORREF - to the measures taken by or under the impetus of the latter since the early 2000s, when the highest echelons of the Catholic Church in France began to speak publicly about, what it chose to call, the fight against paedophilia.

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<sup>161</sup> The general population survey, however, shows that only 4% of victims told someone in the Catholic Church. Inserm-EHESS Report, p.275, Table 36, a comparison of the characteristics of the first act of abuse in the appeal for testimonies and in the general population survey.

## I. ANALYSIS OF THE WAY IN WHICH THE CHURCH HAS, OR HAS NOT, HISTORICALLY DEALT WITH THE CASES BROUGHT TO ITS ATTENTION.

*Absolutely everybody knew what they were doing, I mean the two chaplains who had a reputation for touching children. We all knew at school and we weren't even teenagers yet, we hadn't gone through puberty so we talked about it with our children's words.*" (Michel, Hearing N° 84)<sup>162</sup>

*"And so the poor Parisians, they got raped systematically, until one day when one of them stabbed Father B., (...) in the grounds of the boarding school. The case was swept under the carpet at the time, or at least, I don't know, it was sorted out. (...) And then, there was a second case with Father B. (...) Father B was very, very vicious and very intelligent, the proof is that he never got caught since he finished his career in glory. He died having received all the honours of the Church."* (Michel, Hearing N° 84)

*« During the (legal) investigation, I also found out all about his past. In his home town, there had already been so much trouble that he was removed from one day to the next and sent (abroad). And when I say from one day to the next, hardly even, it happened virtually overnight. (...) He returned to the French Church. He had two stints in a psychiatric unit. At the time, by 40 years old he had admitted to his peers that he was a paedophile. (...) So he arrived and really, everybody knew. During the court case it was the same, evidence had been submitted and, in particular, letters which weren't anonymous, which had been sent to the bishopric by people I knew and which denounced the behaviour of Father X. So, the bishopric had been alerted in writing and hadn't done anything. (...). On the back of this, I lodged a criminal complaint. So, at least, the priest was suspended from the parish, he was sent goodness knows where during the inquiry. He was no longer in charge of the Parish. But, despite this, at no point did the bishop condemn him. He hid behind the sacrosanct principle of the presumption of innocence and absolutely did not want to take sides. The inquiry lasted two years and then there was the trial. »* (Sophie, Hearing N° 111)

*"On the other hand, when the trial took place, we know which side the Church was on. Clearly, all the priests present were on the side of the accused sitting in the dock. Only one priest was on our side, the parish priest. X's lawyer was paid by the Church - we had to manage by ourselves (...) What I mean is that for me, as a Christian, the Church was on both sides, that is I mean suddenly, you feel like you are no longer part of this Church, symbolically. So, yet more suffering. And for my parents... They devoted all their time to it, what with the parish council, the school... and then all of a sudden, what a betrayal, I don't know how to tell you. (...) During the court case, all the fine speeches of Vatican II... The Church was the clergy defending itself, obviously. And that day, the bishop came in self-defence mode, the priests were all in self-defence mode. Nobody said: "How much you must have suffered!" Nobody, nobody."* (Tanguy, Hearing N° 38)

### A. A CHRONOLOGICAL PERSPECTIVE SHOWS FLUCTUATIONS IN THE CHURCH'S RESPONSES AND THAT IT WAS OVERWHELMED BY MULTIPLE CRISIS

It would be wrong to say that the Catholic Church has done nothing about sexual violence committed in its midst since the 1950s. On the other hand, its actions have long been focused on supporting members of clergy and religious orders who have perpetrated sexual

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<sup>162</sup> Anonymous online hearing, 15 September 2020

abuse and, through the latter, focusing on the Church as a whole, before taking any interest in the victims of sexual violence. For a long time, it was also characterised by being dealt with purely internally with no recourse to judicial or canonical procedures.

However, the evolution of the Church's reaction cannot be disassociated from its socio-historical context. It can also be explained by the Church's gradually improved awareness of the issue and, in particular, of the suffering of the victims, and the change in its approach to state law and its reappropriation of canonical justice. The socio-historical analysis distinguishes three successive periods.

## **1. 1950-1963: Protecting the Church while ignoring the victims**

From the 1950s to the 1970s, the Catholic Church was on the defensive, in the face of a secular offensive which questioned its practices. This position was further accentuated by the significant increase in the number of clergy leaving the clerical state at the end of this period. In this context, the ecclesiastical institution was exclusively concerned with avoiding scandal and saving its "fallen" clerics. Structures internal to the Church were created for this purpose, but very soon showed their limitations. The victims, whose sufferings were totally ignored, were the great forgotten ones of this period. Not only were they not spared a thought, but they were also incited to remain silent.

### **a) A Church Protecting itself from Scandal**

There had been a relative awareness of sexual violence - both in society and in the Church - in the decades preceding the beginning of the first period studied. In the late 19th and early 20th century, newspapers and anti-clerical movements began denouncing and strongly condemning, for the first time ever, the sexual abuse committed by religious teachers, brothers or priests. A section of the liberal, Republican, socialist, anticlerical and then communist press, began publicising the trials to demonstrate the "harmfulness" of Catholic principles, or to stand against the Church, seen as an ally of conservative or right-wing parties.

The Catholic Church, for its part, took advantage of the 1917 codification of its legal system, in force since the beginning of the Middle Ages, to criminalise child sexual abuse and specify that clergy guilty of such acts risked suspension, the withdrawal of ecclesiastical office and, in the most serious cases, loss of the clerical state.<sup>163</sup> But as the reality of sexual violence committed within the Church came to light, the Church felt threatened by the secular and anti-clerical offensive which highlighted and exploited the revelations in the press. The Catholic Church, caught in turmoil, was being attacked on three levels. Firstly, the imposition of celibacy on priests, described as "unnatural" and the cause of compensatory acts, began to be questioned. Second to come under fire, was the Church's practice of regulating sexual behaviour in its teachings and in confession, both for the clergy and for the faithful. Finally, the intrusion into family privacy and the "mind control" of the faithful that such practices allowed - with the risk of substituting priests for fathers and husbands - was beginning to meet with rebellion.

On another note, since the 1880s the Church in France had focused on recruiting priests, as the number abandoning the priesthood increased towards the end of the 19th century, with priests either leaving voluntarily or being defrocked due to deviant behaviour. From the Second World War onwards, this concern was coupled with questions about the identity of priesthood,

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<sup>163</sup> Canon 2359.

which had already begun to be raised with events such as the 1905 law separating Church from State, the First World War and the development of Catholic Action, which valued lay and married life. Particular attention was paid specifically to chastity, both during the recruitment process and in the follow-up of high-risk situations.

In this context, the reality of sexual violence was dealt with according to a logic inherent to the institution. The most serious behaviour was considered that which could lead to the abandonment of the priestly ministry: heterodoxy, fatherhood, and affairs with women. If the moral “fall from grace” of the priest consisted in him leaving the Church, the challenge became, quite literally, to restore the “fallen one”, i.e. to enable the priest to be able to resume his office and be reinstated in the ecclesiastical ministry.

It was also important to avoid the scandal caused by committing sexual violence and it then being publicised and ending in court - scandal, in the theological sense of the term. As Anne Philibert<sup>164</sup> reminds us in her book *Des prêtres et des scandales*, the definition of scandal for the Church during the period under study was “shock, provocation to sin, opportunity for sin [...]. Scandal is whatever provokes indignation or revolt, because scandal causes harm, whether spiritual or material.” In this conception of scandal, the very act of scandalising constitutes a sin in itself, because the scandal provides an opportunity for the one who witnesses it to sin, most notably by renouncing his faith, which constitutes a failure of the first of the theological virtues. This explains, in the Catholic tradition,<sup>165</sup> why the gravity of the scandal is linked to the number of witnesses. The scandal endangers the spiritual life of the community and, in so doing, the community itself.

Ecclesiastical sexual violence may cause its victim to consent to the sin of lust, to commit the same sin himself and - developing an irreverence towards the priesthood and more generally towards the Church - to doubt his faith and abandon religious practice. If sexual violence is made public, it could also give rise to slander, lies, complacent description of facts, to the division of families and communities, or even to anti-clerical attacks.<sup>166</sup> Thus, scandal feeds the anticlerical polemic whose objective is to destroy the social place of the Church. If the analysis is taken further, scandal leads to a questioning of the whole social order and, by discrediting the body of beliefs and norms promoted by the Church, is detrimental to the function it wishes to hold.

The publicisation of acts of sexual violence also weakens the social hold of the ecclesiastical institution by calling into question the honour of the entire Church. The individual failings of one of the persons who are expected to comply with and enforce the beliefs and norms which they participate in disseminating, reflect on the whole institution.

The manner in which the accusations made in 1948 by five young girls against Father Louis Chauvet, a priest in Crugny in the Marne,<sup>167</sup> whom they claimed had made advances to them during confession, provides a perfect illustration of this period. The priest’s arrest divided the village between the non-practising communists and radicals on the one hand and the conservative Catholics on the other. A Jesuit was finally called in to take charge of the parish

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<sup>164</sup> Heard during the plenary session of 13 September 2019.

<sup>165</sup> This tradition moves away from the sense given by Jesus, particularly in the Gospel of Matthew (Matthew 18:6)

<sup>166</sup> For a Catholic vision of scandal in moral theology in the middle of the 20<sup>th</sup> century, cf. Jean-Benoît Vittrant, p. 97-98.

<sup>167</sup> Diocese of Reims.

and to restore the situation, in particular by trying to obtain a retraction of the accusations from the girls.

### **b) Victims not spared a thought other than being incited to remain silent**

During this first period, in which the Church was preoccupied with scandal and with the recruitment of priests, its way of dealing with sexual violence was essentially to support its priests and maintain their affiliation to the institution. It is worth noting that this approach was identical to that of what it referred to as other “deviances”.

On the negative side, this approach, exclusively oriented towards the protection of the Church, both internally and externally, totally ignored the victims of sexual violence and they are rarely mentioned in the ecclesiastical archives studied. Even when they do figure, the suffering is not commented on at all - it is not even thought of. This was an era in which the victim was regularly considered to be partly responsible for the sexual violence inflicted and in which his/her word was easily doubted.

Yet the Church’s treatment of victims during the period in question goes beyond even laying the blame at their door and the negation of their person. A study of Church archives shows that the Catholic authorities developed a number of strategies to protect the institution designed to stifle the victims and force them into silence. Until the 1970s, the religiosity of the victims was invoked to make them swear an oath on the Holy Bible that they would never speak a word of slander against the Church.

The injunction to remain silent was constructed alternately around the two lines of argumentation - a de-dramatisation of the facts and guilt-tripping the abused person. A victim abused in the 1960s recounted his/her exchanges with the church authorities: “In the end, they made me understand that I shouldn't make a big deal out of it”. Another victim, who reported a priest, illustrates how victims were not welcome: “The Catholic institution didn’t listen to me. I was really badly treated and everything was turned back to front: I was accused of slander, of sullyng the memory of a dead man, of a “holy man””.<sup>168</sup>

Sometimes silence was obtained through negotiation, recorded in the files of priests and deacons consulted by the Commission. There are several records of negotiations concerning the sexual abuse of vulnerable people. These resolutions, although they appear to be contrary to Canon 1927 of the 1917 Code of Canon Law,<sup>169</sup> almost always took the form of mediation. The outcome of mediation varied depending on the nature and circumstances of the offence and the respective positions of the parties. In some cases, mediation does not seem to have led to any concrete commitment. In the most cases, the parties explained themselves, the priest apologised to the victim, and the victim received or even accepted the apology. The meeting might finish on a spiritual note as several records mention praying together at the end.

Most often, the perpetrator, his congregation or diocese, would undertake to pay a sum of money in compensation for the harm caused. This was a popular means of dealing with such cases in the Catholic Church at the time. A study of transactions shows huge diversity in the

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<sup>168</sup> Hearing 36.

<sup>169</sup> « §1 A transaction cannot validly be made in criminal cases; in litigation relating to the dissolution of a marriage; in matters of benefit when the very type of benefit is being discussed, unless authorised by the legitimate authority or in spiritual matters where the payment of a temporal thing is involved”.

amounts granted to victims. Compensation for harm did not necessarily translate into the direct allocation of a sum of money; for example, a child's school fees might be waived in exchange for withdrawing the complaint.

Pressure, disguised as an appropriate response, could also be exerted: a future seminarian confided in one of his teachers that he had been molested by a priest, but the only response received was that he, the victim, was obliged to make many confessions.

Some victims saw a complete reversal of the situation and, having reported sexual abuse, had to leave the school while the perpetrator stayed in his post. The following testimony is edifying in this respect: “At the time (1960s), one was strongly “advised” not to let on about this sort of thing. In fact, I was got away [from my school] by being sent to boarding school in the Sarthe! It was awful”. It should be stressed that the EPHE’s research has shown that this type of attitude towards victims was still apparent in the 1990s.

Not only were the victims' experiences and their traumatic consequences ignored, in every sense of the word, but they were also strongly encouraged to remain silent.

### **c) Perpetrators who are protected and whom the institution tries to save**

Until the 21<sup>st</sup> century, the denunciation of a member of clergy by a Catholic Church official was a rare event. In the 1950s, judicial measures represented 10% of all measures. The Catholic Church’s position - primarily explained by the need to avoid scandal - was incompatible with reporting cases to the legal authorities.

Its particular relationship with the idea of scandal is part of a long tradition in the Catholic Church, identified by medieval historiography. From the twelfth century onwards, in the aftermath of the Gregorian reform, canonical doctrine gradually developed the theory that secrecy could be accorded greater importance than truth, if the latter was likely to dangerously disturb the social order. Based on the scriptures, this idea gradually developed and participated in drawing up canonical criminal law. Without wishing to make any anachronisms, we can, from this point of view, see a sort of continuity in the analysis of contemporary archives. The “common good of the soul” is the primary concern of ecclesiastical authorities and this implies avoiding scandal. There is, therefore, a fundamental difference between the civil authorities’ notion of public interest and the Church’s.

The very small number of perpetrators reported by the Church authorities to the justice system can also be explained by the specificity of the clergy/Church authorities relationship. Within dioceses, the bishop effectively maintains a filial relationship with the priests, influenced by the spirit of the Second Vatican Council, which characterises their relationship as follows: “The bishop [...] must consider priests [...] as sons and friends”.<sup>170</sup> The nature of this bond, regularly underlined by Rome, is mentioned in numerous letters in the archives of dioceses and congregations. In spite of the serious accusations made against them, abusive priests often maintain cordial relations with their bishop; the prelate remaining attentive to the priest's health, asking questions about his family, inquiring about his material situation and generally giving him special spiritual attention.

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<sup>170</sup> *Lumen gentium* (Article 28, § 2)

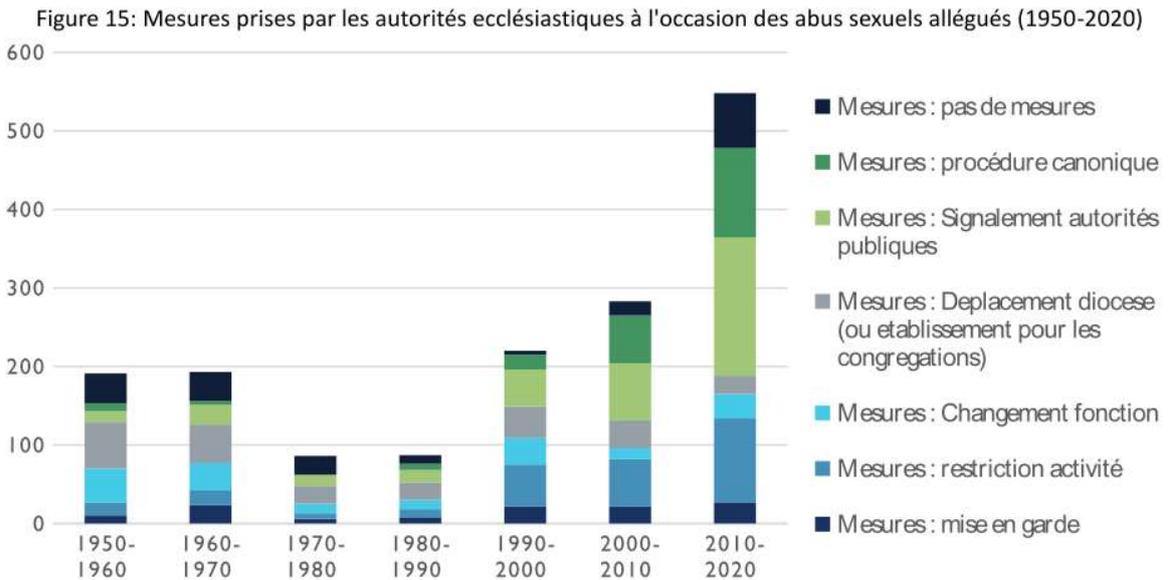
Paternal protection of the “son” (priest) and the need to avoid scandal for the “common good of the soul” seem to be the main reasons for which bishops and superiors do not report their clergy.

This silence, which made it possible to avoid dishonouring the priest and, more broadly, the Church, was sometimes encouraged by the judicial authorities or the police. An archive document is significant in showing a prosecutor adhering to the Catholic Church’s *modus operandi*, sending the following letter to the archbishop of his jurisdiction on 25 March 1958:

*“Dear friend, circumstances oblige me to suggest that you immediately consider changing the curate of N.... It is urgent and will perhaps enable me to avoid prosecution. Despite his archpriest’s supervision, the curate is guilty of relatively serious acts on the youngest girls of the parish. It’s only inappropriate touching, but it’s been going on for two years. Up until now nothing had been said, but just recently the police got statements from some of the children. There has been an investigation, I have tried to keep it as confined as possible and I will do my best to avoid a scandal that we could really do without. Forgive me for writing to you only to cast such gloom, but it is my duty as a Christian and as a friend. Take my advice and let us wait for everything to blow over.”*

Some of the archives also confirm the help of certain newspapers in keeping cases secret. In 1961, following requests from the bishop, the editorial staff of *L’Est républicain* and then the management of the *Républicain Lorrain* informed local Catholic Church officials of the discreet journalistic handling of a case as follows: “Our Metz editorial staff, will refer to the case, as it has for other similar cases, in a few lines in the Metz edition, without any details or mention of the accused’s ecclesiastical position. Please convey to his Excellency my deepest respects and accept, Very Reverend Canon, the expression of my most devoted sentiments.”

Reports of sexual violence made to the Church hierarchy did not, however, go unanswered. Throughout the period in question, we can see that the alleged acts were, in fact, investigated. For example, in Paris, Canon Simon, who was also a promoter of justice, conducted hearings, including of parents, in the 1950s; these practices were regularly observed. However, hearings of the plaintiffs themselves were very rare and this state of affairs only began to change in the 1990s. Exchanges of correspondence show that the ecclesiastical authorities rarely offered the victims the possibility of a meeting or a dialogue. In any event, investigations conducted from 1950 to 1980 hardly ever resulted in the intervention of canonical justice. On the other hand, there was massive recourse to redefining the function of the member of clergy or of a religious order concerned: posts were changed, activities restricted, and persons relocated. This response accounted for 77% of the measures taken in the 1950s. The attached graph illustrates the percentage of such measures imposed during the period concerned, and their evolution over time.



Source: EPHE Report, p. 435

Figure 15: Measures taken by the Church authorities further to alleged cases of sexual abuse (1950-2020)

Measures: No measures

Measures: Canonical procedures

Measures: Reporting to public authorities

Measures: Transfer to another diocese (or establishment for congregations)

Measures: Change of function

Measures: Restriction of activities

Measures: Caution

Transfers were more often than not intra-diocesan: the parish priest was relieved of his office to become a curate or chaplain instead and was replaced by a rural parish priest. For congregations, there was usually a change of establishment. A certain number of transfers were inter-diocesan, in France or even Belgium. They were conducted for the benefit of dioceses who did not have enough clergy: the Paris region (Paris, Versailles, Meaux, Nanterre, Pontoise, Evry, Corbeil) received a third of all first transfers and just over a quarter of the second.

It is clear that these measures were insufficient to guarantee that the perpetrator would not reoffend, especially since, in the period 1950-1990, the transfer was not always accompanied by medical or psychological follow-up. Effectively, it was observed that sexual violence was frequently repeated. Despite this observation, however, the measures developed by the Catholic Church were mainly designed to “save” the sinful cleric and help him reappropriate the priestly *habitus* believed to prevent a reoccurrence of deviant behaviour. Clergy accused of sexual violence were, in fact “condemned” by the Church from a moral point of view and, therefore, worthy of support. However, the question of whether or not they committed acts of sexual violence was not central to the issue.

### ***i. Setting up very hierarchised Catholic structures for members of clergy and religious orders***

During this period, support for priests mainly took the form of the *Secours sacerdotal*, or ‘Relief for Priests’, created in 1953, which was succeeded in the 1960s by *Entraide*

*sacerdotale*, ('Priests Helping Each Other') in addition to other structures such as the AMAR<sup>171</sup>, the AMAC<sup>172</sup> or the *Fraternité sacerdotale* and the priesthood unions. The *Secours sacerdotal*, subsidised almost exclusively by the *Secours catholique*, was indicative of the Church's desire to look after its clergy itself; it was a renewed expression of its esprit de corps.

The *Secours sacerdotal's* mission, defined on 17 November 1952 and specified in January 1953, was described as follows: "The name *Secours sacerdotal* (or Relief for Priests), placed under the authority of the Church Hierarchy, refers to a charitable foundation coming to the material and moral help of priests or Brothers who have broken their ties with their ordinary life, and of Priests, Seminarians or Brothers who are affected or threatened in their mental health or nervous balance."<sup>173</sup>

The *Secours sacerdotal's* organisation was mainly ecclesiastical and was managed, on a national level, by Louis Lerée,<sup>174</sup> Sulpician priest, Parisian canon and specialist in the clergy's health,<sup>175</sup>. On a local level, it was managed by diocesan representatives<sup>176</sup> Lerée was a proponent of the idea that the important issue was to "save the priesthood", meaning that matters were treated with the ultimate aim of reintegrating the member of clergy into the ministry.

The near-uniformity of the *Secours sacerdotal's* representatives – dominated by vicars general and seminary trainers - suggests a latent consensus among bishops as to their profile, which could be summed up as follows: the handling of these "difficult cases" can only be entrusted to men whose ecclesiastical solidity and knowledge of the administration enable them to resolve problems quickly and restore the "ecclesiastical *habitus*".

It should be stressed that there was only limited recourse to laypersons since the patients were housed in institutions such as *Notre-Dame des Ondes*, linked to the Brothers of Saint John of God, or the *Maison de Gargenville*, linked to the *Fraternité sacerdotale*, and the patients were referred only to Catholic doctors and psychotherapists: the Jesuit Louis Beirnaert, the abbot Marc Oraison, the psychiatrist Pierre Galimard or the neuropsychiatrist and specialist in childhood and adolescence Paul Le Moal. Archival investigations also revealed a care system which used private practitioners, such as the Montjay Clinic, opened in 1970 in the municipality of Bombon (Seine-et-Marne).

The *Secours sacerdotal* was a place for coordinating programmes of action; it specified the function of the Paris Centre and circulated information deemed essential for dealing with "priests in difficulty" such as, the principles and methods of programmes of action at a canonical level, existing civil and criminal legal constraints and the medical and accommodation resources available. The word "Confidential" stamped on the first page of the minutes of its meetings, reflected the organisation's intentionally low profile.

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<sup>171</sup> Association of medico-psychological help for members of religious orders set up by Marc Oraison (1914-1979), priest, doctor and psychoanalyst.

<sup>172</sup> Association of medico-psychological help for members of clergy.

<sup>173</sup> CNAEF 14CO108, Trentain File (Louis Lerée, "*Trentain Secours*" (*Œuvre de secours aux Prêtres en difficulté*"), 4 p. typed., 16/12/1952, p. 1), File : Session Reports dossier *Secours Sacerdotal* 1953-1963 (Louis Lerée, "*Œuvre de secours aux Prêtres en difficulté*", 4 p. typed., [26/02/1953]., p. 2)

<sup>174</sup> Chaplain of the *Secours catholique* and Director of the *Secours sacerdotal* from 1951 to 1963.

<sup>175</sup> From 1928 to 1950, he was the Superior of a sanatorium for the clergy of France (in Thorenc, Alpes-Maritimes), before becoming President of the National Commission of Hospital & Sanatorium Chaplains).

<sup>176</sup> They grew in number until by the end of the 1950s they covered virtually the whole of France: 36 dioceses in early 1953, 37 by October 1953, 55 diocesan representatives by the end of 1954, 68 in early 1956 (some dioceses had two representatives) 74 by early 1957 and 79 by early 1959.

## ii. A Single Aim: To Protect the Ministry of Priesthood

Even before the *Secours sacerdotal* was set up, those responsible for priests' training and doctors had identified as high-risk behaviour, what the Catholic Church described as "pederastic tendencies", with children or adults. It was a subject of discussion during the study days of the Laennec Centre in February 1950, between the Superior of the Solitude of Issy les Moulineaux and the Sulpician Augustin Pineau, who was fairly representative of the clerics in their fifties and seventies who were to lead the *Secours sacerdotal*. (Louis Lerée being himself, as we have said, a Sulpician.)

In a presentation about the "current difficulties of ecclesiastical celibacy", Augustin Pineau gave a general overview of priests who commit "faults against chastity". As far as he was concerned, it was not a question of "pederasty" but, in a context of fundamental heterosexuality, a circumstantial fixation of the libido on available objects - what the INSERM survey described in the first part of this report calls the "opportunity effect" - in these cases, prepubescent boys. So, the fixation on available objects became intermingled with the affective quest and the sexual drive of older men. According to Augustin Pineau, the solution was spiritual and behavioural and in line with priests' training. He believed that perpetuating the ecclesiastical *habitus* acquired in the seminary should enable the individual to get through the trials of pastoral life and age and that it was a question of accompanying the individual through priesthood.

Louis Lerée also focused on "rescuing" the priesthood, and, in a bid to avoid involving the justice system, advised in 1954 and 1955, according to evidence unearthed by the EPHE: wearing civilian clothes, using a pseudonym, sojourns in church establishments, the minimisation of responsibility, psychiatric examinations to obtain a declaration of irresponsibility or only partial capacity of discernment, stifling scandals, discreet arrests, reducing the criminal qualification from a crime to a misdemeanour, slowing down investigations and low-key trials.<sup>177</sup>

In practice, as far as possible Louis Lerée met the clergymen concerned himself and if they required treatment, he would refer them to a psychotherapist or psychiatrist, if necessary in a specialised institution. If, in the opinion of the superiors or psychiatrists, a temporary suspension of the exercise of the priesthood was deemed necessary, civilian clothing, accommodation and employment with benevolent employers, such as the *Bon Marché* or *France-Soir*, was provided. If it was impossible to maintain the priest in the diocese - because of the abuse he had committed or due to mental illness or disagreement with the diocesan authorities - another diocese would be found, usually one to which a service had already been rendered. In the event of the priest receiving a custodial sentence, he would be helped in his search for accommodation and a new diocese as soon as he was released.

As the Church had no internal coercive means, the transfer of priests - despite the risk of creating new victims this way - seemed to be the bishops' preferred method of dealing with the problem to ensure that the sexual violence committed by priests remained a secret. Anne

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<sup>177</sup> CNAEF 14CO108 Dossier Troubles 1954 (Louis Lerée, « Les prêtres en difficulté. Notes pour un directeur de séminaire », dactyl., 06/1954, p. 7). « VII. Questions juridiques civiles. Réponses données par Maître Renon, avocat à la cour », in *Secours Catholique, Secours Sacerdotal, Compte rendu des Journées d'études tenues à Bagnaux, maison de Récollecion du diocèse de Paris, 6, rue de Sceaux, Les 28-29 novembre 1956 sous la présidence de S. Exc. Mgr. De Bazelaire, Archevêque de Chambéry, Vice-Président de la Commission Épiscopale du Clergé et des Séminaires*, ronéotyp., p. 15-25 (15-17).

Philibert notes <sup>178</sup> that the Bray region in the diocese of Rouen and the Châtillonnais region in the diocese of Dijon were described as the “Siberia of dioceses” by priests in the 19th and 20th centuries.

The treatment of perpetrators of sexual violence was mainly based on the way other deviant behaviour was treated: a change of habits and the reincorporation of elements which typically characterise the ecclesiastical body and were deemed likely to correct the “faulty” priest. There was also sometimes a sojourn in a monastery.

Several sources give us an idea of the type of situations dealt with by the *Secours sacerdotal*. Firstly, the annual reports produced by Louis Lerée, which are, however, only accurate for the years 1952 and 1955 to 1959. It should be noted that paedophile practices are listed in the same category as homosexual practices<sup>179</sup> in these reports and that the sex and age of the victims are not mentioned. Nevertheless, we can observe that, after a peak in 1957 and 1958, when “sins against nature” involving an adult or a child represented the majority of the situations dealt with by the *Secours sacerdotal*,<sup>180</sup> the proportion decreased in 1959 and 1961<sup>181</sup> becoming lower than the proportion of cases concerning sins committed with women.<sup>182</sup>

Another source of information is the classification made by Louis Lerée in 1962, of 586 of the 682 cases handled by the *Secours sacerdotal* over ten years. In addition to the drawbacks mentioned above, the classification does not define the category to which a cleric was assigned if accused of a variety of sins, including pedophilic practices. Nevertheless, it does indicate that cases relating to “sins against nature with adults or children” were less numerous than those relating to sins committed with women.

The last source of information is Canon Boulard’s report on investigations for the period from 1900 to 1960,<sup>183</sup> which also groups together homosexual and “pederast” practices and does not distinguish between situations involving adults aged 21 and underage children. The proportion of cases involving homosexuality or “pederasty” would appear to be high, as they represent 4.5% of cases with abandonment of the priesthood, and 48.3% of cases without abandonment. However, given the classifications adopted by these different reports, it is impossible to determine the number of cases handled by the *Secours sacerdotal* which specifically related to the sexual abuse of children or vulnerable persons over the entire period studied.

### **iii. The limitations of the system put in place**

However, from 1959 onwards, worries about priests who had committed child abuse began to see the light of day. It was based on the observation of the behaviour of these priests, who often failed to realise the seriousness of their offence and whose moral sense was blunted to the point that they were able to justify their behaviour. This anxiety found an echo in several expert reports commissioned by the judicial authorities in the context of criminal trials, which

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<sup>178</sup> In her book, *Des prêtres et des scandales*

<sup>179</sup> *Peccatum contra naturam cum adultis vel peccatum cum pueris.*

<sup>180</sup> Respectively, 32,6 % and 39,2 % of cases.

<sup>181</sup> Respectively, 22,3 % and 20,4 %.

<sup>182</sup> Respectively, 24,4% and 38,6%.

<sup>183</sup> Published by Martine Sévegrand, *Vers une Eglise sans prêtres, la crise du clergé séculier en France* (1945 à 1978), Paris, PUR., History coll. 2006, p. 93.

concluded that “ephebophilic homosexuality” was frequent among many clergymen, either latently or unconsciously, and that these persons were highly likely to reoffend.

The annual report on the number of people treated by the *Secours sacerdotal* drawn up in 1963 by Louis Lérée, which it is worth quoting in full as the EPHE report does, notes that:

*“The most painful, the most difficult, the most damaging for the Church, not the most frequent but too frequent, very frequent and, it seems, ever in greater frequency ... is the case of the priest who commits faults with children... This wrongdoing causes the greatest moral harm to the faithful. Unfortunately, in dioceses and Congregations, it is treated simply by transferring the priest to another post. It has been said time and time again by doctors, as well as by those in charge of the Secours sacerdotal, that the remedy does not lie there. But, we are invariably faced with the same way of doing things: “We’ll transfer him”. It is not so bad if the priest is not put back with children, which happens sometimes, perhaps admittedly, due to a lack of transmission of precise information.*

*“A recent expert report submitted by three psychiatrists before a court (January 1963) concluded rather painfully: “X... is an ephebophile homosexual, as is common among clergymen, in whom such tendencies often remain latent or even unconscious. It is certain that in the context of his profession, X... an unrepentant pederast presents a “dangerous state” in the criminological sense of the term, i.e. a high probability of subsequent reoffending.” And it adds: “Unfortunately, the social rehabilitation of X... depends solely on his ecclesiastical superiors, and proof of their blindness is no longer required”.*

*“The alarm must be given and given again and continue unabated. The forms of this evil (like those of homosexuality per se) are very diverse, and highly trained physicians are about the only persons capable of distinguishing them from one another. Generally speaking, they are all very difficult to cure, either by spiritual means, or by chemotherapeutic or psychotherapeutic means. But this is not a reason not to do anything. Examples of relapses or persistence in the deviant behaviour are numerous, too numerous. Yet there are also genuine examples of considerable improvement.*

*“Even when there is little hope, all possible means must be used to avoid relapses: medical treatment - treatment in a medical-psychological centre and what we willingly call “aftercare” -, maintaining contact with the doctor (when the patient, of course, agrees and wants to be cured himself), setting up favourable living conditions which are to be specified for each particular case. First and foremost, of course, spiritual efforts.*

*“When hope of recovery is near zero, if the subject does not want to recover (or there is no effective desire, and the subject’s will is often annihilated in such cases), the Church must not hesitate to take the patient out of circulation and put him in a retirement or rest home. Doctors can be of great help in enabling us to say “beware”, or on the contrary “keep up a little bit of hope”.*

*“One of the observations made by doctors, lawyers and priests alike, is (for what reasons – it would be worth looking into this) a kind of unconsciousness or amoralism found in all or almost all those who are afflicted with the “deviation of instinct”. “I didn’t think there was anything wrong with it.” “I didn’t think it was serious.” - “As long as I didn’t, etc. I didn’t think it was sinful.”*

*“It is to be noted that these cases are likely to occupy us more often, because those who suffer (and suffer is the right word, for they suffer a great deal) from the evil we are talking about, are those who want to remain in the Church at all costs. This is the Secours sacerdotal’s most thankless task, if not the most difficult. We have to cure as best we can the specific cases which arise, and then also and above all, we need to apply ourselves to studies and research to see how, what could almost be called an epidemic, can be stopped, and how, as concerns the above questions, a healthy and holy life for all priests can be ensured.”*

It is interesting to note that in this report, Louis Lerée warns of the frequency of ephebophilic homosexuality within the Church, and of the inadequacy of the measures implemented until then, notably the transfer of priests. Unusually, it relies on an expert opinion from outside the *Secours sacerdotal* to insist on the particular dangerousness of the clergy concerned, given their lack of awareness of the seriousness of the acts and their high risk of reoffending. It results from the report that a priest who sexually abuses a child is now defined medically: before being a sinner, he is a sick person.

However, surprisingly, Louis Lerée does not go as far as recommending a different approach to these cases. He simply urges that all possible means be deployed to avoid reoffending, if necessary, when the hope of recovery is extremely low, by placing the person concerned in a retirement or rest home. He does not draw the consequences of the assessment, insisting again on the importance, before anything else, of “spiritual efforts”. It is also striking to note that while the moral harm done to the victims is mentioned, the only real issue is the suffering of the perpetrators, who alone are at the heart of *Secours sacerdotal*’s action.

Referring cases to the judicial authorities or dismissing the persons concerned from the clergy are questions which are not even broached. This reaction is conditioned by an important point; unlike “fornicating” priests – so described by the Church - who tended to end up leaving the Church, priests who sexually abused children had no wish to abandon the priesthood. In 1962, Canon Boulard’s report indicated that the proportion of those who left the priesthood due to “homosexual or pedophilic misconduct” was around 11-12%.

The fact remains that, in view of the above observations, the *Secours sacerdotal*’s ability to deal with the situation merits serious questioning, especially as its network was mainly only interested in dealing with ecclesiastical health. The information and long-term medical follow-up required, as well as as the risk presented by the persons concerned, called for the intervention of specialists and a new approach. However, out of respect for the ordination of priests and a concern not to sever links with them, the Church continued to care for these individuals even though it was not capable of treating them. The esprit de corps thus remained extremely powerful and hindered the Church in effectively dealing with the situation.

## **2. 1963-1990: The issue of sexual violence playing a second fiddle while the priest crisis takes centre stage**

The Catholic Church’s position, motivated to maintain the clergy in office and to preserve the institution from scandal, did not change course during the following period, from 1963 to 1990.

Even though the first expert reports were devoted to the psychological consequences of sexual violence on the victims whilst, at the same time, analysis of the profiles and actions of the perpetrators were being developed, the approach of the Church authorities to the issue, remained unchanged. This can be explained both by a national approach from the Church being

abandoned in the light of the Second Vatican Council, and by the unexpectedly rapid rise, from 1965-66, in numbers of clergy leaving the church and religious orders. Both these factors contributed to the fact that the issue of sexual violence within the Church was pushed into the background while the issue of the priest crisis became more central.

**a) Victims kept on the sidelines, despite an increased body of learning about the issue and a gradual movement towards victims speaking out**

An analysis of church archives shows that from 1950 to the end of the 1990s, the victim was non-existent within the Church. When the victim gets a mention in ecclesiastical files it is to check out the reality of the facts in question and to state whether silence shall be kept. The primary concern remains the protection of the institution.

Even when acts are denounced by laypersons, and even when these laypersons press for a response, what is seen as an intrusion into their own sphere is generally restricted by the clergy. When victims are involved in dealing with the issue of their own abuse, the mediation and transactions studied by the EPHE very often reflect an unbalanced power relationship between the parties, to the benefit of the cleric. The context of the mediation which takes place in an ecclesiastical structure, the position of the mediator who is invariably connected to the perpetrator's diocese or the congregation, or the psychological and material difficulties encountered by the victim, all contribute to place the perpetrator in a dominant position.

If, in the first decades of the twentieth century, the archives indicate that financial compensation was mainly intended to guarantee the silence of the victim and avoid scandal, over time, this grew less obvious with the stated aim becoming, generally, reparation of the harm caused by the priest. From the 1950s, psychiatric and psychological expert assessments of victims, particularly of incest, and studies on the consequences of sexual abuse were being written with increasing regularity and yet they still did not succeed in changing the overall view. There was still the question of the responsibility of the victims, whom, indicated the experts, often provoked their abuser. It was not really until the mid-1960s that psychiatric experts began to listen seriously to what the child had to say.

The trauma experienced by the victims, on the other hand, was never raised. What's more, the criminal files consulted for the period in question contain no expert psychological reports with regard to the victims, which would allow for the evaluation of the impact of the abuse on them. Even the lawyers' submissions emphasise the moral consequences of sexual violence, not the psychological after-effects. The lawyer for the victims of a priest accused of sexual abuse stated in 1950 during the trial at the Assize Court: "From a moral point of view, the harm caused to the reputation of these two young men, by the fact that they were subjected to unnatural practices for a long period of time, is very considerable; they are tainted with a blemish that will last a lifetime in the minds of all who will know about it; they will have difficulty settling down when they are old enough to get married."

The demands for reparation made by lawyers illustrate this attitude. In 1989, a victim's lawyer claimed the sum of 3,000 francs, "as compensation, according to natural law", for sexual violence committed against a 13-year-old boy in a diocese in the south of France. As for the church archives, they make no mention of the moral consequences or the psychological suffering of the victims; these issues are quite simply not even considered by the institution.

It was not until the intervention of feminist groups in the 1970s, and the introduction of Law N° 89-487 of 10 July 1989 on the prevention of child abuse and the protection of children, that victims began to talk and that the vast reform of criminal law, initiated in the 1990s, led to a reconsideration of the place of the victim.

**b) The Church continuing, on the whole, to treat perpetrators internally despite an awareness of the limitations of the system.**

In the annual report drawn up in 1963 by Louis Lérée,<sup>184</sup> about the members of clergy treated by the *Secours sacerdotal*, the dangerousness of the perpetrators, given their lack of awareness of the seriousness of the acts and the high risk of reoffending, as well as the inadequacy of the measures put in place by the Church, in particular the transfer of priests, had already been highlighted. The report included the expert psychology and psychiatry reports about the fundamental and incurable deviation of certain psyches. They also noted that the hierarchical choice to deal with these cases entirely internally, driven as it was by the desire to avoid scandal and to restore the principle of priesthood and devoid as it was of any legal sanctions, made it impossible to guarantee that the perpetrators would not reoffend.

The Catholic Church continued to deal with cases of sexual violence internally until the 21<sup>st</sup> century, thereby confirming the predominance within the clerical world, up until the years 1990-2000, of operational methods comparable to those of the 1950s and 1960s, characterised by a high degree of organicism and maintaining a clear separation from the world of the laity.

This approach is also closely linked to the importance of forgiveness and the sacrament of reconciliation for the religious authorities as for all Christians and can be observed in the archives studied. In 1983, a bishop in the north-east of France who did not report a priest to the judicial authorities despite three cases of abuse, merely transferring him from the *Manécanterie* Parish Choir School where the acts had been perpetrated, commented: “We have to give him a second chance.”

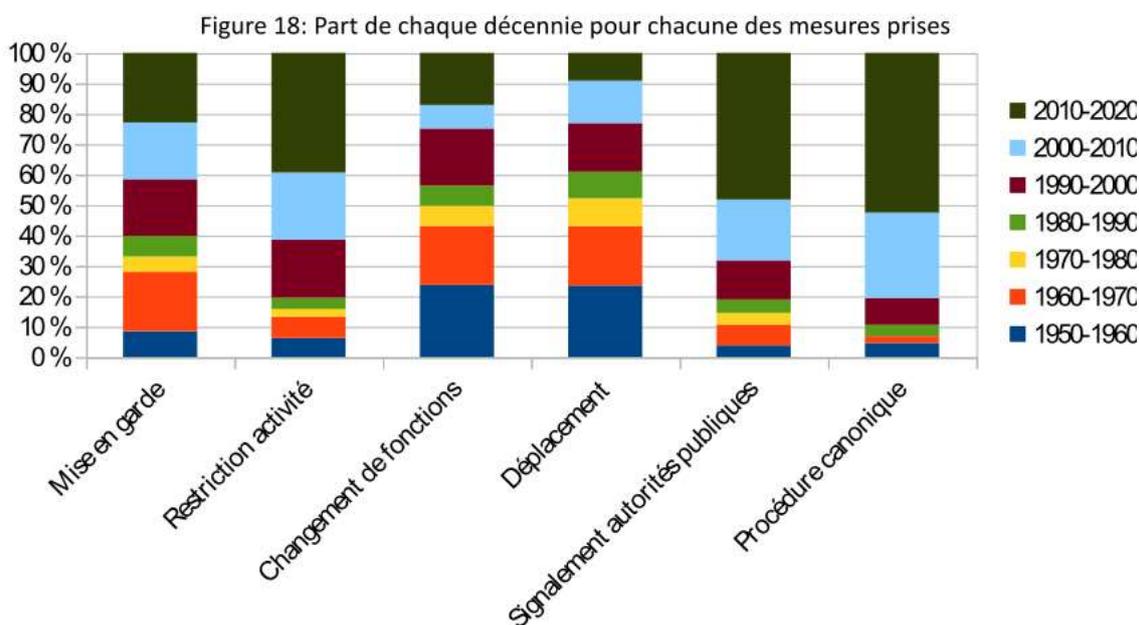
It should be remembered that this attitude was sometimes approved by the prosecutor, as for instance in 1978, in a French overseas department, a public prosecutor who, seeking the indulgence of the judges suggested that “for the honour of the Church and for the sake of peace [...], it is better not to stir up the mud”. In this context, and as can be seen from the table summarising the measures taken by the Church from the 1950s to 2020, the reporting of sexual violence to the public authorities, which was extremely low from 1960 to 1970, even if still higher than in previous years, dropped even further until the 1990s, as prelates refused to denounce clergy under their authority and responsibility.

One might have thought that canonical procedures would be substituted for legal ones, but the study of the archives shows that this was not the case, and that these were employed even less than state judicial procedures. In fact, canonical procedures disappear completely from the archives explored by the EPHE in the 1970s and 1980s. The Church continued to make extensive use of cautions, transfers and changes of function over the period from 1960 to 1990. However, from the 1970s the proportion of these measures decreased considerably,

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<sup>184</sup> Cf. above.

as did all measures taken by the Church.



Source: EPHE Report, p. 438.

Figure 18: Percentage per decade for each measure taken

Caution

Restricted activity

Change of function

Transfer

Reporting to public authorities

Canonical procedures

The EPHE has looked into why the implementation of all measures by the Catholic Church decreased from the 1970s; they put forward the hypothesis that the massive departure of priests in the years 1965-1980 may have resulted in showing less severity towards the perpetrators of sexual violence, with the aim of keeping them in the priesthood. And this despite the level of reoffending that *Abbé Georges Rousseau*<sup>185</sup> highlighted in 1969 and 1972 in his report on the clergy and seminaries for the Episcopal Commission. The decline in the imposition of measures could be explained by the significant reduction in the number of priests,<sup>186</sup> but it also occurred at a time when sexual liberation was in full swing and when a minority - supported by certain media and intellectuals -<sup>187</sup> was singing the praises of paedophilia on the grounds of the right to freely dispose of one's body and in the name of the liberation from conventional sexuality.

The advent of individualism, the process of de-christianisation, the growing pluralism of the media and the emergence of a literature breaking the silence around pederasty, led to the vulgarisation of sexual relations as much as to their idealisation, to privileging pleasure and to insisting on the absence of constraints and dogmas. Paedophilic love affairs gradually emerged from the shadows and were discussed publicly; André Gide was one of the figures involved.

<sup>185</sup> Director of the *Secours sacerdotal* from 1<sup>st</sup> May 1964.

<sup>186</sup> Much has been written about the priest crisis which rocked the church during the second half of the twentieth century. Cf. principally the work of Martine Sévegrand, who was heard during the plenary session of 6 September 2019.

<sup>187</sup> Gabriel Matzneff, Tony Duvert, René Scherer, Guy Hocquenghem claimed their right to love children "in truth" and without violence to allow them to experience an awakening of the senses.

Perpetrators of sexual violence were given a voice, for instance the newspaper *Libération*, published a letter from Jacques Dugué in January 1979, in which the latter clearly stated that he was having relations with his 11-year-old stepson.

Dr Agnès Gindt-Ducros, Director of the National Observatory for Child Protection, heard by the CIASE during a plenary session held on 5 June 2020, also reminded us that the 1970s and 1980s were a period of great shifts in terms of sexuality, with the emergence of the right to contraception and abortion, and the recognition of homosexuality. By advocating sexual freedom, it was a period in which some people contributed to “blurring” the boundaries between what was forbidden and what was permitted.

In line with this change in mentality, the 1970s and 1980s also saw a decrease in the number of court convictions for child sexual abuse in the general population. The data collected concerning convictions of clergy by the state justice system therefore appear consistent with the general evolution of the repression of sexual violence. It is interesting to note in this respect that while 54 convictions of clergy by the judicial authorities were recorded from 1950 to 1970, only 15 were recorded for the period from 1970 to 1990.<sup>188</sup>

The career of this priest, ordained in Lille in 1950 and to which the EPHE team turned its attention, is typical of the way sexual violence was dealt with by the Catholic Church from 1963 to 1990. Ecclesiastical archives show that after having worked for only six months in a secondary school, he was incardinated into a diocese in Normandy where he taught in a rural secondary school which he left in 1956 for an unknown reason, becoming a curate in the Paris region. In 1960, the vicar general assigned him to the vicariate of the Armed Forces where he became chaplain of an officers' school in another region. Although he had shown himself to be “[...] very sensitive and somewhat sentimental, but very intelligent, an excellent confrere, zealous, attached to his priesthood, and unanimously appreciated by students, staff and the civilian and military personnel of the school”, in 1966 he was accused of inappropriate touching. “The school doctors (considered) that this was a purely pathological case, so they immediately hospitalised him, treated him and proposed that he be discharged; it would appear that legal action was thus avoided and that there was no need to fear any further consequences” reads his file. Invalidated out for physical inaptitude, he had a period of rest in an abbey, before joining from 1966 to 1968, a *petit* seminary in the north of France, under the supervision of two priests who knew him and to whom he had exposed “his problem, his difficulties”. He subsequently became a curate from 1973 to 1976, then a parish priest in a rural area from 1977 to 1996, after being incardinated into a diocese in the region. It was during this last period, in the mid-1980s, that he became friends with a family whose boys he took on holiday. One of them was molested by him at least ten times.

The change of era did not, therefore, have much effect on the Church’s propensity to ignore cases of which it knew about. As for the small number of measures for dealing with these cases which had begun to be put in place during the previous period, they were abandoned.

### **c) A Change of Direction for the *Secours Sacerdotal***

#### **i. *Dealing with cases on a local level means that there is no longer a comprehensive approach to sexual violence***

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<sup>188</sup> EPHE Report, p. 470.

While sources available to research the issue of sexual violence on a national scale are plentiful for the 1950s, they became rather scarce from the early 1960s. According to the EPHE, this can be explained firstly by a change in direction and, consequently, in the functioning of the *Secours sacerdotal* from 1964-1965, a change linked to the Second Vatican Council, which very much limited a national approach to dealing with cases of sexual violence. Secondly, from 1965-1966 onwards, the rapid increase in the number of clergy abandoning the ecclesiastical life was equally responsible for the decline by causing a crisis which would, henceforth, focus all the attention of the Church.

On 1<sup>st</sup> May 1964, a new director, Abbé Georges Rousseau, was appointed to the *Secours sacerdotal*. His profile contrasted sharply with that of his predecessor, Louis Léré, in that he was neither a Sulpician nor a chaplain of the *Secours catholique*. With the appointment came a greater autonomy for the *Secours Sacerdotal* from the *Secours Catholique* and the director's salary was henceforth to be paid by the Secretariat of the Episcopate. At the same time, however, it became increasingly dependent and institutionalised.

Abbé Rousseau took advantage of this transitional period to gather information on projects relating to the care of priests and to meet with two-fifths of the *Secours sacerdotal's* diocesan representatives and the ensuing discussions which took place within the *Secours sacerdotal* reflected the different concerns of the participants: Rodhain highlighting the 2,500 priests who had left the Church over the past 20 years, Léré stressing the psychological state of the clergy, trainers talking about the importance of supporting the clergy and of identifying difficulties early on, and Rousseau insisting on the need for centres for the effective personal and spiritual reform of individuals in trouble to prevent reoffending. Despite their different concerns, the participants broke with the previous approach in agreeing that such cases were best dealt with locally, and that the role of the national executive committee should be limited to mobilising the Episcopate and coordinating local (diocesan and regional) networks.

The *Secours sacerdotal* was therefore attached to the Secretariat of the Episcopate. Its executive committee included qualified representatives of the various bodies dealing with the clergy, such as seminaries, clergy advisors, members of religious orders, organisers of training courses, the *Secours catholique* and the secretariat itself. Specialised technical committees were also set up and a priest appointed to their general secretariat. However, the question of financing remained unresolved.

Although this overhaul came at a period when - as a result of Vatican II and the message it brought of placing the ministry of the priesthood at the service of God's people - laypersons were being put forward and the priesthood reformulated, the *Secours sacerdotal* still did not include any laypersons in its midst. They occasionally provided medical, legal or social assistance, but were given no say in how the structure should be run.

Such changes in direction were endorsed at the Bourges Congress in November 1965. The *Secours sacerdotal* became the *Entraide sacerdotale*, an organisation with a director and an executive committee, attached to the Secretariat of the Episcopate, which was itself presided over by a bishop from the Episcopal Commission for the Clergy and Seminaries. *Entraide sacerdotale* informed the bishops about the priests' difficulties and suggested possible solutions. The bishops chose diocesan leaders. The national executive committee left the initiative to the regional coordinations of diocesan leaders, grouped together per apostolic region.

The overhaul had major consequences, namely the disappearance of a national perspective on sexual violence. By the end of the 1960s, there was much less information on an national scale. After 1962, no more general reports of cases handled locally were produced, with the exception of a partial report for the period 1967-1969 and a summary of regional data in the 1980s, on the occasion of the management committee meeting.

The only exception to the non-centralisation of data on a national level were figures concerning clergy abandoning the priesthood. These numbers were systematically monitored, demonstrating how this issue overshadowed all others.

## **ii. Action centred around the priest crisis, losing the issue of sexual violence from sight**

Not only were *Entraide sacerdotale's* functioning methods changed, but its very purpose was too.

The extremely rapid growth in the number of clergy leaving the priesthood became its primary concern. This phenomenon was partly due to the upheavals in priestly identity following the Second Vatican Council but was also brought about by the modification of the way in which requests for “reduction to the lay state” - with dispensation from celibacy - were examined. This was introduced in 1964 by Pope Paul VI who set up a commission within the Holy Office (the present-day Congregation for the Doctrine of the Faith) for the examination of such requests.

The phenomenon grew, in particular with the media coverage given it in France by the newspaper *Paris Match* in November 1963, and, with the marriage of Maurice Weitlauff, a priest from Versailles who had been reduced to the lay state with a dispensation from celibacy, which was widely reported in the press in the early autumn of 1964 - in breach of the obligation of absolute discretion provided for by the rescript.

Symptomatic of the era, the 1966 *Entraide sacerdotale* Congress was devoted to a study of the reasons behind these departures, based on monographs of members of clergy. This work continued in 1967 with a numerical overview of departures and an analysis of the profile of the persons leaving. *Entraide sacerdotale* kept lists of those leaving the priesthood up-to-date, diocese by diocese, through annual surveys. Their number doubled between 1965 and 1969, rising from 241 to 485 priests and then again between 1970 and 1974, reaching 972, before dropping to 587.

Faced with the growing number of departures, *Entraide sacerdotale* organised itself in such a way as to be able to accompany those leaving. It provided assistance in drawing up applications for rescripts, communicated the names of competent canonists and, above all, facilitated reintegration into civilian life by helping with the search for professional training, housing and financial resources. It was in this context that the organisation *Le Pélican* was created in 1967. It was funded through donations made every year on Maundy Thursday (when the Church commemorates the institution of the priesthood) and was intended to help former priests by providing donations, loans or services. *Entraide sacerdotale's* mission was profoundly transformed: no longer involved in preventing departures or facilitating a return to the clerical state, its role became to help with voluntary departures, without any longer passing judgement. *Entraide sacerdotale* remained in contact with the priests even after their departure, as indicated by the publication in 1970, in the 1969 *Entraide sacerdotale* Congress proceedings,

of the testimony of a counsellor relating the relations he maintained, or tried to maintain, with priests who had left the priesthood.<sup>189</sup>

Already by the end of the 1960s, priestly organisations were scarcely concerned with the question of child sexual violence. According to the EPHE, the years 1965 to 1995 were marked by an absence of reflection on the issue, either in *Entraide sacerdotale*'s seminars or in the minutes of its governing bodies. The major concern of *Entraide sacerdotale* - that of the departure of priests - led to a relative blindness of the Catholic Church to the issue of child sexual violence. Relationships with women and homosexual practices were, in fact, more closely observed and dealt with.

All the attention was focused on the priestly crisis, in its different aspects:

- The theological aspect: with regard to the place of the priesthood in contemporary society; questions around chastity being added to the debate.

- The material aspect: with regard to providing support for departing priests.

- The legal aspect: with regard to the means of obtaining the indult allowing a priest to be released from the clerical state and to marry.

Some of the departures were fuelled by a desire to reconfigure and “de-clericalise” priestly identity, including opening up the possibility of marrying like any other man. The theme of the marriage of priests unfolded in a double perspective: the ordination of married men, or the maintenance in the priestly ministry of priests who had married. Abbé Georges Rousseau collected prolific documentation on celibacy and, as early as 1970, privately considered that the arguments of those in favour of ending priestly celibacy<sup>190</sup> should be listened to. His 1972 report on the activities of *Entraide sacerdotale*, written in preparation for a meeting with the Episcopal Commission for the Clergy and Seminaries, devoted seven pages out of twelve to “departures from the priesthood, the personal future of those leaving, the place of the households of former priests in the Church”; and only one page to “other problems”: psychological, sexual (paedophiles, homosexuals, seducers).<sup>191</sup> In the eyes of the Episcopate, therefore, *Entraide sacerdotale* must have appeared as a body which facilitated the departure of priests while stoking the debate around celibacy.

While it cannot be claimed that these elements contributed to the replacement of Abbé Rousseau as director, it can be stressed that his successor, Father Deremble, ensured that *Entraide sacerdotale*'s mission's was refocused. Its new articles of association, modified in 1976, indicated that it was an “organisation designed to help with the various difficulties encountered by priests and to implement, in a fraternal spirit, all forms of necessary assistance”. Maintaining a connection with married priests was no longer the issue, more to the point was preventing them leaving in the first place. In the 1980s, this course was maintained and

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<sup>189</sup> M. B., “Six ans de collaboration à l'Entraide. Quelques extraits d'un témoignage”, Le Supplément, N° 95, Nov. 1970, p. 433-436

<sup>190</sup> CNAEF 14C069, 14CO 70 (Rousseau to Sauvage on his suggestion that he participate in the research project on priestly celibacy: 17/04/1970: “I am not against celibacy, but to join a commission whose sole purpose is to find reasons (new, or formulated in a new way...) for celibacy seems to me to take away from us a certain liberty of thought to perceive what might be true or have potential in other ideas...”)

<sup>191</sup> Arch. Hist. Arch. Paris 4H1, 1 File : “Entraide sacerdotale 1972-1975”, Folder: “Entraide sacerdotale nationale. Docu du 21/9/1972” (*Entr'Aide sacerdotale, “Document pour la rencontre avec les évêques le jeudi 21 septembre 1972”* 12 p. typed.).

consolidated with the aim of “re-clericalising” the priestly identity, with the help of individual accompaniment.

### **iii. A Contested and Abandoned Clinical Approach**

When Abbé Rousseau took over the leadership of the *Secours sacerdotal* in 1964, and when it became *Entraide sacerdotale* in 1965, the question of psychological care for the clergy was rapidly transformed and various initiatives were launched.

La Jubaudière, situated near Jallais in Maine-et-Loire, opened its doors in September 1967. A total of 28 boarders could be accommodated for a stay of 4 to 5 months maximum, before resuming ministry. This establishment, run by some of those who had been involved in the treatment of “difficult cases” since the 1950s, took in priests who had finished medico-psychological therapies, who had been through existential crises or had just been released from prison, and focused on Eucharistic adoration, communal life and manual work. Although the establishment developed a clinical approach in the mid-1970s, this did not last long.

After a project to set up an establishment in Gargenville was abandoned in 1967 -the project had been oriented towards prioritising the spiritual over the medical- the Château de Montjay, in Bombon in Seine-et-Marne, was opened in 1970. While La Jubaudière was limited by the absence of psychotherapeutic care, Montjay appears to have been a success, receiving about 96 patients from 1970 to March 1972, 100 from April 1972 to November 1973, 130 from 1974 to 1979, and 70 in 1980. The Montjay Clinic was not, however, intended for the care of perpetrators of sexual violence. In 1980, of the 70 patients in the establishment, only two were suffering from perversion disorders with the others were afflicted essentially by psychotic disorders (28), alcoholism (19) or neurotic depression (17), according to a count worked out by Father Tony Anatrella.<sup>192</sup> The latter’s explanation of the psychological origins of deviant behaviour based on his analysis of cases recorded by the delegates of *Entraide sacerdotale* for the 1986 congress, is enlightening in this respect. The psychopathological problems he mainly refers to are alcoholism, depression, paedophilia and neurotic conflict.

Despite having a lot of patients, from the 1970s onwards Montjay was beset by financial difficulties, the need to update its medical organisation to comply with new norms (and thus continue to benefit from accreditation), and tensions within the medical staff. There is also a clash between the medical approach favouring long-term psychological healing and the managerial approach favouring the reappropriation of the priesthood. The confrontation ended with a redefinition of the Montjay Clinic’s mission in the early 1980s, which included the doctors losing power in favour of that of the director. The Sulpician Augustin Groz, former superior of the seminary of Versailles, became the “spiritual director” and surrounded himself with a “priestly-medical” team that committed itself to defining a spiritual project for Montjay. Forever trying to maintain a balance between the administrative, medical and spiritual aspects of management, the clinic saw its patient numbers fall below the threshold of financial equilibrium in mid-1984. Last but not least, the clinic lost the confidence of the Episcopate and the major superiors at the beginning of the 1980s. They reproached the dominance of its analytical and psychotherapeutic approach instead of a more psychiatric one and, when

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<sup>192</sup> Tony Anatrella, “*Institution psychothérapique et institution religieuse. À propos de la clinique médico-psychologique du clergé de France*”, report of the 9th Congress of the International Association of Medico-psychological and Religious Studies, 1981, p. 20 (which can be found in the. Prov. Dom. Archives, France, Fonds Albert Plé, V-753, 001-004, 007), published in *Le Supplément*, N° 138, 09/1981, p. 385-407).

consulted, the majority of the bishops voted against the continuation of the clinic's activities; it was closed at the end of June 1985.

Medico-psychological care was thus once again provided at the local level, with *Entraide sacerdotale* drawing up a list of trusted practitioners and clinics at the request of the Secretariat of the Episcopate. The closure of the Montjay Clinic signaled the abandonment of its vision, namely that psychological care of the priest necessitated making the priestly identity a determining element. The alliance that a certain section of the Catholic Church had tried to create with psychoanalysis from the 1950s to the 1970s was unravelling. "Health-related problems took centre stage", as Picandet said at the *Entraide sacerdotale* Congress in March 1985.

Medico-psychological establishments, such as La Jubaudière and Montjay, never become the preferred places for dealing with perpetrators of sexual violence. Although, according to the available data, La Jubaudière received more "sexual cases" than Montjay, it mainly dealt with cases of depression, neurosis and alcoholism.

At the end of this cycle, in 1993, *Entraide sacerdotale* ceased to function as a national body.

### **3. Since 1990: a gradual shift in the Catholic Church's position on the issue of sexual violence**

As alluded to in the first section of the report, societal and legal developments since the 1990s having changed the perception of sexual violence and the suffering of victims, the Catholic Church's manner of responding to such violence came to be questioned by both victim support groups and the increasing media coverage of cases.

Faced with an underestimation of the number of sexual assaults perpetrated within its walls; a lack of knowledge of the applicable state and canonical legal framework, and an ignorance with regard to the suffering and care of victims, the Church went through a twenty-year period of reflection before putting in place, from 2000 onwards, tools to help it better deal with the issue. This progress, made solely in response to the expectations of victims, came up against the deep-rooted traditions and practices of the Catholic Church, such as its position with regard to charity and redemption, its relationship with truth and scandal, and its relationship with civil authorities and the culture of secrecy.

This, however, resulted in a real renewal of the Catholic Church's doctrine with regard to the victims - who at long last began to be heard and recognised - and with regard to the perpetrators of sexual violence - whose acts were no longer dealt with exclusively by their superiors and internally to the Church, but in coordination with state and canonical judicial authorities and expert psychologists and psychiatrists outside the Church. However, a study of recent diocesan archives by the EPHE team shows that the implementation of the new doctrine still faces resistance and needs consolidation.

#### **a) The Church's attitude towards victims: from questions to recognition.**

*i. Two decades of reflection that acknowledged the existence of victims but did nothing to deal with the problem*

The first two decades from the 1990s saw no change in the treatment of victims of sexual violence compared to the previous period. At a diocesan and congregational level, victims were still not taken into consideration and their silence was still strongly encouraged. Their suffering remained absent from institutional archives. A study of the archives relating to this period identifies the same practices as previously: a tendency to play down the acts of abuse, to accuse the victim of slander, to exert pressure on the victim to ensure to his/her silence, or to make financial negotiations.

Several situations identified by the EPHE provide a perfect illustration. In 1995, the superiors of a secondary school, advised that a teacher-priest had sexually abused one of his pupils, responded by suggesting that the victim repeat his ninth grade / Year 10 in another school. Similarly, in the 2000s, a scout who was sexually abused by a priest obtained 4,500 euros in exchange for agreeing not to go to court.

However, even if no recognition of victims appears in the archives, an evolution in society's views,<sup>193</sup> the work carried out by commissions in other countries on sexual violence in the Church and the policies of foreign bishops' conferences, forced the French Bishops' Conference (CEF) to confront the subject and initiate internal debate on a national level. The CIASE is not aware of any discussions conducted at a lower level during this period.

The French began researching the subject in reaction to developments by the universal Church. In 2003, a scientific seminar on sexual violence committed by priests was organised in Rome.<sup>194</sup> From 2 - 5 April 2003, a dozen doctors and psychiatrists of different faiths, from the United States, Canada and Germany spoke *in camera* to an audience composed of members of the Secretariat of State and various dicasteries of the Roman Curia. The seminar analysed the phenomenon of paedophilia "from a strictly scientific and clinical point of view". The scientists and psychiatrists all emphasised the seriousness of the trauma suffered by the victims. The ensuing report, intended as a scientific tool for the Catholic Church, was sent to the presidents of the bishops' conferences worldwide, before being commercialised in late March 2004.

Commissions mandated by the CEF were subsequently set up to reflect on issues relating to "paedophilia", for instance, the think tank on child sexual violence committed within the Church, known as the "106 Group", due to its meeting place - 106, Rue du Bac (the address of the former CEF headquarters). The first mention of victims of sexual abuse appeared at the end of the 1990s in the comments of experts invited to speak on the issue at the bishops' conference. Monique Baujard's study of the reports of foreign - mainly Anglo-Saxon - conferences, under the auspices of the "106 Group",<sup>195</sup> underlined the importance attached by the foreign commissions, unlike their French counterpart, to the suffering of the victims. At the suggestion of Jean-Louis Thiériot, the CEF's legal advisor on issues of sex abuse, an annex

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<sup>193</sup> In particular the campaign against childhood abuse launched by Ségolène Royal during her tenure as Minister-delegate for Family Affairs, which resulted in her meeting (among others) representatives of the Episcopate (Father Stanislas Lalanne and Monseigneur David), in January 2001.

<sup>194</sup> International Catholic Press Agency (APIC), 23 February 2004

<sup>195</sup> Monique Baujard, theologian and director of the CEF's national department of "Family and Society" from 2009 to 2015.

about the suffering of victims was added to a pamphlet about sexual violence sent to the bishops prior to the 2000 Lourdes plenary assembly on paedophilia.

The emergence of a discussion about victims – which had a knock-on effect on the bishops' way of thinking, was also helped by the intervention of various influential players, in particular several deliberating bodies such as the above mentioned "106 Group" within which the bishops strongly addressed the subject. As Bishop David said in Lourdes in November 2000: "Our joint approach was marked first of all by the discoveries we made. I will list three of them: [...] 2. The harm and suffering caused to the child more and more appeared to us as being intolerable. The child is so wounded by these acts that he is disoriented and unstructured for a long time. [...] As our discussions advanced, the place of the child became more and more important". The plenary assembly of the CEF also contributed to this increased awareness. Its debates showed that certain bishops were sensitive to the question of the suffering of victims of violence and wanted to take the discussion further.

Also, on an internal level, personalities such as Monseigneur Bruguès and Monseigneur David, or Father Denis Vasse, a Jesuit and psychoanalyst, helped the bishops to reflect on the issues concerning victims. Bishop Bruguès reminded the bishops of their dual responsibility to priests and children: "The liturgy presents the bishop as a father, he is first and foremost the father of the children. These children are, somehow, his own, and it is therefore the bishop's primary duty to ensure that justice is respected when these children are injured in one of the basic human rights: the right to physical and moral integrity. In these situations, the bishop has an immediate duty of protection, and of reparation when these rights have been violated".

Laypersons, such as Ms Marie-Jo Thiel,<sup>196</sup> have also influenced the Bishops' Conference, allowing certain hazardous comments by bishops during the plenary assembly in Lourdes in 2000 to be reframed, while stressing the need to look into the matter further. Along with the EPHE, we should also mention Mijo Beccaria, President of the International Catholic Child Bureau, as well as Marceline Gabel and Michelle Rouyer, psychologist and psychiatrist respectively, who ensured that the think tank on sexual violence, which took over from the "106 Group", accorded this issue a central place.

However, the CEF's lack of awareness of any of the issues surrounding the question of victims – to which, until this point had been totally oblivious - is obvious. When the conference or certain of its members addressed the issue, it has to be said that the comments were clumsy and completely out of step with the evolution and expectations of society. This lack of awareness is acknowledged by the bishops themselves and has led the CEF to take initiatives to learn more through extensive documentation and with the expertise of specialists.

In effect, the comments made by some of the bishops reflected their lack of understanding of the suffering of victims and revealed old patterns of interpretation where the victim is still considered responsible for the violence endured, and where any ambivalence in the victim's accusations or attitude gives rise to suspicion... During the bishops' plenary assembly in Lourdes in 2000, Bishop Rouet asked: "Is the child always innocent? We know that children or adolescents can make advances. But the rule that I would like to remind you of is that, even if there is a solicitation or what appears to be a solicitation from the child, the priest or the adult can never morally evoke this solicitation in negation of his own responsibility. The child is untouchable. He or she is not an equal partner and therefore must be totally protected."

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<sup>196</sup> Heard during the plenary session of 10 May 2019.

As we shall see later<sup>197</sup>, the difficulty bishops have in freeing themselves from their interpretative frameworks is obvious, and the objective they set is, more often than not, out of sync with the reality and expectations of the victims. The bishops' *Vademecum* recommends the following attitude towards victims: "It is appropriate [...] to affirm deep regret, to reiterate the need for truth and the desire to restore confidence in the institution, which cannot be confused with the failings, however serious, of one of its members".

When the situation of victims is discussed, the debate regularly veers to focus on issues other than their suffering. At one of its meetings, the CEF's think tank on sexual violence stated that "the Church's work consists in affirming that the true defence of children is to show that our society is largely guilty of distorting the reality of sex and language, and of straying from the truth by dissociating the one from the other".

In May 2002, the advisory committee on sexual abuse, a body created by the CEF following the Pican affair (*cf.* below), was tasked with working, in an interdisciplinary fashion, on the issue of violence committed within ecclesial institutions. It drafted a note about the victims for the bishops.<sup>198</sup> The committee moved away from simply being a provider of expertise, to issuing advice: in this capacity it encouraged support for victims in ways that the Church had not previously considered. It advised the Church to ensure that parents have a good grasp of legal proceedings so that the child may be accompanied as well as possible during the procedure, to direct parents towards professionals in the field of child abuse, to check that the victims have therapeutic follow-up and that they are not left to feel responsible for the acts they have suffered.

Clearly, in France, the end of the 1990s and the beginning of the 2000s marked a turning point for the bishops' conference, in that it began to take into account the victims of sexual violence by members of clergy. Its discourse sometimes remains clumsy, and sometimes reveals a lack of understanding of the suffering of victims, but the CEF is trying to fill these gaps. As Ms Gabel, Ms Beccaria and Ms Rouyer point out, "no longer covering up cases, no longer minimising the facts, letting justice take its course, treating with discernment the canonical and ecclesiastical fate of the accused, is undoubtedly the first duty of a bishop. But recognising the serious harm done to the victims, saying sorry, expressing solicitude, and implementing measures of solidarity and prevention, is just as important."

However, under pressure from victims and with the scientific support of the Vatican, the acknowledgment of the CEF of the vital importance of this issue does not mean that all bishops, and even less all priests, are as conscious of its existence or importance. In this respect, it is interesting to note that a training day for priests on paedophilia in Chartres in the autumn of 2002, opened with "the suffering of the victims", on the grounds that "this is undoubtedly the best way to overcome the presbyteral reserve on the subject".

## **ii. The Mid 2010s: A Time of Recognition**

Before adding to the analysis (*cf.* III of this section) with an evaluation of the measures taken by the Catholic Church in France, the Commission would like to emphasise, for historical purposes, that the EPHE's analysis of ecclesiastical archives showed that the Church really only began to take onboard the issue of victims of sexual violence and their trauma in the 2010s.

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<sup>197</sup> *Cf.* Part III of Section Two, on the assessment of the measures adopted since 2000.

<sup>198</sup> Note written by Ms Mijo Beccaria, Ms Marceline Gabel and Ms Michèle Rouyer.

This belated recognition led to the rapid establishment of *ad hoc* bodies, particularly at a local level.

It is true that the CEF published a pamphlet entitled *Lutter contre la pédophilie, repères pour les éducateurs* (The Fight against Paedophilia: Guidelines for Educators) in 2002, in which the issue of victims and their suffering was addressed, but it was not the principal subject of this pamphlet and it took till the end of the second chapter to make any reference to such suffering and trauma. Conversely, there have been more and more signs, at all levels of the Church's hierarchy, that its recognition since the 2010s has been more effective. For instance, as discussed later in the report, in 2016 the Bishops' Conference called for the establishment of Listening Units for victims in every diocese and the CIASE was set up in late 2018. The words of the victims occupy a central place in the mission of the CIASE. "Very often" says its mission statement, "the victims dare not speak. The Commission's first mission is to discover the facts by working alongside the victims, religious institutions and public services able to cast light on the matter. This will contribute to freeing and collecting the victims' accounts."

These events in France came against the backdrop of the solemn recognition of the victims by the universal Church. In August 2018, Pope Francis acknowledged the suffering of the victims in his *Letter to the People of God* "With shame and repentance, we acknowledge as an ecclesial community that we were not where we should have been, that we did not act in a timely manner, realising the magnitude and the gravity of the damage done to so many lives. We showed no care for the little ones; we abandoned them."

What has changed since the 2010s, therefore, is a clear increase in awareness, which, as the EPHE points out, is the result of the combination of two factors: the setting up of organisations by victims of sexual violence in the Church and the increasing publicity given to these crimes.

The most high-profile support organisations and groups were created in the mid-2010s, even if some, such as the AVREF, founded in 1998, are older. *La Parole Libérée* ('Speaking Out') was founded in 2015 in Lyon, on the initiative of the victims of Father Preynat. In 2016, the organisation *Notre parole aussi libérée*, ('We're Speaking out Too') brought together victims of the priest Pierre de Castelet. In 2018, this became *Parler et revivre*, (Speak Out and Relive) a support group for all victims of sexual violence belonging to the collective called *Foi et résilience* ('Faith and Resilience'). In 2019, the *Collectif des victimes de violences sexuelles dans l'Église en Vendée*, ('Collective of Victims of Sexual Violence in the Church in the Vendée') also known as *Collectif 85*, was founded. There exist many more such organisations, for example *Comme une mère aimante* ('Like a Loving Mother'), created in Versailles, or the collective *Accusons H. G.* ('We Accuse H. G.'), set up by victims of Father Hubert Guiochet, chaplain in Enghien-les-Bains in the 1960s, or *Sentinel*, to name but a few.<sup>199</sup>

By transforming painful individual experiences into shared experiences, these organisations helped and encouraged victims to speak out and facilitated their suffering being taken into consideration. They also allowed victims to carry weight with the ecclesiastical authorities. A member of the *Collectif 85* explains this very well: "I was abused by a priest in the parish when I was six years old [...] When one has been unable to express this to their loved ones, there is always an underlying bad feeling somewhere. So this group is really important to

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<sup>199</sup> The CIASE takes this opportunity to publicly thank all their members who agreed to participate in the unprecedented "co-construction" of discussion, as hoped for by the CIASE, in a work group led by Ms Alice Casagrande et Mr Antoine Garapon. The list of participants of this "mirror group" can be found in Annex 8.

me because through it, I realise that, in fact, others have a story that resonates with my own.”<sup>200</sup> *La parole libérée*’s, press release of 18 February 2021 announcing its dissolution, summarises the contribution brought by victims’ organisations: “Since 17 December 2015, the date on which we set up *La Parole Libérée*, the way in which sexual violence is viewed has changed considerably, both in the Church and in a wider and more global context (cultural, republican, civic...). With regard to our principal concern - namely the Church and its calamitous management of a problem that is shaping up to be systemic - we have spoken out massively, keeping the right tone, and in doing so we have forced the Catholic Church in France to confront its own moment of truth.”<sup>201</sup>

From the 2010s onwards, the increased media coverage of sexual violence committed by members of clergy has also contributed to the Church’s awareness of the suffering of victims. Faced with the growing number of cases,<sup>202</sup> the Church has had to admit that sexual violence against children and vulnerable people has not just been committed by the odd priest or member of a religious community here or there and the media focus on cases of abuse has increased the pressure on the Church to recognise the victims. However, the transition has not yet been totally completed and old habits die hard. The diocesan archives examined by the EPHE are clearly indicative of this. A bishop who claimed to have taken onboard the reality of victims’ pain and the destruction of lives caused by sexual violence, in the same breath advised a victim to keep quiet about having been abused to avoid damaging the reputation of the institution where it had happened. Similarly in 2011, another bishop, after hearing from a victim, asked for forgiveness, but explained how he did not want to know the name of the priest involved, in order to “give him a second chance”. Other bishops have shown reluctance to say the simple and fair words - which the victims need to hear - acknowledging the victims’ suffering and the Church’s faults, because they are wary of fueling accusations of the Church’s civil responsibility.

Generally speaking, as is discussed in the third section of the report, the difficulty lies in the need, on the one hand, for extending the institutional recognition with a real and sincere change in the mentalities and individual practices of those responsible, and on the other hand, ensuring that the policies implemented are sustainable over time and do not lead to the issue being considered as a thing of the past.

## **b) Action combining reporting to the justice system, canonical sanctions and putting an end to dealing with perpetrators internally**

### **i. More perpetrators of sexual violence being reported**

The reporting of sexual assaults to the legal authorities by Catholic Church officials although very low until the 1990s, even showing a drop in the 1970s, has increased significantly since the early 2000s. The increase is also the result of a change in attitude of the public authorities, in a context which has become hostile to the culture of silence and secrecy, which can be explained by a combination of the general de-Christianisation of French society and the Church’s loss of influence - including in legal and policing spheres.<sup>203</sup> Consequently, the

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<sup>200</sup> <https://www.youtube.com/watch?v=QdWsJYmGAg0>. Visited on 18/04/2021.

<sup>201</sup> Press release of 18 February 2021, [online] <https://www.laparoleliberee.org/>. Visited on 18 April 2021.

<sup>202</sup> In the 2010s more than 120 cases of sexual violence committed by ecclesiastics were revealed in the written press.

<sup>203</sup> Much has been written on this subject; most recently, P. Portier, J.-P. Willaime, *La religion dans la France contemporaine. Entre sécularisation et recomposition*, Malakoff, Armand Colin, 2021, p. 47-64.

Church's "trusted interlocutors" in the press and the justice system have disappeared, making a policy of concealment harder to implement. We see the gradual disappearance of references to silence, secrecy and, more generally the Christian faith, in the correspondence of the courts and the police with bishops, in favour of new criminal policies on sexual offences far beyond the remit of the Catholic Church. Such a change in attitude made it totally unacceptable for the state to continue collaborating with the ecclesiastical authorities in concealing these offences, the repression of which had become a priority. A note, which came to the attention of the EPHE, addressed to the CEF on 21 June 2000 by a magistrate who moved in Catholic circles, reflects this change: "In my opinion, and except for privileged and very personal relationships, which could remain utterly confidential, it is better for the bishop not to seek to contact a judicial authority, whether it be the public prosecutor or, even more importantly, the investigating judge. If the latter wishes to hear the bishop, he will let him know. If, however, it seems necessary or indispensable to contact a judicial authority, then always go through a lawyer."

It was in this precise context that the CEF's aforementioned change of policy occurred. It is important, in this respect, to highlight the essential role played by Monseigneur Pican's conviction on 4 September 2001 by the criminal court of Caen for his failure to report abuse. The shock waves created by this conviction can be felt running through the archives of the *Centre national des archives de l'Église de France* (CNAEF- National Archive Centre of the Church in France). This conviction led to a restrictive interpretation of clergy's duty of professional confidentiality – a subject to which this report shall return later in detail.<sup>204</sup> In effect, the court considered it an offence not to have brought to the attention of the judge information obtained mainly by the bishop in the context of the internal investigation that he had initiated. In particular as the information had not been obtained during confession and was not covered by a duty of professional confidentiality. The bishop, who did not appeal, was given a three-month suspended prison sentence. This, a first for France, made a lasting impression.<sup>205</sup>

In the direct aftermath of this case, the reporting of perpetrators became one of the key means of action. In April 2002, the aforementioned pamphlet *Lutter contre la pédophilie, repères pour les éducateurs* (The Fight against Paedophilia: Guidelines for Educators), published by the CEF, stated the requirement by French criminal law for sexual violence to be reported whenever the facts were known. "We want to contribute to breaking the silence", said Monseigneur Ricard, President of the CEF, in the preface. The Catholic Church hierarchy's position has since been confirmed on numerous occasions, most recently, at the Bishops' Plenary Assembly in March 2021 when the CEF acknowledged that church authorities "had concealed the acts [and] failed to report, or even had withheld from the justice system, facts of which they were aware". It declared that it now publicly undertook to submit to the "imperative obligation of reporting to state justice" and undertook to "encourage victims to bring cases to state justice"<sup>206</sup>. It's true that in the meantime, the Holy See has, on the one hand, chosen to refer the canonical treatment of cases to the Congregation for the Doctrine of the Faith while, on the other, with regards to the alignment with state justice, on 7 May 2019, the *Motu proprio* of Pope Francis *Vos estis lux mundi* firmly committed the universal Church to abiding by

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<sup>204</sup> Cf. Point B of Clause II of the Section Three.

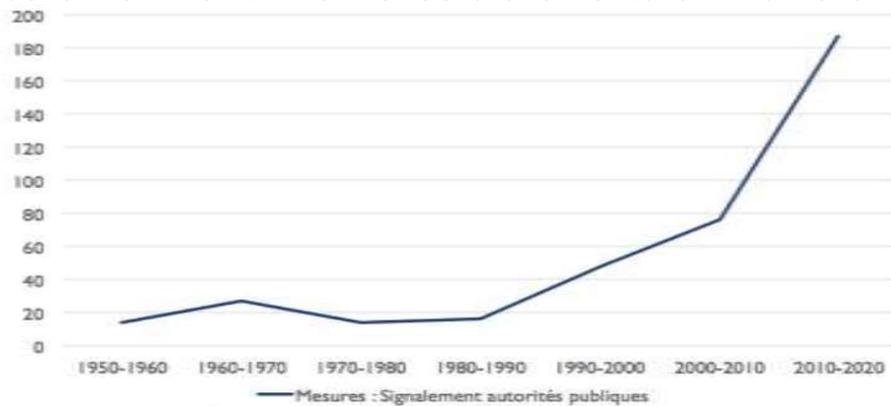
<sup>205</sup> On this issue: *Secret, religion, normes étatiques*, Strasbourg, PUS, J. Flauss-Diem (dir.), 2005, particularly J. Leblois-Happe's contribution: *Secret religieux et droit pénal* [online].

<sup>206</sup> The Fight Against Pedophilia: The resolutions voted by the Bishops of France on 25 March 2021, [online].

national legislation in the matter. The Commission shall return to these issues in more detail below.<sup>207</sup>

Diocesan and congregational archives analysed by the EPHE, confirm that the CEF's policy is being implemented in many dioceses, where the ecclesiastical authorities are now collaborating – mainly - with the state justice system and reporting is becoming the rule. The results of the questionnaires sent by CIASE to all dioceses and religious congregations also show a gradual increase in this practice from the 1990s onwards, followed by a clear increase in reporting from 2010 onwards, as illustrated in the graph below.

**THE EVOLUTION FROM 1950 TO 2020 OF THE NUMBER OF CASES OF SEXUAL VIOLENCE COMMITTED BY MEMBERS OF CLERGY REPORTED BY CATHOLIC CHURCH OFFICIALS TO THE PUBLIC AUTHORITIES**



Données basées sur les 100 des 104 diocèses français et sur 254 Congrégations religieuses

Source: EPHE Rapport, p. 420.

---Measurement: Reports to the public authorities

Data taken from 100 out of the 104 French dioceses and from 245 Religious Congregations

However, the implementation of a policy of reporting violence only goes so far. For example, only recently, the French justice system convicted a bishop emeritus, Monseigneur André Fort, for failing to report a case of child sexual abuse perpetrated by Father de Castelet, who was convicted by Orléans Criminal Court in the same judgement of 30 October 2018.<sup>208</sup> Diocesan and congregational archives also highlight a certain reticence towards this change, which by altering an institution's relationship with truth and scandal, turns its management upside down. Contemporary archives studied by the EPHE thus show that the old ways have not completely died out. For instance, taking advantage of the possibility of quickly transferring two *fidei donum* priests, two bishops failed to report sexual violence in 2019, in a diocese in the north-east of France, and in 2020, in a diocese in the region of Paris. Also in 2020, when questioned by police investigators, the superior of a congregation intentionally directed them towards a priest who happened to have the same name as the accused. Lastly, during the CIASE's mandate, the press reported on Rome's very speedy acceptance of the resignation of several bishops due to age limits - against a backdrop of sexual violence cases, currently under investigation.

<sup>207</sup> Cf. Point C of Clause I of Section Two and Point B of Clause II of Section Three.

<sup>208</sup> Cf. a detailed report of the case by Olivier Savignac and his lawyers, Antoinette Frety and Edmond-Claude Frety, heard during the plenary session of 15 March 2019.

Legal archives, for their part, show how agreements between prosecutors and diocesan authorities to keep facts quiet, still exist. In 2001, a public prosecutor in eastern France agreed to dismiss a case on condition that the accused priest be transferred, stating: “I would be grateful if you could confirm this change of posting to a position where he will no longer be in contact with children. I will then proceed to close the case, as I have indicated to you.”

Even if changes have indeed taken place, it would be naive to think that the move in recent years towards greater transparency and more severe sanctions have seen a complete and irreversible transformation in the practices and mentalities of the Catholic Church when dealing with cases of sexual violence perpetrated by their own.

## **ii. The Implementation of a Policy of Canonical Sanctions**

For a long time, the Catholic Church considered that changing the function or location of the perpetrator of sexual violence against children or vulnerable persons constituted a sanction in itself and made it possible to stop the abuse, an approach which delayed the implementation of a real criminal policy.

However, several factors began to encourage a stronger response from the institution. Firstly, the increasing number of denunciations of acts of violence. Secondly, the increase in the number of cases being reported to the public authorities, slow in the 1990s, then very rapid after the 2000s (*cf.* above). Finally, the pressure exerted by the Congregation for the Doctrine of the Faith, which has, since 2001, made it obligatory to report to it acts of abuse and which determines all canonical procedures and closely follows the outcome of judicial proceedings.

Recourse to canonical criminal law took place gradually after the Church’s acceptance that ecclesiastical cases needed to be handled by state justice from the 1990s. The temporary primacy of the state criminal procedure reflected the difficulties of the bishops and major superiors in practicing a system of canon law which had fallen into disuse and with which they were not familiar (*cf.* below).

In the 1990s, reporting acts of abuse to the public authorities, canonical initiatives and cautions represented 40% of the measures taken by the Church, which by the 2010s had increased to 65%, while transfers and changes of function represented only 11% of measures.<sup>209</sup>

It is interesting to note that transfers and changes of function were, by this period, no longer being used as a means of avoiding criminal proceedings, but were imposed after state and canonical legal procedures. So, the Episcopate did begin to generalise the criminal treatment of sexual violence by referring cases to the public authorities and implementing Canonical procedures. The Congregation for the Doctrine of the Faith, however, often waited for the state justice system to hand down a decision before pronouncing the canonical sanction. This last point - the Church submitting voluntarily to state criminal law - was also very new (see in this respect the aforementioned *motu proprio* of 7 May 2019, *Vos estis lux mundi*).

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<sup>209</sup> EPHE Report - Figure 3 p 436

The number of clergy or members of religious orders convicted by the judicial authorities thus rose from 8 in the 1980s to 80 in the 2000s, even if from then onwards the figures tend to drop, both among the general population and among the clergy.

### **iii. The Church's renunciation of an entirely internal system of care for the perpetrators of sexual violence**

From the 1990s, the Catholic Church, which had been reflecting on the suffering of victims and the punishment of perpetrators of sexual violence, once again began to question the way of handling the latter.

From 2002, the CEF's Consultative Committee on the Sexual Abuse of Minors (CCMASM) recommended exercising great caution in the accompaniment of priests, as can be seen from the note written in April 2002, studied by the EPHE, concerning "sexual offences against children and criminal law": "It is intentional that the words "Church" or "bishop" do not appear in the following discussion for, indeed, neither has an immediate role to play, nor has direct responsibility for isolating, finding accommodation or caring for sex offender priests, let alone the laity who work for, or in the orbit of, Catholic movements or parishes. Both are first and foremost, and often for long periods of time, the responsibility of civil society and its representatives - police officers, judges and doctors. Civil society alone has the legal means (the power of coercion and detention, in particular) and material means (specialised establishments) to ensure the treatment, accompaniment and "follow-up" of these sex offenders, not only during their detention but also when they are free or released."

Neither the Church, nor the bishop, nor the major superior has any control over this system. Therefore, they cannot - and should not - "put themselves forward" to get involved in the lives of paedophiles or in their psychological support, in a therapeutic sense. "In doing so, they run the very great risk of being blamed for any reoffending that might later be discovered".

The break with the 1950s was complete. Whereas the *Secours sacerdotal* had been created specifically to treat, within the ecclesiastical framework, perpetrators of sexual violence in particular, the CCMASM took a radically opposite position. The Episcopate recognised that treating sexual aggressors was a medical and a secular specialty and turned its clergy over for the type of care which was provided, in particular, in hospitals, with a few teaching hospitals setting up "Resource centres for those working with perpetrators of sexual violence" (CRIAVS).<sup>210</sup> The Episcopate also withdrew from the situation in order to avoid new accusations in the event of repeat offences.

This new approach to perpetrators of sexual violence can also be explained by the break with the 1950s. By now, several generations of bishops had passed, and nothing had been passed down from the *Secours sacerdotal*, which was built and run thanks to the involvement and energy of a small part of the episcopal body. However, this approach did not mean that the Church was no longer interested in the accused or convicted, since the archives regularly show the ecclesiastical authorities guaranteeing employment and accommodation in order to facilitate the conditional release of detained clergy. However, the idea of an *ad hoc* psychiatric and psychotherapeutic network, internal to the Church, disappeared, signaling the Catholic Church's renunciation of total control over the presbyterate, including in dealing with its

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<sup>210</sup> Cf. in particular in Digital Annex 12 the report of the hearing of Dr Matthieu Lacambre, psychiatrist and then President of the French Federation of CRIAVS, during a plenary session (which was also heard by a working group), on 10 May 2019.

deviants, and also of the idea that it was equipped with all the necessary resources internally to be able to take care of its clergy.

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To complete this analysis, a study of the policies pursued by the Church shows that it is only very recently that an assertive policy against sexual violence has been implemented: this is examined below. It should be stressed to what extent each policy favoured the implementation and application of other policies: the recognition of victims leading to reporting acts of abuse, which in turn favoured the increased recourse to canonical criminal policy. Finally, it should be noted that the dynamics described in this section were initiated from above - with the action of the Holy See - and from outside - with the action of victim support organisations. This consequently leads the Commission to assess severely the acts uncovered over the entire period studied.

## B. THE CHURCH INSTITUTION'S MANNER OF DEALING WITH SEXUAL VIOLENCE OVER TIME IS DAMNING

*“There were young leaders in the Scouts, but there were also adults, fathers. They must have known what was going on. X set up his tent at the other end of the camp. It doesn't take much to imagine what might happen... At least one of the adults must have known. His name was Y. He was at all the camps. He saw it all, he knew. If the children knew, then the adults knew. Everybody knew. It revolts me.”* (Nicolas, Hearing N° 82)

*“[He] was a predator, a vampire!  
In the end, he would go from parish to parish, he would see a beautiful child and he would convince the mother to hand over the child so he could abuse him. He's a vampire! It's sexual vampirism”.*  
(Michel, Hearing N° 84)

*“Today, I'm no longer a practicing Catholic. My wife was baptised shortly after we met, but she's been very detached since I told her my story. We are very angry with the church. We watched the film, Grace à Dieu together last week. I didn't want to see it, but she was adamant that I watch it before coming to see you. The film is perfect. I hate the reaction of the church.”*  
(Nicolas, Hearing N° 82)

*“I then plucked up courage to go to the bishop responsible for this priest, who only asked me what I wanted. I replied that I wanted a written request for forgiveness from the priest in question. I thought that like that I would have tangible proof of what I had experienced and that I would be able to lodge a complaint against him... because otherwise how could I be believed? The priest replied: not in writing, but by telephone, like that it's easy, there's no proof [...] I went back to see the bishop in May 2019 and asked him: “What have you done since 2015?” He replied that he had asked the accused priest to review his manner of accompaniment. As far as I was concerned, he had done nothing from 2015 to 2019, since no canonical investigation had been opened at that time. In fact, on the contrary, he had given him more responsibilities, by appointing him dean of the sector.”* (Sylvie, Hearing N° 135)

*“It was my story. And actually he wanted to... For him, destroying it would allow me to move on. To move on. It was for me. In fact, he did it with incredible violence, that's another thing. He wanted me to destroy the memoir I had written. He did it brutally. He lit a match before I had time to say “gosh”. (...)*

*It's true that I had my papers that I had done for the official stuff, with the answer from officialdom, and everything. And I destroyed it all. I regret it today.*  
(Isabelle, Hearing N° 98)

*“The Church's behaviour, on the other hand, I found very shocking and unfair and I think that today this is what I find the hardest, especially as I am still very religious despite having gone through huge crises of faith. (...) When you realise that it's the whole system that covered it up, it's difficult to continue to trust the representatives of the Church”.*

(Sophie, Hearing N° 111)

As we have just seen, over the last few decades, the leaders of the Catholic Church in France adopted differing attitudes towards sexual violence committed by members of clergy or religious orders against children or vulnerable adults. In order to make an accurate diagnosis in the context of the times concerned, in response to the CIASE's mission statement, it is necessary to define the facts as they have just been described and illustrated.

The dominant approach adopted by the Church until the 1980s, was the concealment of facts. The aim was to hide a scandalous truth. Justifications for hiding the truth may lie in the limited social consciousness of the serious nature of the abuse and its consequences. It might also be explained, in a Catholic context, by other considerations: a fear of the Church being weakened as the secularisation of society progressed afoot, a fear of “being tried for the discordance of its values” in its capacity as an institution sheltering perpetrators of violence against the very people, the most vulnerable, whose protection it preaches.

Added to the institutional concealment, was, of course, the difficulty victims themselves have in disclosing the violence they have suffered. Over and above the mechanisms of memory loss often inherent to trauma, victims' voices are rarely heard in a society long marked by silence and the denial of sexual violence committed against children, and in all events, its consequences on their development. In this respect, the attitude of the Catholic Church was no different to that of other public or private institutions. The Church, moreover, still enjoyed a considerable standing in society, rendering the words of victims virtually inaudible, the perpetrators themselves abetting the mechanisms of concealment by employing all the institutional and moral authority attached to their function. And, as discussed earlier, complicity in the criminal justice system, at investigative and prosecution levels, may have encouraged the Church to persevere in its attitude. It was not part of the CIASE's mandate to research this matter, but it is to be hoped that the issue will be explored further.

The relativisation or even denial of the abuse exacerbated the victims' suffering. Relativisation tends to play down the nature and impact of sexual violence. The intention was to place the Catholic Church in a more general context - to distance itself from any suggestion that the prevalence of sexual abuse might be specific to the ecclesiastical environment - and to point out the dysfunctions shared by other organisations. In this respect, a form of mimicry can be observed between the attitude of the ecclesiastical institution and the attitude of the members of clergy found guilty, as seen from the research interviews conducted with eleven of them and analysed above.<sup>211</sup>

For a long time, this attitude was not acknowledged by the Church, or certainly was never more than hinted at. It is in the testimonies of contemporaries that we see an excessive concern with secrecy - with several possible, or claimed, aims: avoidance of scandal,

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<sup>211</sup> Cf. IV, F in Section One

preservation of the institution, respect of the presumption of innocence, or even protection of the persons involved. The terms “omerta” and “culture of silence” have been heard over and over in this study - whether from those directly involved (victims, witnesses, clergy, sisters, committed laypersons) or from observers (journalists, researchers) – and the CIASE has heard many. The victims’ testimonies highlight the weight of silence, words used to minimise acts, euphemisms, sometimes pressure not to denounce, or even the abusive recourse to forgiveness as a means of silencing and relegating the violence to a bygone era. Do we, the reader, realise that in the 1990s, a bishop, accompanied by his vicar general, went to visit a family of small farmers, half of whose ten children had been sexually abused by a priest, to offer appropriate care for the children and ask for the withdrawal of the complaint lodged by the victims? The parents, committed Catholics, were thus invited to choose between their children and the Church! But the public action, already set in motion, could no longer be stopped and the priest in question was sentenced to 16 years of criminal imprisonment.

The generational change in addition to a long hard look at the past has also led the Catholic hierarchy to turning a critical eye on itself: the 02 April 2019 edition of *La Croix* reads: “Some of the younger bishops, for example, do not hesitate to question their elders, which was long taboo in the name of solidarity. “Yes, our predecessors showed levity, flippancy, even dishonesty, and did not listen to the victims, especially to avoid court cases” says one of them.”

It is also in breaking with the past that we can see the things that happened and what still persists. Thus, the recent desire to break the silence reflects the recognition of the pervasive occultation of sexual abuse of children in the Catholic Church. When accusations were brought against Cardinal Theodore McCarrick, the Holy See stated that “Abuse and its cover-up *can no longer* be tolerated”.<sup>212</sup> In the same way, the French bishops wrote to Catholics in March 2021: “Silence, indifference and unquestioning deference *must no longer* prevail over the duty to question or even to alert when a behavioural problem is identified in no matter whom (...).<sup>213</sup>

Although the Church’s silence has only very recently come in for criticism, its actual move away from silence at all costs dates back further. As we have seen, the Catholic Church in France began to take an institutional, formal and explicit stance against paedophilia in its midst on the occasion of the General Assembly of Bishops in November 2000. From the gathering in Lourdes, the bishops of France declared that they were aware of the phenomenon, that they condemned it absolutely and that they were determined to act, in particular in conjunction with the justice system. During this period, the universal Church also showed its willingness to act, using its own particular language:

*“(...) And so it happened that, in this very year of joy for the sacrament of the priesthood, the sins of priests came to light – particularly the abuse of the little ones, in which the priesthood, whose task is to manifest God’s concern for our good, turns into its very opposite. We too insistently beg forgiveness from God and from the persons involved, while promising to do everything possible to ensure that such abuse will never occur again; and that in admitting men to priestly ministry and in their formation we will do everything we can to weigh the authenticity of their vocation and make every effort to accompany priests along their journey, so that the Lord will protect them and watch over them in troubled situations and amid life’s*

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<sup>212</sup> Holy See press release dated 6 October 2018 (Source : <https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2018/10/06/181006f.html>)

<sup>213</sup> Letter from the Bishops of France to the Catholic about the fight against pedophilia, dated 26 March 2021 (Source: <https://Église.catholique.fr/actualites/dossiers/assemblee-pleniere-de-mars-2021/514454-lettre-des-eveques-de-france-aux-catholiques-sur-la-lutte-contre-la-pedophilie/>)

*dangers.. (...)”* - from the homily of Pope Benedict XVI on 11 June 2010 at the Conclusion of the Year for Priests

The two decades which passed between the first declarations of intent and the condemnation of the Church suggest an incomplete shedding of skin - some might say a double discourse. New practices were implemented, generally without opposition, yet church leaders continued to equivocate. This indicates that awareness of the problem was not eroding away but it also shows how difficult it was for the Church to transform its words into action and to distance itself firmly from the practices it denounced. The evolution of the Church can be seen in the light of the more general context of society and its relationship to paedophilia. Societal dynamics can certainly not absolve the Church of its responsibilities or minimise the reasons that have anchored it in silence or explain the weakness of its response yet, insofar as they can cast light on any aspect of the phenomenon, it is nonetheless useful to understand them. In the 1980s the crimes of rape and paedophilia began to be understood as a “social problem” and consequently, society’s attitude began to change. Indeed, in the early years of the period studied by the Commission, French society as a whole did not show any sustained interest in sexual violence in general or sexual violence in the Church in particular. Although this cannot explain the cover-ups and silence of which the Church was guilty, the low profile of sexual assaults on children and vulnerable persons may have been a contributing factor. It was only in the 2000s that cases of sexual violence in the Church began to generate a media frenzy. The duration of the silence, the glaring dissonance between the acts perpetrated and the values of the Church or its representatives - priests and members of religious orders - the accentuation of secularisation and the emergence of the voice of the victims, are all factors which can help explain the change in the Church’s attitude which took place under the implacably reproachful gaze of society.

It was in this context that the Church gradually became an object of scandal. The scandal was magnified by the unacceptable and vast discrepancy in an institution whose moral discourse - regarding the weakest members of society - did not correspond, in matters of sexuality, to the practices, of which society was now aware, of some of its priests and members of religious orders. The very notion of scandal is thereby completely reversed. In the past, the justifications put forward by the Church and its social environment to impose, implicitly or explicitly, silence on its young victims, were based in part on how dishonourable and selfish it would be to taint an institution that considered itself holy. Before, it was the victims who created the scandal.<sup>214</sup> Now, in a society growing increasingly intolerant of the concealment, euphemisation or relativisation of such crimes, the Church itself was gradually becoming the source of the scandal. So, in the eyes of society, the Church found itself in the scandalous place that the victim-witness had previously risked being assigned to by the socially acceptable Church. This reversal transferred the weight of the scandal from the victims, whose word was now legitimised and stripped of guilt, to the institution that had harboured, and even covered up, the violence.

At the beginning, concealment and relativisation was coupled with a difficulty in putting the victims and their suffering in the foreground. These two dynamics - the concealment of the facts and the relegation of the victims to the background - did not evolve in parallel but were interwoven. Indeed, the Church’s attitude could be partly explained by, at best, a lack of understanding, at worst, a failure to take into account the experiences of the victims. Yet if the victims really had been placed at the heart of the Church’s concerns - in accordance with its

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<sup>214</sup> This understanding of scandal is paradoxical when it is explicitly stated in the bible (Matthew 18:6) as quoted at the beginning of the foreword, that the one who causes the “little ones” to sin is discredited himself. If scandal is thus given a broad definition, the children are clearly the victims not the cause.

own discourse – would it have been possible for the institutional silence, the avoidance and minimisation to have continued all these years?

If the suffering of the victims is not recognised in its rightful place, or worse still is totally ignored, it risks mitigating individual responsibility and institutional accountability. Claiming a lack of general knowledge about the profound and long-term impact of sexual violence cannot suffice to exonerate the perpetrators, or the institution which was aware of what was going on, from their responsibilities. However, it is a fact that, for a long time, the suffering of victims was not taken into account on the grounds of it being ignored or misunderstood. As discussed above in the historical analysis of the phenomenon, the Church's efforts were far more focused on the perpetrators of sexual violence, to protect them from the risks they incurred such as prosecution, stigmatisation or reoffending, or to provide them with care and support to help them cope with their suffering (to varying degrees depending on the decade studied). In fact, early in the period, perpetrators (euphemistically referred to as “painful cases”) were given curative care for the psychological suffering that might affect them in their priestly function and cause them to “slip up”.<sup>215</sup> Thus, paradoxically, the Church organised, at least partially and in a manner that varied over time, the treatment of the pathology or the perceived suffering of the perpetrators, while it continuously ignored that of the victims. That efforts were made to deal with the difficulties of the perpetrators is all good and honourable but it contrasts starkly with the ignorance, inadequacy or avoidance of the suffering of the victims, who in fact, spoke out more often than we think.

This suffering has only really been taken into account by the Catholic Church in France since 2015. The bishops took a series of specific measures in 2016. The hearings conducted by the Commission speak of the shock of meeting victims for the first time at this level during the plenary assembly in Lourdes ... in 2018, and of the individual meetings that the bishops had in their dioceses with some of the victims. If integration of the suffering of victims appears to have been achieved - although it must yet be ensured that the degree of integration is adequate - and that at least the time of relativism is over in national ecclesiastical discourse, yet the ways and means of providing the right response still remain to be found.

It is highly probable that all public and private institutions confronted by child abuse have also, for decades, denied, covered-up, turned a blind eye to crimes and shown complete indifference towards the victims and the news regularly provides illustrations of their serious errors. But none of these institutions counts so many victims and nor do any of them have an equivalent mission - or founding texts - which so urgently insist on a certain behaviour towards others, and most especially towards children. In these conditions, seeking like others, for misguided reasons that it wrongly believed to be good, to protect itself first, the Catholic Church could scarcely fail to expose itself to even harsher condemnation. It is now judged by the yardstick of its own mission despite its undeniable – but belated and unfulfilled - efforts to recognise the harm done and to draw the conclusions. As the CEF rightly said in its March 2021 letter to Catholics on the fight against paedophilia: “*The brutality of this worldwide phenomenon becomes all the more grave and scandalous in the Church, for it is utterly incompatible with its moral authority and ethical credibility*”. For his part, the Pope said:

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<sup>215</sup> The inverted commas indicate both that these terms are used to refer to child abuse cases in the Church and that they are euphemisms. Whatever the reasons for using such circumventive terms (modesty, a desire to diminish the seriousness of the facts), such misnomers may result in less consideration being given to real and serious problems.

“Such crimes take on a particular force a fortiori when they are committed in a sacramental setting”.<sup>216</sup>

Before looking for the necessary responses to the victims’ experience, the Commission intends to examine - so as to better understand what may have led the Catholic Church to treat the cases of sexual violence committed by members of clergy and religious orders so entirely inadequately - the specificities of its foundations, its organisation and its functioning, starting with canon law. For what might have proved a strength to the institution, thanks to its proven stability over the centuries, has shown itself to be a fundamentally inadequate tool for preventing, stopping or punishing sexual violence against children and vulnerable adults.

## C. THE CHURCH’S LEGAL RESPONSE TO THE WRONGDOINGS OF MEMBERS OF CLERGY AND RELIGIOUS ORDERS IS BLATANTLY INADEQUATE

*“At that time (the trial), the Church came to see us. In the meantime, we had also changed bishops. I suppose because of these facts. And he told us that he (the perpetrator) would be defrocked, that what he had done was unforgivable, that the bishop would come to see us, that we had been very brave. (...) He was never defrocked. After doing time, he was sent to a convent (...) And then he went to an amazing retirement home in Paris (...) He was in a retirement home for brothers. Which was just crazy. In the middle of Paris with a beautiful garden. How many French people can afford that? It’s unfair really. Once again, he was accompanied by the Church since it’s a place for religious people. (...) When they promise to defrock a priest, they have to do it because otherwise, yet again we say to ourselves: in fact, they’re just covering for him. (...) In the end, it’s one more affront. When you take this step, which is not easy, to say: I am ready to work with you, you who have betrayed me I don’t know how many times, because you are my Church, you represent my God. And I don’t want people to see the Church only through that angle, because it’s true that there were some years when there were so many cases that all priests were paedophiles. So, for me it was a real act of reconciliation to do this. The fact that I didn’t even get a response was despicable. That was pretty hard to go through, it was another slap in the face.” (Sophie, Hearing N° 111).*

*“ [...] so I asked [the bishop] to open a canonical investigation at last and I alerted him to a person whom I am convinced is also a victim. I warned him that this person was on the verge of suicide when I talked to him. The investigation was opened, but I was not at all happy with it. The official did not question everyone I would have thought it essential to interview. The friend I was worried about was questioned but, out of obedience to the accused priest, hid the truth of her relationship with him. The investigation only resulted in a reprimand and a monition, and I was not even told about it. At the same time, the person I know, mentioned above, was admitted to a psychiatric ward and told her family about the sexual violence suffered at the hands of this priest. The fact that this victim had lied and sworn on the Bible to the official was the trigger for her to speak out. The bishop was immediately informed and faced with the reality of the existence of a second victim, finally took the necessary precautionary measures against this priest. The affair appeared in the press.” (Sylvie, Hearing N° 135)*

Even though sexual abuse concerns the victims first and foremost, the response of the Catholic Church has nearly always focused on the clergy and members of religious orders who were the perpetrators and on the consequences of their actions for the church institution, as discussed in the socio-historical analysis of how abuse in the Church has been dealt with.

The Commission was struck by the extent to which this clergy and Church-centred approach, almost completely ignoring the victims, was also characteristic of canon law. Defined by canon law as a “breach of the sixth commandment of the Decalogue” (*cf.* below), i.e. as a

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<sup>216</sup> Pope François, *Address at the End of the Eucharistic Celebration*, 24 February 2019, in *The Protection of Minors in the Church, Documents from the International Meeting of Presidents of the Episcopal Conferences at the Vatican* (21-24 February 2019), Bayard, p. 199.

sin against chastity, it views sexual violence exclusively as a violation of ecclesiastical obligations and an attack on the Church's doctrine or sacraments. By qualifying them as sins against chastity, canon law - in addition to a very imperfect definition of the sanctioned acts - conceals their gravity and ignores the suffering of the victims, the attacks on the mental and physical integrity of the latter quite simply not being named. What's more, in fact, the entire canonical proceedings are concealed since the victims of sexual abuse are not party to them and do not have access to the dossier. This confiscation is completed by placing the proceedings in the hands of the bishop of the diocese, who is also the "father" of the priest in question - at the risk of a major conflict of interest and an obvious breach of the principle of impartiality. Even the criminal nature of sexual offences, in accordance with the qualifications of state law, which should have led the ecclesiastical authorities to cooperate with the judicial authorities, did not permit the procedures for dealing with sexual violence by the Church to be "opened up". There is no transparency in the canonical procedure, which is based on a preliminary investigation and subject to pontifical secrecy.

The Commission is aware that the reform of Book VI of the 1983 Code of Canon Law, begun in 2007 at the instigation of Pope Benedict XVI, was completed on 1 June 2021 and is due to come into force on 8 December 2021. Section Three of this report refers to the reforms in detail. However, not only does the reform scarcely constitute, as will be seen, a shake-up of the substance of the law or of the procedure, but, in any case, for the whole of the period studied by the CIASE, the changes brought about by the reform had not yet been introduced.

## **1. Canon law centred around the sinner and the Church, ignoring the fate of the victims**

### **a) The aim is to reform the culprit and redress the scandal**

Since 1950, under canon law, cases of sexual violence against children or vulnerable persons have been regulated successively by the Code of Canon Law promulgated on 27 May 1917 by Pope Benedict XV, and then by that promulgated on 25 January 1983 by Pope John Paul II. The new Apostolic Constitution published, as mentioned above, by the Holy See on 1<sup>st</sup> June 2021, also amended Book VI of the 1983 Code of Canon Law, concerning sanctions in the Church.<sup>217</sup>

These codes define sexual assault as a violation of the sixth commandment of the Decalogue<sup>218</sup> and provide for applicable procedures and sanctions.

Retaining criminal law in the 1983 Code was the subject of debate during its reform. This can be explained by the traditional character of the sanctions, which go beyond a classic disciplinary law, but also by the fact that the "two forums" inherent in belonging to the Church must be considered: the internal forum, which put simply, is the responsibility of each person before God, in the privacy of his or her conscience, and the external forum, which is the

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<sup>217</sup> The offences committed by a cleric against the sixth commandment of the Decalogue with a minor under eighteen years of age or a person who habitually enjoys an imperfect use of reason, to which category sexual abuse belongs, which were included in Title V on crimes against the special obligations of clerics, are now included in Title VI on crimes against life, dignity and human freedom.

<sup>218</sup> "Thou shalt not commit adultery"

responsibility of each person before the Church and society. From the point of view of canon law, the offence is also a sin, which needs to be “remitted” and both forums are involved.

As Olivier Bobineau, Constance Lalo and Joseph Merlet indicate in *Le Sacré incestueux. Les prêtres pédophiles*,<sup>219</sup> the handling of sexual abuse cases is centred around the person of the perpetrator - his guilt, his condemnation and his redemption, according to solely ecclesiastical criteria.

### **b) A fundamentally deontological law which also aims to be criminal**

Based on the idea of sin and, consequently, of the failure to fulfil the obligations pertaining to the status of cleric or member of a religious order, the procedure is guided primarily by a concern to preserve the sacraments, the doctrine and the ecclesiastical institution. The acts are examined not as such, but in relation to these objectives. A perfect example of this is the “offence of solicitation” which qualifies the solicitation of sexual favours by the priest during confession as an offence in the exercise of ecclesiastical duties<sup>220</sup> (*cf.* below).

With the principal perspective of reforming the sinner and preserving the Church, the application of canonical criminal law is in itself subsidiary. Thus, canon 1341 provides that the bishop “shall take care not to initiate any judicial or administrative [canonical] procedure with a view to inflicting or declaring a punishment unless he is assured that fraternal correction, rebuke or other means of pastoral solicitude cannot sufficiently repair the scandal, restore justice, or reform the offender.” Canonical criminal sanctions are, therefore, only a last resort. The same principle emerges from Book VII of the Code of Canon Law, which is devoted to trials and calls on the faithful to do everything possible to avoid disputes within the Church.<sup>221</sup>

This clearly deontological approach to sexual violence should, of course, have led to the Church limiting itself to the deontological aspect while referring the criminal aspect to the state justice system. This has not been the case, as demonstrated by the socio-historical research on the Church’s handling of such incidents, the analyses of which have been mentioned above.

Another striking aspect of this law, which again illustrates its disciplinary or deontological rather than criminal nature, is the virtual absence of the victims in the proceedings.

### **c) Victims who are not associated with the proceedings**

The approach essentially centred on the ecclesiastical fate of the sinner results in obscuring the victim who, according to the Code of Canon Law,<sup>222</sup> is not a party to the

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<sup>219</sup> Mr Bobineau and Mr Merlet were heard by the CIASE during the plenary session of 11 October 2019.

<sup>220</sup> Can. 1387.

<sup>221</sup> Can. 1446 - § 1. All the Christian faithful, and especially bishops, are to strive diligently to avoid litigation among the people of God as much as possible, without prejudice to justice, and to resolve litigation peacefully as soon as possible.

<sup>222</sup> Can. 1729 - § 1. In the criminal trial itself an injured party can bring a contentious action to repair damages incurred personally from the misdemeanour, according to [can. 1596](#).

§ 3. Appeal against a decision concerning damages shall be made in accordance with cann. 1628-1640, even if the said appeal may not be lodged in the criminal court; however if several appeals are lodged by different parties, a single decision shall be handed down by the appellate court, unless the provisions of can. 1734 are applicable.

proceedings, but an intervening third party. This right to intervene in the proceedings can, however, only be exercised if the victim is informed that proceedings have been initiated and makes an application for compensation, or if s/he is invited to intervene in the proceedings by the ecclesiastical jurisdiction.

However, it would appear from the consultations carried out by the CIASE's working group on this subject, that the majority of cases of sexual abuse of children and vulnerable persons transmitted to the Congregation for the Doctrine of the Faith are dealt with by a canonical criminal procedure known as "administrative", which is intended to be reserved for less complex cases that do not justify the "judicial" canonical criminal procedure. And in the context of the so-called administrative trial, the victims are never informed of the procedure, nor, consequently, invited to participate. As surprising (one might say shocking) as it seems, the intervention of victims in these cases is pretty hypothetical.

This lack of consideration for the victim has many disadvantages that are seriously prejudicial to the effectiveness and, ultimately, the credibility of the ecclesiastical court: it does not permit the court to fully understand the seriousness of the facts, which can only emerge from adversarial debate. Additionally, it does not allow the victims to highlight their experience or the consequences of the experience on their lives, thus depriving them of their most basic rights, which can be analysed under three facets.

Firstly, a right of access to justice, without which no other rights can be asserted before the ecclesiastical authorities. Secondly, a right to protection, in view of the nature of the crimes, with interim injunctions being pronounced against the accused member of clergy or religious order. Lastly, a right to reparation, despite it being included in the Code of Canon Law.

It is true, as has been said, that awareness of the extent of the trauma experienced by the victims was raised at the Bishops' Plenary Assembly in Lourdes in 2015. The declaration of the Permanent Council of 12 April 2016, following on from this, marked a step forward, with the setting up of a messaging service, [paroledevictim@cef.fr](mailto:paroledevictim@cef.fr) for victims and witnesses. However, it was not until 2018 that victims were invited to the Bishops' Plenary Assembly and given an opportunity to speak. In recent years, documents from the Holy See also show a growing awareness of the suffering of victims. Unfortunately, however, neither the French developments nor the documents from Rome have led to the greater involvement of victims in the proceedings.

Thus, canon law has not emphasised the criminal aspect of sexual abuse or the consequences of this approach on dealing with cases.

## **2. A law which does not take onboard the seriousness of sexual violence**

### **a) Sexual violence qualified as a sin against chastity**

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Can. 1596 - § 1. A person who has an interest can be admitted to intervene in a case at any instance of the litigation, either as a party defending a right or in an accessory manner to help a litigant.

§ 2. However, to be admitted, the person must present a libellus to the judge before the conclusion of the case, in which the person shall briefly demonstrate his or her right to intervene

Sexual abuse is defined by canon law as a breach of the sixth commandment of the Decalogue: “Thou shalt not commit adultery”. Sacred tradition, as recorded in the Catechism of the Catholic Church, considers that the sixth commandment includes all sins against chastity.  
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The following section (II) will explore the content of magisterial texts in greater depth and question their content. At this stage, the Commission notes that, consequently, in canonical criminal law, the physical and psychological integrity of the victim does not appear in the statement of offences; only the sin against chastity is mentioned. This qualification of sexual offences as offences against chastity once again shifts the focus to the perpetrator, making it impossible to take into account the consequences of abuse on the victims. By limiting itself to the moral dimension of sexual abuse, this qualification omits the criminal dimension, which concerns not only the perpetrator in his conscience and the institution within which he officiates, but also the victim and, more broadly, the whole of society. Strictly speaking, it omits the disturbance of the social order resulting from these acts.

### **b) Sexual violence is neither clearly defined nor clearly sanctioned**

By considering sexual abuse a breach of the sixth commandment, the Church places offences or acts as serious as rape, procuring or prostitution on the same level as masturbation, the use of contraception, cohabitation outside of marriage or homosexual relations. It thereby levels out all sins against chastity - in reality utterly different in terms of gravity - while relativising sexual violence by reducing it to the transgression of a moral rule of the Church, which itself refers to the intrinsic nature of man.

A true understanding of these very diverse offences is hardly facilitated by canon law which does not define different breaches of the sixth commandment. It is astonishing to note that these breaches are, in fact, quite simply not named. Only scattered definitions appear in documents of such varied legal value as Pope John Paul II's *Motu proprio, Sacramentorum sanctitatis tutela* of 2001, the *Normae de gravioribus delictis* published by the Congregation for the Doctrine of the Faith in 2010, or the successive directives of the CEF of 2015, 2016, 2018 and 2020. In all these texts, the terms relating to the criminal aspect of child abuse are actually absent, including in the “substantial norms” of 2010.

In addition to the fact that these definitions are not consistent with each other, in that they do not all refer to the same acts, nor even to the same definition of the said acts, their multiplicity and their changing character do not make life easy for professionals trying to apply the law. Moreover, the law does not provide a clear expression of the values it aims at protecting, which is particularly important for those who have to comply with it.

A distinction needs to be made between different types of sexual violence in order to deal with cases of sexual abuse. Yet, no scale of gravity has been established between acts as distinct as rape and indecent exposure, for example. Practitioners of canon law are all the more disadvantaged as there exists no body of the ecclesiastical case law.

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<sup>223</sup> Catechism of the Catholic Church (1992) and Compendium of the Catechism of the Catholic Church (2005): “Chastity shall be qualified by persons in accordance with their different states of life: some in virginity or consecrated celibacy which is a remarkable way of enabling them to give themselves to God with an undivided heart; others, in the manner prescribed for all by moral law, and depending on whether they are married or single. Thus, married people are called to live conjugal chastity; others to practice chastity in continence”.

In the absence of a clear statement of what is prohibited and an awareness of practitioners' interpretation of breaches of the sixth commandment, the handling and sanctioning of cases of sexual violence shall remain seriously compromised. It is symptomatic in this respect, that the gravity of these acts is also not reflected in the sanctions provided for the various breaches of the sixth commandment. While canon law provides for a specific sentence in some instances, such as abortion,<sup>224</sup> for others, such as those falling within the scope of the CIASE, canon 1395 §2 refers to the imposition of a "just sentence" and, "if the case so warrants" dismissal from the clerical state.<sup>225</sup>

Given the extremely serious acts that may be involved in breaches of the sixth commandment, such freedom in the choice of sentencings may be surprising. While the sentence is undoubtedly the first indicator of the gravity of the act, it can here be observed that the level of gravity is not indicated. This is all the more astonishing since, once again for the "offence of soliciting", the various sanctions incurred are expressly mentioned ("suspension", prohibitions, privations and, in the most serious cases, dismissal from the clerical state).

Even in the event of proceedings resulting in the pronouncement of a sanction, which takes the form of a bishop's decree, the bishop retains the possibility of deferring its enforcement, not imposing it or imposing a more lenient sentence, or even of suspending the enforcement of the sentence.<sup>226</sup> These do not count as adjustments to the sentence pronounced by the ecclesiastical court but are tantamount to its non-execution or even its modification. This power is based on the idea that the proceedings are, in a manner of speaking, the bishop's "thing", according to the expression of a canonist heard by the working group.

#### Example of a Contemporary Canonical Judgment

WE, Y..., [...] bishop [...],

To our dear son, Fr X ..., priest [...], resident at Z....

On [...] 2015, you came to the diocesan house in N..., in order to be heard in the context of administrative criminal proceedings, requested by the Congregation for the Clergy, further to the complaints made against you by several people, received by Fr W...

For this hearing, I had delegated Bishop V..., as well as two assessors, Father U..., a priest [...] and Father T..., whom you have known for a long time.

Despite communication difficulties, you were able to speak at length, to remind those present of all the positive aspects of your ministry and to explain the good, in addition to the Sacrament of Penance, of the charism [...] which you have often done for many people and in many places. At the end of the hearing, you signed an affidavit in which you affirmed:

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<sup>224</sup> Can. 1398 – He who procures a successful abortion shall incur a sentence of *latae sententiae* excommunication.

<sup>225</sup> Can. 1395 - § 2 A cleric who has offended in other ways against the sixth commandment of the Decalogue, if the crime was committed by force, or with threats, or in public, or with a minor under the age of sixteen, is to be punished with a just sentence, not excluding dismissal from the clerical state if the case so warrants.

<sup>226</sup> Can. 1343 and 1344. However, when the victims are minors and it is, therefore, a case of *delicta graviora* (the most serious offences) which since 2001 have been dealt with directly by the Congregation for the Doctrine of Faith, the bishop does not dispose of any room of manoeuvre in applying the sanction which he is only responsible for enforcing. Cf. *Delicta Graviora* Norms, Art. 28: when the promotor of justice of the Congregation for the Doctrine of Faith declares that the case is *res judicata*, the sentence is enforced.

1) Never to have violated the seal of confession.

2) To have made errors in, at times, introducing into the Sacrament of Penance a relational, affective and corporal behaviour that it is possible to have in [other circumstances], although not without great prudence and discernment.

After invoking the assistance of the Holy Spirit and carefully reading all the documents in the file:

In consideration that, too often you have not refrained from gestures and attitudes, permissible with discernment in [certain circumstances], whereas they must always be resolutely proscribed during the Sacrament of Penance, and that, by this behaviour, you have sometimes seriously scandalised penitents, some of whom have lodged complaints about you to the episcopal authorities.

In consideration that you suffer from a serious hearing impairment, which makes it very difficult to engage in dialogue, which is indispensable both for the celebration of the Sacrament of Penance and for spiritual direction, moments when the secrecy of the words of the minister and the penitent must be rigorously safeguarded.

Considering your advanced age [...] and that your duty henceforth must be, principally and with humility, to pray in glorification of the merciful Lord as well as to intercede and make amends for your mistakes, both those which you have recognised and those which you have failed to see.

In consideration of canons 966, 970, 974 § 1 & 2 and 976; and can. 1336 §1, 3°, expiatory penalties.

We decree the following

The faculty of hearing confessions is henceforth withdrawn from X..., priest [...], subject to the provisions of C. 976 in the event of the danger of death.

The recent reform of criminal canon law of 2021 has not amended the bishop's power to modify or not enforce the sanction, which remains the case for adult victims whom the code does not equate to minors. This may explain, in part, the lack of centralisation of decisions on injunctions and sanctions imposed on the accused. Given the sexual nature of the acts, the gravity of their consequences and the vulnerability of the victims, whether children or vulnerable persons, members of clergy or religious orders who have had injunctions or sanctions imposed on them should, of course, be carefully monitored.

Thus, the Commission notes that the entire legal corpus of canon law, from the definition of offences to their punishment and the execution of sentences, participates in maintaining a complete lack of awareness of the reality of the situation and, as a result, leads to the trivialisation of sexual violence which does not enable the Church to measure its gravity and provide appropriate responses. The example of a recent judgment reproduced in the box above is particularly edifying in this respect: how can we fail to see, from the point of view of the victim, an institutional reiteration of the violence already inflicted on their body?

What's more, canonical proceedings have often prevented the matter from being referred to the competent state judicial authorities.

### **3. Proceedings in the hands of the bishop, non-aligned with state justice**

If sexual offences constitute, as defined by canon law, a breach of the sixth commandment, the fact remains that they also constitute criminal offences and, as such, also fall under the jurisdiction of the state.

It must be noted that the question of aligning canon law procedure and state law criminal procedure has only recently been raised in our country, notably through several protocols signed between bishops and public prosecutors (*cf.* below). Canonical procedures are centred around the figure of the bishop and their guiding principles severely limit publicity, neither which factor has made cooperation with the judicial authorities any easier.

### **a) The bishop: a problematic central figure in canonical proceedings**

While the bishop, by virtue of his functions of ordaining, appointing and assigning the priests of the diocese, maintains a relationship of trust with them – “a father-son relationship” even in the vocabulary used by the Church (*cf.* the judgment decree above) - and exercises control over them, he also receives reports of misconduct, directs the preliminary investigation, authorises injunctions during the proceedings, judges and is responsible for enforcing the sentence.<sup>227</sup>

These multiple roles, inherent to the very nature of the episcopate, appear incompatible with the impartiality essential for dealing with the members of clergy or religious orders implicated in cases of sexual violence. The incompatibility is even greater than it first appears since the bishop appoints the “judicial vicar” (who judges the cases not reserved for himself), and the diocesan judges, so is in fact in charge of the composition of the jurisdiction.<sup>228</sup>

Not to mention the fact that the bishop alone decides on the need for a preliminary inquiry,<sup>229</sup> whether to institute canonical criminal judicial proceedings,<sup>230</sup> on the imposition of

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<sup>227</sup> P. Bruno GONÇALVES, “*Pertinence de l’exercice de la fonction judiciaire de l’évêque diocésain dans le procès canonique*”, Review *Transversalités* of the *Institut catholique de Paris*, 2020.

<sup>228</sup> Can 1419 *et seq.*, in conjunction with the Norms concerning *delicta graviora*, art.14-15.

<sup>229</sup> Can. 1717 §1. Whenever an Ordinary has knowledge, which at least seems plausible, of an offence, he is carefully to inquire personally or through another suitable person about the facts, circumstances, and imputability, unless such an inquiry seems entirely superfluous.

§2. Care must be taken so that no one’s good name is endangered by this investigation.

§3. The person who conducts the investigation has the same powers and obligations as an auditor in the proceedings; the same person cannot act as a judge in the matter if judicial proceedings are later initiated.

<sup>230</sup> Can. 1721 - § 1. In the event of the Ordinary decreeing that judicial criminal proceedings be initiated, he shall submit all instruments relating to the enquiry to the promoter of justice who shall present the judge with the libellus of accusation in accordance with cann. 1502 et 1504.

injunctions<sup>231</sup> and on the sanctions imposed in administrative proceedings, (i.e. the majority of proceedings) while his assessors have only the role of assistants.<sup>232 233</sup>

The “promoter of justice”, who is himself an official<sup>234</sup> appointed by the bishop, represents the public interest and only intervenes in sexual abuse proceedings at the request of the bishop.<sup>235</sup> In any event, not all dioceses have one.

This puts the bishop in a situation of conflict of interest. However, although judicial disqualification is possible in canon law, this only concerns the “judicial” proceedings and not “administrative” proceedings. For the latter proceedings, it is up to the bishop to decide whether it is appropriate to delegate his power. Otherwise, there is no recourse, even though for some time now the Congregation for the Doctrine of the Faith, when seized of *delicta graviora* (the most serious offences, such as those studied by CIASE), has been asking bishops to delegate their power.

This situation has legitimately cast suspicion on canonical proceedings, and has led to cases of sexual violence not being dealt with at all or being inadequately handled, with only clerics involved and the laity being totally excluded - except in the case of dispensation at local court level, in accordance with Article 15 of the Norms concerning *delicta graviora* - despite canon law providing for their participation in the procedure.<sup>236</sup>

The situation has gone totally uncontrolled as canonical justice has only very recently allowed any publicity and has also only very recently had any interest in aligning itself with state justice.

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<sup>231</sup> Can. 1722 - To prevent scandals, to protect the freedom of witnesses, and to safeguard the course of justice, the Ordinary, after having heard the promoter of justice and cited the accused, may at any stage of proceedings exclude the accused from the sacred ministry or from some office and ecclesiastical function, he may impose or forbid residence in a specific place or territory, or even prohibit public participation in the Most Holy Eucharist. Once the cause ceases, all these measures shall be revoked; they also end by the law itself on termination of the criminal proceedings.

<sup>232</sup> Can. 1720 If the Ordinary thinks that the matter must proceed by way of extrajudicial decree:

1/ He shall inform the accused of the accusation and the evidence, giving the accused the opportunity to defend himself, unless the latter, having been duly summoned, fails to appear.

2/ He is to weigh carefully all the evidence and arguments with two assessors.

3/ If the offence is definitely established and a criminal action is not extinguished, he shall issue a decree according to the norm of cann. 1342-1350, setting forth the reasons in law and in fact, at least briefly.

<sup>233</sup> However, in the event of *delicta graviora*, the Ordinary has less room for maneuver because the Congregation for the Doctrine of the Faith shall tell him how to proceed. This concerns, in particular, the decision to file legal proceedings and if so, of what type. At the end, all the instruments, including the extrajudicial decree imposing the sentence shall be automatically submitted to the CDF for approval. Cf. *Delicta Graviora* Norms, Art. 26.

<sup>234</sup> Officer of the ecclesiastical court

<sup>235</sup> Can. 1430 - A promoter of justice shall be appointed in a diocese for contentious cases susceptible of endangering the public good and for criminal cases; the promoter of justice is bound by office to provide for the public good.

Can. 1431 - § 1. In contentious cases, it is for the diocesan bishop to judge whether or not the public good could be endangered unless the intervention of the promoter of justice is prescribed by law or is clearly necessary due to the nature of the matter.

<sup>236</sup> Very recently, however, a rescript of 17 December 2019 accepted that, at the Congregation for the Doctrine of the Faith, the lawyer or prosecutor may be a believer (non-priest), provided that the person has a doctorate in canon law and is approved by the president of the college of judges.

## b) State Justice Kept to One Side

Insofar as, as has been stated, sexual abuse is potentially qualified as a criminal offence, the question of the coordination of ecclesiastical and state judicial authorities would appear to be central.

Heir to a traditionally autonomous concept with regard to the state, canon law has for a long time prevented the Church from adopting a clear and coherent position on the issue. It is widely accepted, however, that both the victims and the perpetrators of sexual violence require special attention. Victims have been deeply traumatised and may need support or protection. It is also particularly difficult to gather evidence, and much of that does not survive. The statute of limitations also needs to be taken into consideration in view of the frequently long period of time between disclosure of the facts and the date at which the acts were committed. Furthermore, the risk of reoffending or of putting pressure on the victims or the witnesses may justify the pronouncement of injunctions against the accused. The speed with which the person who receives the first indications of sexual abuse reports it to the authorities is, therefore, a determining factor in the protection of victims and witnesses, the non-recurrence of abuse and the quality of the investigations.

The reporting of abuse has been complicated by two procedural elements specific to canon proceedings: namely the preliminary inquiry and pontifical secrecy. Prior to proceedings another key element is often added: the secret of confession, a subject that shall be tackled in Section Three.

### i. The Preliminary Inquiry

According to the *Vademecum* published in 2020 by the Congregation for the Doctrine of the Faith,<sup>237</sup> the purpose of the preliminary inquiry<sup>238</sup> is to ascertain the plausibility of the facts and enable the Ordinary to decide whether or not an inquiry is justified. This has been designated a *fumus delicti* and is not a question of proving anything, but of ensuring the reliability of the source of the information and its apparent plausibility. The provision's purpose is the protection of the right to the presumption of innocence and the right to a good reputation, as well as to preserve the privacy<sup>239</sup> of the individual.

The purpose of this pre-proceedings phase has, however, been subject to various interpretations. It is true that the wording of canon 1717 is confusing: it states that it is a “careful enquiry into the facts, circumstances and imputability of the offence”, which could be seen as a real investigation. In practice, the Ordinary has tended to confuse the preliminary phase with the investigation itself, limiting neither its purpose nor its scope and subsequently allowing the investigation to drag on far longer than necessary. The Council for Canonical Affairs of the CEF having specified, in its directives, that “prior to informing the administrative or judicial authorities, the bishop must make sure of the plausibility of the facts”, reporting the abuse to

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<sup>237</sup> *Vademecum* on various procedural points in dealing with cases of child sexual abuse committed by clerics (16 July 2020), Available [online](#) at vatican.va.

<sup>238</sup> Can. 1717 - § 1. Can. 1717 §1. Whenever an Ordinary has knowledge, which at least seems plausible, of an offence, he is carefully to inquire personally or through another suitable person about the facts, circumstances, and imputability, unless such an inquiry seems entirely superfluous.

<sup>239</sup> Can. 220 - No one is permitted to harm illegitimately the good reputation which a person possesses nor to injure the right of any person to protect his or her own privacy.

the judicial authorities was, at best, delayed, and at worst, abandoned. This position has not been without consequences for the timing of the referral to the state justice system and the collection of evidence, especially since, in the case of *delicta graviora*, CEF directives stipulate that the suspect must be informed and received by the bishop, which is not always appropriate in the light of a subsequent criminal investigation.

Even in the event of the judicial authority being seized, it often struggled to obtain information from the ecclesiastical authorities because of the pontifical secret, which only evolved with regard to ecclesiastical law in 2019.

## ii. The Pontifical Secret

The pontifical secret is defined by documents entitled *Crimen sollicitationis* dated 9 June 1922 and 16 March 1962, and concerns particularly serious or determining matters for the Catholic Church.<sup>240</sup> The court and all the ecclesiastical personnel involved in dealing with a “crime of solicitation” (the literal translation of *crimen sollicitationis*) were bound by confidentiality and violation of the pontifical secret automatically led to excommunication, the lifting or absolution of which was reserved to the pope. It should be noted that, originally, plaintiffs and witnesses were also bound by the secrecy, although they did not incur the same penalties. The pontifical secret was reaffirmed by the text *Sacramentorum sanctitatis tutela* of 30 April 2001, although plaintiffs and witnesses were no longer bound by it.

The recent rescript of Pope Francis of 6 December 2019, made public on 17 December 2019, made it possible to lift the pontifical secret in cases of sexual violence against children and vulnerable persons. It provides that “the pontifical secret does not apply to the accusations, proceedings and decisions” concerning sexual violence committed by clerics against children or vulnerable persons or persons under their authority, the covering-up of these facts by the hierarchy, or the possession of child pornography. The lifting of the pontifical secret is applicable to the identity of the suspects, the advancement of the trial and the final decision; it can be lifted even if it is related to another offence covered by the pontifical secret. Under the terms of the same rescript, the pontifical secret no longer presents an obstacle to cooperation with the state judicial authorities.

In general, it should be noted that the document of the Congregation for the Doctrine of the Faith, entitled *Normae de gravioribus delictis*, dated 21 May 2010, updating the norms of the *Motu proprio, Sacramentorum sanctitatis tutela* of 30 April 2001, setting out procedural norms with regard to the most serious offences which fall within its scope of competence - among which sexual offences involving children - made no mention of reporting to, or cooperating with, the judicial authorities. This was first mentioned in the circular letter of the Congregation for the Doctrine of the Faith of 3 May 2011, inviting the Bishops’ Conferences to adopt guidelines for dealing with sexual assaults committed by clerics against children. In

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<sup>240</sup> The instruction *Secreta continere* of 4 February 1974, subtitled *De secreto pontificio*, lists ten matters covered by the pontifical secret, including extrajudicial denunciations of crimes against faith and morality or against the sacrament of Penance and anything that the Pope, a cardinal in charge of a department of the Roman Curia, or a papal legate considered to be of such importance that it required the protection of the papal secret

particular, it stressed the need to respect the legal obligations of reporting, in keeping with the sacramental internal forum.<sup>241</sup>

However, the modalities of this cooperation have yet to be defined and harmonised and for the moment are still represented by purely local initiatives. It is for this reason that the Commission intends to return to this subject at greater length in Section Three of this report.

More generally, in the wake of the measures announced in March 2021 by the CEF, Section Three shall formulate recommendations concerning canon law with regard to the adequate sanctioning of sexual assault. Canon law is an essentially disciplinary or deontological law, which was constituted before and entirely separately from state legislation and, despite historical, legal and social developments, still seems rooted in the concept of a Church that is entirely independent from the state. While this may be perfectly understandable in a specifically ecclesiastical sphere, as soon as it crosses with state criminal law, we have seen just how entirely inadequate it is for dealing appropriately with sexual violence against children and vulnerable persons in contemporary France.

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In addition to the above specificities of the Catholic Church's own law, which is so profoundly unsuited to understanding the issue of sexual violence perpetrated within its walls, and the structural role played by canon law in the Church's deficiency in dealing with such violence, the Commission undertook, more fundamentally still, to examine the very foundations of the Catholic tradition, in order to try to understand the gap between its original evangelical message and the dramatic reality of the systemic character of the crimes committed and covered by the institution. Incidentally, the CEF itself has, during the period of time that the CIASE has been working on its report, continued its own doctrinal reflection on the subject. This is very much to be welcomed as it is vital - as we shall see - to delve deeply into these issues.

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<sup>241</sup> “Child sexual abuse is not only a canonical offence. It is also a crime that is prosecuted at a state level. Although the relationship with the civil authorities differs from country to country, it is important to cooperate with them within the framework of their respective competences. In particular, the prescriptions of state law should always be followed when referring crimes to the competent authorities, without prejudice to the internal sacramental forum. Of course, this cooperation is not limited to cases of abuse committed by clerics alone; it also concerns cases of abuse involving members of religious orders and lay personnel working in ecclesiastical structures.”

## II. QUESTIONING THE ROOT CAUSES OF THE PHENOMENON OF SEXUAL VIOLENCE IN THE CATHOLIC CHURCH

### A. A REMINDER OF SOME OF THE CONTEXTUAL ELEMENTS CONCERNING SOCIETY AND THE CHURCH

The dramatic reality of sexual assault permeates our entire society: the family, with the devastating phenomenon of incest, sports clubs, state education, child protection, extracurricular activities and the other socialisation environments mentioned above (*cf.* V, Section One). Such assaults undermine the “inherent dignity of all members of the human family”.<sup>242</sup>

#### 1. The inability of institutions to deal with an endemic evil - sexual violence against children - and the serious pathologies that have amplified it

Sexual violence, both in the family circle and in institutions, represents a major social scourge: nearly 3.7 million adults living in France today suffered from sexual abuse during their childhood.

In the presentation of the analysis of the profiles of perpetrators in Section One (*cf.* IV, E,) we noted that in the general population, in France as elsewhere, there are profiles of people presenting psychopathological perversions that we have been unable to detect, prevent, repress and treat to the extent that they deserve, until now.

Although not all sexual violence can be attributed to these profiles - for there also exist, of course, opportunistic perpetrators or perpetrators who suffer from less severe paraphilias - those who do present psychopathological perversions, although few in number, have turned out to be mass predators, especially in institutions; hidden behind an appearance which has reassured Church leaders and families, they are real monsters who have acted mainly alone, sometimes in a network. The Commission has collected testimonies in the context of the Catholic Church - impressive in terms of number, precision and quality – about the capacity of these people to multiply their prey from one activity and, even more so, over space and time - over several decades and in different ministries. Even if a small number of these perpetrators have been reported, prosecuted and convicted, the majority of them continued their ecclesiastical careers without encountering any real problems, possibly being transferred occasionally as per the Catholic Church’s policy of the time. In the worst-case scenario, they may have faced criminal proceedings that were either discontinued, discharged or in which they were acquitted, due to the lack of evidence or because of the statute of limitations.

To this first problem is added the question of access to children. Such access presents risks that have not been adequately addressed - as shown by the socio-historical analysis of the Church - which justify the formulation of recommendations by the Commission in this regard in Section Three. In particular, the fact that certain men have intentionally chosen functions, careers or roles which bring them into contact with children in order to satisfy criminal impulses

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<sup>242</sup> Expression taken from the introduction to the Universal Declaration of Human Rights of 1948.

has, for a very long time, been overlooked. For a very long time, there have been no prevention and detection policies worthy of the name implemented in any institutions for children.

Sexual violence is thus an inseparable and inextricable combination - to varying degrees depending on the environment - of the personal, the collective and the institutional. Behind the primary responsibility of the perpetrator, lies, inseparably, a deficient environment. This intertwining of responsibilities is not identical in the Catholic Church, in schools, in sports, in youth movements or in a family, and of course, even less in every individual situation, but in general, it indicates a kind of bankruptcy of authority, whether it be ecclesiastical, scholastic, educational, supervisory or parental. Where the environment should have protected, it proved itself absent, defective, or even directly involved in the mistreatment. Authority has all too often failed in its mission and betrayed the trust placed in it. Its failure is also that of society as a whole, a society which has all too often not wanted to see or to know what the strictest minimum of insight should have brought to light.

It will be up to the Independent Commission on Incest and Sexual Violence against Children, set up by the Government in January 2021, to examine these issues in greater depth and to assess the role played by the institutions concerned in the outbreak of sexual violence, if necessary by comparison with the CIASE diagnosis. Have at least some of them shown shortcomings, a lack of vigilance or failures that could be described as systemic and conducive to the abuse of children?

## **2. Deficiencies Specific to the Church**

The deficiencies of the Catholic Church have been highlighted in the preceding pages and can be summarised under the following main points:

- The fear of “scandal” conducive to covering-up, secrecy and silence.
- Referring to the acts by euphemisms, an inability to clearly name the harm, no capacity for listening to victims or of taking their experiences onboard.
- An inadequate assessment of candidates’ aptitude for the priesthood, particularly in reaction to the crisis of the drop in vocations and in the number of priests, and the consequent recruitment of perverted personalities or persons unable to assume celibacy.
- Dealing inadequately with cases of sexual abuse when the Church was aware them: no reporting to the justice system for a very long time, even in years after the CEF’s general assembly of November 2000; very few canonical sanctions, regardless even of the serious shortcomings of the law in the matter, and a marked absence of effective preventive measures, with preference being given to transfers between dioceses, exfiltration abroad or transfers from one place to another within an institute or diocese.

To this must be added more structural elements, which the CIASE has addressed in this section, after reflecting at length within the working group devoted to questions of theology, ecclesiology and governance of the Catholic Church, and having had numerous exchanges during plenary session on these demanding themes. A caveat is necessary here: the Commission is conscious of its own limits in this area and, in exploring these fundamental questions, has not been overcome by a kind of excessiveness causing it to overstep its mandate, nor to rise above its mandates. On the contrary, it felt that only by digging down to the roots of the problem, using the combined knowledge of its members, the hearings and the testimonies, could it truly

fulfil its mandate, even if this was not how it originally envisaged doing so and even if no counterpart commission in another country had done so before. The CIASE has, however, over the months, collectively come to the conviction that its creation as an independent body, exterior to the Church, at this precise moment in the history of the institution as it is hit by the acute sex abuse crisis, confers upon it the responsibility to dig right down to the roots of the problem, as deeply as the Church is itself doing, as is made clear by, among other publications, Pope Francis' aforementioned *Letter to the People of God* or the specific work of the Bishops' Conference of France's doctrinal commission based on the biblical theme of the Tree and its Fruits.

Thus, the Commission's work successively addresses - as it pinpointed each aspect in its research work- on the one hand, the deviations, distortions and perversions of the doctrine and teachings of the Catholic Church which could potentially constitute a breeding ground for violence, and, on the other hand, the flaws in certain magisterial texts which may explain why the Church has been unable to find sufficient resources in its own tradition to eradicate these deviations, distortions and perversions.

## **B. CHURCH DOCTRINE AND TEACHINGS WHICH MAY HAVE LENT THEMSELVES TO DEVIATIONS, DISTORTIONS AND PERVERSIONS**

*“A re-reading [of canon law and theology] is undoubtedly necessary, since abuse in the Church is based on a divergence from meaning, on manipulating through the spiritual.”* (Hearing of Ms Anne Mardon during the plenary session of 22 October 2020)

As Pope Francis wrote in 2019: “The brutality of this worldwide phenomenon becomes all the more grave and scandalous in the Church, for it is utterly incompatible with its moral authority and ethical credibility.”<sup>243</sup> Echoing this, the bishops of France wrote in their March 2021 CEF *Letter to Catholics on the fight against paedophilia*: “Such crimes take on a particular force especially when they are committed in a sacramental setting.”

Such corruption of the Catholic moral authority and the sacramental framework have, in effect, facilitated or even justified acts of abuse and hindered their prevention or them being dealt with effectively. This is why, in its diagnosis, the Commission sought to identify factors which may have been conducive to, or allowed or justified, the acts of abuse, sometimes at the price of grossly misinterpreting or altering the meaning of doctrine and teachings. The Commission has looked, in particular, at the way in which the Scriptures, the sacraments and doctrinal elements concerning sexuality have been distorted. It has tried to understand the distorted or warped interpretations which have, and can still, be made while questioning how sexual abuse can be dealt with simply by looking at it through the prism of the sixth commandment of the Decalogue, in accordance with the Catechism of the Catholic Church.

It is not, of course, the task of the Commission to rewrite the doctrinal or disciplinary corpus of the Catholic Church. That is neither its mandate nor its intention. Even less does it

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<sup>243</sup> Pope François, *Address at the End of the Eucharistic Celebration*, 24 February 2019, in *The Protection of Minors in the Church, Documents from the International Meeting of Presidents of the Episcopal Conferences at the Vatican* (21-24 February 2019), Bayard, p. 199.

intend to undermine what constitutes the foundations of the Catholic faith. It does, however, wish to sound the alarm and warn of the possible twisted interpretations it has identified which may give rise to situations of control and dominance over children or vulnerable persons conducive to committing sexual assault. It also wishes to draw attention to the vital importance of fully recognising the offence committed against the person and sequentially to analyse the factors which cause the Church to deal so ineffectively with the cases of abuse of which it is aware.

In so doing, the Commission realises that it is following the path laid out by one of the resolutions voted by the French bishops in March 2021. The bishops state that it is “their duty to promote theological work [...] which will help to better understand and combat the spiritual mechanisms [...] that nourish abuse”. Here we are. In their March 2021 *Letter to Catholics on the fight against paedophilia*, the bishops also agreed to carefully examine and renew “the ways in which the priestly and episcopal ministry is exercised, as well as the discourse that upholds it.”

The Commission also endorses the analysis made recently by Sister Véronique Margron: “The Word of God has been twisted to serve the vilest intentions. The sacred Tradition has been hijacked by mind-boggling theologies. Manipulators have used the authority given to them by God— or so they said - to shatter childhoods, consciences and trust. This spiritual responsibility is immense. It places us before God who calls us to stand before all and recognise what has been corrupted from faith in the God made flesh, committed to protect the most fragile.”<sup>244</sup>

The Commission also takes up the thoughts of Cardinal Reinhard Marx who, on the occasion of his resignation as Archbishop of Munich and Freising last June - since refused by the Pope - said: “The crisis [of sexual violence] does not only involve improving the administration - although that is necessary - but it is even more about a renewed form of Church and a new way of living and proclaiming one’s faith today. I am concerned that in recent months there has been a tendency to exclude systemic causes and risks or, if we manage to put our finger on them, fundamental theological issues, in order to boil down our dealings with the past to the simple improvement of administrative procedures.”

The Commission is aware that some of its recommendations are the responsibility of the universal Church. It will be up to the Church of France to determine how it intends to deal with these issues, by discussing and reflecting with victims and committed laypersons, and calling upon the world of theological research, work that can only benefit from being enriched by the light of the human sciences in general.

## 1. The Distorted Use of Authority

*“In our society, the priest, through the immense number of sacraments, baptism, confession, extreme unction, and everything surrounding these, the priest has an extremely powerful, extremely sacred role, which is difficult, very difficult psychologically, even for you and me, who are older, we still have that instinctive respect.” (Diego, Hearing N° 9)*

*“And he started to undress me (...). I have awful memories of that. Then, little by little, he asked me to come and see him and that’s how it started. When I was at his house, I wasn’t there anymore, it was like, you know, I just wasn’t there. I was like a log, and I wanted... But I couldn’t talk, couldn’t move and yet, on the other hand, he would take me to celebrations, things like that. He would put*

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<sup>244</sup> Le Monde, 5 March 2021

*on his crosier and his mitre, he was, like, the god of the assembly, you know. Everyone admired him, he blessed everyone, for a child, that's impressive. I never dared to resist him. I never dared to resist him, firstly because, you know, obviously, everything he did was good, and I was, like, impressed. So, it lasted for almost ten years and I never dared to say no, I never dared.”*  
(Julien, Hearing N° 87)

*“[They] sent for Abbé X, and from the foot of the stairs - I can still see the scene, I could describe it to you as exactly as if it had happened yesterday – I'm made to say that I'm a dirty lout, a bad boy, that I spoke badly of Monsieur l'Abbé, that I'm nothing but a liar (...) It's painful... Even just saying that hurts me. It's an infinite pain. Infinite. To have been excluded from everything. It's an infinite pain. (...) You can't imagine the suffering that it represents. An infinite suffering.”*  
(Rémi, Hearing N 40)

*“The theological-mystical discourses that justify abuse are very often based, when it comes to adults, on the union of Christ and the Church and on the love of God of which I, the all-powerful priest, am the representative.”<sup>245</sup>*

*“After losing my father, Father Guiochet used to come and eat at home and give his dirty clothes to my mother to wash! He also influenced our professional choices. My mother was devastated by the death of my father. He came to take my father's place beside her.”<sup>246</sup>*

*“He was in my father's place! In fact, he pushed aside the fathers who were most present.”<sup>247</sup>*

## **a) The Distortion of the Authority of Ordination and Clericalism**

In his aforementioned August 2018 *Letter to the People of God*, Pope Francis castigates clericalism as “a peculiar way of understanding the Church's authority, one common in many communities where sexual abuse and the abuse of power and conscience have occurred.” He adds that “clericalism, whether fostered by priests themselves or by laypersons, leads to a scission in the ecclesiastical body that supports and helps to perpetuate many of the evils that we are condemning today. Saying no to sexual abuse implies saying no, categorically, to any form of clericalism”.<sup>248</sup>

It transpires almost systematically from the testimonies of victims, that the perpetrator's position was such that his acts could not be prevented, contested or even recognised. The victim, as discussed above, is often muzzled by an injunction to silence, which thanks to the system of authority may not need to be more than tacit. Very often, the social environment also subjects the victim to silence, be it within the family, or between priests, or brothers or sisters of the same religious community.

As Marie-Jo Thiel pointed out to the Commission, “in the Church, the cleric is too separate from other laity, forgetting the baptismal condition which makes us all equal through baptism; we are all children of God.”<sup>249</sup>

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<sup>245</sup> Hearing of Ms Anne Mardon, former member of the Monastic Fraternities of Jerusalem, 22 October 2020.

<sup>246</sup> Hearing in a plenary meeting of the Collective of the Victims of Father Hubert Guiochet, Chaplain of Enghien-les-Bains Lycée, 6 February 2020. This priest left the clerical state in the early 1970s to become a psychotherapist.

<sup>247</sup> Hearing in a plenary meeting of the Collective of the Victims of Father Hubert Guiochet.

<sup>248</sup> Pope François, Letter to the People of God, 20 August 2018.

<sup>249</sup> Hearing of Ms Marie-Jo Thiel, Medical Doctor and Doctor of Theology, Director of the European Centre for Studies & Research in Ethics (CEERE), and author of *L'Église catholique face aux abus sexuels sur mineurs* (Bayard, 2019). 10 May 2019.

It is clear that the magisterial texts place the priest in a specific position, insofar as he intervenes in the name of Christ in the sacraments he dispenses. Pope John Paul II reminded us that ordination is “a unique sacramental configuration of Christ through which the priest becomes Christ for others”.<sup>250</sup> Pope Benedict XVI was able to clarify that being ordained a priest meant being “unceasingly purified and invaded by Christ so that it is He who speaks and acts in every priest.”<sup>251</sup> For its part, the Constitution on the Sacred Liturgy resulting from the work of the Vatican II Council says that “Christ is always present in his Church, especially in liturgical actions. He is present in the sacrifice of the Mass [...], and in the person of the minister”.<sup>252</sup>

The Commission has no intention of calling into question the foundations of the sacrament of Holy Orders, nor the Catholic doctrine of the Eucharist. It does, however, draw attention to the fact that the doctrinal position given to the priest by the sacred Tradition can be distorted by some to commit abuses of power, spiritual abuse and even sexual abuse.

This approach is in line with that expressed by the Bishops of France who, in their above-mentioned *Letter to Catholics* of March 2021, state: “We, ordained priests and bishops, receive from Christ, the Shepherd and Servant, a ‘sacred power’”. [...] <sup>253</sup> This power can be abused. Like all power, it can be used to exert a hold over a more vulnerable person and to establish a relationship of dominance.

The key to the doctrinal edifice concerning the sacraments lies in the ministry. In Catholic theology, it is the nature and intention of the minister who, in the name of the Church, performs the sacramental act which consists of specific words and gestures, that guarantees the truth of the sacrament. It is through ordination that a “sacred power” is conferred on man (this is called the “power of order”) allowing for the valid performance of the sacramental act. It is in this that lies the essential difference from magical, or purely mechanical, conceptions of rites. The role of the minister is a reminder that the sacraments are gifts received from God, not just the fruit of mere protocol. So, the question is: what exactly, in their function as ministers of the sacraments, is the nature of this specific power belonging to the bishop, the priest and in some cases the deacon?

In this respect, the Commission paid particular attention to a recent article by Father Laurent Stalla-Bourdillon, according to whom the idealised image of the priest, as projected by others, can give perpetrators of sexual violence a feeling of omnipotence and impunity: “The influence of this image in the minds of the faithful has often led them to attribute to the “man of God” a “perfection” which quashes all critical thinking. It needs to be clearly stated at the outset: in the Church, the priest is over-identified and mis-identified with Christ. The correct notion of identification of the priest with Christ, used in theology to account in truth for the sacramental reality of rites, has disastrously been transposed to an incorrect identification of the personality of certain priests with Christ in daily life. The doctrine, applicable to the sacraments, of the union of the person of Christ with the person of a man - an ordained priest - has been abusively supplemented with a confusion between the sanctity of the one who is but a man with the sanctity of Christ. The priest’s own daily path is one of personal conversion and sanctification. He remains a man, and a possible sinner. The attributes of the One who alone

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<sup>250</sup> Pope Jean-Paul II, *Address to the Bishops of Ireland*, 26 June 1999, quoted by Marie-Jo Thiel, *L'Église catholique face aux abus sexuels sur mineurs*, p. 539.

<sup>251</sup> Pope Benoît XVI, “*Le sacerdoce catholique*”, in *Des profondeurs de nos cœurs*, Fayard, p. 70.

<sup>252</sup> The Constitution of the Saint Liturgy *Sacrosanctum Concilium*, 4 December 1963.

<sup>253</sup> The words “sacred power” are, incidentally, in quotation marks in the Letter to the Catholics of France.

is holy - for he is God – have been superimposed to an excessive degree on the priest, due simply to him being ordained and speaking of the things of God.”<sup>254</sup>

This article seems to the Commission to be particularly accurate, because it implicitly discusses three expressions of the Catholic theological tradition that, in a corrupted form, have been used as an alibi for an unjustified hold over others: *alter Christus*, *ipse Christus*, *in persona Christi capitis*. Father Stalla-Bourdillon’s article highlights the conception of the ministerial priesthood according to the last, most just, of these expressions of theological tradition, as explained in the box below.

#### IN PERSONA CHRISTI CAPITIS

Theological tradition has expressed this specific role by highlighting the relationship between the minister, who is a sign of Christ, and the celebrating assembly: during the liturgy, and the Eucharistic prayer in particular, the priest acts “in the person of Christ the head” (*in persona Christi capitis*). Here we see the image of the Body, as forged by Saint Paul, which is an essential image in liturgical matters. Christ is the head of a Body which is the Church (The Letter of Paul to the Ephesians 1:22-23; 5:23). This ancient theological expression can contribute in several ways to preventing the distorted identification of the person of a priest with that of Christ.

Firstly, it indicates that the minister - bishop or priest - is only a sign of Christ in an essential relationship with the assembly: it evokes the Christ “the head”, connecting it to the assembly which is itself the sign of the Body of Christ. In the words of Saint Augustine, “With you I am a Christian, for you I am a bishop”, the ministry is inseparable from the Church. As the etymology reminds us, ministry is a service and, as such, it is a structuring reality of the Christian assembly, and not a privileged status granted to certain individuals capable of existing independently of the assembly.

Secondly, the Latin *in persona* refers to a symbolism of representation. The ancient Church was clearly aware of this, speaking of “those who preside”, an expression found, for example, in the martyr Saint Justin circa 150, from whom we have one of the first descriptions of the celebration the Eucharist. The priests preside over an assembly which is not theirs, but the Lord’s. In other words, the relationship between Christ and the ordained minister is not immediate. Rather, the minister represents the visible mediation between the assembly and the invisible One whom, for the faithful, is the only intercession.

Finally, it is in the liturgical acts that the minister manifests himself as a sign of the presence of Christ. Without reducing the figure of the ordained ministry to a simple role, at the risk of falling into a type of functionalism, it should be noted that the nature of the ministry is inseparable from that of the liturgy itself. This is expressed in the Conciliar Constitution on the Liturgy, which states that “the work of our redemption is carried out” (n. 2) in the liturgy. Consequently, the acts of the minister are in some way undertaken by Christ himself. When believers say that the minister acts through the person of Christ, it is because they believe that it is Christ Himself acting through His Spirit.

The Commission has not been mandated to determine the theology that the Catholic Church should adopt. However, in accordance with Father Stalla-Bourdillon, it would appear that the expression in *in persona Christi capitis* withstands distortion of the concept of the priest’s “sacred power”. It, would therefore, seem theologically sound to the Commission that the identification of the priest with Christ should not extend to all spheres of ecclesial life, and most definitely not to any interpersonal relationship a priest may have with the faithful.

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<sup>254</sup> Laurent Stalla-Bourdillon, “*Dérive du sacerdoce et dérive de prêtres abuseurs*” in *L’Église catholique à Paris*, zenit.org, May 2021.

Among the questions which must be addressed in priority, are the risks incurred by the spiritual accompaniment of certain priests and members of religious orders. The Commission is aware of the extent of the risk, especially as it affects young adults or - under an abusive adoption of the “fatherly role” - troubled children from difficult, or absent, family backgrounds.

The Commission noted that spiritual guidance can easily become a place of abuse, as the relationship established between the spiritual director and the person receiving the guidance touches on very intimate issues. The mere fact of using a position of authority for one’s own benefit is in itself a situation of abuse. “The boundary of the other’s conscience is fragile and it is oh-so-easy to destroy it”, even with the best of intentions.<sup>255</sup> In the biblical story of the healing of the blind man of Jericho,<sup>256</sup> the question asked by Jesus at the beginning of their encounter: “What do you want me to do for you?” refers the subject to his own autonomous elaboration of his expectations and needs, which the accompanier cannot deny having heard.

Spiritual accompaniment should not, therefore, place the faithful, especially children or young adults who are living through a process of discernment, in a situation of tutelage or dependence on the accompanier. Particularly as the latter could, moreover, take undue advantage of this type of dependency situation. It should not lead to substituting the priest for God and to confusing the roles; the accompanier should not, as the Commission has noted often happens, occupy the central place with all the subsequent risks of distortion and abuse. On the contrary, the accompanier should efface himself from a relationship which should really be being established between the person being accompanied and the one regarded by the Christian tradition as his creator and saviour.<sup>257</sup>

As concerns the “abuse of the fatherly role”, one should preempt the problem by accepting an element of self-effacement which is not incompatible with solicitude. It is not for the priest, as has been observed by the Commission, to step into a space left vacant - often by the father - nor to exploit the interconnectedness of the family and the parish community to confuse the vacant spaces and take control of them all. Several women who were victims of the chaplaincy of Enghien-les-Bains secondary school in the 1960s, emphasised during their hearing in a plenary session, how in practice the priest played the role of their fathers, for example, when making decisions about university, jobs or other life choices.

This overreaching of the priestly role is all the more dangerous when added to the emotional confusion that could be provoked by the designation “my Father”. Many of the testimonies received by the Commission underlined the ambiguous, even incestuous, relationship that might ensue.

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<sup>255</sup> Adrien Candiard, *Pour un accompagnement sans emprise*, in *Christus*, N°265, January 2020.

<sup>256</sup> Matthew 20, 29-34, Mark 10, 46-52, Luke 18, 35-43.

<sup>257</sup> Monseigneur Eric de Moulins-Beaufort (Hearing of 28 November 2019).

### **Recommendation N° 3:**

- With the use of a tool similar to risk-mapping, identify all forms of abuse of power, or of placing the priest in a position above the baptised. In this context, distinguish between practices the Church believes to be legitimate from others.
- Closely examine practices in the episcopal and priestly ministries and study the discourse on which they are based to see if this has encouraged a distorted interpretation.
- Publish a guide of ethics and good practices in spiritual accompaniment, highlighting the distinction between the responsibility of governance and spiritual accompaniment to avoid any divergence from the said ethics and good practices.
- In all types of training and catechism, underline the fact that the Gospels should be a source of inspiration for spiritual accompaniment where the challenge is to help the subject reach his own understanding in a face-to-face relationship, not to dominate him through manipulation.

## **b) The Risks of Overvaluing Celibacy and Charisms**

### ***i. Priestly Celibacy seen as a Superhuman Quality***

The Catholic tradition places the priest “apart” from the rest of the world. Ordination consecrates his specificity and celibacy manifests his commitment and unique position on a daily basis, especially to the faithful. As Pope Emeritus Benedict XVI wrote: “From the daily celebration of the Eucharist, which implies a permanent state of service to God, was spontaneously born the impossibility of a matrimonial bond. We can say that the sexual abstinence that was functional was transformed automatically into an ontological abstinence.”<sup>258</sup>

The discipline, not the dogma, of priestly celibacy<sup>259</sup> was established in the Western Church by the Second Lateran Council of 1132. Celibacy is not a requirement for most of the Eastern Catholic Churches.<sup>260</sup> Other Christian denominations do not practice this discipline. The question of the ordination of married men was, until recently, an important aspect of the Amazon Synod’s reflections in autumn 2019: “Whilst affirming that celibacy is a gift for the Church”, a bishop then asked “humbly that, as an experiment, [...] married men be ordained priests if they fulfil the conditions that Saint Paul asks of pastors in the First Epistle to Timothy”.<sup>261</sup>

The Commission believes that there is clearly no causal link between celibacy and sexual abuse - a great deal of sexual violence is committed by married men. It is not, however, an easy path. The Church itself often refers to celibacy as a struggle, exposing the risk of inner

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258 Pope Benoît XVI, « Le sacerdoce catholique » in *Des profondeurs de nos cœurs*, Fayard, p. 48.

259 The Commission is aware of the scriptural basis of the discipline: Mt 19, 12; Lc 20, 34; 1 Co 7.

260 At least for priests as bishops are always celibate and, more specifically, brothers.

261 Cited in “Amazon Synod, to debate ordination of married men,” *La Croix*, 10 September 2019.

tensions created by the pursuit of any ascetic prowess. And certain studies indicate that levels of clergy who indulge in an active sexual life stand at 40%.<sup>262</sup>

However, the most important question, in terms of the Commission's scope of enquiry, regards the ethical requirements of celibacy. For example, the issue has been raised of the link between the discipline of celibacy and the dominant position of priests and members of religious orders: "The historical link between celibacy, continence and power is certainly a key to understanding the proliferation of sexual abuse by clerics and members of religious orders."<sup>263</sup> There is a risk that celibacy may contribute to the overvaluation of the person of a priest. As Sister Véronique Margron points out, "it is the representation of the priest that is in question. We have to be careful about the way in which a priest is considered a man "apart" belonging to the category of the "sacred". This can reinforce a self-image of an almost "superhuman" nature, whose ideal reaches so high that if it one day cracks, the whole personality comes crumbling down. The person may build up a self-image that is out of sync with reality and when it collapses, some cannot cope".<sup>264</sup>

As some priests testified to the Commission, celibacy may also have contributed to euphemising, or even obliterating, all questions of sexual identity and sexual life. As, despite the long-held confusion, to be celibate is not to be without sexual identity. The Commission welcomes the forthcoming *Ratio Nationalis* applicable to training in seminaries, which includes in the programme "affective, relational and sexual training" and the use of psychology. (Cf. Chapter 7).

#### **Recommendation N°4:**

- Identify the ethical requirements of consecrated celibacy, in particular with regard to the representation of the priest and the risk incurred of bestowing on him the status of hero, or of placing him in a position of dominance.
- Assess, for the Church in France, perspectives opened by the propositions of the Amazon Synod, in particular the suggestion that "*ad experimentum*, [...] married men could be ordained as priests if they fulfill the conditions for pastors, as laid down by Saint Paul in the First Epistle to Timothy"<sup>265</sup>.

## **ii. The Distortion of Charisms into Control**

There is also a risk of deviation when too much room is allowed for personal charisma and the seduction that a founder showers on the "disciples" under his hold. While the gift of the Holy Spirit is in the Tradition subordinated to charity ("the true measure of charisms" in accordance with the Catechism of the Catholic Church N° 799), "the years following the Second Vatican Council [...] have seen an abundance of paradoxical illuminations and illusory lights, contrary to the great spiritual tradition".<sup>266</sup> The priest's use of seduction as a technique is made all the easier as he can boast of the numbers of new converts or vocations recruited through his charisma.

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262 Thomas P. Doyle, *Sex, Priests and Secret Codes*, Los Angeles, Bonus Books, 2006, quoted by Marie-Jo Thiel, *L'Église catholique face aux abus sexuels sur mineurs*, pp. 482 et 484.

263 Marie-Jo Thiel, *L'Église catholique face aux abus sexuels sur mineurs*, Bayard, 2019, p. 479.

264 Véronique Margron, « *Pédophilie dans l'Église : restaurer la crédibilité* », in *Études*, December 2018, p. 96.

265 Cited in "Amazon Synod, to debate ordination of married men," *La Croix*, 10 September 2019.

266 Warning from Conrad de Meester's publisher, *La fraude mystique de Marthe Robin*, Cerf, p.12.

The fear of a shortage of vocations may have favoured this distortion of charisma. The theological sense has been transferred to a sociological sense: Max Weber speaks of charismatic authority, as opposed to traditional or rational authority, in a world that is no longer traditional. In this latter sense, the word charisma is closer to the word seduction.

“Without wishing to cast suspicion on any priest showing a bit of pastoral creativity and influence”,<sup>267</sup> the Commission agrees with François Euvé’s analysis that “these misguided relationships should be an opportunity to reflect on the interactions we have with each other and especially figures we have a tendency to admire. Some people have a special status because of their position or the influence they have over others. They are said to be 'charismatic'. The tendency to idealise which so often goes hand in hand with religion, encourages us to hold up charismatic leaders as an example for the faithful to follow. The cult of saints has always existed in the Church but their number has grown over recent years, to the point where we are almost “canonising” people during their lifetime. [...] Jesus [...] does not want us to follow him blindly like gurus who demand unquestioning obedience from their disciples”.<sup>268</sup>

Many religious communities which have been set up recently on the basis of personal charisma have by-stepped the Church’s traditional modes of regulation (whether sufficient or otherwise might benefit from being evaluated) which were, in any case, seen by the communities as shackles to be thrown off. Consequently, the rules of distinction between the internal and external forum<sup>269</sup> were frequently not respected and the leader of the community acted as both the spiritual guide and confessor of all its members, in defiance of the most ancient rules of the Church. The experience, particularly as observed in many of the testimonies received by CIASE, has belatedly revealed much drifting off-course and damage caused, the consequences of which must be drawn today.<sup>270</sup> It is essential that the fundamental distinction between the internal and the external be respected, i.e. the internal: the innermost workings of consciousness, the relationship of the self with itself and with God, and the external: all that concerns the relationship of the self with others.

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267 Éric de Moulins-Beaufort, « Que nous est-il arrivé ? », in *Nouvelle Revue Théologique*, 2018, p. 43.

268 François Euvé, « *Sortir de l'emprise* », in *Études*, Avril 2020.

269 Respectively, what belongs to the secret of one’s conscience and inner responsibility and what belongs to one’s visible and apparent responsibility in society and the Church.

270 Céline Hoyeau, *La Trahison des Pères*, Éditions Bayard March 2021

### **Recommendation N° 5:**

- Expand the doctrinal work already commenced by the Church so as to “better understand how good fruit may have come forth from bad trees” and ensure that all founding charism is, effectively, subordinated to charity.
- Identify all forms of distorted charisma and overbearing stances in pastoral practices (using risk-mapping) and all possible cross-over between seduction and charism.
- Investigate the means of remedying the above.
- Ensure that there exist effective procedures for controlling the Catholic hierarchy in all religious communities, including the more recent ones which do not fall into the traditional scope of institutes of consecrated life or societies of apostolic life.
- Ensure that the distinction between the internal and the external forum is clearly made everywhere, in particular in the so-called new communities.

### **c) The diversion of the relationship with the faithful: the distortion of obedience**

The Catechism of the Catholic Church (CCC) reminds us that to obey (from the Latin *ob- audire* to hear or to listen to) “in faith is to freely submit to the word that has been heard, because its truth is guaranteed by God who is Truth itself. [...] The Virgin Mary is its most perfect realisation. [...] By faith, Mary welcomes the tidings and promise brought by the angel Gabriel, believing that “with God nothing be impossible” (Lk 1:37; cf. Gen 18:14), so giving her assent: “Behold I am the handmaid of the Lord, let it be [done] to me according to your word”.<sup>271</sup>

While the demands of obedience and silence inherent to the priesthood and religious orders should be apprehended primarily and principally through one’s own conscience, many testimonies indicate that these demands are diverted into an unconditional submission, not to God, but to a cleric identifying himself with Christ, a man of God who cannot be contradicted. What’s more, the far-reaching interpretations of what is termed “the will of God” offer infinite scope for substitution to this will, which, provided that they are respected, the great Christian spiritual traditions help to understand.

While they are formally indicated for members of clergy and religious orders, such requirements of obedience extend, in practice, to all the people of God. The Commission notes that a phenomenon of (over)valorisation of clergy occurred in the Church, as if in compensation for the opposite phenomenon occurring in society in line with its increasing secularisation (as described above in Section One). In this context, the obedience of the people combines a veneration of the priesthood with the admiration of a person who has “given his whole life”. It is consequently difficult to discern psychologically, spiritually and ecclesiastically, the appropriateness of certain behaviours.

The Commission has concluded, in particular through the hearings it conducted, on the absolute necessity of recognising the place of the conscience in relation to the law, to obedience

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<sup>271</sup> *Catechism of the Catholic Church (CCC), 144 et seq.*

and to intelligence and that doctrinal statements must not lead to the abdication of personal discernment.

The CIASE stresses the need to strengthen the initial and ongoing training of clerics and committed laypersons, but it suggests that all believers should be better accompanied in their critical reading of the texts, so that “the culture of abuse does not find the space to develop and even less to self-perpetuate”.<sup>272</sup>

#### **Recommendation N° 6:**

- Ensure that university theology departments, seminaries and diocesan training sessions teach the importance of listening to one’s conscience both in the field of discernment and in consecrated life. Seek, in these teachings, to highlight ways of applying critical intelligence to issues of conscience.
- Closely examine how the rules of different religious orders and the rules of so-called new communities are taught to see if there is anything in these teachings which could lead to a warped interpretation of the obligations of obedience and silence.
- During all types of catechism, teach the faithful, particularly children and teenagers, the importance of listening to one’s conscience with critical intelligence under all circumstances.

## **2. Deviation from the Sacred**

*“What’s so awful in what happened to me, what I find disgusting, is, on top of everything to use the child’s faith as a kind of “honeypot” to draw them in. It’s disgusting, it’s appalling. It’s abject. So, if there is a hell out there somewhere, I think it is reserved for these kinds of people, who know what they are doing. Father /B/, he maybe had a doctorate - in any case, he was brilliant because he gave masses, off the top of his head, in front of all the parents with sermons which were very elaborate. So, Father /B/, I hate him for it”. (Michel, Hearing No. 84)*

*“What people may not realise, and what took me a long time to realise, is while it’s horrible to be sexually abused, whoever does it, the thing is, when it’s a priest... A priest is a director of conscience, he’s someone who’s supposed to teach others what’s right and what’s wrong. When a priest does that to someone who really believes, to a family who really believes, I think my parents were scared they would burn in hell if they let me lodge a complaint. And even I was hesitant, “My God, you are attacking a priest”. He’s the one who teaches hundreds of people to distinguish between what is acceptable and what is not. How to follow the rules, what is right and what is wrong.” (Sophie, Hearing N° 111)*

Through the testimonies of victims and the hearings of experts, the Commission realised that no doctrinal element is safe from possible distortion and misuse. This risk necessitates a distanced, critical - in the good sense of the term - relationship with the texts. The Commission was struck by the convergence between the accounts of victims that it read or heard and the observations gathered during its work. Thus, in addition to the verbatim reports reproduced above, the Commission was dumbstruck to read accounts of repeated assaults by priest on a choir boy which reproduced, in a sordid and perverse simulacrum, the entire ritual of the Mass in two parts: the “liturgy of the word” with a reading of texts together at the foot of the bed followed by the “liturgy of the Eucharist”, using a white handkerchief reminiscent of the tablecloth of the altar in the sheets... The exchanges during plenary session and in the working

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<sup>272</sup> Pope François, *Letter to Priests*, 4 August 2019.

group on the deviation of the sacred allowed the Commission to reflect on the words of the theologian, Brother Gilles Berceville: “It is not only in spite of their faith that Catholic communities become places of abuse. It is because of their faith that these communities give rise to very specific, and particularly harmful, forms of abuse.”<sup>273</sup>

The Commission identified two main distortions from the true sense of the doctrine in sacramental grace and the Sacrament of Penance.

### **a) Diverting Doctrinal Elements for Abuse Purposes**

Many victims - mostly people in vulnerable situations - told the Commission that the perpetrators of sexual violence did not hesitate to use theology to justify their acts, or even to present the abuse as an integral part of the spiritual process.

Sexual violence is generally an intrinsic aspect of control mechanisms; violence committed within the Catholic Church takes on an additional dimension, as it “always contains a transcendent justification. On the abuser’s side, the act is somehow connected to God. On the victim’s side, it represents an earthquake that devastates not only the body but also the soul.”<sup>274</sup>

During his hearing, Mr Aymeri Suarez-Pazos stressed, for example, that in the St John Family, abuse was integrated “by a systematic misappropriation of theology”, which claimed that “abuse of the flesh will not reach the Spirit, as it will be signified and sublimated by the Spirit.”<sup>275</sup>

Brother Gilles Berceville, quoted above, emphasises that no doctrinal element is safe from “perversion”, namely from a false reading or analysis which serves as a rationale for controlling behaviour, often as a first step before physical abuse.

Distortion of the Bible for the benefit of perverse justifications is present everywhere. The list of misappropriated biblical expressions is long. For example, the notion of “election”, essential to the understanding of biblical revelation, is hijacked in the form of: “You are my favourite, this is our secret” by the predator. The “seed” of the Gospel parables becomes something other than grain. The Song of Songs is taken literally. The mystical union of Christ and the Church is given very straightforward interpretations etc. In this respect, it can be seen that biblical expressions distorted for manipulative purposes are, so to speak, taken totally out of their original context which nurtures and gives full scope to their true and profound meaning. This explains the use of the Virgin Mary “who says yes to everything” as an unconditional figure of obedience. Such distortion is based on a denial and a misappropriation of the evangelical meaning. Therefore, the Commission welcomes the Catholic culture’s movement towards a better knowledge of the Bible, as desired by Vatican II and its rules of interpretation.

Although the Commission has, generally speaking, no wish to name specific perpetrators or give place names, it could not avoid making reference to the widely publicised and significant - because so devastating and so sadly emblematic – case of the theological distortions used by Thomas Philippe, then his brother Marie-Dominique, the founder of the new community of the Brothers of Saint John which included a number of church sites (several

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<sup>273</sup> Gilles Berceville, « La foi manipulée », in *Scandales dans l'Église, des théologiens s'engagent*, p. 29.

<sup>274</sup> *Ibid.*, p. 65

<sup>275</sup> Hearing of Mr Aymeri Suarez-Pazos, President of the *Aide aux victimes des dérives de mouvements religieux en Europe et à leurs familles* (AVREF), and Ms Florence Peeters, member of the AVREF board, 24 April 2020.

Carmelite orders, several new communities). The case also implicated the founder of L'Arche, Jean Vanier. The above persons distorted the marriage between Christ and his Church into a mysticism of union between Jesus and Mary that justified many non-consensual sexual practices.

*“The ‘love friendship’, for example, forms part of a mysticism in which John is seen as having a special relationship with Jesus. Acts of tenderness are seen as reproducing this relationship. The question then arises of limits, of knowing when the abuse begins. One brother complained to the founder about the actions of another brother. The founder did not stop the abuse but rather explained to the victim that he did not yet understand the meaning of this act of tenderness. The act as such is not the important aspect, only the capacity to receive it is important. The approach is Gnostic: the initiation experienced in the community allows one to emancipate oneself from the laws of the flesh, even though it is accompanied by exaggerated asceticism and contempt for the flesh.”*<sup>276</sup>.

There are still those who take advantage of certain expressions concerning the commitment of Christians to serve, to insist that their victims offer themselves up to them. “Therefore, all the disciples of Christ, persevering in prayer and praising God, should present themselves as a living sacrifice, holy and pleasing to God. Everywhere on earth they must bear witness to Christ and give an answer to those who seek an account of that hope of eternal life which is in them.”<sup>277</sup>

The *Livre noir de la Communauté Saint Jean* (“Black Book of the Brothers of Saint John”) speaks of the excesses to which the notion of “love friendship” had given rise in this community. This is “the doctrine which provided recurrent justification for sexual assaults committed by the founding father himself and by brothers and sisters who had, in turn, been contaminated. This distorted notion of “love friendship” lies at the heart of a system of abuse that first perverted the mind and spirit before, in good conscience, violating the body. Leaving the theoretical level of philosophy lessons to descend to the more practical level of spiritual accompaniment, we then heard such words as: “When you love, you love with all that you are”, or “You can’t leave your body on the coat stand” which were all arguments used to justify “incarnated”- that is to say sensual or sexualised- relationships. One predator reminded his victim that “in love friendship, we have the same desires” to force her to “consent” to masturbate him. He also said: “Love friendship is a secret that binds us” and “you don’t throw pearls to swine” to make sure his victim did not talk about their “intimacy”.<sup>278</sup>

The Commission stresses that the situation varies depending on whether the victim is a child or a vulnerable adult. Spiritual, biblical and dogmatic justification systems are rarely given to children as the cleric’s position of authority is sufficient for him to impose his will on the child and the child’s family. However, as the victim grows older, the cognitive distortion developed by the predator needs to grow too. Witnesses often report such extremist readings or interpretations of texts, that they lose all meaning or even adopt the opposite of what the text claims to promote. This distortion is all the more perverse as the abuser meddles with the victim’s discernment to impose his own.

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<sup>276</sup> *Ibid.*

<sup>277</sup> The Dogmatic Constitution on the Church, *Lumen Gentium* 10, 1964.

<sup>278</sup> *Le livre noir de la Communauté Saint Jean*, 20 July 2020, *Aide aux victimes des dérives dans les mouvements religieux en Europe et à leurs familles (AVREF)*, p. 27.

*“His repeated requests [...] did not correspond to my way of thinking yet at the same time this injunction to trust the other to a ludicrous degree, was presented as the authentic risk of evangelical love, [...]and formed the basis of the experience proposed during these sessions”.*

*“It was this [Christian] rhetoric [of trusting the other] that was played on to the full which was my discovery, a way of living the Gospel today, and which is good... except when it is used for other purposes”<sup>279</sup>.*

In all the cases, the Commission noted a common system of control and enslavement. The adult predator seeks to render the person under his control psychologically inferior. This is particularly noticeable in the case of sister victims. In these distortions, discernment and respect for the other and his or her person are totally abolished.

#### **Recommendation N° 7:**

- Teach, in all types of training and catechism, that the Gospels show us words being used in a dynamic, not as a means of exerting power over another but with the desire to help the other grow and learn, and point out that, just as in any healthy human relationship, the faculty of speech may be used only to be given.
- Highlight biblical expressions which have been distorted and used manipulatively while encouraging both a critical and a spiritual reading of the Bible at all levels of training.

#### **b) Distortion of the Sacrament of Penance**

*“So, in this school, (...) there were compulsory confessions. (...) It is not going to be easy to talk about the confessions ... In fact, these two priests alternated their confession service. Every week, we had to go to confession, so confession was not done in a chapel confessional but in a room, which was a small room in the boarding school, which was only used by these priests. Sometimes it was used for catechism classes, to bring together small groups, etc. And so, when we went to confession, we knew that we were dealing with - I'll say it today in adult terms - either a not such full-on paedophile or a really full-on paedophile. (...) So, extremely traumatic confessions”.* (Michel, Hearing N° 84)

*“I changed my spiritual director, or rather I got through a few of them, nice ones, until one day I went to see Father X the superior. The most recommended of them all. I remember very well that day I went to see him to tell him that I wanted to go home. And he acted like Father Y with the same eagerness to  
caress and kiss me.”  
(Thierry, Testimony)*

*“When I started secondary school, we had to have a confessor, I could choose so I chose Father X (...). I thought there was something a bit odd about him but I couldn't really understand or analyse the feeling at the time. So, I confessed to this priest (...) I ought to point out that the room for confession was much smaller than this one. (...) And, well, you know, to confess, sorry it gives me shivers down my back... to confess it was on his bed and he was lying down and we had to sit on the edge of the bed. So, like, you know, at the time the priests were our teachers and there was submission, the same and obedience, so no choice. (...) I confessed everything to him. And from then on, I was the prey, I can say it now (...), I was the*

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279 Hearing of Mr Étienne Voinchet-Lavie, 3 December 2019.

*easy prey for everything else. So during confession, I got it all, like, it was a crescendo (...). I was ten and a half years old.” (Gérard, Hearing N° 43)*

*“Confession: they need to hear, the priest needs to hear. So, either he hears and end of story, people say “I accuse myself” and that’s it, they make their confession and he gives absolution, that’s what he’s there for. End of story (...). Confession, that’s all there is to it, nothing else: I say what I’ve done and I receive forgiveness. (...) They start assuming power when they start giving advice, as soon as they start accompanying”. (Jeanne, Hearing N° 110)*

Many victims present the Sacrament of Penance as the “scene and weapon of the crime”; “every confession was a blow job”, says one victim chillingly. The intimacy of confession could indeed create the perfect moment for abuse to take place. This is all the more true as the Sacrament of Penance can easily be distorted by the priest’s manipulation of the trust which has been put in him during confession and lead to spiritual abuse. If the priest has cultivated an image of omnipotence in the eyes of the penitent who has come to confess his sins and ask for absolution, the door, as the Commission found, may well be open to abuse. The sacrament is about sin, namely, man’s relationship with God. It is in the eyes of God that a wrongdoing is a sin.

This type of violence of course takes on a very specific meaning in a Catholic context: a Catholic who is abused by a priest has his trust in the Church shaken, and therefore - in a way - his trust in God. This risk is aggravated by the fact that many Catholics have inherited a magical idea of the sacrament, believing in an all-powerful priest who can absolve sins himself, whereas absolution is given in the name of God. However, as Brother Isaiah Gazzola points out, if properly implemented, the penitential ritual of Pope Paul VI contains real guarantees against abuse as it establishes a third party between the priest and the penitent: the word of God and the forgiveness that comes from God. The “I forgive you” cannot thus be confused with the priest having power over the person, as it only signifies that “your sins are forgiven” (by God).

Confession does not only give occasion to direct sexual assault. A second source of difficulty which exacerbates the suffering of victims is the absolution of perpetrators, which is frequently perceived as being too easy, or even systematic. In addition, and particularly prevalent within the Catholic Church, is the injunction made on the victim to forgive the perpetrator. There is a risk that forgiveness will either be seen as a convenient absolution of the tormentor or as an obligation for the victim to forgive his/her persecutor. “Even if a victim or the Church does find the strength to forgive someone who has sexually abused children, this does not mean that he can continue to work with children as if nothing had happened. Forgiveness must, anyway, firstly be the prerogative of the victims, we cannot substitute ourselves for them.”<sup>280</sup>

“The debate is still open on the question of Jesus’ forgiveness of his tormentors, for which he defers to his Father. The North American theologian Fred Keene sees a significant limit to the argument: “Having no power over the situation, the victim has no power to forgive [...]. This is the only place where, if Jesus had wanted the weak to forgive the strong, he would have said it. He did not do so”. This remark, highly contentious in view of the instruction in the Lord’s Prayer to forgive, invites great pastoral caution. Marie Fortune decries the focus on the sexual fault induced by the Sacrament of Reconciliation, feeling that it may risk eliminating the

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280 Stéphane Joulain, *La crise des abus : quelles conversions pour l’Église ?* article published on <https://centresevres.com/content/uploads/2020/04/la-crise-des-abus-centre-sevres-p-stphane-joulain-avril-2020.pdf> [URL visited on 2 July 2021].

fault itself, which is particularly inappropriate in matters of sexual abuse.”<sup>281</sup> Karlijn Desmasure, who was heard by the Commission,<sup>282</sup> underlined the risk of “abuse of forgiveness” if the institution insists on the victims’ forgiveness, making it too easy for the perpetrators of these crimes to be cleared.

Mercy and forgiveness have their rightful place but must not ignore the previous stage of the penitent’s contrition; nor neglect the reparation of the harm done or the prevention of acts which constitute crimes in the eyes of the law and serious wrongdoings in the eyes of the Catholic Church. The Church’s unconditional emphasis on forgiveness has undoubtedly been perceived by the public as the laxity or inertia it has, or can, show when confronted by matters of sexual assault. It may have contributed to a perception of the clergy as protecting its own interests and of a lack of equity between clerics and laity in relation to the Church’s much stricter attitude towards the faithful who do not respect its doctrine.

The Commission, therefore, considers it necessary to emphasise the prerequisite need for the crimes and offences committed under the law of the Republic and the law of the Church to be punished whenever possible. Forgiveness must not be misdirected into absolution of the tormentors for this means that victims are obliged to forgive their persecutors.

In particular, the Commission has looked very closely at the notion of “absolution of the accomplice” as, despite the cleric being the principal guilty party, the definition of this canonical offence implicitly - but clearly - views the person who has been sexually abused as an accomplice. “The most serious offences against the sanctity of the sacrament of Penance (those for which the Congregation for the Doctrine of the Faith hands down judgment), are absolution of the accomplice who has sinned against the sixth commandment of the Decalogue [...], or who has solicited a sin against the sixth commandment of the Decalogue in the act, on the occasion, or on the pretext of, confession [...] when the solicitation to sin is directed to the confessor himself.”<sup>283</sup> The Commission is worried about this canonical provision which, in defining the victim as an accomplice, judges the absolution of the accomplice, rather than the sexual assault itself, to be punishable by *latae sententiae* excommunication.

The testimony of Sophie Ducrey is totally compelling in this respect. “A year and a half later [...], the Vatican finally rendered its decision: “The most eminent and most excellent members of the ordinary session of the Congregation for the Doctrine of the Faith have decided to modify the decree by substituting the existing penalty of dismissal from the clerical state with the imposition of a criminal sanction upon the accused; in addition, the latter shall be the subject of attentive vigilance from the Ordinary. The reasons are as follows: 1) the “moral certainty” regarding the offences of solicitation in confession and absolution of the accomplice is not reached; 2) the limitation period for the offence of abuse of power has expired. This decision has been approved by the Most Holy Father.” So, in fact, it is not a matter of sexual abuse. And Brother Lamorak is not convicted. So, back to square one. [...] ecclesiastical justice is not interested in the destructive or criminal effects on a person’s life but only whether or not a sacrament has been defiled”.<sup>284</sup>

The Commission’s consideration of the potentially insurmountable contradiction between requirements of equal value - from the Church’s point of view – with which a confessor

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281 Catherine Fino, « Sortir de l’emprise du silence », in *Scandales dans l’Église, des théologiens s’engagent.*, p. 68.

282 Plenary session of 7 June 2019.

283 Substantive norms published in 2001 by the Congregation for the Doctrine of Faith

284 Sophie Ducrey, *Étouffée : Récit d’un abus spirituel et sexuel*, Tallandier, 2019, p. 207-208.

is faced due to the absolute secrecy of confession, is justified by the need to protect the most vulnerable. Such secrecy is based on “the respect due to persons” (Catechism of the Catholic Church N°1467) so no harm can be caused the penitent by knowledge acquired during confession (Canon 984). It is thus intended to protect the penitent and his reputation. These imperatives deserve to be examined and weighed against the moral obligation, derived from natural law, to protect children and vulnerable persons who have been sexually abused. The Commission cannot help but wonder whether the latter moral obligation should not take precedence over the considerations on which, historically, the secrecy of confession were based: namely the manifestation, through the priest, of the work of God himself as well as the protection of the reputation of the penitent.

Such a question must, moreover, be examined in the light of developments in French law since, in view of the protection of the physical and psychological integrity of children and vulnerable persons, a new assessment has been made of the extent and limits of the secrecy of confession. The Commission shall return to this issue in more detail in B-II of Section Three of the report where it points out that there is a possibility of a post-confessional exchange on the consequences of an act, but emphasises that in any case, no secrecy of any kind may take precedence over the legal obligation (unless this would lead to committing a crime) of reporting to the judicial or administrative authorities any ill-treatment inflicted on a child or a vulnerable person. Members of clergy and religious orders should be reminded that the law of the Republic always prevails.

#### **Recommendation N° 8:**

Closely examine:

- The canonical provision known as the absolution of an accomplice in sin which is fundamentally inappropriate in cases of sexual assault.
- The language of certain magisterial documents which refer to sin and forgiveness in instances of crime and punishment; it is necessary to clearly distinguish a moral situation from a legal one. A crime always implies a sin but not all sins constitute crimes.

During all types of training and catechism and in pastoral care, teach:

- Of the overriding need for sanctions and retribution for crimes and misdemeanours committed against civil law and against Church law.
- Of the risk of distorting forgiveness by granting easy absolution to torturers and, worse still, of requiring victims to forgive their persecutors.
- What the ritual of the Sacrament of Penance includes in terms of sex abuse prevention practices.
- That “I forgive you” must not be confused with a priest’s personal power over a penitent.
- That the seal of confession only applies during the period of the sacrament of Penance.

Communicate a clear message, issued directly by the Church authorities, telling those confessing and the faithful that the seal of confession cannot derogate from the obligation laid down by law and the [French] Criminal Code - which is, in the Commission’s opinion, compatible with the obligation of divine natural law to protect the life and dignity of the person - to report to the judicial and administrative authorities all cases of sexual violence inflicted on a child or a vulnerable person (cf. Recommendation N°43).

### c) Distortion of the Sacramental Grace

*“It is crucial that the priest who did this, stops being a priest. It is an image, a message given to the many victims who have suffered, who may, or may not, have spoken of their pain, but also to the rest of the planet, to those who want to become a priest and to lay people who want to enter the Church. It is a question of getting back everyone’s trust and, above all, of restoring the value of a priest’s function. I imagine that there are many priests who have absolutely nothing to reproach themselves for and that they suffer today. What image do we give of the Church, of their role? (...) The base line must be that a convicted priest can no longer be a priest. He has violated his oath, he must be removed from the Church and become a civilian again. I cannot accept that Y is still considered a priest. He has done evil, it is just not possible.” (Nicolas, Hearing N° 82)*

It is true that Saint Augustine wrote: “If Peter baptises, it is Christ who baptises; if Paul baptises, it is Christ who baptises; if Judas baptises, it is Christ who baptises!”<sup>285</sup> This sentence, written in an anthropological context very different from our own, is difficult to accept just as it is by victims. Interpreting sacramental grace in this manner can make it harder to be vigilant and seeing the perpetrator continue to celebrate the sacraments may be experienced as institutionalised aggression by the victim. Sacramental grace absolutely requires clarification because it accepts that a priest who has committed sexual violence may celebrate any sacrament, as long as the Church compensates for the moral inadequacy of the celebrant. This is often totally unacceptable to victims, and endlessly painful for those whose link with the Church has not been totally severed.

This problem raises a formidable question: “The judges will constantly be faced by the following dilemma: did bad behaviour lead to false faith?<sup>286</sup> Or, conversely, was false faith responsible for bad behaviour?” A certain conception of the sacraments (which is still debated in theology although it has existed since the Council of Trent) insists on the punctual and immediately efficacious nature of the matter of the sacrament and of the words pronounced, which are linked to the power of the priest. Such a conception can lead to being conscious of only the sacredness of the rite to the exclusion of the sacred character of the human being and his dignity, as professed by the Catholic Church as well as by the great civil institutions (see in particular the Universal Declaration of Human Rights). Whereas, in the Commission’s view, a Christian perspective (for those for whom Christianity is a reference point) should always take into account the sacred character of all human beings and of the assembly over which the priest presides, in *persona Christi capitis* (cf. above). The first chapter of the book of Genesis tells us so in evoking man’s creation “in the image of God”,<sup>287</sup> which is confirmed by the Sacrament of Baptism. The sacredness of the human person is therefore primary and must imperatively guide the conscience. From an authentically Christian perspective, the profanation of any sacrament recalls the fundamental profanation, which is that of people.

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285 Commentary on the Gospel according to Saint John VI, I, 7, reproduced in *Sacrosanctum concilium*, 7, “when someone baptises, it is Christ who baptises”.

Hubert Wolf, *Le vice et la grâce. L’affaire des religieuses de Sant’Ambrogio*, Seuil, 2013, translated from the German by Jean-Louis Schlegel, p. 76.

287 *Genesis* 1, 27.

### **Recommendation N° 9:**

- Teach that the profanation of a sacrament cannot be given a higher standpoint than the most fundamental profanation: that of people.
- Closely examine anything in the declaration of the Sacrament of Grace which may be painful or unacceptable to victims who remain churchgoers when faced with an abuser priest continuing to officiate.

## **C. TEXTS WHICH DO NOT PRIORITISE THE HARM TO THE PERSON IN MATTERS OF SEXUAL VIOLENCE**

As Brother Gilles Berceville explained to the members of the CIASE working group devoted to questions of theology, ecclesiology and governance of the Church: “We are faced with a poor presentation of texts. Ever since opening magisterial texts to the public via the press in the 19th century, we have exposed ourselves to this kind of difficulty and scandal [...]. The texts were elaborated in a clerical culture which has its own vocabulary and its own problematics. By communicating these texts directly to the public, we run the risk of misinterpretation or inaccurate reading because they are taken out of context.”<sup>288</sup>

The testimonies submitted to the Commission led it to examine the way in which sexual violence is presented in writings available to the faithful. It also wished to examine the theological approach to sexuality, to see whether sexual violence is explicitly condemned in the texts available to the general public and, more broadly, whether theology establishes an appropriate hierarchy of offences against persons and whether it proposes a peaceful and serene approach to sexuality.

### **1. An almost exclusive emphasis in cases of sexual violence on the offence against chastity, to the detriment of the harm done to the person**

The Commission’s work has shown that the way in which the Church traditionally treats sexual violence faces two cumulative obstacles: a) sexual violence is almost exclusively seen as an offence against chastity (CCC 2351-2356) automatically excluding an offence against the person; b) this angle is accentuated by the presentation of the documents made available to the clergy and the general public. Here we find the structural defects of canon law mentioned above.

The Church’s tradition of understanding sexuality solely through the prism of the sixth commandment of the Decalogue – ‘Thou shalt not commit adultery’ – emphasises the offence against chastity and not against the person.<sup>289</sup> This approach leads canon law to identify sexual

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288 Hearing of Brother Gilles Berceville (o.p.), Professor of Theology at the *Institut catholique de Paris*, 15 November 2019.

289 *Catholic Church Catechism (CCC)*, 1992, N°:2336. The Compendium (a kind of synthesis) of the Catechism of the Catholic Church published in 2005, states somewhat tautologically: “Why does the sixth commandment, although it says ‘Thou shalt not commit adultery’, proceed to forbid all sins against chastity? Although the biblical text of the Decalogue reads ‘Thou shalt not commit adultery’ (Ex 20:14), the Church’s Tradition follows the moral

violence committed by clerics as an attack on continence, the vow of chastity, or even the commitment to celibacy, without any consideration of the abuse suffered by the victim.

The categories retained in the texts reflect this approach: victims of pornography, prostitution or rape scarcely appear in the presentation of the sixth commandment in the whole Catechism of the Catholic Church. Incidentally, the word “victim” is only used once in the CCC.<sup>290</sup> Incest is mentioned, but not violence against children or vulnerable persons; this is not deliberate but a consequence of the texts’ only relating the sinner’s perspective of the offence against chastity. In the - recently updated - list of acts qualified as “intrinsically bad”, sexual assault, for example, does not appear, whereas it should have its rightful place on the list as such acts are never justifiable.

In the Catechism, rape is condemned as intrinsically bad, but first and foremost as an attack on justice and charity; the attack on the victim only coming in second place. Similarly, prostitution is condemned as “an offence against the dignity of the person who prostitutes him/herself”, but also because “the person who pays the prostitute sins gravely against himself: he breaks the law of chastity to which baptism committed him and defiles his body, the temple of the Holy Spirit”. Thus, the defiled body is not primarily that of the person who prostitutes him/herself... As far as the Commission is concerned, an approach which gives the victim and his/her inalienable dignity a central place is imperative and must be addressed before all else.

Pope Francis’ apostolic letter of 7 May 2019, presented in the form of a *Motu Proprio*, *Vos estis lux mundi*, is clearly formulated, emphasising that “crimes of sexual abuse cause physical, psychological and spiritual damage to the victims.”<sup>291</sup> His condemnation, however, is still in the section devoted to offences against the sixth commandment.

As Stephan Ernst points out: “Is it not cynical to understand sexual abuse only in terms of violations of continence, without taking into account the suffering and injustice done to children and young people, [...] to the protection of their bodily and spiritual integrity?”<sup>292</sup>

“In fundamental moral theology, attention has been focused on the “matter” of the moral act, in preference to evaluating responsibility towards the other, and this has made it possible to minimise the seriousness of rape, compared with the so-called “unnatural” acts (masturbation, contraception, homosexuality).”<sup>293</sup> It is also notable that this superimposition of morality on sexual issues contrasts sharply with the teaching of Jesus of Nazareth who never addresses sexuality of his own initiative in the Gospels.<sup>294</sup>

According to Marie-Jo Thiel, “Offences and abuses are reduced to a simple, but very confused, normative transgression of Church discipline. At worst, since they are not explicitly mentioned, they do not exist. At best, they are the transgression of an intrinsic human norm,

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teachings of the Old and New Testaments in their entirety, and considers the Sixth Commandment to include all sins against chastity”.

290 In N°2356.

291 Pope François, Apostolic letter in the form of a “*Motu Proprio*”, *Vos Estis Mundi*, 7 May 2019.

292 Quoted by Marie-Jo Thiel, *op.cit.* p. 580-581.

293 Catherine Fino, *op.cit.*

294 The theme of sexuality is addressed only a few times in the Gospels: in response to provocation from the religious group of Pharisees in Matthew 19:3-12/Mark 10:1-12; in relation to the Levirate Law (Luke 20:27-36); and, of course, in the stories of the Samaritan woman (John 4:1-42) and the adulteress (John 8:1-11), and never in condemnatory terms. It can consequently be deduced that sexuality is not central to the issues of salvation that run through Jesus’ preaching.

that is extrinsic in its formulation, without regard for either the victims or the secondary circle of people affected by a betrayal by a man of the Church.”<sup>295</sup>

Experts heard by the Commission insisted on the need for a more global approach. As Father Alain Thomasset says, “the commandments are interconnected and [...]all are founded on respect for human dignity. Chapter 1 of the *Gaudium et Spes* constitution of Vatican II reminds us that respect for the person is a fundamental principle.”<sup>296</sup> The choice to include the whole of human sexuality in the sixth commandment deserves to be revisited to take into account the contribution of covenant theology, as well as human sciences, to lead to a better understanding of the complexity of sexuality.

To quote Brother Gilles Berceville again: “A harmful consequence of the 1992 Catechism and *a priori* of the *Compendium* is its levelling effect. Considering rape as a sin against chastity results in the aggressor becoming the victim. This is just not possible! And one absolutely cannot say that masturbation or rape is the same thing just because one loses the state of grace in both instances [...] [A] sound theology does not lead to these amalgams, but caricatures are easy to draw.”<sup>297</sup>

As indicated earlier, sexual abuse is frequently viewed as a “scandal” in the terminology of the Church. The Commission would here like to remind us that in the Gospels the notion of scandal refers to the protection of people (especially, in the Gospel of Matthew, children<sup>298</sup>) and not to the protection of ideas or institutions, thus confirming that respect for others should prevail over any other consideration: “But if anyone causes one of these little ones who believe in me to sin, it would be better for him to have a large millstone hung around his neck and to be drowned in the depths of the sea”.<sup>299</sup>

The Commission has taken note of the American theologian Marie Fortune’s proposition, namely that sexual abuse should not be seen primarily as a ‘sexual offence’ falling under the scope of the sixth commandment and usually ranked in order of seriousness according to the act, which focuses attention on the perpetrator, but first and foremost as a ‘theft’ of identity and future prospects [and] which should fall under the seventh commandment, which focuses attention on the victim’s present.”<sup>300</sup> However, the Commission is not convinced by this analysis. Although victims of sexual abuse spoke to the Commission of their hurt, often their anger, what came through even more forcefully was an inability ‘to be’, they testified to so many broken lives: broken love lives, broken sexual lives, broken family lives, broken professional lives, broken social lives... The Commission believes that it must be clearly stated that the fundamental wrong is the violation of the person, just as it is necessary to fully recognise in canon law the violation of persons who are victims, with all that this entails in terms of modifications of procedures. The Commission is therefore of the opinion that sexual assaults in fact violate the fifth commandment – “Thou shalt not kill” – far more than the sixth

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295 Marie-Jo Thiel, *op.cit.*, p. 582.

296 “Turning to the practical consequences, which are of particular urgency, the Council insists on respect for all: that everyone should, without exception, consider those around him as “another oneself”, taking into account, above all, the other’s existence and the means necessary for the other to live with dignity”, Concile Vatican II, *Gaudium et spes*, 27.

297 Hearing of Brother Gilles Berceville (o.p.), Professor of Theology at the *Institut catholique de Paris*, 15 November 2019.

298 In particular Matthieu 18,6, quoted at the opening of the report’s foreword

299 Matthew 18, 6, which is also found in Mark 9, 42 and Luke 17, 1-3.

300 Catherine Fino, *op.cit.* p. 65.

commandment,<sup>301</sup> especially since the Catechism includes in the fifth commandment respect for the dignity of the person, including respect for his/her soul and physical integrity.<sup>302</sup> The relevance of such a doctrinal change, including with regard to canon law, will be seen later. The successive plenary session hearings of Bishop Éric de Moulins-Beaufort gave the Commission the opportunity to hear the President of the CEF's very open attitude to this powerful theological idea.

The primacy of continence in the existing corpus is all the more striking because, apart from the Tradition's fundamental approach to violence, the texts quoted are presented in such a way that the overall theological coherence is not clear. A complete, consistent reading of the Scriptures can only result, above all, in respect for the human person and his/her dignity. It is, however, astonishing that this hierarchy does not appear clearly in the texts made available to clergy and the general public. The complexity and diversity of theological references contribute to this difficulty. It is true that the Church has sought to propose more synthetic texts which are presented as being more accessible. Yet, as Brother Berceville points out, "By dint of making summaries of summaries - [such as the] "*Compendium of Compendiums*" intended for young people - we end up with very simplistic ideas."<sup>303</sup>

However, this risk varies greatly from one place to another: the CCC and the Compendium are not given the same importance in all Catechesis or in all seminaries. Some of the people interviewed indicate privileging a synthesis approach while others, conversely, favoured a direct reading of the founding texts, even if evoked simply. In all events, to minimise the risks linked to the synthesis approach, a major effort must be made in terms of training (*cf.* below, C - II- Section Three).

#### **Recommendation N° 10:**

- Teach in all types of training and catechism:
  - o That attention should not be focused on the 'matter' of the moral act but rather on assessing the responsibility of every individual towards another.
  - o That harm starts with an attack on a person, including a lack of respect of the person's integrity.
- Closely examine the Catholic Church's catechisms and make sure, before anything else, that the victim and his inalienable dignity have their rightful place.
- Embark upon a re-writing of teachings based on the sixth commandment in documents designed for children, adolescents and catechumens which are used for training purposes or in pastoral accompaniment.

## **2. A taboo vision of sexuality which may favour a culture of the absurd**

*"This hold that the Church has, its makes everything related to sexuality and the masturbation of young boys, everything like that, the mother of all of sins. Mortal sin. (...) the notion of mortal sin, which was a very, very present notion in my youth, this*

<sup>301</sup> It should be noted that the 1991 Catechism of the Bishops of France does not include this category of the sixth commandment as such.

<sup>302</sup> CEC, 2284-2287 and 2297-2298.

<sup>303</sup> Hearing of Brother Gilles Berceville (o.p.), 15 November 2019.

*notion has taken over and that's why I call the Church an arsonist. Because it actually sets the fire, it lights the fire of guilt.” (Jean-Marie, Hearing N° 4)<sup>304</sup>*

As stated above, the Commission notes that the degree of gravity of sins in the Catechism of the Catholic Church places masturbation (“an intrinsically and gravely disordered act”) and rape (“an intrinsically bad act”) on a similar level - while identifying as “even more serious” rape “committed by parents or educators on children entrusted to their care” – yet does not include sexual abuse on the list of intrinsically bad or gravely disordered acts. The question of incest and sexual violence in the family is a blind spot that has received very little attention in Catholic doctrine. A theological and pastoral study of the issue could be very enlightening.

The Catechism of the Catholic Church which, as we have seen, does not clearly recognise the harm done to others by acts of sexual violence, places acts which have a profoundly different impact, on a comparable level of gravity. This type of teaching can contribute to encouraging or justifying acts by people with cognitive disorders or weak capacity of discernment.

As Isabelle de Gaulmyn pointed out during a plenary session, the problem lies in reviewing “this vision of sexuality transmitted by the Church on a daily basis”. Meanwhile, Marie-Jo Thiel explains in her reference book: “A sexuality that is denied (rather than assumed) exposes us to impulsive resurgences which may potentially exceed the possibilities of self-control.”<sup>305</sup> More broadly, the Commission notes that sexuality is still a largely taboo subject in the Catholic Church. It endorses Isabelle de Gaulmyn’s invitation not to “choose to remain silent about the cracks, troubles, shadows that we can only guess at – and this whether we are talking about celibacy, chastity or heterosexual relationships. Or homosexuality - which, as we know, concerns part of the clergy - and the official rejection of which leads to hypocritical contortionism. It is more necessary than ever in our hyper-sexualised society. Yet, the Bible, especially the Old Testament, is full of terrible stories of adultery, incest and revenge... quite enough to show that sexuality can be both the worst and the best and that the problem is not sexuality itself, but what we do with it. We all have desire running through us, even through our spiritual lives. It is time to have a grownup conversation about it in place of the mystical-bubbling pot of mumbo-jumbo soup that can only lead to the worst excesses. Otherwise, we run the risk of continuing to be inundated by “sexual affairs”, which will end up discrediting the whole institution.”<sup>306</sup>

It is important to name things correctly so as not to “add to the world’s misery”, because saying things well comprises stating the ideal, but also recognising and assuming failure. In his apostolic exhortation *Amoris Laetitia*, Pope Francis speaks openly of fragility, of wounds and of the importance of accompaniment in moral growth.

Father Alain Thomasset points out that rigid teaching, based on an absolutist approach to the law – just as its opposite, the absence of ethical guidelines - can lead to abusive behaviour. Without knowing how to deal with failure or transgression, which are stages of moral development, one may adopt radical solutions: namely, if one does not respect the law in its entirety, then one fails to respect anything at all. This rigorist ethic can, therefore, paradoxically lead to greater transgressions, because it loses sight of the principle - from a Christian

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<sup>304</sup> On-line hearing of Mr Jean-Marie Billé, 3 December 2019.

<sup>305</sup> Marie-Jo Thiel, *op. cit.* p. 479.

<sup>306</sup> Isabelle de Gaulmyn, in a post dated 28 February 2020, <https://religion-gaulmyn.blogs.la-croix.com/jean-vanier-le-poison-de-la-mystique-sexuelle/2020/02/28/> [URL visited on 5 July 2021].

perspective - that the gift of God comes first, while the law is secondary and its purpose is to help guide us towards the initial objective of good.

The Commission heard several observers stress the links between sexuality and socialisation and, in this respect, hope for clearer alignment in the Church's ethical discussion between social doctrine and its teachings on sexuality.

In this respect, it is extremely important to reinforce the measures for checking that candidates for the priesthood have the required discernment and maturity. The Commission is interested to see that the *Ratio fundamentalis* of 2016, and the *Ratio nationalis* of 2021 state that promoting "a development of the person as a whole, training in human matters, which provides the basis of all priestly training, makes it possible to develop all its aspects. From a physical point of view, this means, amongst other things, health, nutrition, physical activity and rest. On the psychological level, its aim is the constitution of a stable personality, characterised by a well-balanced affectivity, self-control and a properly understood sexuality. With regard to morality, the reference requirement will be that the candidate [to the priesthood] works on the formation of his conscience."<sup>307</sup>

The Commission agrees with the analysis according to which "If a community leader is not in a good interior space, he will pass on something of his personal problems in his teaching. He may give very beautiful spiritual teachings, yet, imperceptibly and despite his words, he will also transmit his darker side. His disciples will receive this unconscious flow without being able to name it. And, one day or another, it will surface (in relationship to money, to authority, to sexuality, to the ecclesiastical institution). Unless every one of us undertakes to work personally on separating what is right from what is wrong, and thereby finding our own freedom."<sup>308</sup> The third section of this report, as well as the annex recording the interviews with priests, discuss in detail the issues of vocational discernment and training, and the understanding of sexuality in this context.

#### **Recommendation N° 11:**

- Closely examine:
  - o In what ways the paradoxical obsession of Catholic morality on issues of sexuality could be counterproductive in the fight against sex abuse.
  - o The choice of lumping together the whole of human sexuality in just the sixth commandment of the Decalogue.
- Encourage doctrinal thought about not separating doctrine on sexuality from the Church's social doctrine and the equal dignity of all human beings.

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The observations made in the first section, the putting in socio-historical perspective of the phenomenon of sexual violence against children and vulnerable persons in the Catholic Church, and the reflection on the identification of certain deep-rooted causes of the

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<sup>307</sup> Congregation for the Clergy, *Ratio fundamentalis institutionis sacerdotalis*, 8 December 2016. *Ratio Nationalis* Chapter 7.

<sup>308</sup> Michel Begny, psychoanalyst, guest speaker in various monastic communities in France, *La Croix*, 5 March 2020.

phenomenon, all converge to underline its extent and seriousness. While, since the 2000s, the Church's recognition of the issue has been real, the in-depth analysis of what the Church has actually put in place to deal effectively with the issue - as per the express request of the CEF and CORREF - has led to a mitigated evaluation from the Commission, which is detailed in the following section.

### **III. ANALYSIS OF THE CONTEMPORARY MANNER OF DEALING WITH THE PROBLEM: INADEQUATE MEASURES IN THE FACE OF THE EXTENT OF THE TRAUMA**

An evaluation of the measures taken by the Church in France since 2000 to combat sexual violence against children and vulnerable adults - as expressly requested in the Commission's mission statement - is in line with the socio-historical analysis presented at the beginning of this section, in which we saw how this decade constituted a turning point, symbolised by far more victims speaking out and thus marking the end of the "cathedral silence" on the subject. However, as has already been outlined, this period cannot be seen as a transformation from night to day. The working group responsible for the evaluation process concluded, on the basis of a comprehensive and objective inventory of measures taken at different levels, that the measures are globally inadequate given the scale of the trauma.

Much has been done nonetheless, but in an insufficiently thought through or organised way - or even, in the opinion of some of the interested parties, insincerely. Emblematic in this respect are the Listening Units set up for victims in many dioceses and congregations. In the spring of 2021, the CEF and CORREF announced that they would be implementing a national listening service to head up this network, despite the fact that its most basic structuring had never been undertaken and the formidable resources collectively possessed by the volunteers engaged in this work since the middle of the 2010s had still not been properly - and profitably - synergised. The Commission, therefore, has endeavoured to formulate numerous concrete recommendations with regard to this exemplary subject. It would like these recommendations also to be seen as a tribute to all the volunteers manning the Listening Units, many of whom it has heard, and whom it wishes to encourage in their mission, which is as sensitive as it is salutary.

#### **A. CATHOLIC CHURCH BODIES HAVE BEEN PROGRESSIVELY FORMALISING AND STRENGTHENING THEIR RESPONSE TO CHILD SEXUAL ABUSE SINCE THE BEGINNING OF THE 21<sup>ST</sup> CENTURY**

*"I was nevertheless answered because it often comes up in confession, "do I forgive or do I not forgive, I feel more like strangling him at the moment, what's going on?" so inevitably, we talk about it. And I remember a priest who stopped dead in his tracks and said to me: "I ask for your forgiveness on behalf of the Church". I can tell you the name of this priest, I perfectly remember it, but he has remained engraved in my memory forever. Because he asked me for forgiveness in the name of the Church. (...) On the other hand, there's another one... I was in the middle of confessing and I said to him: "You see, I find it hard to forgive". That was before I had forgiven. "Really?" he said, "What do you find hard to forgive?"*

*When I told him what it was, he just took off and left. He didn't even give me absolution.*” (Christine, Hearing N° 98)

## 1. Action taken by the CEF and the CORREF at a National Level

As has already been noted, the Plenary Assembly of the Bishops of France in November 2000 marked a turning point for the Church with the CEF and CORREF’s institutional and collective recognition of the extent of sexual violence against children and its consequences on the lives of victims. A first series of measures was then taken, which were followed by others implemented in accordance with both the Church’s appropriation of the subject and events which pushed it to change.

The Church of France seems to have initially focused its response on understanding the phenomenon, on informing and raising awareness, and on internal structuring for prevention purposes (from 2000 to 2015). In a secondary period (from 2016) the Church of France placed greater emphasis, in its discourse and its actions, on taking victims into account.

### a) 2000-2015 were years in which prevention dominated: understanding, evaluating, informing, raising awareness

The period 2000-2015 was dominated by efforts to understand, inform, structure and prevent. From an operational point of view, the targeted public was essentially priests and members of religious orders implicated in cases of sexual violence. The place of the victims in the Church’s institutional response, independently of any individual steps that may have been taken, was still very limited in practice and in scope.

The Church launched numerous internal awareness-raising, information and training initiatives. Faced with a growing awareness of the phenomenon of sexual violence, it responded by disseminating means of understanding as widely as possible, within the Church, for prevention purposes. The emblematic measure in this respect is the aforementioned publication in 2002-2003, of the pamphlet entitled *Lutter contre la pédophilie, repères pour les éducateurs* (The Fight against Paedophilia, Guidelines for Educators), reissued in 2010, then in 2017.<sup>309</sup>

More concretely, between 2002 and 2005, the CEF set up an Advisory Committee on child sexual abuse, whose mission was to inform and advise the bishops, to answer their questions and to examine in greater depth general questions relating to the situation of priests and members of religious orders who were suspects in an investigation or had been convicted. This was replaced by a monitoring unit in 2013.

During this period, statistical tools were also put in place to determine the number of priests and members of religious orders accused of child sexual abuse. Concrete measures to deal with suspected priests or priests released from prison were also adopted by the CEF and CORREF in 2014.

Contact with the victims was still minimal, even if certain meetings were held for hearing victims and the first few *ad hoc* Listening Units were opened (for the Jesuits and for the diocese of Orléans in 2014).

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<sup>309</sup> Available in bookshops: « *Lutter contre la pédophilie* », [Conférence des Évêques de France](#), Collection [Documents des Églises](#) – Bayard – cerf, 80 pages - Jan. 2017. The contents of the guide can also be found online at: <https://luttercontrelapedophilie.catholique.fr>

Lastly, Catholic Church leaders had to take into account, at their level, the consequences of the Holy See's new directions in this area. The period was marked by the centralisation of the handling of cases in Rome,<sup>310</sup> progress in making reporting internally and to state authorities obligatory, and the formalisation of national guidelines on sexual abuse.

### **b) 2016-2021: The turning point in taking victims onboard, giving them a fairer place**

2016 marked a turning point, that of the institutional taking onboard of the situation of victims. The measures implemented in April 2016, following the Bishops' Plenary Assembly in March, included the creation of diocesan Listening Units with a centralised contact system (email address, website). The place of victims was symbolically reinforced by the invitation to some of them to testify before the Plenary Assembly of the Bishops of France in November 2018. Similarly, victims were invited to take part in work on the theme of responsibility in the Extraordinary Plenary Assembly of February 2021.

For its part, CORREF included two victims in the ten-person working group known as the "Reparation Group", which was set up in February 2020 and which met on a monthly basis and presented its first findings - pending the CIASE report - at the CORREF's general assemblies on 11 November 2020 and 19-20 April 2021.

After 2016, the CEF also reorganised its mechanisms by creating a *Cellule permanente de lutte contre la pédophilie* (CPLP)<sup>311</sup> (Permanent Unit in the Fight against Paedophilia) and by creating a permanent post of delegate. The permanence of the mechanism and its more proactive stance – moving from a consultation and monitoring body to a fighting and preventative unit – indicated the Church's desire to reinforce its response. During this period, new debate was initiated, particularly with regard to multi-dimensional (financial, spiritual) care. The Church rendered these steps public by publishing every two years (October 2018, November 2020) a report by the CEF on the fight against paedophilia in the Church.

Lastly, the period was marked by the creation of independent Commissions. There is no need to dwell here on the creation of the CIASE in November 2018 at the initiative of the two conferences, CEF and CORREF. More to the point, we note the creation in spring 2016 of the National Independent Expert Appraisal Commission chaired by Mr Alain Christnacht. This commission was tasked with advising the bishops and major superiors on the reassignment of clergy who had been convicted of, or had committed, sexual assaults for which the statute of limitations had expired. The box below gives an account of its early activities. The president and several members of this commission were heard by the CIASE in a plenary meeting. Its high-quality work deserves to be better known and its expertise more widely sought.

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<sup>310</sup> The text *Crimen sollicitationis* (1962) gave bishops and superiors of congregations the right to deal with cases while maintaining the possibility of referring them to the Congregation of the Holy Office. The *motu proprio Sacramentorum sanctitatis tutela* of 2001 gave the Congregation for the Doctrine of the Faith, the successor to the Holy Office, competence over the handling and canonical judgment of particularly serious offences (*delicta graviora*), which had previously been divided among several dicasteries. The procedural norms are specified in *De delictis gravioribus* (18 May 2001). The 2001 corpus shall be updated in 2010.

<sup>311</sup> The unit formally integrated the "prevention" aspect (CPPLP) in 2020.

## National Independent Expert Appraisal Committee

The CEF announced the creation of the commission on 12 April 2016 and appointed Mr Alain Christnacht, Honorary Member of the *Conseil d'État*, as its president.

- **Composition of the Commission**

- Formed by its president, the commission was initially composed of nine members, including the president, although this was down to eight at the date of its first report published in 2019: doctors, magistrates, psychologists, other professionals in the fields of law and child protection. A priest and specialist in canon law, proposed by the CEF, was available for consultation by the commission.

- **Competence and Working Methods of the Commission**

If there is no local equivalent structure, the bishops refer a case to the commission. The head of a congregation or religious order can also refer cases, through the CEF, by letter or e-mail.<sup>312</sup> The CEF wanted the commission to be able to give its opinions on priests accused of child sexual abuse. The commission will only accept referrals when the justice system has also been seized, whether the procedure is pending, has been filed, discharged or led to a conviction.

The commission works from a dossier complete with judicial documents (in accordance with Article R. 156 of the [French] Code of Criminal Procedure, the public prosecutor's office is authorised to provide the commission with copies of closed criminal proceedings). As a matter of principle, it does not receive either the victim or the perpetrator. It may, however, request additional information from the bishop or religious leader who referred the matter to it, or even meet with them.

- **Typology and Manner of Dealing with Cases**

From its creation until 12 May 2019, 29 cases were referred to the commission (it dealt with 23 of them), submitted by 18 bishops and 3 religious leaders, concerning 24 diocesan priests, 4 members of religious orders and one permanent deacon, for acts committed between the late 1980s and 2010.

With the exception of three situations, the victims were boys, aged between 10 and 15. In two cases, the victims were teenage girls and in one case, a young adult. Most of the victims lodged a complaint, sometimes a long time after the event. The perpetrators were most often aged between 30 and 50 years old at the time of the acts, and between 50 and 85 when the bishop or the major superior referred the matter to the commission. Some acknowledged the acts and their gravity, expressing more or less strong remorse. Others denied or minimised them. Inappropriate touching is often admitted to while rape is denied.

With regard to **state justice**, of the 23 perpetrators whose cases were examined by the commission, 12 received full or partially suspended sentences. The heaviest sentence handed down was a five-years custodial sentence, three years of which were suspended. These sentences are often supplemented by several years of probation - which consists, in most cases, of an obligation to submit to health care and a ban on any activity involving contact with minors - as well as registration in the automated national judicial file for perpetrators of sexual offences (FIJAIS).

With regard to **canonical justice**, certain procedures of which the commission was aware have given it the impression of a particularly weak investigation of the case (no hearing of the victims) and sometimes a sense of a lightness, or even unrealism in the sentencing. The responses from the Congregation for the Doctrine of the Faith to the bishops are, moreover, written in a legal language that can be difficult to understand, and often take a long time to arrive. The commission got the impression that some bishops did not refer the matter to the Congregation because they thought that the statute of

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<sup>312</sup> The report indicates (p. 3) that it would be preferable, in the future, for the commission to be mandated by the CORREF, so that the referrals can be made directly.

limitations had expired under canon law, even though the Pope can lift the prescription, and that they were unfamiliar with the Congregation's operating rules and their obligations.

- **The Commission's Opinions Given to the Bishops**

Bishops (or major superiors) ask the commission what ministry they feel they can entrust to the convicted or suspected priest, or whether the measures they have taken are adequate.

The commission considers, on the basis of the scientific literature and the experience of its psychiatrist members, that although the risk of reoffending is never zero, it does depend on various identified factors, and can be reduced by medical treatment and by limiting opportunities by strictly prohibiting any contact with children. In each of its opinions the commission has also emphasised that a priest who has committed sexual offences should, in the event of being given a ministry, have the assistance of another priest, or a lay person, to whom he can report any problems and who can ensure that the priest does not find himself in high-risk situations.

The commission will first indicate to the bishop (or the major superior) which ministries are to be excluded. Even when contact with minors is not prohibited by the court decision, it should be proscribed to reduce the risk of reoffending. If this risk seems high and it is difficult to find a suitable ministry, the question of leaving the clerical state may arise. The commission has sometimes proposed this as the best option in its opinions.

- **Summary of the Commission's Recommendations**

1) It would be advisable for bishops not only to be informed of proceedings against priests in their own diocese, which is often the case, but also to receive a copy of all the relevant judicial decisions.

2) A reminder of the obligation to refer cases to the Congregation for the Doctrine of the Faith must be given. This reminder will be all the more effective if the bishops have been provided with a "user's guide" to the functioning of the Congregation.

3) In the event of a change of diocese of a priest convicted of paedophilia or suspected of such acts, the bishop of the new diocese should be given all information about the priest. The commission noted that some bishops now ask priests arriving from another diocese for a copy of their criminal record. Similarly, this information should be given to the parish priest of a parish receiving a priest under these conditions.

4) Priests should be informed that specialised medical consultations are possible in the event of paedophile tendencies, even in the absence of any act.

Independently of the CIASE, the bishops decided in November 2018 to set up four working groups on the following topics: the "memorial" dimension (with also a project for a remembrance site dedicated to victims of abuse in the Church); the accompaniment of perpetrators; prevention; and "the financial dimension" to allow for the recognition of the suffering of victims.

At the end of their Plenary Assembly of March 2021, the Bishops of France announced several resolutions aimed at stepping up the fight against child sexual abuse in the Church and, at the end of the Assembly, published a letter to the Catholics of France. In this letter, the bishops formally acknowledge the sexual abuse of children by priests and members of religious orders. They acknowledge that these abusers may have used their sacramental position to exert a hold over the victims. The Bishops of France believe that the number of cases identified obliges them to consider the question a social fact. Lastly, they acknowledge the lack of attention paid to victims and shortcomings in the manner with which perpetrators have been dealt. In response, the CEF announced a series of measures to be put in place in 2021 and 2022:

- (i) (i) The responsibility of the Church: the bishops officially recognise the assaults and the failures of the Church authorities. They set themselves various obligations relating to understanding and highlighting the phenomenon, accompanying the victims and the Church community, and cooperating with the justice system. The CEF announced an internal reorganisation marked by the creation of a council for prevention and fight against child sexual abuse relying on a dedicated department, in replacement of the CPPLP. In addition, a national referent, a national team of listeners and an inter-diocesan canonical criminal court are to be set up.
- (ii) (ii) The memorial dimension: the creation of a place of remembrance, the instigating of a day of prayer.
- (iii) (iii) The financial dimension: the mobilisation of an *ad hoc* endowment fund in order to contribute to the reconstruction of victims.
- (iv) Accompanying the perpetrators of violence: a national body should be set up for this purpose, as well as reception facilities for priests accused of sexual violence.

The creation of a national team of listeners will be carried out jointly by the CEF and CORREF.<sup>313</sup> CORREF has also taken initiatives of its own, such as the creation at the end of 2019 of the “Simon Network”, a network of Christian professionals who welcome, listen to, and accompany people who are victims of sexual or spiritual abuse. Although CORREF is waiting to receive the Commission’s report, it nonetheless outlined, during its general meetings in November 2020 and April 2021, the line of conduct it intended to follow. The members of male and female religious orders of France have begun work on the recognition of the institutional responsibility of institutes and of religious life. CORREF thus wishes to engage in a process of restorative justice, placing at its heart the people who are victims. A commitment to take charge of the care of the victims and to grant them financial reparation is the natural consequence of this acknowledgment of responsibility and this process of justice.<sup>314</sup>

While no assessment of the effectiveness and results of these initiatives is possible at this stage, the Commission notes that most of them indicate a salutary deepening of institutional awareness of child sexual abuse in the Church.

## 2. Progress linked to local initiatives or personal commitments

Beyond the statements, orientations and decisions of the CEF and CORREF, the current period is marked by local and individual initiatives aimed at taking better account of the victims of sexual violence in the Church and developing the prevention of pedo-criminality.

### a) On a Diocesan Level

Dioceses such as Orléans and Blois acted before the CEF’s 2016 realisation of the need of listening to victims by setting up *ad hoc* Listening Unit. The archdiocese of Strasbourg, meanwhile, made an effort to structure and make the diocesan response more visible with the

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<sup>313</sup> More generally, the CEF and the CORREF have been working together since January 2019 on the questions of remembrance, prevention, dealing with perpetrators and accompaniment.

<sup>314</sup> The exact details shall be specified at the CORREF’s general meeting in November 2021.

“*Mieux vaut tard*” (Better Late than...) commission which included <sup>315</sup>: listening to callers, a synodal assembly, drafting an episcopal ordinance on the fight against sexual abuse, the implementation of a code of pastoral relations, the signature of protocols with the public prosecutor’s office and agreements with medico-social bodies. Other than the operational response, certain local initiatives should not go unheralded as, for instance, between the end of 2020 and spring of 2021, the Bishop of Luçon organising an unprecedented process of remembrance and repentance.

Each of these actions deserve their own specific evaluation, once a sufficient period of time - about three years - has elapsed, in order to appraise *ex post*, with all the concerned parties, the relevance and the impact they have had in relation to their original objectives. The CIASE can only encourage those promoting these actions (*cf.* the other one-off or more permanent initiatives mentioned in the box below) to undertake just such an evaluation, which need not mobilise significant resources, but does require sincerity and, preferably, an external and objective viewpoint.

## b) At Other Levels

Non-diocesan components of the Catholic Church have also responded to the “abuse crisis”.

CORREF has been very proactive in initiating thought and discussion on the matter and in providing training for the leaders and members of the institutes affiliated to it. It has invited victims to share their experiences and expectations at all its meetings. All its general meetings since 2018 have been devoted to the fight against child abuse and this activity has been reported publicly. It has also set up working groups, in particular on reparation, in which victims have been involved. The President of the CORREF has also taken prominent public positions, particularly in the press.<sup>316</sup>

Among the new communities, the Brothers of St John, whose brief history has been particularly tormented, created an “SOS Abuse” commission in 2015, which was expanded in 2016, and whose report, presented to the General Chapter of May 2019, is available online.<sup>317</sup> The male and female branches of the Monastic Fraternities of Jerusalem also opened at the end of 2019 a Listening Unit, composed of three independent persons (an honorary high-ranking civil servant, the superior general of an apostolic religious congregation and a psychiatrist).<sup>318</sup>

In terms of training, religious orders have also offered sessions to their members. The Society of Jesus, for example, organised, for the second time, training days on abuse prevention towards the end of 2020.

Entities close to the Catholic Church have also taken up the call: the Scouts and Guides of France have implemented a special child protection policy through training and support for educators (courses and workshops, emergency hotline, teaching aids), help with speaking out

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<sup>315</sup> Source : <https://www.alsace.catholique.fr/services-mouvements/agir-ensemble-contre-les-abus-sexuels/>

<sup>316</sup> Véronique Margron « *Agressions sexuelles : c’est bien toute l’Eglise qui porte une responsabilité collégiale* », Le Monde, 30 March 2021.

<sup>317</sup> <https://freres-saint-jean.org/wp-content/uploads/sites/2/2019/05/rapport-activite-commission-sos-abus.pdf>

<sup>318</sup> Communication of 9 March 2021 “The independent Listening Unit is now operational.”

(teaching aids for young people) and the implementation of disciplined lines of conduct in their relationship with the justice system (automatic referral to the courts, protective measures).<sup>319</sup>

One could also cite actions carried out by the Marist Brothers, by the White Fathers, by the Salesians of Don Bosco, by the Taizé Community, by the Sisters of Bethlehem... It is not a question of the Commission valuing one action over another, but rather of showing (it is not possible to be exhaustive) what has been undertaken locally and autonomously, even if these actions form part of the impetus of the national conferences. Conversely, the CIASE notes an absence of systematic identification of these initiatives by the CEF or CORREF which has made it difficult for the Commission to have a vision which could be considered exhaustive. More to the point, it feels that the absence of networking - even flexible and informal - between these various initiatives represents a regrettable loss of knowledge while creating an obstacle to the dissemination of good practice.

Overall, the Commission has perceived two main types of measures in line with the dynamics described above. Firstly, information, awareness-raising and training measures for prevention purposes have mainly been implemented on a local level. These are either the CEF and CORREF's intentions put into concrete practice or constitute grassroots initiatives specific to a given diocese or institute. Secondly, the implemented measures concern such aspects as listening to and supporting victims and putting in place monitoring systems or protocols (internal or in partnership, for instance, with the justice system).

#### Examples of Actions and Measures Taken in Dioceses during 2019

##### March

**Rennes: Training** days on the fight against sexual abuse: the psychological, legal, theological and practical aspects (90 priests).

**Nantes: Diocesan day** (in the presence of 170 priests and laypersons).

**Angoulême: Conference-debate** with Monseigneur Gosselin, a journalist and a lawyer following a screening of the film *Grâce à Dieu* (350 persons).

**Rodez: Day** on the theme of paedophilia for the *département's* priests, deacons, school directors, heads of diocesan services, in the presence of the Public Prosecutor and Olivier Savignac.

##### May

**Évreux: Three-day seminar** with 47 priests.

**Lille: Diocesan pastoral council** on the theme of "the Church confronted with sexual abuse" (200 participants: priests, deacons, laypersons, chaplaincy leaders).

**Belfort: "Parlons-en" (Let's Talk About It) conference** organised by the diocese after a screening of the film *Grâce à Dieu*.

**Saint-Brieuc: Diocesan day** on sexual abuse attended by priests and working laypersons.

**La Rochelle – Saintes and Rochefort Deanery: two conferences** on child sexual abuse.

**Bordeaux: Two days of training** for parishioners working with young people (with the participation of hospital practitioners specialising in the treatment of sexual violence and psychological trauma).

**Amiens: Conference-debate** on sexual violence.

**Bayeux-Lisieux: Training** for a hundred or so priests, deacons, catechists and youth workers.

##### June

**Laval: Meeting** organised by the diocese.

<sup>319</sup> Source : <https://www.sgdfr.fr/le-mouvement/notre-politique-de-protection-de-l-enfance>

**Coutances et Avranches: Training Day** on the fight against paedophilia for priests, deacons and laypersons.

September

**Langres: Conference-debate.**

**Clermont:** “*Notre Église a besoin d’être soignée*” (Our Church Needs Help) **meetings**, prevention session for catechists and pastoral workers (following sessions in 2018 for priests, deacons, service leaders and youth movements).

November

**Annecey: Awareness Day** on the fight against paedophilia and conference-debate.

**Gap et Embrun: Training** for laypersons mandated by the Church (training for priests and deacons in 2018).

**Grenoble-Vienne, Valence, Gap et Embrun:** Signing of a joint **protocol** with the Grenoble Court of Appeal.

**Strasbourg: Synodal Assembly** following the work of the “*Mieux vaut tard*” (Better Late than...) commission.

Other

**Belfort-Héricourt-Montbéliard:** “*Parlons-en*” (Let’s Talk About It) sessions and training day for priests and lay leaders.

**Viviers:** Four **meetings** about dealing with child sexual abuse organised in the diocese throughout the year.

**Orléans: Creation** of a diocesan protection - education - prevention **service**

*Source: CIASE media monitoring service*

The organisation of the Catholic Church, in addition to the limits of the Commission’s scope, do not permit a full account of the actions that may have been undertaken locally by very engaged people to be given here. Initiatives, admittedly with their limitations, have been taken with the intention of responding to the pain of the victims and resolving problems inherent to the Church.

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In short, over the last two decades, the Catholic Church in France has taken continuous action to combat sexual violence against children and vulnerable adults, although this has been particularly structured around two specific, important moments - first from 2000, then from 2016. The movement has been defined by distinct aspects: an initial period of internalisation and appropriation of the issue of sexual violence, and a second period marked by greater openness towards victims and external partners (such as victim support organisations, the state justice system). From this point of view, 2016 and the following years seem to be the real turning point for the Church in France and the beginning of a new dynamic.

That the Church is still in a persistent state of crisis twenty years after the Bishops of France first spoke out the crisis in no uncertain terms and first implemented their initial policies, twenty years after the announcement by the CEF that there would be ‘zero tolerance’ of sexual violence against children, says a lot. Such a long period of delay can be put into perspective with regard to the inevitably slow processes of institutional change and the time it often takes to make revelations of sexual violence. Yet it undeniably raises questions about the adequacy and effectiveness of the Catholic Church’s response. Changes which have been too slow to

arrive in the face of the crisis; the inadequacy, or poor application, of the measures taken; and a growing awareness of the issue of child sexual abuse in recent years, have forced the Church to fundamentally revise its approach. The acceleration of reforms from 2016 onwards is largely due to victims speaking out in the public arena and to the media coverage of cases of child sexual abuse in the Church, in a social context marked by the fight against all forms of sexual violence in our society. The measures taken in this context (internal reorganisation of the CEF, signing of protocols with the justice system, appointment of independent commissions, drafting of diocesan charters), while necessary, appeared late and their extent was limited, at least insofar as they did not deal in sufficient depth with the systemic violence committed in the Church, as analysed above, and provided no clear answers to the question of the Church's responsibility and reparation for the harm caused by the sexual violence inflicted on children and the vulnerable.

## **B. GENUINE AND MULTIPLE MEASURES BUT WHICH DO NOT HAVE THE DESIRED SCOPE AND WHICH HAVE BEEN STRONGLY CRITICISED BY VICTIM SUPPORT GROUPS**

### **1. Since the 1990s-2000s, the CEF and the CORREF have been working to fight child sexual abuse**

The identified measures, described above, indicate first of all that the Church and its representatives have rallied to fight the scourge of sexual violence committed by clerics - from recognition of the facts to implementing awareness-raising, information and training initiatives. However, that this is true does not detract from the vigorous criticism directed at the Church's response, particularly from victim support organisations, nor does it preclude the need to objectivise the real effects of the steps taken by the Church. The initiatives of recent years, including the creation of the CIASE, almost 20 years after opening the debate, indicate a level of dissatisfaction and an often virulent criticism of the steps taken so far, as well as the concern to improve the Church's response.

In the documents submitted to the CIASE,<sup>320</sup> as in initiatives taken at an institutional level, the Church displays a capacity for self-criticism. It is itself highly critical of its own behaviour prior to the 2000s, deploring non-centralised and uncoordinated action, excessive concern for confidentiality, the lack of attention paid to victims, gaps in knowledge and training, poorly formalised processes for following up on complaints, and the practice of transferring accused priests to other dioceses:

*“The testimonies of contemporaries reveal a concern for confidentiality, in order to respect the presumption of innocence, to avoid scandal, and to protect the people concerned and the institution.*

*There is no policy for paying attention to victims, nor is any support or care offered.*

*It also has to be noted that Church officials do not seem to know what is going on and can be somewhat flippant about the situation. They do not*

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<sup>320</sup> *La lutte contre la pédophilie dans l'Église de France de 2000 à 2019*, note from the General Secretariat of the Conference of Bishops of France, November 2019.

*appreciate the seriousness of the matter and do not always seem to be able to tell the difference between sexual relations imposed on children and those between adults.*

*Complaints received, sometimes seen as denunciations or even accusations, are not always dealt with correctly or recorded in writing.*

*Clerics may transfer from one diocese to another, without the reasons behind the transfer being reported to the host bishop.”<sup>321</sup>*

Self-criticism is not enough by itself, but it is a necessary starting place for adopting the right position and appropriate corrective measures.

In the Commission’s view, the Church may actually have been ahead of its time with regard some issues, such as the treatment of perpetrators for instance. Research conducted for CIASE showed that what was once referred to as “pederasty” or, in a hideously euphemistic and denialist way, “problems with children” fell under the wider scope of *Entraide sacerdotale* from the 1950s onwards (*cf.* above). The manner in which it was dealt with was far from perfect: the subject was treated in the same way as clerics suffering from other problems (e.g. alcoholism, depression) and the aim was, above all, to preserve the priesthood and the reputation of the ecclesiastical institution. Nevertheless, *Entraide sacerdotale* provided early elements for a diagnosis and treatment of perpetrators. In more recent times, from 2014, efforts carried out jointly by the CEF and CORREF aimed at facilitating the reception in monasteries of priests released from prison, bear witness to a concern for care of the perpetrator while limiting chances of reoffending, as opposed to simply transferring priests from one parish to another, as had been done in the past.

Similarly, the Church does not appear to be completely out of step with other civil institutions or religions when it comes to taking onboard the seriousness of child sexual abuse. The hearings conducted by the working group responsible for evaluating the Church’s response to reports of sexual violence, suggest that its reaction was comparable to that of other institutions of the time – the major difference being the sheer prevalence of the phenomenon in the Church compared with the other institutions considered (*cf.* Section One, V).

Subject to the ongoing work of the Independent Commission on Incest and Child Sexual Abuse, no systematic institutional action appears to have been taken in the national education system until the turn of the 1990s-2000s, until specifically 1997-98. During this period, the Ministry of Education began to renew its approach to child sexual abuse and its methods of dealing with cases in schools. Until then, a “culture of covering-up” and transferring the members of staff involved was the general rule. The strengthening of disciplinary sanctions and an alignment with the criminal justice system have been gradual. Measures were reinforced from 2015 when criminal record checks for all staff began to be imposed systematically.<sup>322</sup>

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<sup>321</sup> “The fight against pedophilia in the Church of France from 2000 to 2019”, document prepared in November 2019 by the Secretariat of the CEF at the request of the CIASE

<sup>322</sup> Circular N°2015-153 of 16 September 2015 on the reinforcement of the partnership between the judicial authorities and the services of the Ministry of National Education; Law N°2016-457 of 14 April 2016 on the information of the administration by the judicial authority and the protection of minors (and application of the decree of 18 May 2016 and the circular presenting the provisions of the law of 4 August 2016); ministerial instruction N°2016-071 of 20 April 2016 on the disciplinary policy for acts that undermine the physical or moral integrity of minors.

Recent revelations of the extent of sexual violence against children in the world of sport, or the regularity with which cases concerning teachers have come to light, have not led the institutions in question to appoint, off their own bat, an independent commission to cast light on and evaluate them, prior to the CIIVISE, whose competence is transversal. The creation of the CIASE by the hierarchy of the Catholic Church in France, is in this respect a decision that distinguishes it from other institutions and entities.

In the context of a working group, the Commission was also keen to interview representatives of other religions present in France (Protestantism, Judaism, Islam and Buddhism). It emerged that a general comparison with the Catholic Church was not directly possible because of the differences in terms of organisation and social footprint in our country. However, several elements were worth noting. To start with, all religions testified to the risk of abuse and control inherent to positions of authority, whether spiritual, hierarchical or symbolic. Among these risks, child sexual abuse is a constant concern which runs through all religions. However, none of the religious representatives interviewed referred to any specific and institutional approach to statistical measurement, prevention or management of paedophilia that was particularly original, effective or could serve as an example.

From the Commission's point of view, the most interesting point was the link established by several representatives of religious groups between the methods of governance of religious groups and the risks of abuse of all kinds. All those interviewed spoke of methods of governance in which the "religious minister" or the leader of the community is not given the room to exercise an excessively overbearing position with regard to the faithful. Furthermore, the religions interviewed have express or traditionally respected rules of governance which allow for the inclusion of a diversity of profiles (status, gender) in local consultation and decision-making bodies. According to these representatives, this form of governance guarantees better prevention while also guaranteeing an appropriate response to situations of abuse (spiritual, sexual).<sup>323</sup>

To be able to fully appraise the extent of the measures adopted, their context needs to be observed. All parties consider that the child sexual abuse crisis is serious and is part of the more general context of the weakening of the Catholic Church which is reflected in the crisis of vocations, the disaffection of the faithful and a questioning of the heritage, as well as the social and the Church's cultural imprint. The Commission was alerted by various people to the unease felt by many priests in the face of the persistence of the debate and the accusations relating to sexual violence in the Church. The Commission decided that it was, therefore, important to hear the priests' point of view.<sup>324</sup>

### **Testimonies of Priests and Seminarians**

In addition to the analysis of the testimonies of victims entrusted to the CIASE (*cf.* Digital Annex N° 31), the Commission also wanted to hear from seminarians and working priests to add to the material gathered from the Church officials already interviewed.

The interviews of twenty seminarians and working priests and their subsequent analysis, under the direction of Alice Casagrande, Stéphane de Navacelle and Laëtitia Atlani-Duault, revealed numerous points of unanimity and some divergences of opinion.

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<sup>323</sup> See Part III, II A for the CIASE's analysis of the Catholic Church's governance.

<sup>324</sup> See in particular the Digital Annex 31 reporting on these interviews.

Unanimity when it was a question of:

- Describing the gradual awareness, which is still not total, of sexual violence against children and vulnerable adults in the Catholic Church in France.
- Commending the definite progress made in training and alerting procedures while noting that there was still a long way to go.
- Pinpointing the risks specific to the Church due to the position of authority held by priests and members of religious orders to which is added their access to the private lives of children and young people, in a context of great trust.
- Pointing out that priests are particularly exposed to the phenomenon of sexual violence, both inside and outside the Church, whether it be through the confessions of the young or the not so young.
- Noting the general silence of parishioners on the subject.

Unanimity too in considering that the issues of priestly celibacy or the place of women in the Church are real questions although the priests and seminarians heard do not perceive it to have any correlation to that of sexual violence on children and vulnerable adults in the Church.

Lastly, unanimity in the hesitation and absence of clear response to the question of reparation for victims.

But divergences of opinion on the other hand:

- In the analysis of the links between the ecclesiastical culture and sexual violence in the Church in France.
- In the sincerity and extent of the Church's fight against child sexual abuse.
- In the degree of weariness expressed about the issue of sexual violence in the Church.
- And, above all, in the introspection with which the current crisis has made them look at their own institution and its evolution, in particular with regard to the profiles of new recruits.

These testimonies reveal how unequally prepared are the public and communities of clergy to whom the CIASE Report is addressed to accept, and learn lessons from, its recommendations. A strong expectation was thus expressed concerning the need for pragmatism in preparing the reception of the report.

The Commission is aware of how unfairly the accusations affect all members of clergy and religious orders because of the serious wrongs committed by a minority of them. The acute child sexual abuse crisis is felt by many engaged in the priesthood or religious life, who suffer from wearing "*the habit of shame*", as described to the Commission. The manner of dealing with sensitive cases - even if not necessarily of sexual abuse, at least relationships considered inappropriate between priests and children or young adults may well have been responsible for various tragedies. For instance in 2018, the suicide of two priests charged with potential misconduct with a child and a young adult deeply affected the dioceses concerned and called into question the positions taken by the various parties (particularly with regard to reporting the cases to the courts). An understanding of this sensitivity led the Commission to realise that it is not simply a question of considering the necessary measures, but also of remaining lucid about the context in which they are decided, implemented and followed up. Nor does the Commission underestimate the extreme difficulty of managing individual situations.

The Commission also noted a certain reaction to the Church's evolution over recent decades emerging in the form of "identity Catholicism", on the defensive and very resistant to anything perceived as a risk of further weakening the Church. The Commission noted hesitation, even resistance, from some of the presbyterate to the steps being taken to deal with child sexual abuse. The Commission tried, but was unable, to interview certain members of this presbyterate, who are undoubtedly opposed to the Church engaging in any form of self-criticism. To the Commission's mind this suggests tension, or possibly the perpetuation of euphemisms and denial. It is difficult to know whether the resistance from a certain section of the presbyterate as reported to the Commission, is intrinsic or fuelled by the weariness produced by the crisis of the past twenty years, further accentuated since 2016.

The CIASE also heard the assessment of victim support organisations on the inadequate and inappropriate attitude and response of the Catholic Church. These opinions have often been expressed in extremely strong terms, on a level with the suffering of the victims and the sentiment that there is a huge gulf between their own experience and the Church's reaction to the trauma of child sexual abuse. It is impossible not to see this gap and it is necessary to give it due credit. However, an assessment of the Church's response, does mean stating what has been carried out and, in some cases, done well. It is not a matter of playing the role of peacekeeper or of handing out good marks, but of indicating, objectively, the positive actions that have been undertaken. This is why the Commission wanted to go into the Church's response in some depth and it proposes maintaining some of the initiatives, consolidating and improving them where necessary.

#### **Recommendation N° 12: Consolidate what has already been done**

- Maintain existing awareness and information programmes within the Church, without excluding any of its members, by privileging - even indirectly - approaches to awareness inspired by human rights campaigns, children's rights in particular. Even if it is difficult to assess their impact, such measures can only help develop a different mindset and preventative attitudes within the Church. It would, moreover, send a clear message that the ecclesiastical institution is taking a definite stand against sexual abuse and that it is open to listening to victims. The idea is to instigate a climate of confidence propitious to discussion, rather than one of general defiance.

- Publish, on a regular basis, better documented reports with a programme-based approach; envisage an annual publication. Publication by the CEF of a report every two years is a powerful measure which was adopted in 2016. However, the content of these reports could be more comprehensive, less factual and retrospective and it would be preferable to adopt an approach more geared towards objectives. The CEF, and possibly the CORREF, will announce ongoing and upcoming projects as well as the current state of advancement of the said work. They will specify their objectives and advise of any commitments made to third parties, in particular to victims and organisations representing them. They will gather information in a more systematic way regarding good practices noted at a grass roots level, thanks to feedback from national bodies, who are, when appropriate, in contact with the victim support groups.

- Initiate debate about the help and support mechanism set up for victims which must be maintained but the modalities of which require revision. (*cf.* below).

## **2. The Church's response to child sexual abuse is inadequate in scope**

First of all, it is clear that the Church of France has acted in reaction to events, most importantly, the repercussions of high-profile media cases. These appear to have forced its hand

to implement the measures of 2000 and 2016 which broke with the previous approach. The Bissey / Pican affair of 1998-2001 and Preynat / Barbarin affair of 2016-2021, appear to have triggered the two aforementioned major actions of the Church of France, namely a process of collective awareness and prevention, followed by the strengthening of measures in favour of victims. The media impact of these cases was stressed on several occasions during the hearings conducted by the Commission. The CEF itself referred to the media pressure of the mid-2010s in its report on measures undertaken and drawn up at the CIASE's request. In the Bissey/Pican affair, the fact that the question of episcopal and ecclesiastical responsibility was raised certainly explains, at least in part, that it was the accused priests and members of religious orders who were central to concerns. In 2016, it was the action of the victim support groups and their high visibility in the trials of Father Preynat and Cardinal Barbarin that led to the adoption of a set of measures focused on victims, and then to the latter's reception in 2018 at Lourdes.

Despite the Church's response and the strength of certain initiatives, it showed precious little proactivity in the face of sexual violence against children, even though the subject was well identified. It is symptomatic, for example, that the Consultative Committee set up in 2000 was wound down in 2005 in view of the absence – by which one can only assume was meant the alleged absence - of new problematics. The Commission heard on several occasions bishops expressing great astonishment at the attention to given to sexual assault cases in the Church in 2016. Several hearings revealed that the bishops of 2000 thought they had “done what needed to be done” and that the problem was “behind them”, or even that it was essentially “an American problem”. Even the bishops who now claim to be the most involved in the fight against child sexual abuse in the Church, spoke of the period in the same terms as well as referring to this belated and disarming rediscovery.

Not only did the Church of France show no proactivity but it also responded very belatedly to the problem of child sexual abuse. Awareness of sexual abuse within the Church does not date from the 2000s, as evidenced by the early, albeit far from ideal, treatment of “painful cases” (*cf.* above). Even in the general context of the times, the awakening of the Catholic Church seems to have come especially late, particularly when taking into account its declared vocation (salvation and the Gospel's preferential option for the weak) and its competence (“*expert in humanity*”<sup>325</sup>). The Church has shown that it has confronted sexual violence, sometimes more offensively than other institutions, yet its manifestation of awareness in the early 2000s and the hand outstretched to victims in the mid-2010s mark a systematically late understanding on an institutional level right through to local implementation.

The Commission has come to this conclusion by looking at the response of the Catholic Church itself. It also seems to be valid if looked at relative to other institutions. Thus, even if the Church launched some powerful initiatives as part of its overall response, other organisations took steps which set them apart. For example, in 2016, following cases of child sexual abuse and the identification of inadequacies and loopholes in the background checks of its staff, the Ministry of Education massively increased criminal background checks of existing staff and new recruits.<sup>326</sup> Regardless of any underlying legal and statutory issues, the Church

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<sup>325</sup> “As an expert in humanity, the Church, without in any way claiming to interfere in the politics of the States, ‘has but one aim: to continue, under the impulse of the consoling Spirit, the very work of Christ who came into the world to bear witness to the truth, to save, not to condemn, to serve, not to be served’” (Pope Paul VI, *Populorum Progressio*, encyclical of 26 March 1967, quoting the pastoral constitution *Gaudium et Spes*)

<sup>326</sup> Systematic checking of the police criminal record “*Bulletin No. 2* (‘B2’) of all its agents and consultation of the national automated judicial register of perpetrators of sexual or violent offences (FIJAISV).

has not, on the contrary, adopted a strong stance with regard to recruitment and background checks (*cf.* discussion on vocations and training in Section Three).

The self-criticism of the ecclesiastical institution mainly concerns the timing of its response to the scandals, and its capacity to open up to the victims. On the other hand, debate about, or steps taken with regard to, more structural causes, whether organisational (understanding and exercise of authority in the Church) or individual (detection of personal risks and psycho-affective support), are absent. The CEF and CORREF have implemented prevention programmes through awareness-raising and reparation measures but make no mention of any in-depth reflection on the causes of sexual violence, on ways of preventing it or on the flaws in the Church's control mechanisms. The work of the Commission, however, clearly highlights the importance in the fight against sexual violence in the Church, of not limiting action to individual situations, but of recognising the structural and systemic dimension of violence, in order to be able to effectively prevent its repetition.

“Quality control” policies in professional environments tend to take into consideration both the person who has committed the error or wrongdoing and the structure in which he or she operates and interacts. Without neglecting individual responsibility, a recognition and analysis of systemic factors is essential as this makes it possible to understand the necessity of providing a global response in order to avoid cases of reoffending or even the perpetuation of unacceptable situations.

In operational terms, a distinction between individual and systemic factors makes it easier to categorise events and thus determine the appropriate corrective measures. While it is doubtless impossible to eliminate all acts of deviant behaviour, it is everyone's responsibility to put in place systems that are alert to the frequency, visibility (recognition) and consequences of such tragedies. Although risk zero does not exist, it is essential to be able to reduce it as much as possible by intervening where factors have been identified as favourable to the transition to carrying out an act, both on an individual and institutional level.

At this stage, the Commission would like to stress that, although the Church is not, in theory, reducible to just any “professional environment”, to abstain completely - on principle and in the name of its moral authority and spiritual mission - from discussion which has proved its usefulness in other organisations, is not, in the Commission's view, an appropriate attitude. It is clear that the Church is confronted with a series of risk factors, namely: the accumulation of cases may suggest a systemic phenomenon; responding by transferring perpetrators incurs a risk of reoffending; media coverage of acts of abuse creates a risk to reputation and an obligation to make reparation results in a financial risk. With hindsight, one might imagine that effective upstream consideration of such institutional risks would certainly have led to different responses by individuals or the organisation as a whole.

The identification and reduction of all these risks for children and vulnerable people can be achieved, partly, by understanding and recognising the causes of sexual violence and its impact on victims, and partly, by prioritising the protection of children and other victims in decision-making processes. The Church's vocation, which includes the preservation of human dignity, gives it solid foundations on which to base such an approach.

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This check, which is carried out at the time of recruitment, is now possible throughout the career. The results may lead the ministry to taking disciplinary measures against the staff concerned in order to protect minors.

**Recommendation N° 13:** Provide training in internal and external control procedures for the main leaders in the organisation of the Church in France, for instance each newly appointed bishop or newly elected major superior, and develop risk management strategies specific to the Church and adapted to its way of functioning.

The overall response developed by the CEF and the CORREF is characterised by the deployment of resources, but the information provided does not allow for a qualitative appraisal, in terms of results, of the actions taken. On the whole, greater efforts could be made to ensure the coherence, and measure the impact, of the many measures taken since 2000, even if their great variety will undoubtedly render it impossible to evaluate them exhaustively and precisely.

Moreover, various indications suggest that some of the emblematic measures implemented have not had the desired effect. From 2000 to 2016, the Church's principal response appears to have been to concentrate on awareness-raising and training. Other concrete actions were carried out, which are not to be ignored because they really existed, yet it is possible that because of being aired loudly (in a culture where verbatim is a performance in itself) they distracted the institution from paying attention where it should have, i.e. from the real effect of its measures. The widespread feeling that everything had been settled following the measures adopted in 2000 is indicative of this attitude. One of the main actions was the publication of a guide for educators and such formalisation of guidelines was necessary and welcome. The CIASE working group responsible for evaluating measures taken by the Church conducted hearings which showed that the latest edition of this guide was being used in training centres outside the Catholic Church. However, the head of the Listening Unit of a large diocese badly hit by cases of child sexual abuse told the Commission that he had produced his own guide in the years 2014-2017 as he was totally unaware of the existence of the document, which had, by then, been published twice by the CEF. All institutions suffer from such vagaries and the Commission cannot draw general conclusions from this, yet the example has left its mark because it so neatly illustrates the gap that can exist between the feeling of having acted and the actual effectiveness of the measures taken, which are dependent on their appropriation by the persons concerned.

**Recommendation N° 14:** Ensure that the adoption of measures taken to combat sexual abuse are based on a qualitative approach. Current and future provisions should be more based around the desired outcome and should be subject to an assessment of their effectiveness and results.

Encourage a process of appropriation of shared references within the dioceses with priests and laypersons instead of issuing orders which may lead to misunderstandings and exclusion.

Finally, the Commission noted the permanence of long-standing failings in the Church's response to sexual abuse of children.

The first of these concerns the transfer of abuser priests which seems to have been a widespread, tacitly accepted norm in the entities that make up the Catholic Church, throughout the whole period covered by the Commission's work. The CIASE's historical and socio-anthropological research has followed the career paths of priests up until recently and many of the transfers can in all likelihood be explained by accusations of deviant behaviour, most often of a sexual nature. This practice has been confirmed in the hearings and highlighted by various

press investigations. The CEF itself notes that priests may have been transferred for such reasons, without the bishops of the host dioceses being informed.

Secondly, the Commission received several accounts testifying to the Church's long history of double speak: a sincere openness towards the victims in a reparation process (notably spiritual), being all too often marred by inaction, or even doubting the victims' word. The examples of double speak brought to the attention of the Commission inevitably call into question the sincerity of the Church's approach to child sexual abuse. If it had been really deeply felt and shared, would it not have led to greater effectiveness and efficiency in the Church's response?

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Ultimately, while it is undeniable that the Catholic Church in France has genuinely been conscious of the question of child sexual abuse in its midst since the year 2000 and has taken quantitatively important steps, with some significant knock-on measures also resulting from the original ones, during this period, yet, the Commission cannot but note that the response has not had the anticipated effects. Even the Church has been surprised at the persistence of the subject. It believed that it had provided the necessary response, but victim support groups have been extremely critical of the measures taken and, more generally, of the attitude of the Church, as an organisation, towards their suffering. It very much looks as though, while the Church has made huge advances in its awareness of, and response to the issue, for many victims and the general public this represents only a tiny step in the face of the drama of child sexual abuse which had been allowed to grow in its midst.

This is the context in which the CIASE decided to deepen its evaluative approach by studying a particularly emblematic measure of the ecclesiastical response to sexual violence against children and vulnerable persons: the Listening Units.

## **C. A DETAILED LOOK AT A KEY MEASURE: THE VICTIM LISTENING UNITS**

The measure that first springs to mind when one thinks of the fight against sexual violence in the Catholic Church - the Listening Units for victims set up more generally by the CEF in 2016 - called for an in-depth examination of its work by the Commission in order to be able to appraise the results of this mechanism. To this end, the CIASE sent a questionnaire to all the diocesan Listening Units and held two round tables of representative Units, in order to closely examine the written feedback. Several findings emerged, on the basis of which the Commission formulated some recommendations.

The Commission's work was extended to Units other than those created at the instigation of the CEF. It has consequently heard, in a working group, the leaders of Listening Units belonging to religious orders (Dominicans of the Province of France, Society of Jesus) although more elements were gathered with regard to the diocesan Listening Units allowing for a more in-depth analysis. Most of the conclusions, therefore, concern the latter, but the Units of new orders or communities may find useful elements for reflection in the discussion. Additionally, the option of a single national number may directly concern all the Listening Units.

### **1. Overview**

## a) Setting up of the Listening Units

The dioceses have, by and large, followed the CEF's recommendation to create Listening Units. The CEF counted 83 such Units by the end of 2020. Of the respondents to the questionnaires, 98%<sup>327</sup> stated that they had set up a Unit, including 36 in 2016 (the CEF permanent council which launched the initiative dates from April 2016) and 15 in 2017. Some dioceses set up Units a few years before the CEF initiative: in 2013 for Nouméa, 2014 for Orléans, 2015 for Blois. The main reasons given in the responses of dioceses that have not set up a Unit are poor local means and resources, or the absence of a proven need.

The dioceses have adopted an approach that is as close to the ground as possible, giving priority to the purely diocesan level (85% of the Units). A small number of Units (15%) cover an inter-diocesan area. In these cases, it seems that this is essentially to pool available resources, or to cover more relevant areas than a single diocese.

On the whole, the creation of the Units is essentially an internal process in the bishoprics; recourse to external professional assistance (other than that of volunteers) has remained an exception. This has been the case since their creation, when the bishoprics had very little recourse to external advice. For example, almost all (95%) of the Units were not formed with the assistance of victims or victims' associations to advise them on their organisation. On the other hand, 17% of the Units were more open to specialised institutions (in the field of sexual abuse, assistance to victims) when they were set up. This last point can be explained by the fact that some of them operated in partnership, notably with the CRIAVS,<sup>328</sup> and by the mission entrusted to the Unit, which can only be fulfilled thanks to specific resources, some of which are not available in the church body. The Units are most often (75%) animated and managed internally by the bishoprics. Then come the Units set up in partnership with third parties and, very marginally, the Units which are totally outsourced (5%).

## b) The Organisation and Operating Mode of the Units

All the Units maintain a close connection with the bishops. The latter is often personally involved in the relationship with victims, witnesses, third parties and even perpetrators. The vicar general also plays a leading role in the Unit and is sometimes a member or even coordinator.

The Units have an average of 5.6 members, ranging from 1 to 17 (diocesan cells with shared resources for Arras-Lille-Cambrai). Most are small structures: 43 cells have 1 to 5 members. Some Units have 10 to 12 members (Tours, Gap, Montpellier, Poitiers, Rouen-Evreux).

The Units are almost equally composed of women (72) and men (73). The good representation of men can be explained in part by the involvement of religious (priests, bishops, vicars general) in their functioning.

It is very difficult to distinguish the status of the members: religious, deacons, laypersons and consecrated lay people, volunteers and employees of the diocese... However, it

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<sup>327</sup> Methodological caution required: dioceses having set up a Unit were naturally more likely to respond to the questionnaire.

<sup>328</sup> Resource centres for those working with perpetrators of sexual violence. Dr Mathieu Lacambre, former president of the French Federation of CRIAVS, was heard twice by the Commission, once during a plenary session and then by a working group.

seems that the Units are essentially based on lay volunteers, with a strong involvement of the episcopal hierarchy (bishop, vicar general). The qualitative responses received show an unequal investment of the members in the Units: between a strong investment in the mission, and a Unit “on standby”, with no particular activity.

In most cases, the members of the Units have professional skills that are useful for listening to victims. The three categories of skills that are mainly represented, or available when needed, are psychology or medicine (81%), knowledge in the spiritual field (80%, due to the presence of clerics) and legal professions (69%). Depending on local resources, the Units may also call on other professionals such as marriage counsellors, former police officers or *gendarmes*.

In addition to the existing professional skills and the ongoing training received by members, specific training is offered (70%), in particular by the CEF (93%) and sometimes by external partners (associations, etc. in 45% of cases). A majority of respondents, although not a clear one (54%) - perhaps because members are recruited on the basis of skills they already possess)- consider that *ad hoc* training is indispensable.

Not all the Units (50%) are structured by protocols and charters giving them a clear position vis-à-vis the clerks, organising their functioning and clarifying their role and prerogatives.

### **c) What the Units Do**

Most of the Units declare that their primary role is to welcome and listen, followed by advice to the bishops, advice to victims, and finally prevention. About two-thirds of respondents consider the cell's mission to be clear (40%) or very clear (27%), but one-third consider it to be only fairly clear or not clear (27% and 6% respectively).

The responses received show that almost 700 people (victims, relatives, witnesses, perpetrators) have contacted the Units. The Units state that they have physically received around 500 people. Some dioceses (Strasbourg, Toulouse, Orleans, Nice, Nantes, Nanterre, Montpellier-Mende, Lyon, Luçon, Lille, Le Puy-en-Velay, Grenoble-Vienne, Bordeaux, Annecy) are very active (more than 20 contacts and/or persons received since their creation).

The Units have often set up a permanent presence (telephone or physical reception), and almost all have an e-mail address (some refer to an online form, more rarely to a letter). Contact practices vary widely and depend on local appraisals and resources. Most of the time, the Units are housed in bishoprics, where they receive victims. Very few neutral reception points, totally external to the Church, have been identified.

The very rich exchanges organised by CIASE during the round tables that brought together the representatives of the Units led to reflection on the perspectives open to them, in the context of the measures announced by the CEF and CORREF at the end of the Bishops' Plenary Assembly of March 2021 and the General Assembly of CORREF of April 2021.

## **2. Perspectives**

### **a) Should the Listening Units remain internal to the Church or be externalised?**

There are several reasons for asking this question. The first has to do with the capacity of the Units to carry out the difficult task entrusted to them. Almost all the responses and interventions emphasise the need to professionalise the reception and listening function. Although the cells are often made up of members with professional skills related to receiving and listening to victims, these skills may not be sufficient. Firstly, because not all dioceses have the same resources in terms of skills and the same degree of availability of volunteers. Secondly, because the intensity of the relationship with victims of aggression sometimes confronts the Units and their members with their professional and human limits.

The second reason for this question is the degree of independence and autonomy of the Units in carrying out their tasks. The Units are often composed in part of clerics and, in any case, are closely linked to the bishop. They also play a role as a resource for the bishops: either they provide them with a framework for listening, as the diocesan leaders involved in the fight against sexual violence may be personally shaken by the testimonies; or they offer them technical resources on the follow-up to the testimonies. This dual vocation, directed towards both victims and diocesan leaders, can sometimes place them in ethical tension. Furthermore, serving the victims well, which is the primary reason for the creation of the Units, can imply the greatest independence from the concerns of the episcopal and ecclesial body.

However, the need for the Church to maintain an internalised, victim-oriented listening capacity is not in doubt among Unit members. Indeed, some victims may seek contact with believers and members of the social body where the abuse occurred. They see this as a way to be better understood, or as a possibility of recognition or reparation by the institution. The members of the Units note that most of the victims who approached them had maintained links with the Church. On the other hand, a certain number of victims no longer want anything to do with the Church, especially when it comes to listening.

The announcement made by the CEF and CORREF in March 2021 to propose a national listening system, the details of which are still unknown, but which could, for example, be based on a toll-free number in partnership with victim support organisations,<sup>329</sup> bears witness to the acuteness of these questions.

In the end, several options are possible.

Maintaining a reception and listening function totally internalised by the Church. This scenario would imply strengthening the training offered to the members of the Units and giving them clear missions, prerogatives and means. This scenario would imply a profoundly renewed steering and accompaniment of the Units, a more sustained training policy and a revision of the modalities of operation of the Units in their relationship with the diocesan authorities. Such obstacles can be removed, at the price of a significant effort and investment. However, the risk that the weaknesses identified in the current organisation of the Units will persist may not disappear completely.

Fully outsource the function of receiving and listening to victims, with an extensive approach to professionalisation (use of associations dedicated to these missions) and the independence of the Units. This scenario would be a clear break with the work done since 2016. It would be justified by the desire to professionalise listening even more and to give it more distance from the Church. However, it would run the risk of closing the door to victims who want to be received by representatives of the Church institution: laypersons or clerics.

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<sup>329</sup> Resolutions adopted at the end of the plenary assembly of the bishops of France on 26 March 2021

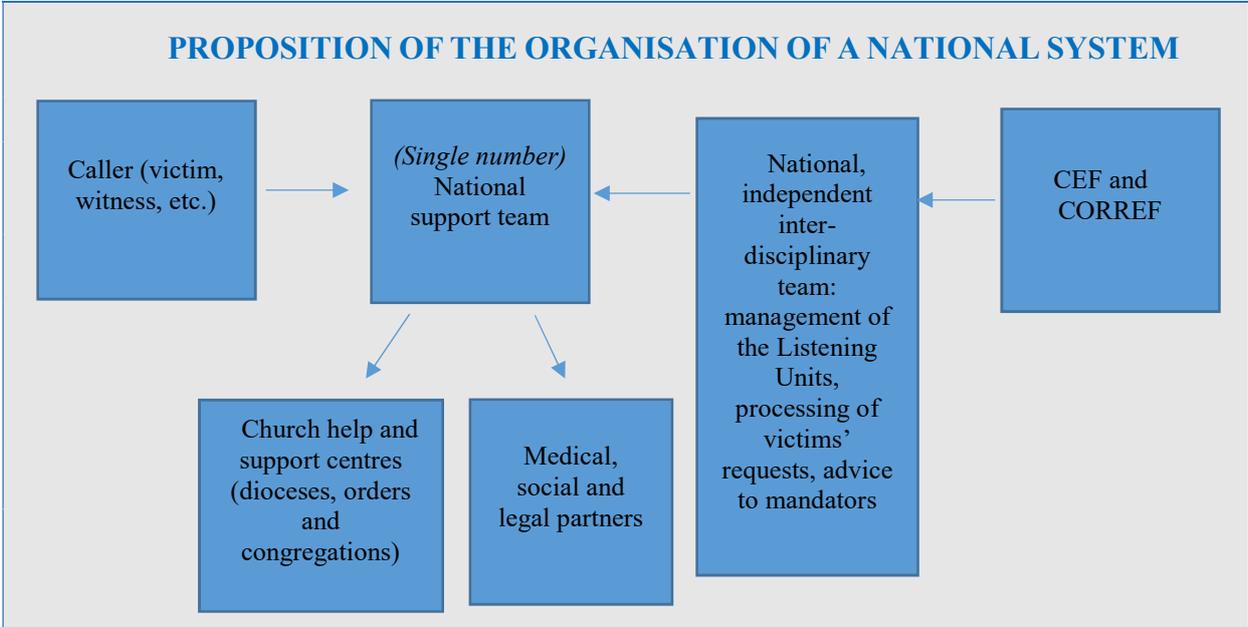
Furthermore, it could deprive the Church of a link with the victims, which we have seen has led the institution to evolve profoundly in its relationship with sexual violence since the years 2000-2010.

Or opt for an intermediate solution combining the two systems, internal and external: the Church retains a capacity to receive and listen at the level of a Unit and/or the bishop and, in parallel, a partnership with victim support organisations is established locally or nationally. In this scenario, victims would be offered an alternative and could decide according to their own preferences (degree of confidentiality or competence sought) and what is offered to them. This third scenario would place the need felt by the victims at the heart of the response of the Catholic Church. They would be able to determine the listening setting that best suits them and the qualities and skills they are looking for in the first place in the listeners (spiritual framework, legal advice, *etc.*)

**Recommendation N° 15:** Reform the modalities of the Listening Units set up by the Church by moving towards a combined internal/external, local/national system.

The new system should include unique, highly visible, contact details (telephone, email and postal address) and be facilitated by professionals working in partnership with the Church. The professional listeners would be able to direct calls towards internal support systems (CEF services and Units managed at a diocesan, religious institution or new community level) or towards external services facilitated by victim support organisations.

At a national level, the system should be supervised by an inter-disciplinary team comprised of Church representatives, victim representatives and health professionals. Dioceses should keep local support services for people who address them directly, either through the Units set up along the existing model or directly via a bishop.



## **b) How would the Units be best distributed over local territories?**

Most dioceses have responded to the CEF's call to set up reception and Listening Units. Some have opted for inter-diocesan Units or have established networks between diocesan Units. However, it would seem that the diocesan level is not necessarily the most relevant. Sometimes the Units have been activated but have not met with much demand because of there being few victims in the area - or, at least, few who come forward. In other places, the diocese has not found enough volunteers or skills to be able to take charge of a Unit. Networking between Units would, as well as pooling skills, allow experiences and practices in dealing with victims to be shared. Thus, on the basis of a self-assessment of their needs and capacities, dioceses could, in some cases, consider merging their Listening Units, particularly with those of neighbouring territories. The inter-diocesan Units already provide an interesting model in this respect.

**Recommendation N° 16:** Encourage, when appropriate, merged Units at an inter-diocesan level or partnerships between diocesan Units in order to pool resources, create relevant areas of intervention and develop a network of members. It is important to maintain a dense local network in order to be able to offer support solutions close by.

## **c) Should Units remain concentrated only on receiving and listening to victims?**

The Units agree that they should not take on a care role but concentrate on offering reception and listening facilities. Many also asked how their mission should evolve over five main areas: prevention, the long-term accompaniment of victims, receiving and listening to victims of spiritual abuse, receiving and listening to perpetrators of sexual violence in the Church, receiving and listening to victims outside the Catholic Church.

### ***i. With Regard to Prevention***

The Units were founded with the aim of listening and providing support. The issue of prevention has gradually become a concern that some of the Units have taken on. However, no clear role or mission seems to exist in this area, even though the CPPLP, the resource centre used by the Listening Units, has backed the mission.

The ways in which preventative actions could be implemented (interventions in seminaries, awareness-raising/information/training of church personnel in contact with children and young people, advising members of religious orders) open a door to Units for bringing their perspective and skills. This mission could be all the more usefully entrusted to Units whose reception and listening facilities would be partly outsourced to structures outside the Church. Taking on any new mission, however, requires support, training and adequate resources, and is limited to the abilities and skills of the volunteers.

### ***ii. With Regard to Support***

Many Units raised the issue of setting limits to their relations with victims: where do reception and listening services end? Where does accompaniment begin? What should it be and who should offer it? The needs expressed by victims are also very varied: therapeutic support, legal support (in state and canon law), spiritual support. The skills required to deal with the

needs of victims are so varied and specific that the capacity of the Units to offer support may, in any case, be limited. Including support services in the Units' mission runs the risk of putting them in difficulty. The current situation of providing support only within the limits of internal resources, or by referral to a network of partners (the mapping of which could be systematised by each Unit) would seem to be the best option.

### ***iii. With Regard to Spiritual Abuse***

The testimonies received by the Units, as well as those sent to the CIASE, have brought to light the problem of spiritual abuse and abuse of conscience, which is sometimes distinct from sexual violence, sometimes connected to it. Originally the Units' mission was to receive victims of sexual assault and it seems that a natural shift has led them, in practice, to deal with spiritual abuse too. Is there any reason - obviously within the individual competence of each Unit, inclusive of their ability to provide support and accompaniment - for the term "victim" not to be defined broadly and include in its scope victims of other kinds of abuse? Evidently, a Unit's mission should only be enlarged if needed and dependent on locally available resources and skills.

### ***iv. With regard to clergy and members of religious orders perpetrators***

In its resolutions of 26 March 2021, the CEF announced the creation of a listening and help service for perpetrators of sexual abuse. The Listening Units created in partnership with the CRIAVS are aware of this aspect of sexual violence. The CEF needs to define a policy and inform the diocesan Units of the recommended line of action. The Commission is insistent that perpetrators of sexual violence must receive medical treatment and psychiatric healthcare prior to accessing such a listening service.

### ***v. With regard to victims of sexual violence committed outside of the Church***

This issue does not fall within the scope of the CIASE, but having grown increasingly aware of it during its work, it believes that it is right now to share it with its mandators.

Some victims of sexual assault committed outside the Church have, not knowing where else to turn, contacted the Listening Units that they have heard about or whose contact details they have found online. These Church affiliated Units offer varying responses depending on their individual ability, availability, partnerships, etc. At the very least, they can direct these victims towards appropriate structures. At times, they can also receive victims who turn to them so as not to close the door on them in situations of fragility. However, the question then arises of supporting and accompanying these victims until they are taken on by the relevant care system. There is also the matter of protecting the Unit volunteers, who are faced with sensitive situations that require appropriate care.

The Church must reflect on how best to receive and listen to these victims, depending on the direction it wants to give to its listening system. To date, external victims are not formally included in the missions or priorities of the diocesan Units. The CEF needs to define a policy and inform the diocesan Units of the line of conduct in this regard.

### **Recommendation N° 17:**

Insist upon the fact the Listening Units offer reception and listening services only and that their mission ends where care and legal advice begins. However, it is therefore essential that the Units build up directories of local professionals to be able to direct victims towards the appropriate structure (social services, medical professionals, legal counsel).

Emphasise the Units' prioritisation of victims. Their role is not to take care of the perpetrators of crimes - this should be subject to separate protocols at a diocesan level to ensure adequate care is provided, in particular with help of external partners (e.g. the CRIAVS: *Resource centres for those helping perpetrators of sexual violence*).

Formalise, in conjunction with the diocesan referents responsible for the fight against child abuse, the Units' mission in terms of prevention. The Units are automatically involved in prevention in various ways (presentations to seminarians and priests; drafting protocols; the organisation of seminars/conferences).

Clarification is needed with regard to the Units' role in advising bishops: the Units do not always have the means to advise episcopal leaders, in particular on legal issues. In any case, its advisory role seems to be ill-defined and a source of ambiguity.

### **d) Do the Units' Resources Need to Evolve?**

There are two main questions with regard to the resources made available to the Units: the role of clergy and the relationship with victims.

Units often include a priest, a member of a religious order, or even the vicar general, who is usually present in a supervisory capacity and who provides a direct link with the bishop. There is no denying that the advice and skills brought by a priest or member of a religious order are helpful for the Units, yet does this combination of laity/clergy/member of a religious order not lead to ethical conflict? Does it not also put up barriers to the proper care of victims or the passing of proper information to the Church? Laypersons working in the Units may question their own legitimacy and capacity for action and consequently fail to deploy their full skills or put to good use their prerogatives in the service of the mission entrusted to them. Of course, many situations, founded on clarity and trust, pose no problem at all but there are also many cases where relationships are more complex and liable to disrupt the proper functioning of the group.

If, however, Units composed solely of laypersons were to be envisaged, it would be essential to designate a member of clergy or a religious order (man or woman) to act as an ecclesiastical representative and to ensure a permanent link with the bishop or his representative. Once again, the victims' choice should take precedence and if they wish to be heard by a priest, or member of a male or female religious order, then the Unit should be able to respond favourably to such a request.

Very few Units made contact with victim support groups, either when they were set up or since then. However, partnerships have gradually been formed, especially through awareness-raising actions and training courses. This could be made more systematic by mapping and pooling available resources – if necessary, by looking further afield than the diocese - and by generally engaging more regularly in dialogue with victims or victim support groups.

### **Recommendation N° 18:**

It would be preferable for Units to be composed entirely of laypersons in order to limit the risk of confusion for victims. This would also limit the risk of ethical tensions among the Units' volunteers.

However, it is important for the Units to be in contact with the diocese's bishop, vicar general or priests or with any other member of a religious order present in the bishopric, for a number of reasons: to be able to put questions to them, to put them in contact with any victim who may wish to talk to a member of clergy, to ask advice or even request the participation of a member of clergy during interviews, if this is wanted by the person being heard.

Map the external resources useful for the proper functioning of the Units (organisational advice, advice on carrying out their mission).

### **e) How to Boost the Units' Visibility?**

Degrees of visibility vary greatly from one diocese to another and, other than communication at the Listening Units' launch in 2016, they seem to have been given little further publicity. The Units themselves stress this point, noting the gap between the number of victims heard by CIASE (via its appeal for testimonies) and their own levels of activity. Furthermore, in its work, the Commission noted that it was sometimes difficult to find the contact details of Units, and that these were very variable (landline number or mobile telephone, email address, postal address, CEF's web portal). In some cases, Unit members do not have full control over their electronic mailbox, or people who wish to contact the Units are asked to write to other people (the bishop, the bishop's secretariat) to make this known, whereas the Units should be completely autonomous (while contact with the bishop is of course always possible). Lastly, the Units are not always properly presented (a list of members, their mission and mode of functioning) on diocese websites.

### **Recommendation N° 19:**

Make the Listening Units more visible, through regular communication in the local press and existing Church channels (posters, broadcasts, websites).

Make the means of contacting the Listening Units better known and give Unit members full control over all tools used when in contact with the victims (e.g. an electronic mailbox which can only be accessed by members of the Unit.)

### **f) How to Develop the CPPLP's <sup>330</sup> Support for the Units?**

The links between the Units and the CPPLP, while not actually non-existent, seem to be uneven and irregular. The two main ways in which the CPPLP offers its support, are during the annual Listening Units seminar and in training courses. However, these initiatives seem to be unevenly distributed. Various possible local initiatives with regard to the Units' organisation, the drafting of teaching and communication materials, the training of members or networking between Units, indicates that the CPPLP could be more present in its guiding role.

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<sup>330</sup> The measures announced on 26 March 2021 include the transformation of the CPPLP into a CEF department, attached to a new *ad hoc* Council.

Conversely, could the CPPLP's limited human resources be compensated for by mobilising volunteers from the Units into working groups or thematic representatives? The CPPLP, or any department which may take over this role at a later stage, could not only provide the Units with resources, but also draw on its experience and skills to improve – both in terms of prevention and cure - the response to the issue of child sexual abuse in the Catholic Church. During the two round tables organised by the Commission with representatives of some twenty Listening Units, it noted the rich diversity of persons invested in the Units, their high degree of commitment and the potential there could be in networking and collective discussion. Although a network essentially based on volunteer work and a collaborative approach, but with no commonality other than a shared sense of mission, will present structural weaknesses, it will, however, bring together a rich and varied pool of resources which, if better mobilised, might be enormously helpful to the mission's accomplishment.

#### **Recommendation N° 20:**

Strengthen support for Units from the CPPLP (*Catholic Church advisory board in the fight against child abuse*) or from any department which may later take over this role. It seems to the Commission that stronger action in terms of guidance (sharing guidelines), leadership (sharing information, networking) and support (creation of an operational kit, training sessions, communication material etc.) would be mutually beneficial.

Make the Units an expert resource for the CPPLP, or any department which may later take over this role: the Units and their members have a wealth of skills and expertise which could be useful to the CPPLP on an *ad-hoc* basis (for instance, for an in-depth audit of the Units' functioning and development) or on a more permanent basis (for instance through thematic working groups periodically reporting their findings).

#### **g) Does the organisation and operational mode of the Units need to be better structured?**

Few of the Units have founding texts or internal regulations which clarify their mission(s), their mode of operation (leadership, meetings, activity reports), their prerogatives (relationship with the victim – for example, a protocol for listening to victims, inclusive of listening methods, reporting, archiving, etc. -, the Unit's position in relation to the diocesan hierarchy - accountability, advice, follow-up of actions undertaken). Initiatives taken in this respect appear to be mostly local and informal. There is, consequently, a vast heterogeneity in the Units' operational modes, which can allow for fluidity of adaptation to particular situations, but which also leaves members in a state of uncertainty, even insecurity. Units based in large, highly affected, dioceses such as Lyon, are very structured but this is not the case for most Units. Work should be done with the CPPLP, or any department which may later take over from it, on structuring the Units (protocols, internal regulations).

#### **Recommendation N° 21:**

Provide the Listening Units with organisational documentation to help clarify their missions, their position in the diocese, their material means (budget, premises, communication tools). To this end, propose, at CEF level, a model document incorporating the essential elements, while still leaving room for individual dioceses to adapt to local situations.

To the above should be added operating protocols and simple internal regulations such as the manner of responding to requests (deadlines, formats etc.); rules about discretion and

confidentiality; legal procedures (GDPR, referral to the appropriate judicial authority, basic knowledge of canon law); and training sessions, particularly psychological training, for the listeners.

#### **h) What Will Happen Post-CIASE?**

About a third of the Units which replied to the questionnaire said they would like external support for their organisation. The work carried out by the CIASE with the Units is a start - modest, albeit encouraging - but it was insufficient to grasp the full complexity of the subject and thus propose a full range of the best-adapted solutions to all the issues raised. The CEF should undertake an in-depth audit of the Listening Units either with the help of an appropriate independent service or with that of the CPPLP and the Units themselves. In order to do this, the future of the Units will need to be clarified further to the 26 March 2021 resolution.

**Recommendation N° 22:** Undertake an in-depth audit of the functioning of the Units and the routes open to them to ensure consistency with the resolutions taken by the Plenary Assembly of Bishops on 26 March 2021.

The work carried out by the CIASE has shown that, while the current system has many positive attributes, there is also much untapped potential and there are ongoing questions which need to be addressed before the system can be reformed.

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At the end of the discussion presented in this second section of the report devoted to the diagnosis of the problem, the Commission is conscious that the analysis of the causes of sexual violence against children or vulnerable persons in the Catholic Church, and the response to it that the Church can and must give, are met with very disparate views from within the clergy, congregations and the faithful, and that these divergences are at times vehemently expressed. The idea of fundamental and structural responses to the crisis which is weakening the Church, can meet with firm opposition because such a response is sometimes perceived as calling into question the primary purpose of the Church (spiritual), the guiding principles of its action (dogma), what animates it (forgiveness and mercy), and the specificity of its constitution (People of God adhering to the doctrine of eschatology, but also, subsidiarily, organisation through necessity) and its rules (permanence of canon law, in a long unconsidered and minimalist alignment with civil and criminal state law). This is why the Commission wanted to hear as many representatives of the Catholic Church as possible - bishops, major superiors, those responsible for the training of future priests, theologians, etc. - but also priests of all ages and seminarians, as mentioned above, in order to get an understanding of the extent of everybody's feelings, thoughts, reactions as well as to hear their proposals.

The Commission does not deny the complexity of these issues or that it may not have all the keys for completely unlocking them. It, nonetheless, strongly emphasises that the work undertaken in the scope of its mandate has led it to identify, in the crisis of child sexual abuse and, more broadly, of sexual violence in the Catholic Church, a systemic phenomenon, i.e., a set of serious facts which are not attributable to isolated individuals or to one-off dysfunctions,

but which exist on a large scale, are based on structural elements and, despite fluctuations, persist over time. The situation deserves deep reflection, real dialogue and genuine listening, as the Commission's mandators' have themselves engaged, followed by determined, ambitious action.



**SECTION THREE: DISPELLING THE DARKNESS: A  
PROCESS OF TRUTH AND REPARATION FOR THE PAST;  
TOWARDS A FOOLPROOF SYSTEM OF PREVENTION IN  
THE FUTURE**



## **I. COMING TO TERMS WITH THE PAST WILL NECESSITATE AN AMBITIOUS SYSTEM OF RECOGNITION AND COMPENSATION WHICH IS NOT PURELY INTERNAL TO THE CHURCH AND WHICH HAS SIGNIFICANT RESOURCES AND A RANGE OF RESTORATIVE JUSTICE TOOLS AT ITS DISPOSAL**

The crisis of sexual violence in the Church, the seriousness of which was not underestimated by any of the experts and stakeholders interviewed by the commission - some bishops, during their hearing in plenary session, even raised it to the level of the most serious episodes in the history of the Catholic Church - can only be overcome at the price of an awareness and resolutions which go beyond what the Church has been able to manifest and decide up to now, and which, according to the commission, are deployed in four directions: responsibility, recognition, the restorative dimension and, finally, financial reparation..

### **A. THE RESPONSIBILITY OF THE PERPETRATORS AND OF THE CHURCH NEEDS TO BE SOUGHT AND EXPLORED AT ALL ITS DIFFERENT LEVELS**

*“It is the Catholic institution in its most global sense which is responsible, I mean the pope, the bishops, the cardinals and all those people, from the minute that things started happening in their churches. [...] Take the example of a company that goes bankrupt and has to pay its creditors. What do you do? One of its assets is sold to pay off its debts. [...] It doesn't stop me thinking though that the locals who knew the priest was groping children should be convicted too, even if they are laypersons.” (Bruno, Hearing N° 39)*

In the light of the Commission's diagnosis, the starting point for a truth and reparation process with regard to the past, must be to affirm and seek out the responsibility of the perpetrators, as well as to explore the responsibility of the institution within whose walls the abuse took place.

With this perspective, several levels of responsibility must be clearly distinguished. The first of these is the legal level which brings together issues of criminal and civil liability. The second level is systemic and concerns the institution and the analysis of its dysfunction. The third is civic and analyses the Church's responsibility towards the society of which it forms a part, in the sense of “rendering accounts” or accountability.

Through these different levels or tones, the notion of responsibility has a double meaning. First of all, it means the debt towards victims of past acts, victims to whom one owes reparation. However, it is also understood as a commitment for the future, a will to prevent the reoccurrence of abuse. In this sense, responsibility is for the Church linked to its awareness of the significance and scope of its actions. These two meanings are interlocked as, for many victims, the ultimate reparation would be the assurance that no one else will ever be subjected to their ordeal.

#### **1. On a Legal Level**

## a) The Legal Responsibility of the Perpetrators

In principle there is no difficulty in determining the criminal and civil liability of the perpetrators of violence. “Sexual abuse”, as defined in this report, is a criminal offence, included under the concept of sexual assault. In accordance with the provisions of Article 222-22 of the [French] Criminal Code “*sexual assault constitutes any sexual violation committed with violence, coercion, threat or surprise or, in the cases provided for by law, committed on a minor by an adult*”. It should also be noted that the Law of 21 April 2021, (which is, of course, only applicable from this date), made sexual offences committed without violence, coercion, threat or surprise against children under the age of fifteen, sexual offences. Depending on their degree of gravity, these acts may constitute, under French law, a misdemeanour or a crime. At present, French criminal law makes it possible to sanction all sexual offences which have been committed in the Church by priests, deacons and members of a religious order.

Criminal misconduct, recognised and sanctioned by the criminal courts “in the name of the French people”, in other words by society, also opens the way to civil liability, i.e. compensation for harm caused to the victim.

In this context, it is not so much the principle of the criminal and civil liability of the perpetrator that is the issue, but rather its effective implementation, in particular in view of the statute of limitations. In criminal matters, limitation periods vary depending on the nature of the act, from ten to thirty years from the date of the victim reaching his or her majority. In civil liability matters, the limitation period is twenty years. It has been shown that the time needed to overcome amnesia and break out of silence call into question these limitation rules, about which specific recommendations are made below (*Cf.* 2-C-I of this section).

## b) The Legal Responsibility of the Catholic Church

In addition to the responsibility of the individual perpetrator, the legal responsibility of the Church must also be investigated. As described above, the sheer scale of sexual violence in the Church, the failures in the institutional response, and the determining nature of the priestly status in creating a relationship of control, invite questions about responsibility that go beyond those of the individual perpetrator.

From this perspective, the first difficulty to arise pertains to finding a natural person or legal entity who or which can assume the Church’s legal liability. The Catholic Church is not, as such, a legal entity any more than is a diocese. In this respect, we see that the French situation is different from that of the United States, for example (*cf.* below D of I). At first sight, the search for the legal liability of the institution as a whole may, therefore, appear compromised. The Commission admits that there is something as counter-intuitive - for an institution which claims to have existed for more than two thousand years and whose hierarchical organisation is so well known - as disconcerting, or even shocking when a victim challenging the institution’s liability for violence suffered in a community under its jurisdiction, sees a Church official hide behind this legal curiosity and exclaim: “But the Church does not exist!”<sup>331</sup>

However, many legal entities within the Catholic Church are recognised by French law: diocesan organisations, congregations, official or non-official organisations and foundations, etc. In this respect, it is important to note the major difference between religious institutes -

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331 Quoted by Ms Anne Mardon in her hearing during the plenary session of 22 October 2020.

whatever their exact name, order, congregation, convent etc. as while some have no legal personality (diocese, parish) or a limited legal personality (diocesan organisation), the institutions which fall under the aegis of the CORREF are in a different legal situation: a religious congregation is a legal entity. As the law stands, the difference is not unfounded, insofar as diocesan organisations have a strictly limited object. They were instituted to serve as a legal support and provide funds for a faith and cannot, in theory, bear expenses resulting from the crimes or misdemeanours committed by its ministers.

Subject to this exception, all the legal entities within the Church should be able to be held criminally and civilly liable for the misconduct of its components, ministers or members. The juridical liability of the Church can also extend to the juridical liability of natural persons in positions of authority within the Church, foremost among whom are bishops and major superiors of congregations. In short, the notion of the Catholic Church's juridical liability should be understood as the responsibility of the legal and natural persons who constitute it.

### **c) The criminal liability of the different components of the Church**

Within the Commission's field of study, the first area in which the institution's responsibility must be explored is criminal. The criminal code can be invoked here in two ways:

- The Articles which first spring to mind, due to current legal events, are not those most frequently used before the courts. Here we are referring to Articles 434-1 and 434-3 of the [French] Criminal Code. Article 434-1 makes it an offence, punishable by a maximum of three years' imprisonment and a fine of 45,000 euros, not to inform the judicial or administrative authorities "of a crime whose effects can still be prevented or limited, or whose perpetrators are likely to commit new crimes which could be prevented". These provisions have to be combined with the non-breach of professional confidentiality. Article 434-3 of the Criminal Code also defines as an offence (incurring the same sentence) the non-reporting of sexual assaults on minors under 15 years of age, in which event professional confidentiality is not applicable (Article 226-14). The *Cour de Cassation* recently had the opportunity, in the judicial epilogue to the "Barbarin affair", of specifying the conditions under which this offence can be constituted<sup>332</sup>. The obligation to report does not cease if the facts to be reported are time-barred. It does, however, cease if the victims are themselves in a position to report the facts. Thus, the Court of Appeal was able to hold that the Cardinal was not obliged to report the assaults because, at the time he became aware of them, the victims, aged between 34 and 36, held family, social and professional situations, did not suffer from illness or disability and were in a position to lodge a criminal complaint themselves.
- Broader in scope is the obligation under Article 223-6 of the [French] Criminal Code<sup>333</sup> which severely sanctions the failure to prevent "either a crime or misdemeanour against

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332 *Cour de Cassation* – Criminal Division, Judgment N°484 of 14 April 2021 (20-81.196).

333 "Art. 223-6 - Anyone who, without risk to himself or any third party, is able to prevent by his immediate action either a crime or a misdemeanour against the physical integrity of a person, yet voluntarily refrains from doing so, shall incur a five-year custodial sentence and a fine of 75,000 euros".

the physical integrity of a person” or the failure to provide assistance to a person in danger, when this danger is imminent and constant. This is sanctioned even more severely if the person is under 15 years of age: the maximum penalties here are 7 years’ imprisonment and a fine of 100,000 euros.

It should be pointed out that the [French] Criminal Code provides for the criminal liability of legal entities for offences committed in their name by their representatives or bodies operating under the authority of the former (Article 121-2 of the Criminal Code), with fines in principle five times higher than the maximum amount set for natural persons (Article 131-38 of the [French] Criminal Code), and specific penalties for crimes or misdemeanours (Article 131-9 of the [French] Criminal Code).

As far as the Commission is aware, out of the repressive arsenal that has just been briefly presented, only the failure to comply with the obligation to report to the authorities has been criminally sanctioned, and this in cases with a high media profile concerning two bishops, already mentioned above: Monseigneur Pican (in September 2001, Caen Criminal Court handed down a three-month suspended prison sentence and one franc in symbolic damages to each of the four civil parties) and Monseigneur Fort (who, on 22 November 2018 was handed down by Orléans Criminal Court an eight-month suspended prison sentence and ordered, jointly and severally with the abuser priest, to pay 15,000 euros to each of the three civil parties). Monseigneur Barbarin was found guilty by the court of first instance, Lyon Criminal Court, but was acquitted on appeal and the appeal against the Lyon Court of Appeal’s decision was dismissed. (*Cf.* above).

#### **d) Civil liability of the different components of the Church, due to personal responsibility**

Secondly, the Church’s civil liability can be sought on the grounds of personal liability (being responsible for one’s own acts) or vicarious liability (being responsible for the acts of others).

Personal liability does not pose any major difficulties. There are various types of misconduct that might engage the personal liability of the perpetrator’s hierarchical superiors. Notably the non-reporting of crimes or misdemeanours when known about. In the event of the hierarchical superior being genuinely unaware of the acts, he or she might also be held liable, provided that a lack of vigilance over the persons under his/her authority is characterised. In all cases, a direct causal link must be proven. It is essential to be able to prove that, without the misconduct in question, the harm would not have occurred. In cases where the bishop had allowed a situation of which he was aware to continue - such as a priest who had shown pedophilic inclinations remaining in contact with children - the proof of such a causal link would not pose any problems. In other situations, a case-by-case examination would be necessary.

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*“Anyone who voluntarily refrains from giving a person in danger assistance that, without risk to himself or to any third party, would have been possible either through his personal action or by bringing about a rescue, shall be sanctioned by the same penalties”.*

*“The sentence shall be increased to seven years’ imprisonment and a fine of 100,000 euros when the crime or offence against the physical integrity of the person referred to in para.1 is committed against a minor aged fifteen or when the person in danger referred to in para.2 is a minor aged fifteen”.*

### e) Civil liability of the different components of the Church due to vicarious responsibility

The question of vicarious civil liability is more complex, and no case law exists on the subject. The question of vicarious liability shall, however, be a determining factor for victims. Effectively, if the civil liability of bishops, superiors of religious institutes and the legal entities constituting the Church were to be incurred in cases of sexual violence committed by clerics, it would substantially change the situation with regard to the recognition of institutional liability and compensation for victims. This is the central issue in terms of legal liability. The CIASE considers that, even in the absence of relevant case law, it is very likely that the Church's vicarious liability could be engaged on the grounds of the master-servant relationship between a principal and its agent.

Clearly, it is true that in the event of the misconduct of a fully independent adult, it does not feel natural to seek another's responsibility and, within the scope of this report, responsibility falls primarily on the shoulders of the perpetrator of sexual violence. However, it is clear that the special relationship between the perpetrator and the Church has also played a defining role in the crime or misdemeanour. In practice, the Church exercises a form of authority over the perpetrator. Bishops confer the sacrament of Holy Orders on the priest, with all the powers that go with it, especially in sacramental matters. As religious superiors, they provide, through the missions they assign which include contact with children, certain means of committing sexual violence. Such concrete considerations suggest that the legal liability of the Church bodies may be called into question. Even though a lively legal debate is still raging, and no consensus has yet been reached, statute law would appear to provide a legal basis for engaging the Church's civil liability.

It should first be noted that we are not here referring to the general legal principle of vicarious liability with regard to looking after others as developed from the *Blieck* judgment handed down by the plenary assembly of the Court of *Cassation* on 29 March 1991 and based on para. 1 of Article 1242 of the [French] Civil Code<sup>334</sup>. Despite this very broad textual basis, the principle has been applied restrictively to two situations - and only two - to neither of which sexual violence in the Catholic Church can be related. Two types of establishments have so far been found liable on the grounds of this principle - a) establishments responsible for the permanent custody of a dangerous person or a person lacking capacity (e.g.: ESAT establishments for integrating adults with disabilities into the workforce, young offender institutions, medical-educational institutes, psychiatric units) and, b) organisations responsible for a collective activity, which direct and control their members in the context of the said activity (for example, a sports club during a rugby match).

The CIASE feels that it is on the grounds of the liability of a principal for the actions of its agent that the civil liability of the ecclesiastical institution could be engaged. These rules, originating in para. 5 of Article 1242 of the [French] Civil Code,<sup>335</sup> determine legal liability: it is not necessary to prove the fault of the principal in order to engage his liability; the fundamental justification of this system is that it guarantees compensation for the victim. In the case of a victim of sexual abuse in the Church, the liability of the principal (in this case, the bishop) and the perpetrator of the misconduct (the priest) are engaged *in solidum*, the

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334 “One is liable not only for the damage caused by one's own actions, but also for that caused by the action of persons for whom one is responsible”.

335 “Masters and principals are liable for the damage caused by their servants and agents in the undertakings for which they have been employed.”

distribution of liability between the two being made according to the gravity of the respective faults and their causal role in the occurrence of the damage. Three cumulative conditions must be met to incur this liability: (i) a relationship of subordination, (ii) a fault committed by the agent and (iii) the absence of abuse of office by the agent.

The last two conditions do not pose any difficulty in cases of sexual violence in the Church. The fault committed by the agent - in this case, the priest - is constituted by the criminal offence. The absence of abuse of office is also easily demonstrated, given the extremely restrictive interpretation of this concept by the Court of *Cassation*. As long as the agent's action is in some way connected with his/her duties, the case law holds that the agent has not acted outside of his/her duties. With regard to cases of sexual violence in the Church, there is no doubt that the perpetrator used his office and the authority attached to it to commit acts of abuse. The victim and, where applicable, the victim's family, put their trust in the Church and it was the Church's authority which led them to suffer, usually without protest.

The question of a relationship of subordination is the more difficult. This relationship presupposes that the principal, who entrusts a task or mission to the agent, has "the authority to give orders and instructions and exercises a certain control over the agent's activity".<sup>336</sup> One of the important elements in this relationship is that the agent "acts on behalf of the principal for the benefit of the principal with the means provided by the principal".<sup>337</sup> This relationship does not necessarily imply a legal relationship, let alone a contract; it could be a simple *de facto* friendly, family or occasional relationship. This is far broader than the notion of subordination, which is the criterion for an employment contract.

The existence of a relationship of subordination in congregations is not debated. No one disputes that the vow of obedience made by members of male and female religious orders and the rules which govern congregations are sufficient to constitute such a relationship. This subordinate relationship is also widely accepted between a member of clergy or a religious order and a legal entity which belongs to the Church but manages a particular service, such as a school, for example.

Where the question is more hotly debated is the relationship between priests and bishops and diocesan organisations. No case law has been established to settle the question. In this context, the CEF's legal counsel, heard by the CIASE, rules out the existence of a relationship of subordination on the basis of two arguments.<sup>338</sup> With regard to diocesan organisations, the CEF rightly highlights the specific purpose of these structures, which is to bring together the means of worship<sup>339</sup>. They cannot therefore interfere in the "organisation of the service" or

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336 Muriel Fabre-Magnan, « *Note sur la responsabilité du fait des abus sexuels dans l'Église* » submitted to the CIASE in May 2021 and annexed hereto.

337 G. Viney, P. Jourdain, S. Carval, « Les conditions de la responsabilité », in *Traité de droit civil*, under the direction of J. Ghestin, LGDJ, 4th éd., 2013

338 Laurent Aynès, « *Note sur la responsabilité de l'évêque et/ou de l'association diocésaine en cas d'abus sexuels commis par un prêtre* », submitted to the CIASE in May 2021 and annexed hereto.

339 Unlike the religious organisations set up under the Law of 9 December 1905, whose purpose, in accordance with their Articles of Association, is to provide for the costs, maintenance and exercise of worship, the purpose of diocesan organisations, in accordance with their Articles of Association, is solely to provide for the costs and maintenance of Catholic worship. These organisations are set up in each diocese and presided over by the local bishop. They are governed by standard Articles of Association resulting from a diplomatic agreement and concluded in an exchange of letters in 1923-1924 between the French government and the Holy See (the so-called "Poincaré-Cerretti")

give instructions to priests. With regard to bishops, the qualification of principal is excluded, again according to the same legal counsel, on the grounds of the very specific nature of the relationship that unites the bishop with each priest of his diocese. This, the argument goes, is essentially a relationship of communion and affection and not of authority. Several provisions of canon law<sup>340</sup> are put forward to demonstrate that the priest is “neither the representative nor the executor of the bishop, [that] he acts neither on behalf of, nor for the benefit of the bishop, but that he has true pastoral autonomy and is “accountable” only to God”.

In particular, according to the CEF’s legal counsel, three clarifications demonstrate the absence of a relationship of subordination, despite indications to the contrary:

- The power of appointment certainly belongs to the bishop, but it is actually more a power of proposal, the appointment being decided, if not in communion with the presbyterium, i.e. all the priests holding office under a bishop, at least in connection with the episcopal council in accordance with canon 473§ 4. Besides which, the appointment would not imply any control after it has occurred.

- The bishop does effectively have the power to sanction a priest, but this would not be used to ensure execution of instructions. This power is limited to a very specific area, designed to protect the people of God from the “scandal” caused by the priest’s behaviour.

- During the ordination of the priest, the bishop effectively receives from the former a promise to “live in communion with [him] and [his] successors in respect and obedience”. But obedience should be understood in its etymological sense of listening (*oboedire*, from *ob-* and *audire*), and not in the common understanding which implies a traditional hierarchical relationship.

As it arrives towards the end of its work, the CIASE can only express doubts about the arguments put forward by the CEF’s legal counsel. Staying in the scope of canon law, we note the ambivalence of the texts in which the bishop can be defined as a father, responsible, in particular, for ensuring that the priest fulfils his obligations:

*“In the exercise of his ministry, the Bishop shall behave with his priests not so much as a mere ruler with his own subjects, but rather as a father and a friend ...”* (Directory for the Pastoral Ministry of Bishops *Apostolorum Successores* N°76).

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agreements), named after the *Président du Conseil* and the Apostolic Nuncio in Paris at the time), which was intended to compensate for the refusal of French Catholics (who followed the instructions of Rome on this point) to set up the religious organisations provided for on a local level by the 1905 Act on the separation of Church and State. In its opinion No. 185107 of 13 December 1923, the *Conseil d’État* considered that the model Articles of Association complied with the general provisions of the 1901 and 1905 Acts.

340 In particular :

- Directory for the Pastoral Ministry of Bishops *Apostolorum Successores* No. 76: “... *The relationship between the bishop and the presbyterate shall be inspired and nourished by charity and a vision of faith, so that the juridical bonds, themselves deriving from the divine constitution of the Church, appear to be the natural consequence of the spiritual communion of each one with God...*”.
- *Presbyterorum Ordinis* N°7: “... *Because of this communion in the same priesthood and ministry, the bishops must therefore consider their priests as brothers and friends, and take care, as far as possible, of their good, first of all material, but above all spiritual...*”

*“The diocesan bishop shall show special concern for priests and listen to them as his helpers and advisers; he shall defend their rights and ensure that they duly fulfil the obligations proper to their state and have at their disposal the means and institutions needed to maintain a spiritual and intellectual life; in the same way, he is to see to it that their honest subsistence and social protection are provided for, in accordance with the law”. (CIC 1983, Canon 384).*

The corollary of the power of appointment is a power of dismissal which, while not sufficient to demonstrate a relationship of subordination, nevertheless provides a body of concordant evidence. Traditionally, the liability of the principal was linked to a fault committed in his choice of agent (*culpa in eligendo*) or in his supervision of the agent (*culpa in vigilendo*). In accordance with the Code of Canon Law currently in force:

*“Can. 1740 - When for any reason, even without any serious misconduct of the person concerned, the ministry of a parish priest becomes harmful or at least ineffectual, the said parish priest may be dismissed from his parish by the diocesan bishop.”*

*“Can. 1741 - The reasons for which a parish priest may legitimately be removed from his parish are essentially the following: 1. A manner of reacting which is to the serious detriment or causes serious disturbance in the ecclesiastical communion; [...] 3. Loss of esteem among the upstanding and serious parishioners or an aversion to the parish priest which is unlikely to cease soon; 4. Serious negligence or violation of his priestly duties persisting even after a monition [caution].”*

Moreover, even assuming that the analysis of the CEF’s legal counsel is corroborated by the rules of canon law, in civil proceedings in France they could only be invoked as the source of evidence as to the definition of the relationship between the bishop and the priest. In all events this would be determined by the categories of domestic law. What ultimately counts is the undisputed *reality* of the relationship of authority between the bishop and the priest. Although the CIASE cannot claim any certitude in the absence of existing case law, it believes, that in the event of litigation, it is highly likely that a relationship of subordination would be acknowledged, thus allowing the civil liability of the Church and, in particular, the bishop to be engaged for harm inflicted by a priest-perpetrator.

The Church must take note of this legal situation. It must also realise that, in all events, it is possible, even probable, that the legislator will intervene to draw the consequences of the trauma of sexual violence committed in society as a whole, and consequently implement compensation mechanisms which will weigh on the institutions and communities in which the harm occurred. Anyway, not even with reference simply to the Catholic Church, it is extremely doubtful whether any social realm in which reparation for harm does not prevail, can continue to exist in our society. When it comes down to it, this is how legislation has always proceeded over the last thirty years in response to public health disasters.

From the CIASE’s point of view, it is simply adding its legal analysis to all the moral arguments that plead for the Catholic Church to engage in an ambitious programme of responsibility, recognition and compensation.

#### **f) Another Issue Linked to Legal Liability is Social Responsibility**

A final question arises in relation to the legal liability of the Church, which is its social responsibility as an employer. This question is particularly crucial in the case of violence

perpetrated against male and female members of religious orders or consecrated laypersons. Many of these victims claim compensation on a social level, in particular payment for hours worked and pension scheme contributions, especially as their departure from the institution often leaves them without any means of subsistence. The principle of the Church's social responsibility, or at least that of the employer-legal entity, does not pose any difficulties in principle. It would, however, be advisable to assist victims in the steps necessary for the implementation of these measures and to do so within the requisite time limits.

**Recommendation N° 23:** Recognise, for the entire period analysed by the Commission, the civic and social responsibility of the Church, irrespective of individual fault and the criminal and civil liability of the perpetrators of sexual violence and, as the case may be, Church officials.

## 2. On a Systemic Level

*“We, who have been through this, have all found ourselves either in a situation where we tried to talk, but no one would believe us: ‘It’s the Church, you’re talking nonsense’, or in a situation where we couldn’t speak. I think it would be a huge step forwards if people could say to us today, with real sincerity: ‘We have listened to you’.” (Bruno, Hearing° 39)*

*“What can the Church do? With regard to the victims... nothing. A personal letter from the pope, that the pope sends a note to all identified victims, that he apologises in the name of the Church that he is the head of.” (Nicolas, Hearing N° 82)*

Other than in legal terms, sexual violence in the Church highlights a more widespread responsibility, of an institutional, structural or systemic nature. Here it is no longer a question of assigning responsibility on a legal basis, but of examining the collective traits and operating methods that have hindered and sometimes blocked the revelation, prevention and relevant treatment of sexual assaults by the institution. The idea of individual fault or safeguarding failures is replaced by the idea of organisational dysfunction or failure – because recognising the Church's specificity should not lead to denying its dimension as a human organisation. To look into this type of responsibility, it is even necessary, *a priori*, to set aside all idea of fault and personal blame, in order to ask ourselves how men, and sometimes women, in positions of responsibility could, in all good faith, for so many years, have shown so little vigilance, taken such bad decisions and allowed such violence to be perpetrated.

In concrete terms, in the case of the Church, as in any complex institution, this systemic responsibility can be broken down into three dimensions: informing the decision-makers, anticipating risk and removing barriers to risk-prevention. This vocabulary is perhaps not that to which the Church is accustomed - which is undoubtedly part of the problem and, therefore, in the eyes of the Commission, where the interest of such an approach lies.

Information of governing bodies can be analysed in two complementary ways. Firstly, it is a matter of ensuring that the information brought to the attention of managers has been heard and properly processed. This raises the question of the accessibility of management, the follow-up of reports and the protection offered to those who report, whether they are victims or whistleblowers. But good information also implies going further: it is a managerial responsibility to ensure that the necessary information is brought to their attention. They, therefore, have a duty to detect, to pick up on even weak signals. Systemic risk is then anticipated by drawing up a map of risk factors (*cf.* below in A of II, discussion about Church governance).

Thirdly, the Church's responsibility should be engaged due to the lack of action taken to remove cultural barriers to effective risk-prevention. It has to be said – as noted by the Commission above – that there exists a culture of secrecy, silence and solidarity within the Church. This sometimes results in double-speak in the constant concern to protect the institution, its reputation and its sanctity over and above the faults and sins of its servants. All of the above may have been conducive to abuse or violence.

Finally, any reflection about the systemic responsibility of the Church must take into account the specificity of its role in the intimacy of believers and in society as a whole. Basically, systemic risk arises from the capacity of any organisation to multiply the impact of the actions of each of its members on the one hand, while, on the other, diluting the sense of individual responsibility which inspires and would normally frame the said actions. When it plays out positively, this effect can be the source of great human achievement. When it plays out negatively, the organisation can collectively drift into dangerous waters and its destructive power is multiplied. For the Church, as for the other founding institutions of communal life (notably the state), this multiplication effect is raised to a higher coefficient. As a “salvation business”, the Church plays a very particular and prominent social and spiritual role. This gives a tenfold power of destruction to any aberrations in its midst. The failure of the Catholic Church casts doubt on some of the most fundamental moral values at its root, which it professes and which form the very basis of communal life. Consequently, affirmation of the Church's responsibility should also take into account the specific expectations placed on it by individual believers and by the social body as a whole.

**Recommendation N° 24:** Recognise the systemic responsibility of the Church and, as such, examine the factors which contributed to its institutional failure. Acknowledge that the Church's social and spiritual role confers on it a particular responsibility in the society in which it plays a part.

### 3. On a Civic Level

*“It happened, it ruined my life, and I don't want that to carry on being the case. Now just acknowledge it. [...] Acknowledge it once and for all.”* (Bruno, Hearing N° 39)

Finally, the responsibility of the Catholic Church must be questioned on the civic level, namely, from the point of view of the obligations which weigh on it as a member of the political body. Especially since the Second Vatican Council, the Church aspires to be part of the century, to be involved in society and in the times in which it operates. In this respect, the Church, like other collective organisations, enters into a kind of pact with the rest of the political body and in a way, is “accountable” to the citizens.

In the case of the Church in France, the most striking example of this responsibility - assumed without any legal obligation - was the act of repentance expressed on 30 September 1997 towards the Jewish community for its behaviour during the Vichy Government. This declaration was a purely performative and recognised a historical responsibility, before God, before the Jewish community and before the whole of society. Its declaration was heard and understood by French society, because the Catholic Church was able to put into words its behaviour under the Vichy regime and to echo the concerns of an entire society. It marked its willingness to engage in a horizontal exchange with the entire political community and to continue the existing fruitful dialogue with the Jewish community.

Affirmation of the Catholic Church's responsibility, which has been growing with increasingly clarity for several years, became essential to the maintenance of the Church's credibility. The pressure which the Church is now under with regard to sexual violence stems largely from a desire to hold it to account; the pressure comes from Christians in the first instance, but also from women and men who have left the Church because of the issue of sexual violence in its midst, and, of course, from society as a whole. The Commission is convinced that a large section of French society, extending far beyond practicing or committed Catholics, is aware of the imperative need for a Christian voice, but only if this voice is humble and credible.

**Recommendation N° 25: Recognise the Church's civic responsibility and, on this basis, deepen a horizontal exchange with the whole of society.**

Once responsibility has been assumed by the Church on all its various, mutually complementary levels, it will then be possible to trace a path of concrete recognition of the harm inflicted, which has to be done before any other reparation measures can be envisaged.

## **B. IT IS AN ABSOLUTE PREREQUISITE THAT THE CHURCH ACKNOWLEDGE AND RECOGNISE THE ACTS COMMITTED, THEIR ILLEGITIMACY AND THE HARM THEY HAVE CAUSED**

*“When a verdict is handed down acknowledging you are a victim and that the person in front of you is guilty, a huge weight is lifted. There is a recognition: you are a victim. It's society that recognises that you've been through something pretty awful.” (Sophie, Hearing N° 111)*

*“[It's not] so much the recognition of my status as a victim, but the recognition of the reality of what happened. And I didn't get that for a long time. And it's true that, in the end, the recognition came from listening to me. And it's true that all the masses for forgiveness or whatever, honestly I don't care, in one ear, out another. [...]. But this was a really personal recognition, which gave me legitimacy and allowed me to say to myself “in fact, no, you are not betraying the Church, you are not spitting on God, on the Church etc., on your faith, on two thousand years of Christianity. It's just that what happened to you is real and it's horrible. So that was the first recognition of the facts, let's say, of, in fact, the recognition of a degree of responsibility.”*

*[I would like] to pay tribute to my spiritual father<sup>341</sup> who was just extraordinary. In the sense that he was out of the ordinary in fact. He was the first one who believed me, he accompanied me through my teenage years, and not knowing why things were wrong, he could have just said “It's a teenage thing, she'll get over it and so on”, but he never minimised what I was going through, what I was feeling. I went through bouts of... well, like... I self-harmed until... well, probably, I think it was about a year and a half ago that I managed to stop. I had a period of alcoholism but I managed to stop that too, etc. He picked me up in a terrible state, and he didn't know why, but he was always there, and he was the first person in the Church who said to me clearly, “I believe you, and we'll get there, we'll get there together.”” (Pauline, Hearing N° 83)*

The silence that has so often surrounded sexual violence, the attenuation of its seriousness by the perpetrators and Church officials, or even of its denial or concealment (*cf.* Section 2 above), has added a layer of abuse and suffering on the victims' trauma. Recognition of the acts, of their illegitimacy, of the responsibility of the perpetrators, and also of the Catholic

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<sup>341</sup> *Abbé Bruno Le Pivain*, who died in June 2019, named by the Commission at the express request of the person testifying, in honour of his memory.

Church as an institution, is therefore the first step towards reparation for victims. The recommendations presented in this section are the result of co-construction work carried out by the Commission with the victims and victim support groups, who voiced a need for recognition, saying that it was primordial. The Commission learnt an immense amount from their “experiential knowledge” and would like to express its gratitude to all the participants of the co-construction work once again. Victims and victims support groups made it clear that this work had contributed to a process of reparation. Consequently, the Commission considers that this approach provided a valuable source of learning with regard to the type of subsequent processes it would propose.

## **1. Acknowledgment and recognition of the culpability of the perpetrator and not only the suffering of the victim**

Even more absent than the recognition of the victim’s suffering, is the Church’s recognition of the perpetrator’s culpability. The acts committed – which are defined as legal misdemeanours and crimes - have frequently been described by their perpetrators or by church officials as simply “clumsy gestures”, “deviations”, “improper behaviour”, or even “imprudent behaviour”. It is now time to break once and for all with such euphemistic language, which borders on denial of the reality of the abuse and which can be experienced by the victim as a reinforcement of the violence. It is time to define the acts committed, mainly by priests or members of religious orders, in real terms.

Recognition of the wrongdoing of the perpetrator is essential in view of the feelings of shame, or even guilt, that weigh on many victims. Naming the perpetrator of sexual violence as a perpetrator of sexual violence, defining the assault as an assault, is an essential prerequisite for reversing shame and restoring the victims’ sense of dignity. The section dedicated to reporting sexual violence on the American bishops’ conference website opens with a very simple sentence: “If you suffered abuse, it was not your fault”. While telling victims of sexual abuse that it was not their fault may appear self-evident to those who have not experienced such trauma, for those who have, stating the obvious gives them strength.

## **2. A Detailed, Institutional and Human Recognition**

Recognition of acts of sexual abuse can only find their restorative force through a detailed, concrete account of the acts, places and times, all of which need to be indicated precisely. Vocabulary is of the utmost importance here, in order to define acts accurately. Given the scale of the phenomenon this recognition must be collective but also individual, as each victim must be given this recognition.

Recognition must also be institutional: the Church is being asked to recognise its own responsibility, both for failing to prevent sexual violence in its midst and for the way it reacted in covering cases up and keeping quiet. This symbolic need is reinforced by the existence of the Church’s legal responsibility, as described above.

Finally, for recognition to be effective it has to come from a place of humanity. The Church’s expression of recognition must, at all costs, avoid taking a position of moral superiority towards the victims, which would in many ways simply be a continual or reignition of the violence already suffered. All distance and superiority must be eliminated, starting with listening to the victim. If, over and above the wrongdoing of the perpetrator, an institutional wrongdoing also exists, then a crime committed under state law obliges the Church to situate

itself on the level of state law and of shared humanity, rather than cling to its spiritual power. Members of clergy, especially bishops and major superiors, are therefore asked to leave - if they have not already done so - the position of authority and superiority conferred on them by their ecclesiastical and spiritual functions at the door, and to participate in the suffering of the victims. Such recognition has a spiritual resonance and should exact both humility and truth. “I expect to be spoken to like a man” one victim told the Commission, suggesting that true reparation involves a symbolic reciprocity, as dependent on the perpetrator as on the victim. This will not happen unless distance and superiority are removed from the equation.

### 3. Concrete Acknowledgment and Recognition

In concrete terms, this recognition can take various forms. Actions of public recognition for instance: to avoid simply adding to the suffering, these must be performative, constitute an exchange, and not be unilateral. The steps taken by Bishop of Luçon, Monseigneur Jacolin, in collaboration with victim support groups, are inspiring in this respect: at a press conference in October 2020, he declared that he was making an act of repentance, “with shame in his heart”. On 14 March 2021, following a ceremony, a memorial plaque inscribed with a prayer of repentance was placed in Luçon Cathedral. The bishop publicly acknowledged the suffering of the victims, their number, the years in which the events took place, the places and the concrete circumstances in which the violence was committed, as well as the role played by Church officials, “who, through blindness or cowardice, through a twisted culture of secrecy, prevented the truth coming to light”.

However, it should be stressed that all measures of recognition should, right to their very conclusion, be constructed in collaboration with the victims. The process of recognition put in place in Luçon does, effectively, provide a source of inspiration, yet its ending disappointed many. The victims were not consulted about the prayer written on the plaque and its content, tone and presentation (the text was laid out in the form of a cross) shocked many.

Furthermore, acknowledgment and recognition are not intended to provide the final say on the matter, so ways must be found of implementing recurring events, which would contribute to prevention but without being perceived by the clergy and the faithful as a haunting reminder of past events which would be better left in the past.

A memorial to the victims could also be created in a tangible or virtual format – it would be up to the victims to choose. The Commission knows that one victim support group has already developed a project for a place of remembrance (one of the resolutions adopted in March 2021 by the CEF general meeting). Regular liturgical celebrations to commemorate the suffering of victims of violence in the Church should also be instituted, as the CEF committed to doing in the same general meeting.

For its part, in the immense wealth of testimonies entrusted to it by victims, the Commission found the material for a literary memorial, entitled “*From Victims to Witnesses*”. Annexed to the report, it comprises a collection of victims’ words and it attempts to give back to the people who testified, a part of what they gave to the Commission and, through it, to other victims who were unable to break free of their own silence.

In contrast to denial and silence, the acknowledgment and recognition of acts of sexual abuse must lead to the Church accusing the perpetrators of violence, even if this does not lead to a criminal trial. In this respect, the Church should take on another function, assumed by a third party, an external representative or an independent service whose mission will be to listen

to the victims and receive their complaints, which will enable the Church to question the perpetrators. At present, perpetrators are not necessarily informed of the internal Church procedures which directly concern them. Victims could be given a right of access to archives, to information about the internal Church investigation and its follow-up, most particularly with regard to the fate of the perpetrator and the existence, or otherwise, of other victims.

The CIASE has endeavoured, during the limited period of its mission, to answer the expectations of the victims on these issues, in conjunction with the bishops and major superiors of religious institutes. It has grown to believe that such structures and procedures would benefit from being made permanent. They could be linked to the national listening system as proposed by the Commission (*cf.* III of Part II above, Recommendation 15).

**Recommendation N° 26:** Implement, in consultation with victims and their support groups, concrete measures of recognition such as public ceremonies, liturgical celebrations in remembrance of the suffering inflicted; memorials to the victims and their suffering; measures which demonstrate the Church's capacity to apprehend perpetrators and keep victims informed.

#### **4. Acknowledgement and recognition are absolutely essential in order to make reparation meaningful**

Acknowledgement and recognition must come before any compensation as, without it, compensation would make no sense and could even be seen as a way of getting rid of victims through a financial transaction. So, unless the payment of a sum of money forms part of a genuine recognition process, it could actually increase suffering. Whereas, on the contrary, compensation is intended to symbolise the recognition of violence and the sharing of suffering; and the Church willingly submits to its payment, intended to diminish suffering, in order to prove its sincerity.

The financial dimension of reparation must be based on a genuine and sincere recognition through which the Church can take on the suffering of the victims. It is not a question of “ticking boxes” or “making a publicity stunt”, which, just like the way in which the Church has all too often treated sexual assault, would be experienced as a second trauma by the victims. Victims need to really feel that the representatives of the Catholic Church are honestly sickened, bruised and wounded, and not just, dare we say it, “clerically compassionate”. Having been faced on countless occasions with the dismay or anger of victims, the members of the Commission are aware of the extent and difficulty of such unfeigned abasement.

Once this attitude has been internalised, it then becomes possible to imagine mechanisms of restorative justice for victims adapted to the specificity of sexual assaults within the Catholic Church.

### **C. JUSTICE MUST BE GIVEN A RESTORATIVE ELEMENT WITHOUT GIVING IN TO ANY FALSE HOPES OF EXTENDING THE STATUTE OF LIMITATIONS**

*“I was interviewed by the gendarmerie in V. I just want to say that the Gendarme who questioned me was the most empathetic person I have ever met; he was no doubt well trained in the subject, he listened to me with great attention. [...] At the end of his investigation, he sent me [an] email [...]. I needed to hear [as the email indicated] that Father X had admitted to the acts and had expressed deep regret. It didn't matter that there were no criminal proceedings. In contrast, I received a very administrative letter from the*

*public prosecutor, very terse, informing me that the acts were time-barred and therefore no criminal proceedings had been initiated; it just gave the telephone number of a victim support group which I could call if I felt the need. I did not keep this letter.”* (Antoine Perrin, Heard during the plenary session of 21 June 2019)

Victims express a need for justice, which in most cases they have been deprived of either by the statute of limitations regarding bringing a criminal action or because the perpetrators are dead. Even when it is possible for a trial to take place, it does not always help as it is so focused on condemning and sanctioning the guilty party in the name of society, that it does not give full recognition and reparation to the victim.

The purpose of criminal proceedings is multiple: to establish and define the facts, to sanction the guilty party and to repair the damage caused to the victim. However, what the victims find frustrating in the absence of a trial, or even during the course of a trial or at its outcome, is not so much the punishment of the guilty party, but rather the correct legal classification of the facts, the recognition of victim-status, the recognition of the guilt and responsibility of the perpetrator, or that of the Church, as well as the prevention of future violence.

In order to give justice a fully restorative dimension, the Commission explored two main avenues: that of so-called restorative justice, and that of the institution of mechanisms to establish the truth regardless of how long ago the events occurred.

## **1. Implementing a restorative justice for victims of sexual violence in the Church**

Restorative justice, unlike criminal justice which focuses on the conviction of the guilty party, places the victim and the reparation of the harm s/he has suffered at the heart of its concerns. Whereas the aim of criminal justice is to punish offences and offenders, the aim of restorative justice is to recognise victims and repair harm, thereby restoring an original state that has been disrupted by the offence. The pursuit of the reparation of harm rather than punishment of the offence is the revolution behind the notion of restorative justice. While the law is largely constructed around the violation of property and only compensates violation of the person through mechanisms of compensation, sexual offences that affect the very being of the victim cannot be limited to this type of reparation. Effectively, sexual violence creates an impediment to being, to forming relationships with others, to constituting oneself as a free subject. This lost capacity can only be restored by a form of justice that aims, through recognition, to reconstitute this capacity to be and to form relationships.

One element of restorative justice lies in meetings between victims, perpetrators and representatives of the community or civil society. For example, in prison this would take place in the presence of mediators, which is a practice that has been developed in Canada. A victim does not necessarily meet his/her own abuser, but a person who has committed a similar offence. Through a recognition of the acts of abuse, of the responsibility of the perpetrator and of the suffering of the victim, this type of meeting can contribute to reparation. Another example of restorative justice, although applied in a very different context, are the “truth and reconciliation” commissions which have been set up in a number of countries (e.g. Canada, South Africa) to help resolve traumatic national conflict.

When the statute of limitations has not expired and criminal proceedings can be initiated, a restorative justice mechanism should be deployed during proceedings. The [French] Code of

Criminal Procedure<sup>342</sup> provides for the possibility of restorative measures at all stages of proceedings, including the enforcement of sentences. Several organisations are currently working with the Ministry of Justice to implement this type of measure. If reparation measures organised by the justice system are to provide relief for the victims, they must, in addition to the sentence or financial compensation, be directed towards recognition by the perpetrator, or even mutual recognition. This mechanism must, however, take into account the specific requirements of restorative justice applicable to the type of cases dealt with by the Commission, namely, the often manipulative or perverse character of the perpetrator who defies the need for a recognition of the acts by the perpetrator as a prerequisite for the restorative justice mechanism. In addition, careful attention must be paid to the practical conditions for implementing restorative justice. For example, if the victim has to travel far and devote too much time in relation to the constraints of professional and family life, in other words, if the cost of restorative justice proves to be exorbitant, it will remain nothing more than wishful thinking.

By taking a stand in favour of restorative justice procedures, the Commission wishes to make a clear distinction between such procedures and the mediation process which it considers inappropriate for the recognition and reparation of sexual violence, when cases are not time-barred.

**Recommendation N° 27:** Implement measures of restorative justice during criminal proceedings for sexual violence, in particular for acts committed within the Church. These need to be kept separate from mediation procedures for reparation of the consequences of such violence.

In cases where the statute of limitations has expired, the police and *gendarmerie* should be able to conduct investigations while the victim is alive. Incidentally, this was the line taken by the Minister of Justice's dispatch of 26 February 2011 to the public prosecutors of France's courts of first instance, appeal and *cassation*. In this context, a suspect would be obliged to explain himself while the Church hierarchy would be held to account. A victim would meet with a judge for an explanation of the results and outcome of the investigation. The discontinuing of the case would be accompanied by an interview with the victim, and the dismissal of the case preceded by a conversation with the victim. Discussion groups for victims unable to have a trial because of the statute of limitations or the death of the perpetrator could be suggested.

The Commission realises that the implementation of such proposals presupposes the deployment of adequate human and budgetary resources. But, just as it refuses to enter into a comparison of the immediate cost of the measure against the avoided cost of future care, the Commission does not intend to abandon, for financial reasons alone, making these recommendations, which it believes to be necessary and commensurate with the needs.

**Recommendation N° 28:** Introduce provisions for systematic police inquiries, followed by an interview with a judge for victims of historical sexual violence when the limitation period has expired.

At the risk of getting into technical considerations, the criminal statute of limitations should be distinguished from victims being out of time. The statute of limitations protects the perpetrator of a crime or misdemeanour from prosecution and conviction due to the length of

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342 Article 10-1.

time since the acts have been committed, but this should not prevent the victim from being able to report the acts, nor should it prevent the perpetrator from being held to account for the acts. It is therefore essential to be able to cast light on the facts, regardless of how long ago they occurred, in order to allow for their recognition, even though the perpetrator is often dead. In other (technical) words, even if the statute of limitations has expired, victims should not be out of time.<sup>343</sup> The following proposals, which aim to make it easier to illuminate situations which are difficult because they date from so long ago, are not intended to suggest that sexual violence is a thing of the past: they are also designed to deal, as effectively as possible with acts that unfortunately continue to take place today as well as those that may well occur in the future.

With this in mind, and in addition to the systematic police investigations recommended above, protocols between dioceses or religious institutes and public prosecutors' offices should be standardised on the basis of the model signed between the public prosecutor's office and the diocese of Paris, which the Commission had the opportunity of studying through a series of hearings. This protocol, signed in September 2019, provides for the transmission to the public prosecution's office of all plausible reports of sexual offences, without exception, so that the public prosecutor can conduct a preliminary investigation in order to define the acts and rule on the statute of limitations.

In order for investigations to be carried out as quickly as possible, these protocols could be presented in the form of an expanded version: not only would dioceses undertake to report all acts of which they are aware, this undertaking being accompanied by concrete measures facilitating the transmission of information and a follow-up process, but the public prosecutors' offices would undertake, on their side, to carry out the investigations within short deadlines, especially when, for the proper conduct of the investigation, the priest in question cannot be alerted, engendering a delay in taking precautionary measures with regard to him. Otherwise, as the Commission has heard from people who are well informed about the practical application of such protocols, the secrecy necessary to the investigation may, if applied for months, or even years, result in the case simply not being dealt with. This situation would bear disturbing similarities to the cover-up of scandals, all too common in the past, as we have seen above. Therefore, the Commission believes that a mechanism for the regular monitoring of cases subject to these protocols should also be put in place.

To avoid the natural contingency of the ups and downs of inter-personal relationships between dioceses and public prosecutors' offices (about which the Commission has heard rumblings) the most appropriate course of action would be for the Ministry of Justice to issue national instructions to all public prosecutors of France's courts of first instance, appeal and *cassation*.

**Recommendation N° 29:** Generalise protocols between the prosecutor's office and the diocese: these must include commitments from the diocese to transfer all reported incidents to the prosecutor and from the prosecutor's office to conduct inquiries rapidly. (cf. Recommendation N°42).

The ecclesiastical institution should do everything possible, without any time limits, to clarify accusations of sexual violence, even after the statute of limitations has expired. The criminal statute of limitations in this area reflects the right to freedom from prosecution and sanctions, not a right to be forgotten. The Catholic Church should therefore introduce a process for substantiating the truth of accusations, backed up by a system of listening to victims and

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<sup>343</sup> In common parlance the inaccurate term "time-barred victim" is sometimes used to express this idea.

allowing them to lodge complaints. The Commission was struck by the extent to which some victims only came to the Commission for one purpose: to find out. To know if the Church knew; to find out if it had done anything with what it knew; to find out if there had been a follow-up to any action taken; to find out if other victims had come forward or been identified. To find out and shake off the shackles of the “cathedral silence”.

Such a recommendation meets the need for justice and recognition, as well as the need for preventing future violence.

**Recommendation N° 30:** Set up within the Church a process for clarifying accusations of sexual violence made when the perpetrator is dead, or the legal proceedings instigated by the prosecutor terminated.

In addition to the provisions of restorative justice and substantiation of the truth of the facts, the Commission also had to consider the possibility of extending the statute of limitations for criminal matters. Many, if not all, victims have been upset by the statute of limitations cutting off access to the law. It has prevented them from being able to lodge a criminal complaint and from having the facts substantiated, even though the perpetrators are often dead (death also extinguishing the possibility of criminal proceedings). We will not here dwell on Cardinal Barbarin as enough ink has been spent on his comment during the press conference of Lourdes on 15 March 2016: “Most of the acts, are, thanks be to God, time-barred ...” Older victims explain how long it has taken them to look at and process what was deposited in a corner of their memory. They explain that, not only does time not wipe the acts from their memory or even soothe the wounds, but on the contrary, it rekindles them. In the eyes of many, this argues for the pure and simple abolition of the statute of limitations, namely, in legal terms, imprescriptibility.

The limitation periods in question have already been prolonged, extending in some cases to thirty years from the victim’s majority. Since the law of 17 June 1998 on the prevention and sanction of sexual offences and the protection of minors<sup>344</sup>, the limitation period does not begin to run until the day on which the child reaches the age of majority for children who have been victims of many offences, especially sexual offences, as set out in Article 706-47 of the [French] Code of Criminal Procedure. Since the law of 27 February 2017<sup>345</sup>, which modified limitation periods, the limitation period for instituting legal proceedings now stands at 20 years for crimes, six years for misdemeanours and one year for contraventions. Since the law of 3 August 2018 reinforcing the fight against sexual and gender-based violence<sup>346</sup>, the time limit was extended to 30 years in criminal cases. The law of 21 April 2021 on the protection of minors from sexual crimes and incest<sup>347</sup> introduced the principle of a “sliding” statute of limitations, which can be extended under certain circumstances: the statute of limitations for the rape of a minor is extended if the perpetrator subsequently rapes or sexually assaults another minor, until the statute of limitations expires for the latter.

With regard to the issue of the statute of limitations, the Commission is mindful of the risks for victims of a very delayed criminal trial in which they may not find what they are looking for. The procedure necessitates victims talking about long-ago, distressing events to a police officer conducting a criminal inquiry, to an investigating judge and before a criminal

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344 Law N° 98-468.

345 Law N° 2017-242 of 27 February 2017 on the reform of the statute of limitations in criminal matters.

346 Law N° 2018-703.

347 Law N° 2021-478. The Commission lacks the necessary hindsight to make a judgement on the effects of this legal innovation.

court. The whole process of criminal proceedings can be brutal for victims: the justice system has a tendency to dispossess them of the singularity of their stories, of their way of telling things. This is true of the police officer who wants everything to be absolutely consistent; it is true of the lawyer who stuffs statements with legal and technical terms; it can also be true of victim support groups in taking over a story for use in a fight that may not necessarily be the victim's own. The justice system can transform individual cases into a ritual in which victims cannot find their place or see themselves.

Another consideration contributed to the Commission's conclusion: it feels more important to devote time and resources to recognising the status of victim through appropriate procedures that may lead to compensation, rather than trying to obtain an uncertain and random conviction. There is also the advantage that these measures could be implemented for the very many victims of deceased members of clergy and religious orders – which probably represents more than half of the perpetrators of the offences that occurred between 1950 and 2020. The imprescriptibility of their crimes would change nothing as the deceased could not be charged with them. Provisions for the recognition of the status of victim are intended to be accessible to all victims, even when the perpetrator is dead or no longer has mental capacity.

Finally, and perhaps this is the decisive argument, very delayed criminal trials - for crimes and misdemeanours - often end in acquittals due to a lack of evidence. Such decisions are difficult for victims to understand and simply result in adding pain to pain. The difficulty of establishing proof of alleged facts several years or decades after the acts took place, which makes the risk of discontinuance or dismissal of the case high, is only accentuated when the limitation period is extended.

Thus, to the Commission's mind, an extension of the statute of limitations appears inadvisable. It would not improve acknowledgement and recognition of the facts or of the victims, nor would it help them in their reconstruction. The imprescriptibility of these crimes has thus, with yet stronger reason, been ruled out. As well as the risks inherent in extending the statute of limitations - even more applicable to imprescriptibility - the fact that only crimes against humanity currently benefit from imprescriptibility argues against extending it to include even the most serious sexual crimes. Lastly, imprescriptibility would make people victims for life. The restorative justice and truth-finding measures proposed by the Commission seem, to its eyes, to be more appropriate.

#### **D. COMPENSATION, ALTHOUGH INSUFFICIENT IN ITSELF, IS NONETHELESS OF FUNDAMENTAL IMPORTANCE**

*“Damages were paid on top of the judgment. I received 7,000 francs at the time [...]. And, even if, at the time, I was happy with this because 7,000 francs, when you're twenty years old seems like a huge sum, I admit that since then, I've been quite shocked by the amount because it's so ridiculous. I didn't do it for the money, at the time I'm not even sure I knew what damages were. But when I see the convictions for theft or fraud, and of course it's awful to be scammed or robbed, but it doesn't destroy your life. Finally, when I realise today that 7,000 francs is not even 1,500 euros, I say to myself that it's not much to pay for the hell that it was to live through.”*  
(Sophie, Hearing N° 111)

*“I have heard it said: “We are going to compensate the victims; we are going to make an appeal for donations”. I'm sorry, but firstly, the Church is rich enough, and secondly, it's not up to the little*

*Catholic grandmother from deepest, darkest Cantal to pay, perhaps, compensation. That seems to me absurd. [...] I consider [it] a total hypocrisy". (Bruno, Hearing N° 39)*

*"Keep your money that is not even yours. Giving money is worse than anything else, it's humiliating, disdainful. To give money makes us prostitutes. When I heard this proposal to give us money, it was just another excuse for me to get away from the Church for good."*  
(Nicolas, Hearing N° 82)

*"After 20 years on antidepressants to numb the reality of the trauma, I'm finally getting proper treatment. I see a psychiatrist every three weeks, a psychologist specialised in post-traumatic stress disorder management [...] every two weeks (80 euros per session) and have acupuncture and Chinese massage sessions every fortnight to detoxify my body from all the allopathic drugs (50 euros each session). The CEF has announced compensation for the victims, but I'm afraid that once again it's just empty talk like all the rest I've heard from the Church hierarchy about this affair. Do they really realise the financial impact of this if you really want proper therapeutic care? But money will never replace all the suffering of, for one, having been a victim of abuse by one of their own, and, for two, not having been listened to. The hurt inflicted by their attitude and the lack of consideration we received is still an open wound."*  
(Sylvie, Hearing N° 135).

The recovery of a person who has been sexually abused by a member of clergy or religious order, and the discharge of the debt incurred by the abuse cannot, of course, be reduced to financial compensation. For this, all the recommendations made above on the subject of responsibility, recognition and restorative justice have to be implemented – as a priority.

But compensation is indispensable - which does not mean that it has to be asked for by every victim, since the very principle of it offends some of them, as the Commission heard several times during the hearing of witnesses. In practice, compensation can open up new perspectives for victims. Some of them find themselves trapped, partly for material reasons, on a life path that cannot lead to overcoming the trauma. Compensation can be a new beginning. In particular, it can help finance long and costly therapies.

For victims whose liberation remains fundamentally independent of their material living conditions, compensation can be worthwhile on another level. When it is really based on an assumed responsibility and sincere recognition, compensation has a symbolic significance: it signifies a lessening of the ecclesiastical institution, a kind of amputation which reflects that suffered by the victim. It is a manifestation of genuine compassion, in the etymological sense of shared suffering. And if the victim does not need the money for subsistence purposes, then it can be given away and freely used for a chosen cause, which is another way of helping to overcome the trauma.

It is therefore essential that compensation - a word that does not belong solely to the terminology of legal proceedings and which has its place in the restorative justice approach proposed by the CIASE – is allocated through an independent body. It cannot be a simple "gesture" of "relief" or a gift from the Catholic Church itself, as if this were the case, it would be in danger of maintaining its relationship of superiority over the victims.

## 1. International Comparisons

The CIASE has examined the compensation schemes which exist in various other countries: Germany, Belgium, Ireland, the Netherlands, the United States and Australia. Four main findings emerge from this benchmarking exercise.

Firstly, in most of the countries studied, specific compensation mechanisms have been set up, independently of the route taken by the state justice system. The commissions set up to cast light on sexual violence in the Catholic Church recommended creating bodies dedicated to compensating victims. One such example is the “Centre for Reporting Sexual Abuse in the Church”, established in 2011 in the Netherlands further to the work carried out by the Deetman and Lindenbergh commissions. More recently, the “Independent Commission for Recognition Compensation Payments” was set up by the Bishops’ Conference of Germany to unify compensation schemes between dioceses. In some instances, these bodies’ scope is slightly broader than uniquely sexual abuse in the Church: in Ireland, a committee has been set up to deal with compensation for abuse - sexual and non-sexual - in children’s homes and institutions; similarly, in Australia, a national compensation scheme has been set up for all victims of sexual abuse, both within and outside the Church.

Whatever their scope, these specific compensation schemes should be aligned with the civil liability of perpetrators and the institution. In the case of some schemes, such as the UKA introduced in Germany in 2020, the publicly available data does not make it possible to describe with any certainty how they are aligned. However, most often the schemes explicitly replace civil legal proceedings, either because compensation via these schemes means that the victim waives civil proceedings or because only time-barred cases are admissible.

The United States is an exception in so far as it has only set up *ad hoc* schemes. Specific funds have been set up in some dioceses (New York, for example) but no national compensation scheme has been created. The preferred option remains the engagement of each diocese’s civil liability.

The second lesson to be drawn from the international benchmarking concerns the independence of the bodies responsible for awarding compensation from the Church. Precise rules have been established concerning the composition of these bodies and the arbitration panels to which they may have recourse. The Church is not directly represented, in the sense that none of the body’s members are employed by the Church. However, it does participate in the selection of some of the members, the others being usually appointed by qualified persons, political authorities or victims support groups. There are specific provisions defining the skills that members of the committees should have, such as law, psychology, medicine, criminology, victim support and theology. The body responsible for compensation is in all events external to the church, although it may be established by the National Bishops’ Conference. In Germany, for example, the members of the Independent Commission are appointed by the President of the Bishops’ Conference further to the proposals of a four-person committee comprising a bishop, a former minister, a senior civil servant and a victim.

Thirdly, the amounts awarded appear to be significant, with important financial consequences for the Church. The scale drawn up in Belgium provides for four levels of compensation, ranging from 2,500 to 25,000 euros or more, depending on the seriousness of the assault. In the Netherlands, the scale comprises five levels with compensation payments ranging from 5,000 to 100,000 euros or more. In Australia, the indicative amounts vary between 6,000 and 120,000 euros. We can see, therefore, that the overall amounts awarded to victims

are already high in some countries: 4.6 million euros from 2012 to 2017 in Belgium,<sup>348</sup> 10,3 million euros from 2011 to 2020 in Germany,<sup>349</sup> 27,8 million euros from 2011 to 2018 in the Netherlands.<sup>350</sup>

Two countries have significantly larger amounts, for different reasons: Ireland, where 1.5 billion was allocated in 2014 to all victims of violence in orphanages,<sup>351</sup> and especially the United States, where dioceses and religious institutions have incurred a total financial cost of \$3.97 billion as a result of claims filed by 11,732 victims for the period 2004-2019.<sup>352</sup> This results in an estimated average cost per victim of \$338,688, most of which relates to the cost of compensation. This amount could double in the coming years. In 2018, in the wake of the McCarrick affair and the report on sexual violence in Pennsylvania, several states opened windows of a few years during which civil statutes of limitations were waived or extended. As of December 2019, this allowed approximately 5,000 new claims for damages to be lodged, estimated to be worth between \$1.8 and \$4 billion.

In the countries studied, the financing of compensation mainly falls to the church. The state's involvement is limited to cases where public authorities also bear some responsibility, for instance in Ireland where the phenomenon affected the entirety of the country's public child protection policy. Compensation has also had very significant financial consequences for some of the national churches involved: as of December 2019, twenty dioceses and religious institutions had already declared themselves bankrupt in the United States, although the Commission is well aware that such declarations of bankruptcy often form part of a defence strategy...

A final lesson to be drawn from the benchmarking concerns the overall support for victims, of which compensation forms only one aspect. Compensation is systematically associated with mediation between victim and perpetrator + religious institution to which s/he belonged at the time of the events. In the vast majority of cases, the prospect of arbitration makes it possible to reach an out-of-court settlement. More broadly, the compensation bodies comprise a comprehensive support system for victims. The emblematic example of such a system is the Dutch "Reporting Centre" at the head of which is an independent supervisory committee, chaired by a qualified person. Three bodies are charged with a specific mission with regard to victims:

- A victim support platform, run by a professor of clinical psychology, which organises access to immediate care for victims and refers them to appropriate psychological support.
- The complaints committee is responsible for investigating complaints from victims and substantiating the facts.

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<sup>348</sup> Manu Keirse, *Abus sexuels de mineurs dans une relation pastorale dans l'Église de Belgique ; Vers une politique cohérente 1995-2017*

<sup>349</sup> Website of the German Bishops' Conference.

<sup>350</sup> Reporting Centre for Sexual Abuse within the Roman Catholic Church in the Netherlands, *Report on activities 2011 2018*.

<sup>351</sup> Child rights international network (CRIN), *Child sexual abuse in the Catholic Church in Ireland*, 2019.

<sup>352</sup> USBCC, 2013 and 2019 *Reports on the implementation of the charter for the protection of children and young people*.

- The compensation committee is responsible for awarding financial compensation.

## 2. Individual Financial Reparation

Individualisation is the number one principle which gives compensation real power to make reparation to the victim. The Commission believes that any compensation that is exclusively awarded on a lump-sum basis should be avoided. It feels that such an approach would be tantamount to denying the specific nature of the harm suffered by the victim which is rooted in an act of violence that is inevitably of a particular and intimate nature, and very often rendered possible by a relationship of control. Afterwards, the victim's suffering will depend on the path his/her life takes. A lump-sum compensation would transform the victims into a homogeneous whole, and would perpetuate a condescending, even crushing perpetrator/victim, relationship, with the victim finding him/ herself "objectified".

The individualisation of compensation also implies that the full extent of the harm is taken into account, in all its aspects. We can quote the following passage from Pope Francis' *Motu proprio, Vos estis lux mundi*, which came into force on 1 June 2019:

### *Art. 5 - Care for Persons*

*§The Ecclesiastical Authorities shall commit themselves to ensuring that those who state that they have been harmed, together with their families, are to be treated with dignity and respect and, in particular, are to be:*

- a) Welcomed, listened to and supported, including through the provision of specific services.*
- b) Offered spiritual assistance.*
- c) Offered medical, including therapeutic and psychological assistance, as required on a case-by-case basis.*

As far as the Commission is concerned, compensation should not be limited to direct material loss (care costs, loss of professional opportunity etc.). It should also be designed to compensate for non-pecuniary harm: a loss of quality of life, for instance the inability of having a normal family life.

Finally, the individualisation of compensation should not be interpreted as limiting compensation to the direct victim. The CIASE has repeatedly noted the devastating effect of sexual violence on the victim's family. The victim's family members often incur substantial costs in supporting them, and in many cases also suffer serious harm. Especially if a victim has died, it should be possible to pay compensation to their heirs. For example, in the Netherlands, the heirs of a deceased victim can be awarded 50% of the amount of compensation to which the victim would have been entitled.

On these grounds, the CIASE recommends that a method of calculation be determined for the compensation of the specific loss suffered by each direct victim and, in the event of the victim's death, by the indirect victim. This mechanism would in principle only apply to victims of assaults that are time-barred or whose perpetrators are dead.

From this point of view, the first step consists of categorising acts of violence, then applying a maximum amount of compensation to each category, and finally, providing for the

possibility of exceeding this amount in specific cases. This is the option which has been adopted in Belgium, based on the following scale:

- Category 1: Indecent assault without violence or threats (compensation up to a maximum of 2,500 euros).

- Category 2: Indecent assault with violence or threats, or with a presumption of violence or threats if the minor was under 16 years of age at the time of the offence or displayed particular vulnerability (up to a maximum of 5,000 euros).

- Category 3: Rape with sexual penetration of any kind or by any means, perpetrated on a minor without his/her consent, or with a presumption of non-consent if the minor was under 16 years of age at the time of the first acts, or displayed particular vulnerability (up to a maximum of 10,000 euros).

- Category 4: Acts which, in view of their gravity, their long duration or the specific circumstances, must be considered exceptional and which have led to extreme and evident harm, the causal link of which with the assault is proven (up to a maximum of 25,000 euros). The maximum of 25,000 euros may be exceeded in cases where the arbitration panel considers that there is a clear disproportion between category 4 and the harm.

Such a scale offers a useful sense of magnitude. However, it may appear excessively focused on the act of abuse and insufficiently related to the harm suffered by the victim.

The CIASE therefore recommends taking into account, in a concrete way, the primary injuries incurred by the victim. Thus, the approach adopted should be based less on the nature of the act inflicted than on the categories of harm suffered, ranging from the most obvious (e.g. health expenses and professional harm) to the most disparate, but perfectly genuine (e.g. serious repercussions on living conditions, psychological suffering, physical harm).

Reference to categories of harm should not, however, lead to the assumption that all harm can be compensated for in terms of money. While compensation should not be doled out as a lump sum and should be as appropriate as possible, it cannot, in any event, be considered integral reparation in the legal sense of the term, as the harm suffered by the victim is, by its very nature, irreparable.

These orientations should be translated into operational guidelines by the independent awarding body.

### **Recommendation N° 31:**

Calculate the compensation of each victim on a case-by-case basis, not that this is intended to constitute integral reparation in the legal sense.

To this end, establish a method of calculation designed to compensate each victim for the specific suffering endured. The compensation shall be paid either directly to the victim or, in the event of the death of the latter, to the indirect victim.

Favor a method of calculation which consists in considering the suffering endured rather than referring to categories of crimes committed.

### 3. An Independent Awarding Mechanism

It is recommended that an independent body, external to the church, be entrusted with the allocation of compensation. Independence from the Catholic Church is crucial. By establishing an independent mechanism, the Church refers to a third-party authority to define the modalities of reparation. The Church should not situate itself above the victims and, more to the point, should humbly try to join them.

The Belgian and Dutch examples provide useful models in this respect. An independent body would be responsible - like South Africa's "Truth and Reconciliation Commission" of the 1990s - for extending the work undertaken by the CIASE and accompanying victims through the process of exercising their right to reparation. This body should be entrusted with three essential missions:

- Reception and guidance of victims: it would be the first point of contact for victims wishing to initiate a compensation process. The starting part of this mission would consist of legal advice, particularly with regard to the relationship between the system of reparation and the judicial authority. The independent body could also, on this occasion, depending on the victim's individual situation, offer more comprehensive support, including referral to health care or social services.

- Mediation between the victim, possibly the perpetrator and the perpetrator's institution, with the aim of reaching an amicable compensation settlement: if such an agreement is reached, it should be formalised in a report, in order to keep a record of the recognition of the assault.

- Arbitration, if no amicable compensation settlement seems possible, arbitrators should be appointed by the parties and by the independent body.

The composition of such a commission should be determined by a selection committee, composed of representatives of the Church, victims support groups and qualified persons. The persons appointed should not be members of the Church or victims, but specialists in law, medicine and victim support, known for their independence, impartiality and competence.

This body which should be run in as simple a way as possible, should be able to rely on permanent administrative resources. The mediation work with each victim could be entrusted to a network of volunteers, under the supervision of the independent body.

The scope of the independent awarding body should, if possible, extend to all structures of the Catholic Church in France: dioceses and religious institutes. A broad scope is necessary to guarantee equal treatment of victims and to draw all the consequences of the systemic nature of the Catholic Church's responsibility. It would be incomprehensible - to say the least - if victims of similar assaults, perpetrated by priests or members of religious orders at similar times, were treated differently at the compensation stage, solely on the grounds of having been assaulted by a specific diocesan priest or a member of a particular congregation. However, it might be conceivable that the application of the same rules and principles - this point is paramount - could be entrusted to two separate organisations in order to take into account the extreme diversity of religious institutes. Without forgoing the general competence of the independent awarding body, it will be necessary to ensure that its services are accessible locally.

Finally, the conditions of victims' eligibility for compensation should be clearly defined. One option could be to reserve access to victims of acts committed before a certain date and already time-barred before the state courts. Another option, although less advisable, could be to open access to all past and future victims but align the system with state and criminal justice.

Once again, in a spirit of coherence the Commission suggests that any independent awarding body would benefit from working hand in hand with the national listening system proposed above (Recommendation No. 15), as well as the Church's procedure for substantiating the truth of accusations (Recommendation No. 30).

#### **Recommendation N° 32:**

With regard to financial reparation, entrust to an independent body exterior to the Church, the triple mission of receiving the victims; offering the possibility of mediation between them, the perpetrators (if the latter are still alive and if they accept to participate) and the institutions which harboured the victims at the time of the assault(s); and arbitration in the event of no amicable resolution being reached.

If this measure - which seems to the Commission to be the simplest and the clearest - fails, the independent, exterior body could be different for each diocese and institution, so long as the same rules and principles were applied.

#### **4. Financing**

Naturally, the cost of compensating harm must be carried by the perpetrators and the ecclesiastical institution, in accordance with their respective responsibilities. Difficulties relating to the solvency of Church institutions in France should not, as a matter of principle, limit the compensation of victims. It is true that the properties used by the Church as places of worship rarely belong to it and, as we have seen, diocesan organisations also have a limited purpose, which obviously cannot be extended to compensate victims of sexual violence committed within the Church. However, other sources of funding are possible, via organisations or foundations attached to the Church of France.

In this respect, the Commission believes that the announcement by the CEF on 26 March 2021 at the end of its spring plenary assembly, of the creation of an endowment fund, would seem to be a legal formula capable of reconciling the principle of compensation provided by the Catholic Church and its identification in the form of a specific envelope. However, the key question remains as to how this fund will be financed.

An appeal for donations from the faithful would be hard to reconcile with the CIASE's reparative approach to compensation. The faithful are likely to feel that it is not their responsibility to contribute to the reparation of crimes and misdemeanours of which many also feel they are indirect victims. Basically, such a method of financing feels inconsistent with the recognition of the responsibility of the Catholic Church as an institution. If the Church is responsible, it must make reparation, and one of the elements of reparation is financial.

Incidentally, as mentioned in the introduction, the Commission benefited from funding from its mandators, the CEF and CORREF, through an agreement with the *Union des associations diocésaines de France* (UADF), which is a not-for-profit organisation created in

1964 and governed by the law of 1<sup>st</sup> July 190. <sup>353</sup> Its legal status allows it to work beyond the above-mentioned narrow limits of diocesan organisations' articles of association. To the CIASE's mind, it could only be positive if the UADF – to a certain extent continuing what it has already begun by financing the CIASE - could provide the future endowment fund with the sums necessary for the compensation of victims. Following the example of what happened spontaneously for the CIASE's financing, the CORREF would be called upon to contribute to the same fund, in accordance with a distribution key agreed upon between the CEF and CORREF. The CORREF would have to determine the contributions due by each of the institutes pertaining to it.

Finally, since it is the responsibility of the Church to make reparation, socialisation of funding is obviously excluded. In France, the state is not responsible for sexual violence committed within the Catholic Church and the taxpayer should not, therefore, replace the church institution in financing compensation for victims. That said, such a position does not exclude aligning the Catholic Church's reparation system with a system having a more general vocation, as might emerge from the work undertaken by the independent commission on incest and sexual violence against children (CIIIVISE), set up by the Government in early 2021. Defining the scope of such a system or, failing that, the implementation of recourse proceedings, would ensure that the financing of compensation ultimately rests with the perpetrators and the ecclesiastical institution.

### **Recommendation N° 33:**

Finance compensation for the victims through funds recouped from the perpetrators and from the Church of France via the endowment fund which the CEF announced it was creating and to which the UADF and the CORREF will be contributing.

Alternatively, set up two funds, applying, as indicated above, the same rules and principles to issues of compensation.

Avoid going down the route of appealing to the faithful for donations and of socialising the financing.

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The path of reparation painted by the Commission is demanding; the Commission is aware of this. Kierkegaard's expression "it is the difficulty which is the path" has been used over and over, but it is, nonetheless, very appropriate here. The magnitude of the effort required is commensurate with the extent of the trauma inflicted and the responsibility of the Church in this trauma. Words of compassion are not enough, any more than is laying the blame at the door of the dead. It is the CIASE's role to convey this painful message and it is willing to be the third party that renders visible what has just begun to be discernable from within the institution, but which is struggling to take concrete shape. The following pages extend the demanding, but salutary, path to include the governance of the ecclesiastical institution.

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353 Declaration of 10 August 1964, published in the *Journal officiel Associations* of 10 September 1964, p. 8256. Amending declaration of 7 July 2007 (change of object and registered office), published in the *Journal Officiel Associations* N° 34 of 25 August 2007, announcement N° 1217, p. 4040.

## II. REMEDYING ALL IDENTIFIED DYSFUNCTIONS CALLS FOR A VIGOROUS PLAN OF ACTION WITH REGARD TO GOVERNANCE, SANCTIONS, TRAINING AND PREVENTION

Taking full responsibility for the past on the issue of sexual violence perpetrated within the Catholic Church implies, as we have just seen, taking up the triple challenge of responsibility, recognition and reparation. This does not mean only turning towards the past, because, as has also been said, such violence has not only not disappeared, but there is a high chance that many more cases will come to light in the near future, because of the time it takes to be able to speak; we hope that this report might help. Simultaneously, remedying the dysfunctions noted by the Commission and leading to the Commission's diagnosis (*cf.* above, the discussion of Section Two) effectively requires looking to the future, but not from the vantage point of a blank page: in addition to the steps already taken by the Church and which the Commission has attempted to evaluate, the proposals which follow with regard to governance, training and prevention, require the Church to look inwards and to question its own functioning based in deep-rooted practices as well as questioning the texts which are supposed to guide its practices. The Commission formulates its proposals with both humility and conviction, confident in the idea that the external view it has been asked to take is not one of judgement, but of support.

### A. QUESTIONING CHURCH GOVERNANCE

The Catholic Church's hierarchical conception was, of course, not an unexpected discovery for the Commission. Rather, it is simply an aspect of the problem. Vital to understanding the reasons for dealing, or not dealing, with sexual violence in the Church and important in the analysis of many of the violence's root causes, it is also one of the keys and a springboard for positive change. Here, (even more than at the beginning of the report, where this crucial element of the Catholic Church over the past 70 years stayed mainly in the background), the Commission's task is to analyse the contributions of the Second Vatican Council (1962-1965) and - since it is now a question of looking to the future - Pope Francis' understanding and orientation of the Council's teachings on governance for the Church of today and tomorrow.

As on other subjects, digging – or even scratching - beneath the surface has given rise to mixed findings by the Commission: alongside the recognition, proclaimed to the world, of the excess of verticality, which Vatican II intended to curb and which Pope Francis, no doubt more than anybody else, continues to attenuate, we still find, even recently, signs of reaffirmation which may be considered surprising: hence the text entitled *Directory of the Ministry and Life of Priests*, published by the Congregation for the Clergy in February 2013, only a few days before Benedict XVI announced his resignation. This magisterial document insists on the specificity of the Church's organisation and considers its "democratisation" would be a "very serious temptation" because it would "encourage a disregard of the authority and the capital grace of Christ and a distortion of the Church, as if it were only a human society". This conception concerns the hierarchical constitution as it was willed by its Divine Founder, as the Magisterium has always clearly taught it, and as the Church itself has lived it without interruption. [...] Consequently, such a mentality cannot be accepted in the Church – it is perhaps most present in bodies of ecclesiastical participation - as it tends either to confuse the

duties of priests with those of the lay faithful or fails to distinguish between the authority of the Bishop and that of priest-collaborator of the Bishop, or denies the specificity of the ministry of Peter in the College of Bishops. It must be remembered that the presbyterate and the presbyteral council are not expressions of the rights of clergy organisations and are even less to be understood from a syndicalist point of view, with claims and party interests alien to the ecclesiastical communion”.<sup>354</sup>

As is often the case, it is necessary to distinguish between the letter of the texts conceived by and for the universal Church, and the spirit in which these directives are put into practice in countries with very diverse cultures. In all events, this recent doctrinal affirmation of an organisation and governance marked by its verticality echoes the testimonies of victims and the questions of many experts heard by the Commission, many of whom believe that this type of institutional organisation, if not in itself directly responsible for sexual violence, certainly participates in creating an environment unfavourable to preventing and dealing with abuse. The Commission therefore wished to look more specifically at the governance of the Catholic Church, but also at its operational methods - which are not necessarily standardised – from three angles:

- Are its operational methods such as to give perpetrators of violence positions that would allow or facilitate such violence?
- Do they make it possible to identify possible violence or attempted violence, to report it and to act effectively to repress it and prevent its repetition?
- Do they allow a clear distinction to be made between sacramental responsibilities (“powers of order”) and responsibilities relating to the governance of the Church?

The Commission, which on this fundamental issue as on others previously mentioned, has no intention of usurping any magisterial authority of the Catholic Church, considers that it would be breaching the mandate entrusted to it by the representatives of the ecclesiastical institution in France if it did not formulate comments on the matter, drawn from its hearings, its readings and its reflections. The work of the CIASE shows that the functioning of the Church, which by definition includes all the faithful, would benefit from being both more collegial and deliberative and from having more internal checks and balances. Based on observations of an inadequate synodality and an inadequate system of internal controls, the Commission proposes concrete measures to remedy these failings.

## **1. The weakness of synodality and the inadequacy of its checks and balances**

### **a) Between hierarchical organisation and desire for synodality**

Ever since the Second Vatican Council, tension seems to have existed between the affirmation of a “hierarchical constitution”<sup>355</sup> and the desire for greater synodality; a tension which, in the opinion of many experts, seems today to present more of a problem than a support with regard to questioning the Church’s governance.

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<sup>354</sup> Congregation for the Clergy, *Directory for the Ministry and Life of Priests*, 11 February 2013.

<sup>355</sup> This term is taken from the title of chapter III of *Lumen Gentium*.

To mitigate the ultramontanism<sup>356</sup> of the First Vatican Council (1869-1870), the Second Vatican Council (1962-1965) delivered a “theology of the apostolic succession episcopate” in the words of Jean-François Chiron, Professor of Theology, heard by the Commission, by creating a collegiality between bishops (creation of the Bishops’ Conferences) and by allowing the bishop a greater autonomy of governance with regard to the pope. The bishop would, henceforth, no longer be merely the Pope’s delegate, but would have his own apostolic legitimacy. However, the Second Vatican Council consequently introduced a new concentration of responsibilities in the person of the bishop: power of order and jurisdiction, principal catechist, principal teacher, pastor guiding his flock, yet attentive to all their needs.

This strongly upheld hierarchical position is not, however, presented as absolute. Thus, in the Apostolic Constitution *Episcopalis Communio* on the Synod of Bishops, Pope Francis reminds us that the bishop is “both teacher and disciple” and that he is “simultaneously and inseparably responsible for the specific Church entrusted to his pastoral care and solicitude and for the universal Church”. Therefore, it is up to the bishop to “walk ahead” and show the way, [...] but above all never to lose the scent the People of God have for finding new ways. A bishop, who lives in the midst of his faithful, has his ears wide open to listen to “what the Spirit is saying to the Churches” [...] and to the “voice of the sheep”, also through those diocesan bodies which have the duty to advise the bishop, promoting a loyal and constructive dialogue”.<sup>357</sup>

While debate within the Church rages between the proponents of a Church represented as a “hierarchical society” against the embodiment of a gathering of the faithful and the “People of God”, the pastoral practice as reported to the CIASE shows that the hierarchical principle remains dominant. The reflections on synodality, in view of the next synod which is due to take place in Rome in the autumn of 2023, are a sign that the question of governance remains open, and that there is a concern to establish a more open and participatory conception: the Secretary General of the Synod of Bishops, Cardinal Mario Grech, indicates that “the time has come for a wider participation of the People of God in the decision-making process”, in a revival of “the practice typical of the Church of the first millennium and perpetuated in the Orthodox Church”, which had begun to be rediscovered with Vatican II.

However, the Cardinal immediately insisted that this direction, would “in no way institute any kind of “democracy” within the Church, recalling that “the moment of discernment is entrusted first and foremost to the bishops gathered during an assembly” after diocesan and continental consultations. Before concluding: “The synodal assembly is not a Parliament”.<sup>358</sup> Effectively, synodality is not understood by the Church as a mode of governance by representation, delegation or mandate conferred by the majority, but a mode of governance by “incarnation”, as expressed in political theory terms. Articulation of organicity, sacredness and quality over quantity are what prevail in the mode of incarnation.<sup>359</sup> The principle of a sum of individuals bestowing a mandate on somebody does not, therefore exist, it is the whole in its various components constituted by the baptised, that counts. In concrete terms, this leads to a search for unanimity or consensus rather than seeking a majority. The work begun by the next Synod of Bishops on synodality might lead to a different or amended understanding of

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<sup>356</sup> Doctrine especially prominent in the 19th century which stresses the pre-eminence of the pope in everything, over the whole Church and over the states.

<sup>357</sup> Pope Francis, *Episcopalis communio*, 15 September 2018.

<sup>358</sup> Source: Aleteia, <https://fr.aleteia.org/2021/05/rome-lance-un-processus-synodal-dune-ampleur-inédite/>, URL visited on 16 August 2021.

<sup>359</sup> Jean-Marie Donegani, « Représentation et incarnation, approche politico-théologique de la synodalité en Occident », *RSR*, 2019/2, p.225-244.

governance in the Church and thus profoundly change the context of managing sexual violence in its midst.

## b) Confusion in the Exercise of Powers

With regard to the organisation of powers within the Catholic Church, Vatican II explicitly recognises that the bishop, and to some extent the priest, exercise jointly their three offices of administering the sacraments, teaching and governing. But magisterial authorities are quick to point out the problems that can arise from this, especially if these different spheres are not clearly separated. In his exhortation *Evangelii gaudium*, Pope Francis reminds us that “the priesthood [...] can become a particular source of conflict if sacramental power is too closely identified with power in general”<sup>360</sup> and, the eyes of the commission, this is a very important issue.

Moreover, as we have already seen, the Catholic Church distinguishes two elements concerning the person: the internal and the external forum. Several experts have pointed out that although these two spaces are quite distinct, they are still often subject to the same authority, with the priest or bishop being responsible for both spiritual guidance and the day-to-day management of community life. In the new communities, many witnesses, as well as an abundance of literature, have indicated that this confusion has been taken to extremes, turning the “father” of the community into a veritable guru who controls all aspects of the members’ lives, including their spiritual lives. The theology of charisms, in this particular context (cf. above, II of Part II), seeks to justify this omnipotence, even though it is the number one condition for a controlling situation, which is the prerequisite for committing abuse of all kinds.

The Commission has already adopted the warning of the Dominican, Adrien Candiard, on the ease with which the conscience of the other can be “ransacked”. In the same spirit, we can refer to the recent work by the Dominican, Dymas de Lassus, Prior of the Grande Chartreuse Monastery and therefore Superior General of the Order of Carthusians, entitled *Risques et dérives de la vie religieuse*,<sup>361</sup> to see how important it is that spiritual guidance be the subject to rigorous vigilance. The revelations of abuse of all kinds in the Catholic Church - echoed in this report’s concentration on sexual abuse - have shown that spiritual accompaniment can easily become such a place of abuse, as the relationship of spiritual director/directee is inevitably intimate. The Commission drew attention to this as an acutely important point in the section of the report devoted to the possible misuse of the Sacrament of Penance; it is here reiterated from an internal organisational concerns point of view.

The practices developed by great monastic traditions could usefully serve as a support for a more general reflection as, in these institutions, powers must be separated. The abbot who directs the life of the community cannot, therefore, also be the spiritual director of his brothers and, conversely, the spiritual director has no power of governance. The “supervision” of the internal and external forum is therefore inescapably exercised by two different persons, avoiding situations of omnipotence. Although separation of the two roles applies, in principle, to canon law in general, the testimonies gathered by the Commission show that it is not only in the new deviant communities that this principle is not respected. In the same vein, this also appears to be applicable to the freedom to choose one’s spiritual guide and confessor (despite

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<sup>360</sup> Apostolic Exhortation *Evangelii Gaudium* of Pope Francis to Bishops, Priests and Deacons and to All the Lay Faithful on the Proclamation of the Gospel in Today's World, 24 November 2013, N. 104.

<sup>361</sup> Cerf, March 2020, 448 p.

this freedom being guaranteed by Canon 630 of the Code of Canon Law, as Father Pierre Vignon emphasised during his hearing).<sup>362</sup>

In practice, as analysed in the section on canonical criminal procedure, victims have stressed that the concentration of all powers in the hands of the bishop, especially powers regarding order and governance, means that in cases of sexual assault the bishop has to show solicitude for the victim, witness and perpetrator and must be present at all stages of the procedure, from hearing the victim through to the investigation or reporting, to the decision regarding sanctions and accompaniment of the perpetrator...

Without even mentioning the potential violation of fundamental human rights,<sup>363</sup> this confusion of powers in the Church raises all the more questions because contemporary societies have been built around the separation of powers, a founding principle of the rule of law, going beyond the constitutional and political. Contrary to what is often indicated, the Commission notes that the principle of separation of powers is not incompatible with the hierarchical constitution of the Church.

#### **Recommendation N° 34:**

The Commission believes that it is necessary to closely examine:

- The hierarchical constitution of the Catholic Church in view of internal disagreement concerning its own understanding of itself: between communion and hierarchy; between apostolic succession and synodality; and, essentially, between affirmation of the authority of preachers and the reality of grass roots practices which are increasingly influenced by democratic practices.
- Concentration of the powers of order and of governance in the hands of the same person which leads to an insistence on the rigorous exercise of power and, in particular, on respect for the distinction between internal and external forum.
- Identification of the power of the sacrament with power more generally.

### **c) The Absence of a Culture of Internal Control**

Over and above institutional organisation and magisterial texts, the Commission noted the lack of a culture of internal checks and balances within the Church. Although the bishop may have many responsibilities and powers, he cannot do everything alone and without advice. He is perfectly entitled to call on experts, including external experts.

The vast majority of institutions, companies and organisations have developed internal control systems which involve identifying risk, implementing risk-prevention procedures and, if and when the risk nonetheless occurs, have procedures for containing and dealing with it. As mentioned above, the Commission is aware of the temptation felt by some to immediately disqualify any reflection of this kind on the grounds that the Church cannot be reduced to a traditional organisation, being of a higher essence and not “of the world”. However, the

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<sup>362</sup> And what can we say, on the margins of the Commission's field of study, about abuses of power that do not even correspond to a written rule of Church law, such as the one reported by the Dominican Gilles Berceville, of a nun from a contemplative community who was “starved for years”?

<sup>363</sup> Cf. below B du II the recommendations for canonical procedure in this respect.

Commission strongly believes that such an argument should be rejected, as it all too often serves as an alibi for the absence of self-reflection, which is deadly for any institution.

While procedures are important, it is first and foremost a question of “culture” which needs to permeate the entire hierarchical chain: the power of the repeated word is significant in a very vertical organisation. Internal reticence needs to be confronted, as does the idea that as members are trying to do everything properly any criticism is necessarily unfounded. The aim is to avoid a knee-jerk application of rules but rather to establish, on all levels, a culture of responsible discernment and an ability to take a critical look at oneself, the structure and its functioning.

To do this, it is advisable to map risks in accordance with their impact should they occur (human consequences, consequences for the reputation of the institution, legal effects, etc.); the probability of their occurrence, the seriousness of their impact and the extent to which they are deemed controllable. On this basis, risks can be ranked in accordance with their importance, in order to prevent and, if necessary, deal with them. All norms and procedures subsequently take these elements into account and they serve as a basis for action plans or training guides. Regular assessment of the effectiveness of the systems put in place is also carried out.

With regard to the sexual violence committed in the Church, several elements were conducive to actually acting out the deed - access to children - while others favoured having a psychological hold over victims - contact with vulnerable people, enormous impressionability about all that is sacred, irregularity in the way references or knowledge is communicated. The failure to identify these risk factors, as noted above, therefore contributes to the Church’s responsibility on a systemic level.

The annual interview between the bishop, the vicar general or the major superior and the priest or member of the religious order should, where it does not already exist, be instituted in dioceses and religious institutes or communities. Amongst its many uses, it could be an occasion to address bilaterally the question of risk prevention for the priest or member of a religious order, as well as at the level of the diocese or community. The interview should have a specific framework, be subject to specific rules and be followed up by a report, consultable by relevant persons.

**Recommendation N° 35:**

The Commission believes that it would be useful for the Church to:

- Implement and develop procedures of assessment and internal control with *ad hoc* commissions which can function light-handedly.
- Develop risk-mapping in this context.
- Set up training and organisations for this purpose.
- Consolidate the dynamics of the annual review with the bishop, vicar general, or major superior which lies at the heart of the measure of accompaniment of every priest and every member of a religious order.

## **2. Too Few Laypersons Integrated in the Church’s Governance**

The limits of synodality between clerics are even more apparent for the laity, who occupy a small – one might say marginal - place in the governance of the Catholic Church. In his exhortation *Evangelii gaudium*, Pope Francis notes that “We can count on many lay persons, although still not nearly enough, who have a deeply-rooted sense of community and great fidelity to the tasks of charity, catechesis and the celebration of the faith. At the same time, a clear awareness of this responsibility of the laity, grounded in their baptism and confirmation, does not manifest itself in the same way in all of them. In some cases, it is because lay persons have not been given the formation needed to take on important responsibilities. In others, it is because in their particular Churches room has not been made for them to speak and to act, due to an excessive clericalism which keeps them away from decision-making.”<sup>364</sup>

Despite the texts acknowledging a place for the laity, in practice there are wide variations depending on the area and a persistent reluctance to organise a more synodal functioning leaving behind the strictly pyramidal approach with the clergy systematically occupying the top post. Ms Marie-Jo Thiel, who was heard on this subject by the Commission, considers that “we must ask ourselves what roles the laity and women have to play in [the] ministries. Who will accept to share power? I believe that there is much to do in order to return to the texts of the primitive Church. As for the diaconate of women, [we] note that no decision has been taken.”<sup>365</sup>

However, the Commission notes the changes brought about by the recent *Motu proprio* of 10 May 2021 *Antiquum Ministerium*, instituting a “lay ministry of catechist”, which states that it “recognises the active presence of baptised persons who have exercised the ministry of transmission in a more organic form”. Pope Francis welcomes “the typical missionary commitment of every baptised person” but specifies that it “must nevertheless be carried out in an entirely secular form without falling into any expression of clericalisation”. These lay people remain “faithful collaborators of priests and deacons”.<sup>366</sup>

The experts heard by the Commission all referred to the ambiguities of Vatican II’s apparent openness on this point and noted that there had been no reflection amongst the clergy, or the faithful more generally, on how to implement the proposed changes. Fortunately, the Council made it possible to rethink the local Church as a Eucharistic assembly with the bishop as the principal celebrant. But instead of this being taken as a factor of unity in the Eucharist, it resulted only in an over-reinforcement of the centrality of the bishop - sole master of his diocese and accountable to no one. Mechanisms such as the episcopal council or, locally, the parish council, do exist; but they are easily bypassed and circumvented, especially because these bodies only have consultative powers. The Commission was struck by a quip – full of common sense - made by a priest at a working group meeting, saying that the parish council was more likely to be consulted on whether to use cardboard or plastic cups at the next fair than on the parish trainee seminarian’s capacity to behave appropriately with children. On a more academic note, at another working group hearing, Father Jean-François Chiron highlighted the importance of the “penultimate word” in the Church’s decision-making process, suggesting that it could profitably come from competent laypersons. Father Chiron saw in this reformist suggestion an echo of the *parresia* advocated by Pope Francis: speaking with frankness, boldness and courage.

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<sup>364</sup> Pope Francis, *Evangelii gaudium*, 102.

<sup>365</sup> Plenary session of 10 May 2019.

<sup>366</sup> Apostolic letter in the form of a “*Motu Proprio*” *Antiquum Ministerium*” of the Supreme Pontiff Francis establishing the ministry of catechists, 10 May 2021.

During his hearing before the Commission,<sup>367</sup> Monseigneur Robert Wattebled, then Bishop of Nîmes, Uzès and Alès, stressed that he was personally in favour of a balance of power within each parish, with a parish council effectively running the daily life of the parish while the parish priest guaranteed the coherence and compatibility of council's choices with doctrine and liturgy. However, he indicated that he felt it would be difficult to impose this idea as clergy were afraid of losing their pre-eminent position. This example illustrates the clerical "counter-revolution" described by Claude Langlois, who notes that "what had been ceded to the laity is often brutally reclaimed by priests, whether native or foreign."<sup>368</sup> Interviews conducted by members of the Commission with priests from different backgrounds<sup>369</sup> shine more light on this issue.

The laity in general have little place and even less power and this is even more true for women. Pope Francis has said that "the priesthood reserved for men, as a sign of Christ the Bridegroom who gives himself up in the Eucharist, is a question that is not open for discussion [...]. This presents a great challenge for pastors and theologians, who are in a position to recognise more fully what this entails with regard to the possible role of women in decision-making in different areas of the Church's life."<sup>370</sup> We are not here to address the controversial and much debated question of the ordination of women in the Catholic Church, an ancient tradition which has recently been the subject of an explicit theological justification (in a text of the Congregation for the Doctrine of the Faith of 1976, *Inter insigniores*, and in the Apostolic Letter *Mulieris Dignitatem* of 15 August 1988 by Pope John Paul II), but to note that women have long been mistrusted and sidelined in the Catholic Church, often relegated to subaltern roles and representations, as shown for example by the work of Danièle Hervieu-Léger.<sup>371</sup> This attitude towards women is essentially based on Augustine's theology of original sin, which - in the fight against Pelagianism and its belief in free will - sexualised the story of the fall of Adam, a sin which Augustine believed to be hereditary and passed on to every human being through the carnal act. Eve therefore becomes the temptress who drives man to concupiscence. Augustinism resulted in a huge mistrust of sexual matters and an overvaluation of celibacy as a priestly virtue, a sort of moral accomplishment that proved their superiority to the laity, as seen above. Although the approach to original sin is nowadays very different,<sup>372</sup> women have retained their lowly place in the Catholic Church - as noted by most of the people heard by the CIASE.

Yet, the vast majority of sexual assaults are committed by men (the Commission, as we have seen, has in its turn documented this). Strengthening the presence of women in the Church would effectively constitute a first level of prevention against all forms of sexual violence. With the presence of more women, the Church would also gain in terms of insight and understanding of life experience and human drama, as well as efficiency in organisation and governance.<sup>373</sup> The Commission is not making a simplistic or ideological assertion here, but simply a common sense observation backed up by the testimonies - admittedly too few to be statistically

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<sup>367</sup> Plenary session of 22 October 2020.

<sup>368</sup> Claude Langlois, *On savait, mais quoi ?*, Seuil, p. 231.

<sup>369</sup> Cf. Digital Annex 31.

<sup>370</sup> Pope Francis, *Evangelii gaudium*, 103-104.

<sup>371</sup> Heard during the plenary session of 5 July 2019.

<sup>372</sup> The Catechism of the Catholic Church thus states (no. 405) that "Although it is proper to each individual, original sin does not have the character of a personal fault in any descendant of Adam." On this point see, for example, David Sendrez's *Le Péché originel*, Collège des Bernardins, Parole et Silence, 2018.

<sup>373</sup> The evolution of the place of women in catechetical practices and in the teaching profession in Catholic education over the last 70 years provides a convincing example.

significant - that the deviant behaviour of such and such a youth camp chaplain or trainee priest parish had been spotted by laypersons involved in the Church.

Incidentally, Élian Cuvillier, who was heard by one of the Commission's working groups, pointed out that with the introduction of women as pastors in Protestant churches in France in the 1970s came "an opportunity to rethink authority and led to the pastoral ministry no longer being seen as the figure of power that it had once. While the presence of women is not in itself sufficient to prevent abuse, it is a factor in providing overall balance. More generally, the doctrinal reflection that accompanied women's arrival as pastors led to the emergence of fundamental questions."<sup>374</sup>

As Anne-Marie Pelletier summarises: "The condition of women is a decisive element of the symbolic order and practices that organise all human societies, at all moments in time. So when the condition of women changes, the world changes. The proof of this lies in what happens, obviously for the better, when societies open up rights and freedoms to women that they were previously deprived of."<sup>375</sup> The Commission, from its position of diversity – which it would like to stress - and its refusal of ideological bias, adopts Anne-Marie Pelletier's observation and intends to let it reverberate in the ears of the Church; it shall then be up to the Church to take it onboard in an organised manner.

As Sister Véronique Margron has so aptly written: "Despite real progress and undeniable change, a cohesive integration between men and women remains the sticking point, meaning that too many women are still assigned only to stewardship or management tasks. In short, gender difference still appears to be at stake in a sacredness whose harmful effects we are only too well aware of today. The Church has a long way to go to make the place of women a true place of reciprocity and otherness, including for clerics, because everyone - women and men - has "put on Christ" (Gal 3:26). Attacking clericalism will not happen without women, without women's real place in all responsibilities, so that all seek to put into practice the word of Christ, "I am among you as one who serves" (Lk 22:27)".<sup>376</sup>

#### **Recommendation N° 36:**

The Commission believes that, with regard to the principle of equal dignity, a far greater presence of laypersons in general, and women in particular, is required amongst the deciders of the Catholic Church.

This work would necessarily involve knowing the current situation and determining objectives with implementation dates.

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Studying the governance of the Catholic Church has led the Commission, once again, to submit some fundamental questions to its mandators. The reform of canon law and its alignment with state law, as called for by the observations in Section Two, is a form of extension of this study in a specific field. The profound inadequacy of canon law to deal with cases of sexual violence committed by members of clergy also raises questions of internal organisation which touch on certain foundations of the ecclesiastical tradition. Again, the CIASE insists that

<sup>374</sup> Hearing during a working group on 15 June 2020.

<sup>375</sup> Anne-Marie Pelletier, « *Des femmes avec les hommes, avenir de l'Église* », in *Études*, January 2017, p. 56.

<sup>376</sup> Véronique Margron, *Un moment de vérité*, Albin Michel, 2019, p. 146.

it is absolutely not trying to undermine the Church and, if it is raising difficult questions, it is only with the aim of remedying the serious dysfunctions it has identified, i.e., to find better ways of functioning better. As its mandator asked it to do.

## B. ORGANISING AND ENSURING AN EFFECTIVE WAY OF DEALING WITH SEXUAL VIOLENCE IN THE CHURCH: UPGRADING CANONICAL PROCEDURES

*“How can anyone be aware of assaults on human beings, and I’m not even talking about on children, just on human beings, without taking legal action? It’s incomprehensible to me. It doesn’t make sense. It is the exact opposite of the Church’s teachings. And canon law is not there to judge the affairs of men. And a man of the Church, he is of the Church and he is also a man, and he is subject to the justice of men. Full stop. For me this is absolutely clear. I don’t even understand how there can be a debate about it”*  
(Gwenaël, Hearing No. 80)

*“The law, legislation and the truth open the way to justice. Why consider that there is only canon law and then pretend to believe in the other”* (M.B., Hearing No. 113)<sup>377</sup>

*“I want to come back to the bishop’s handling of the case because it is really him I’m most angry with him. In the press, he said that “the diocese did what was necessary for the complainants”. However, since 2015, when we first met, he has never of his own initiative made any contact with me to see how I am, and nothing has changed to this day. He has never asked after me. Faced with this inertia of the Church, I filed a complaint with the public prosecutor and am following the case with the help of a lawyer”.*  
(Sylvie, Hearing N° 135)

The latest developments in the normative framework relating to sexual violence attest to the desire of the Holy See, as well as the CEF and CORREF, to highlight the seriousness of these crimes, and for them to be dealt with more effectively and more in line with state justice.

In view of the work initiated by the CEF in November 2018 on the need for a memorial, support for perpetrators, prevention measures and the financial aspect, it affirmed at its plenary assembly in late March 2021, several principles and passed eleven resolutions,<sup>378</sup> among which the following commitments:

- The overriding obligation to report all suspects to both state and canonical justice systems, as well as the obligation to issue sanctions.
- The overriding obligation to encourage victims to seek state and canonical justice and facilitate access to the latter.
- The decision to create an inter-diocesan canonical criminal court for France, with two instances.<sup>379</sup>

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<sup>377</sup> Audition en ligne de M. M. B., 14 janvier 2021

<sup>378</sup> Bishops’ Conference of France, *Lutte contre la pédophilie. Les résolutions votées par les évêques de France*, 25 March 2021.

<sup>379</sup> This brings us back to the idea, the details of which have yet to be worked out, of courts of first instance and appeal.

The CEF explained these resolutions as “the desire to make canonical criminal procedures more transparent and by the growing awareness that investigating crimes and misdemeanours and pronouncing sentences required a certain degree of specialisation”. It added that the resolutions were also motivated by the difficulty of recruiting officials. The CEF indicated that its resolutions would be implemented after the CIASE handed in its report.

The CORREF, at the end of its general meeting of 19 and 20 April 2021, adopted two resolutions advocating restorative justice for the victims and the recognition of a collegial and spiritual responsibility for all religious life communities.

At the level of the Holy See too, there have been recent developments in the area of the law and sanctions with regard to sexual assault. It should be recalled that the Congregation for the Doctrine of the Faith has since 2010 classified “an offence against the sixth commandment of the Decalogue”<sup>380</sup> committed by a member of clergy or religious order against a child under eighteen years of age or a person “who habitually enjoys an imperfect use of reason” as among the most serious offences against morality, reserved for its judgment.<sup>381</sup> Next, the *Motu proprio* “*Like a Loving Mother*” of 4 June 2016 said that the negligence of bishops in dealing with such crimes was a serious cause for dismissal from ecclesiastical office. More recently, since the CIASE beginning its work, Pope Francis’ Apostolic Letter in the form of a *motu proprio* “*Vos estis lux mundi*” of 7 May 2019 introduced an obligation to report to the Ordinary<sup>382</sup> – which, in most cases we are interested in, means the bishop. Finally, on 1 June 2021, the Holy See published a new Apostolic Constitution amending Book VI of the 1983 Code of Canon Law concerning Church sanctions.

This reform, undertaken in 2007 by Pope Benedict XVI, which will come into force on 8 December 2021, brings about a real change of perspective, since “crimes committed by a cleric against the sixth commandment of the Decalogue, against a child under eighteen years of age or a person “who habitually enjoys an imperfect use of reason”” - the category into which sexual assault falls – which used to fall under the canon code title relating to crimes against the special obligations of clerics,<sup>383</sup> will from now fall under the scope of the title relating to crimes against human life, dignity and freedom.<sup>384</sup>

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380 “Thou shall not commit adultery” (Exodus 20:1-18).

381 *Normae de gravioribus delictis* (2010), Article 6.

382 Article 3 §1.

383 Can. 1395 § 2 of the 1983 Code of Canon Law, in Title V of Part II of Book VI.

384 New Can. 1398 of the Code of Canon Law, in Title VI of Part II of Book VI: “§ 1. The cleric shall be punished with deprivation of office and other just penalties, including, if applicable, dismissal from the clerical state, if he:

1° Commits an offence against the sixth commandment of the Decalogue with a minor or a person who habitually has an imperfect use of reason or with one to whom the law accords an equal protection.

2° Grooms or induces a minor or a person who habitually has an imperfect use of reason or one to whom the law accords an equal protection, to perform or participate in real or simulated pornographic exhibitions.

3° Immorally acquires, retains, exhibits or distributes in whatever manner and by whatever technology pornographic images of a minor or a person who habitually has an imperfect use of reason or with one to whom the law accords an equal protection

§2. The member of an institute of consecrated life or of a society of apostolic life, or any one of the faithful faithful who holds a title or performs an office or function in the Church, who commits an offence referred to in § 1 or in can. 1395, § 3, is to be punished in accordance with the provision of can. 1336, §§ 2-4, with the addition of other penalties according to the gravity of the offence.

Thus, it is now the life, dignity and freedom of the victim which are protected by these provisions, and no longer the obligations of clerics resulting from the sixth commandment. The particular gravity of the sexual assault is also inscribed in the Code of Canon Law, this “delict” appearing under the same title as homicide or kidnapping.<sup>385</sup>

In the Commission’s view, these reforms will have consequences for the judicial treatment of such crimes by canon law and all those responsible for its application. Their seriousness requires that they be precisely identified and, consequently, clearly defined. It also requires a procedure that guarantees equal access to justice and the right to a fair trial across France and its overseas territories. However, so as to avoid compromising a criminal investigation – the only way of establishing facts and imposing coercive measures on the perpetrator - the procedures of canon law and state law would benefit from better coordination. It is essential that the Church deal effectively with cases of sexual violence in its midst, but also in a way that is understood by all everyone.

## **1. For a clear definition of sexual violence sanctioned by canon law**

As discussed above, the question of a textual basis for the conviction of sexual violence against children and vulnerable persons is all the more important as it has been, and remains, ambiguous; clarification is essential for the correct implementation of applicable sanctions. This could then serve as the basis for more precise definitions and more orderly case law.

### **a) The necessity of modifying the reference to the Decalogue’s sixth commandment**

Decentralisation, which allows individual bishops to decide what offences to punish and what penalties to impose, has come up against, in the words of Monseigneur Juan Ignacio Arrieta, the current secretary of the Pontifical Council for Legislative Texts, “the difficulty of combining charity and punishment” and has resulted in “a criminal law that is scarcely ever applied”<sup>386</sup>.

Even if placing crimes of sexual violence against children under the scope of canon 1398 §1 of Title VI of Part II of Book VI of the Code of Canon Law relating to crimes against life, dignity and human freedom, pursuant to the aforementioned reform, unquestionably constitutes progress - insofar as this title clearly states the interests being protected in this context, i.e. no longer the sanctity of the sacraments, but persons in their relationship with the Church - this canon continues to define sexual assault as a violation of the sixth commandment of the Decalogue.

As indicated above by the Commission (*cf.* Part II of Section Two), a theological and ecclesiological analysis of the magisterial texts in force today leads to the fundamental question of the relevance of this way of defining such offences. Transposing this reflection to the field of canon law, the Commission believes that clarifying this reference to the Decalogue by replacing the sixth commandment by the fifth, would harmonise the interpretation of the new

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<sup>385</sup> The term ‘delict’ is used here in the sense of the Code of Canon Law, i.e. as an offence.

<sup>386</sup> <https://www.vaticannews.va/fr/vatican/news/2021-06/revision-code-droit-canonique-constitution-apostolique-vatican.html> .

canon 1398 §1 and thus avoid any deviation from this norm by recalling its particular gravity with regard to the integrity of the person.

In so doing, the CIASE incorporates into its recommendations the proposal made in November 2020 in the report on the Roman Catholic Church in England and Wales, published by the Independent Inquiry into Child Sexual Abuse, that the local bishops' conference should ask the Holy See to reformulate canon 1395 (in its then current version), to transform the offence against the sixth commandment committed with a minor into an "offence (or crime) against the child".<sup>387</sup> Above all, the CIASE is here in agreement with several bishops it heard in plenary session, including the President of the CEF, Monseigneur Éric de Moulins-Beaufort, who are expressly in favour of this change in the reference to the Decalogue.

**Recommendation N° 37:** Substitute, in the description of sexual violence committed against children and vulnerable persons in criminal canon law, a reference to the sixth commandment ("Thou shalt not commit adultery") with a reference to the fifth commandment ("Thou shalt not kill") thereby harmonising interpretation of Canon 1398 §1 of the Code of Canon Law and avoiding all distortion of this norm.

Because these references are so fundamental that they are likely to mean something to everyone, even outside of Catholic Church circles, the Commission considers that it would be useful to examine them and suggest a new interpretation, better adjusted to the reality it has observed. It will be all the easier to formulate the more concrete definitions and procedures resulting from this frame of reference.

#### **b) The utility of defining the various forms sexual violence can take and a collection of case law**

As the Code of Canon Law does not define violations of the sixth commandment of the Decalogue against children or vulnerable persons, the various breaches are listed in numerous texts of a varying kind, leading to potentially very different interpretations depending on the diocese.

The Instruction "*Crimen sollicitationis*" of the Congregation for the Doctrine of the Faith of 16 March 1962, indicates that the crime is constituted when the priest has attempted by word, sign, touch or written message to solicit or provoke a penitent, male or female, to commit an "immoral or indecent act", or when the priest has dared to have "inappropriate or indecent" conversations or interactions with the person. Such actions must have taken place during confession, or just before or just after, in a confessional or other place designated for confession, and under the guise of hearing confession. Special attention is paid to children, as the condition of being a minor constitutes an aggravating circumstance (point No. 62 of the magisterial text). The Instruction also deals with "obscene, gravely immoral external acts", performed or attempted by a cleric with a pre-adolescent of either sex, which are assimilated to the *crimen pessimum* ("worst crime"), a term reserved for the same acts performed with a person of the same sex.

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<sup>387</sup> *Independent Inquiry Child Sexual Abuse, Investigation Report*, Recommendation 5, p. 123. The report also states (p. 25 and note 131), with some prescience, that according to Bishop Gordon Read, who was consulted by this Commission in his capacity as an expert in canon law, such an offence would be much better placed in the section of the Code of Canon Law devoted to crimes against human life, dignity and freedom.

The 1983 Code of Canon Law, reformed as seen above, deals in the new canon 1398 §1 with the violation of the sixth commandment of the Decalogue committed against a child or a “person who habitually enjoys an imperfect use of reason”. In canon 1387 it takes up the *crimen sollicitationis*.

In the *Motu proprio “Sacramentorum sanctitatis tutela”* of 2001, Pope John Paul II promulgated a letter from the Congregation for the Doctrine of the Faith concerning the most serious offences (*delicta graviora*) whose judgment is reserved for the Congregation. This includes the crime of indecency committed by a cleric with a minor under the age of eighteen, in violation of the sixth commandment. As for the *crimen sollicitationis*, the letter specifies that it falls within the competence of the Congregation when the solicitation in question consists of sinning with the confessor himself.

Published in 2010 by the Congregation for the Doctrine of the Faith, the *Normae de gravioribus delictis*, classifies as one of the most serious offences of indecency under Article 6: the offence against the sixth commandment committed by a cleric with a minor under 18 years of age (or, as the time-honoured expression goes, a person “who habitually enjoys an imperfect use of reason”) and the acquisition, possession or disclosure “for libidinous purposes” of pornographic images of a child under 14 years of age, regardless of the device used.

Pope Francis’ Apostolic Letter, “*Like a Loving Mother*”, issued in the form of a *motu proprio* on 4 June 2016, on the responsibility of bishops, introduces the notion of the serious failures of bishops in the exercise of their duties when dealing with the “sexual abuse of children and vulnerable adults”.

Finally, more recently, Pope Francis’ Apostolic Letter, “*Vos estis lux mundi*” issued in the form of a *motu proprio* on 7 May 2019 attempts, in Article 1, to define coercion and to identify more precisely an offence against the sixth commandment. It indicates that such an offence consists of forcing someone, with violence or threats or by abuse of authority, to perform or undergo sexual acts; of performing sexual acts with a child or vulnerable person and producing, exhibiting, detaining or distributing, even on a computer, child pornography; grooming or inciting a child or a vulnerable person to participate in pornographic exhibitions. Article 2(b) further defines a vulnerable person as “any person who is in a state of infirmity, physical or mental impairment or deprivation of personal freedom which limits even occasionally his/her capacity to understand, his/her will or in all events his/her capacity to resist the act”. Article 2c specifies the concept of child pornography, indicating that it consists of any representation, regardless of the device used, of a child involved in explicit sexual activity, real or simulated, or images of the genitalia of children primarily for sexual purposes.

In France, the CEF guidelines, issued in 2015, 2016, 2018 and 2020, for dealing with cases of sexual abuse of children by clerics, make reference to the sin against the sixth commandment. Sometimes the guidelines indicate that the definition of this sin includes rape; sexual offences involving violence and coercion; and sexual offences without violence possibly with the consent of the victim, while indicating at other times that the typology of the offence is very broad and may include, for example, consensual and non-consensual sexual relations, physical contact with sexual intent, exhibitionism, masturbation, the production of pornography, incitement to prostitution, conversations and/or advances of a sexual nature, even those conducted on social networks.

It is particularly difficult under these conditions, even for a practitioner of canon law, to define the elements constituting an act of incriminating sexual violence.<sup>388</sup> Similarly, none of the reference texts establish a scale of gravity of the various sanctioned acts. Each of the texts cited above is added to the others without any of the former being amended or repealed. The recent reform in 2021 of Book VI of the Code of Canon Law provides a notable exception.

**Recommendation N°38:** Define in the Code of Canon Law, all sexual offences committed against a child or a vulnerable person, by highlighting the constituent elements of each offence and their corresponding sanctions, to make the law easier to read; emphasise the level of seriousness of failings and harmonise the interpretation of reference norms.

The law, however, is not limited to norms and also finds its source in case law, thanks to which it evolves. Yet, it is clear from the testimonies of bishops and specialists in canon law, that, as legal decisions are not published, canonical case law in the area of sexual violence is poorly known, and consequently no collection of case law exists.

The various guides distributed for dealing with sexual violence in the Church have not remedied this. The transparency of all sources of canon law, for practitioners as well as litigants, would improve the right of access to justice and lead to a better interpretation of the law. It would also allow for the development of a doctrine on this subject - hence, the Commission making a recommendation in this respect.

**Recommendation N° 39:** Create and distribute a collection of anonymous decisions handed down by jurisdictions applying canon law, at least within the scope of offences analysed by the Commission.

The Commission believes that canon law will only be able to provide a genuine response to the sexual abuse of children and vulnerable persons in the Catholic Church if it meets the universally recognised requirements of justice and if it is implemented more effectively.

## **2. For a canonical criminal procedure respectful of the right to a fair trial**

Two key criticisms of the way in which sexual abuse is handled by Church authorities emerged from the hearings and research conducted by the Commission: the failure of the canonical procedure to meet universally recognised fair trial requirements, and its largely ineffectual nature. These difficulties stem both from the authorities responsible for implementing the procedure and from the procedure itself.

### **a) The concentration of powers in the hands of the bishop with regard to criminal matters: an issue to be looked at**

The place of the bishop in canonical procedure is linked to the centrality of his function within the Church. The bishop receives the fullness of the priesthood and the priests he ordains are his collaborators - even his obedient 'sons'. This emphasis on the role of the bishop is a result of the Second Vatican Council which considered all bishops to be vicars and delegates

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<sup>388</sup> This point is made by Olivier Bobineau, Constance Lalo and Joseph Merlet (Mr Bobineau and Mr Merlet were heard by the CIASE during the plenary session of 11 October 2019), in their book *Le sacré incestueux. Les prêtres pédophiles*, in which they note that the *crimen sollicitationis* makes the offence of solicitation the "worst crime", while sexual acts on children only pertain to it.

of Christ in their dioceses (CD 27), thus emphasising that the bishop, through his ordination, receives his powers directly from Christ. Prior to Vatican II, the bishop already governed his diocese with the ordinary power attached to his office and had legislative, judicial and coercive powers (*cf.* CIC of 1917, cc. 329 and 335) but he was more closely connected to the Roman Pontiff, since he was considered to exercise his powers “under the authority of the pontiff”. After Vatican II, the principle was reversed, with all the powers not claimed by the Holy See being placed in the hands of the bishop. The Commission is not making a criticism or value judgement here, it is simply describing the state of Church law, placing it in the context of its historical development, in order to emphasise that, despite appearances, this law is not fixed.

Vatican II texts only make one reference to the judicial function of the bishop.<sup>389</sup> It is the Code of Canon Law that indicates that the bishop is the judge of his diocese. His power is far more extensive than that of judge since he is also in charge of the prosecution. The “promoter of justice” - the equivalent of the prosecutor in state justice - is responsible for issuing an indictment but the promoter of justice is appointed by the bishop and the indictment can only be issued if the bishop requests it.

The other important aspect of the bishop’s power is that the powers of legislating, governing and judging are not separated in the Church but are all combined in his hands. Canon 391 provides that “it is the duty of the diocesan bishop to govern the particular Church entrusted to him with legislative, executive and judicial power, according to the law”. In so doing, the bishop can - as the trial of Bernard Preynat in Lyon indicated in a particularly emblematic fashion - find himself in the position of being both judge and party, even though it is his own governance which is in question.<sup>390</sup>

To the Commission’s mind, while it is understandable that the judicial function of the bishop in matters of marriage is emphasised - since marriage is a sacrament - it is far more questionable that canon law has put the bishop in a central judicial role with regard to cases of sexual violence in his diocese. This position, which places him at the same time, in the role of “father” and of censor of the diocese’s clergy, appears, humanly speaking, untenable. From a more legal point of view, such a situation can also legitimately raise doubts about the bishop’s impartiality towards priests whom he has personally appointed and to whom he has entrusted a pastoral office.

Going back through the stages of the procedure, we see that it is the bishop’s responsibility to open the preliminary investigation, despite him knowing personally each cleric in the diocese - over whom he exercises authority and with whom he has a personal and pastoral relation and is possibly even friends. With the Church suffering from a huge reduction in the number of priests, it may be even harder for the bishop to open an investigation into one of “his” priests, at the risk of having to suspend him from office and worsen the diocese’s pastoral situation. Next, the procedure is not transferred, which in cases of sexual violence seems all the more questionable as canon law provides that the ecclesiastical judicial tribunal be composed of officials appointed by the president of the tribunal.<sup>391</sup> These are, therefore, usually judges appointed by the bishop, through the judicial vicar, who belong to the same diocese. Although, the bishop may delegate his judicial power to judges belonging to other dioceses - as happened

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389 [Lumen Gentium n° 27](#).

390 *Cf.* the article by Father Bruno Gonçalves, «*Pertinence de l'exercice de la fonction judiciaire de l'évêque diocésain dans le procès canonique*», *Review Transversalités* of the *Institut catholique de Paris*, 2020.

391 Can. 1421 - § 1: In his diocese, the bishop shall constitute diocesan judges who shall be clerics.

in the proceedings concerning Bernard Preynat - to avoid a judgment being given by the suspects' peers, this decision remains optional and entirely up to the bishop.

The Congregation for the Doctrine of the Faith, aware of these difficulties and the resulting risks for the Church, recently adopted the practice of asking bishops to delegate their power of judgement to a third party, generally a priest and preferably a specialist in canon law, when dealing with *delicta graviora* (the “most serious offences”, including sexual violence against children and vulnerable persons). Otherwise, while canon law offers the possibility of recusal in the so-called judicial procedure, it does not allow it in the so-called administrative procedure, which is the procedure generally applied by the Church in matters of sexual assault.

Similarly, the bishop is the only decision-making body, his assessors having only an advisory role, and he may close the case without seeking the opinion of any third party in the same procedure. Moreover, this decision is not rendered public and, although in theory it is subject to appeal,<sup>392</sup> in reality, it is very rare for an appeal to be lodged.

Finally, it should be stressed that the bishop is also responsible for enforcing the decision and that he has, once again - even if this is only of marginal interest to the Commission since this specific point does not concern *delicta graviora* - a wide margin of discretion, with the possibility of not enforcing or of commuting the sentence, i.e., of mitigating it, as already indicated above (C of I of Part II).

An additional problem with attributing judicial power to the bishop in criminal matters - from the initiation of proceedings to the execution of sanctions – which came to light in the testimonies of the bishops and experts heard by the Commission, is that France no longer has a sufficient number of specialists in canon law capable of conducting a canonical criminal trial, a point that was stressed by Monseigneur Luc Ravel, Archbishop of Strasbourg.<sup>393</sup> In his book,<sup>394</sup> based on 1,500 interviews with cardinals, bishops and priests,<sup>395</sup> Frédéric Martel, indicates that, according to all his interlocutors, the judges making up these tribunals are inexperienced, (as he reiterated in essence during his hearing before the Commission.<sup>396</sup>). What's more, criminal trials require significant resources, which the dioceses have difficulty in mobilising.

Under these conditions, the Commission considers that the aforementioned resolution, adopted by the CEF at its plenary assembly in March 2021, to create an inter-diocesan canonical criminal tribunal for France, with a court of first instance and appeal, should be welcomed and the Commission fervently hopes that it will be followed up shortly. This centralisation, authorised by canon 1423,<sup>397</sup> should make it possible to guarantee the impartiality of the jurisdiction and to develop specialisation and, consequently, competence. Stopping the diocese-by-diocese handling of sexual violence, should also make it possible to take stock of it

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<sup>392</sup> Decrees are always subject to appeal, cf. cc.1732. For *delicta graviora*, an appeal is possible in accordance with the 2010 norms, Art. 27.

<sup>393</sup> Hearing during the plenary session of 13 November 2020.

<sup>394</sup> *Sodoma*, Robert Laffont, February 2019.

<sup>395</sup> 41 cardinals, 52 bishops and monsignori, 45 apostolic nuncios, secretaries of nunciatures or foreign ambassadors, 11 Swiss Guards and over 200 Catholic priests and seminarians.

<sup>396</sup> Hearing during the plenary session of 5 July 2019.

<sup>397</sup> Can. 1423 - § 1: Several diocesan bishops may, with the approval of the Apostolic See, agree to set up a single tribunal of first instance for their dioceses instead of the diocesan tribunals referred to in can. 1419-1421; in this event, all the powers which the diocesan bishop possesses in respect of his tribunal shall revert to the assembly of the same bishops or to the bishop designated by them.

§ 2. The courts referred to in § 1 may be set up for all types of cases or only for certain types of cases.

throughout the whole country, to develop coherent case law and to better monitor convicted perpetrators. Finally, it will facilitate the centralisation of information about canonical procedure with regard to sexual assault (complaints, progress of procedures, protective measures and sentences pronounced, sentences executed).

Noting with satisfaction the clarifications provided by Bishop Éric de Moulins-Beaufort during his hearings following the announcement of the March 2021 measures,<sup>398</sup> particularly on the use of specially trained laypersons or a form of pooling of competent human resources between neighbouring French-speaking countries (with Switzerland and Belgium), the Commission asks for special care to be taken in setting up this jurisdictional body, which will be all the more credible if it is competent and impartial and clearly appears as such to all. In particular, as canon law already provides for,<sup>399</sup> the president of this court would benefit from being assisted by lay assessors. Similarly, laypersons should form part of the commission responsible for giving an opinion on whether or not to open a preliminary inquiry - a key stage in the criminal procedure - which is sometimes used to hush up cases.

**Recommendation N° 40:** Set up, without delay, the inter-diocesan criminal canon law court announced in March 2021. Ensure its efficacy and take care that it be seen to be competent and impartial, in particular, by having a collegiate bench of judges composed not only of expert priests but also of specially trained lay judges.

This opening up of the jurisdiction to lay judges must be accompanied by the introduction of genuine adversarial debate in canonical criminal trials, in which the victims may take part. In particular, victims must be given access to the case file and be party to the proceedings. To this same end, the so-called administrative criminal trial, to which victims have no access or involvement, must no longer be given precedence over the so-called judicial criminal trial.

#### **b) For a canonical procedure taking into account the rights of victims**

The President of the organisation *Aide aux victimes des dérives de mouvements religieux en Europe et à leurs familles* (AVREF), whose purpose is to help people abused in the context of their religious and community life, heard by the CIASE,<sup>400</sup> explained to the Commission that the organisation was created in 1998 by the parents of victims<sup>401</sup> involved in the St John's Community who had previously tried in vain to make themselves heard by the ecclesiastical authorities.

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<sup>398</sup> Plenary hearings on 2 April 2021 and 21 May 2021.

<sup>399</sup> Can. 1421 - § 1. In his diocese, the bishop shall constitute diocesan judges who shall be clerics.

§ 2. The Bishops' Conference may allow lay persons to be constituted as judges and, if necessary, one of them may be chosen to form the panel.

§ 3. The judges shall enjoy an unblemished reputation and will be doctors or at least licentiates in canon law.

Can. 1424 - In any judgment, the single judge may appoint as advisors two assessors, clerics or laymen, of good conduct.

<sup>400</sup> Plenary hearing of Mr Aymeri Suarez-Pazos, President of AVREF and Ms Florence Peeters, member of the Board of Directors of AVREF, on 24 April 2020.

<sup>401</sup> The plenary hearing of Ms Laurence Poujade, on 5 March 2021, provided an opportunity to review the history of AVREF.

The victims and victim support groups heard by the CIASE, particularly in the context of the work of the “mirror group” set up with victims, were also able to relate to what extent they had been kept out of the canonical criminal procedure - to the point that some had not even been aware of its existence.

To the great astonishment of virtually all the members of the Commission, who discovered the details of the canonical procedure during the course of their work, canonical law limits the access of victims to the criminal trial and deprives them of any access to the proceedings’ case file or of any opportunity to participate in adversarial debate. The victim is not a party to the canonical trial; it is significant that there is no mention of this at any point in the chapter of the Code of Canon Law devoted to the conduct of the criminal trial.<sup>402</sup> As can be seen from canons 1729<sup>403</sup> and 1596<sup>404</sup>, the victim may be authorised to intervene to obtain compensation for harm he has suffered but, as such, he is considered a third party.

But, to be able to intervene as a third party, the victim must first be informed of the existence of the criminal trial! This does not happen other than when cases receive a lot of media attention, as was made clear from the testimonies of victims and victim support groups. This issue is all the more important because, if the victim does not intervene at the first instance, his/her application will no longer be admissible.<sup>405</sup>

The judge may also, in accordance with canon 1597,<sup>406</sup> having heard the parties, call a third party, whose intervention seems necessary, to be heard at the trial.

In the so-called administrative criminal trial, which is the type of trial generally used by the Church for reasons of speed and resources, the court generally contents itself with simply hearing the accused as this procedure is reserved for situations that do not present any particular difficulties.

The victim may intervene in canonical criminal proceedings as a third party or witness, it here being specified that the list of witnesses is drawn up by the accused and the promoter of justice, and that the latter only call witnesses who have made their presence known to him. Whereas, unless the trial has received attention from the media, the question of the intervention of victims is central, because very often in cases concerning children or vulnerable persons there are other potential victims. Moreover, as some of the bishops heard by the Commission during a plenary session indicated, meeting with victims has had a big impact on their, the bishops’, personal awareness. Such a comment must also hold true for determining the ‘judicial

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<sup>402</sup> Can. 1720 to 1728.

<sup>403</sup> Can. 1729 - § 1. The injured party may bring an action in the criminal court to obtain reparation for the damage he has suffered as a result of the offence, in accordance with can. 1596.

§ 2. The intervention of the injured party referred to in § 1 is no longer admitted if it has not been made in the first instance.

<sup>404</sup> Can. 1596 - § 1. A person who has an interest may be admitted to intervene in a case at any time during the proceedings, as a party defending his or her own right, or as an accessory party supporting one of the parties.

§ 2. However, in order to be admitted, he or she must, before the conclusion of the case, present the judge with a libel briefly explaining his or her right to intervene.

§ 3. A person who intervenes in a case shall be admitted to the case as it stands; he shall be given a short and peremptory time limit to produce his evidence if the case has reached the evidence stage.

<sup>405</sup> Can. 1729 § 2 as above

<sup>406</sup> Can. 1597 - The judge must, after having heard the parties, call to the trial a third party whose intervention seems necessary.

truth', with which the effective and systematic presence of victims at the trial would obviously help.

The Commission notes that the Holy See's observer status with the United Nations, as with the Council of Europe, as defined by the Committee of Ministers of the Council of Europe on 1-2 and 7 July 1999 at the 676th meeting of the Ministers' Deputies, implies, however, "acceptance of the principles of democracy, the rule of law and the enjoyment of human rights and fundamental freedoms by all persons under its jurisdiction".

It should also be recalled that Pope John Paul II repeatedly addressed the theme of human rights, which can be said to have been a leitmotif of his pontificate. In his first encyclical *Redemptor Hominis* of 4 March 1979, he wrote: "One cannot help recalling, with feelings of esteem for the past and profound hope for the future, the magnificent effort made to give life to the United Nations, an effort conducive to the establishment of man's objective and inviolable rights, with the Member States obliging each other to observe them rigorously". The same John Paul II defined the Universal Declaration of Human Rights of 1948 "as a milestone on the long and difficult path of the human race [...], on the path of humanity's moral progress".<sup>407</sup>

Yet, these human rights include the right to a fair trial,<sup>408</sup> which guarantees, in particular, the right of access to independent justice and an adversarial procedure and, for the victim, the right to an effective remedy. In order for the victim to be able to truly exercise his/her rights in the context of canonical criminal proceedings, it is necessary, in the Commission's view, not only that s/he be recognised as a victim in the context of the proceedings in which s/he is also intervening as a party, but also that his/her representation, as well as that of the accused, be easier and more effective. Consequently, the choice of lawyer should be widened beyond the list currently established by the officiality (the ecclesiastical judicial body), which includes, on average, three or four lawyers per diocese. The Commission points out expanding the list also raises the question of the creation of a compensation fund for these lawyers. In the aforementioned rescript of 6 December 2019, Pope Francis seemed to open the way by indicating that the lawyer of the accused would no longer necessarily have to be a cleric but could be a member of the faithful who holds a doctorate in canon law, approved by the president of the college.

In all, and to summarise through a formula which will speak to jurists, the Commission endorses the observation made by a priest whom he heard, that "a little bit of Article 6 [of the ECHR] should be added" to canonical criminal procedure.

**Recommendation N° 41:** Align canonical criminal procedure with international fair trial standards, guaranteeing, in particular for the injured party, the right to legal remedy, notably by ensuring access to a court and the free choice of legal counsel.

### 3. For a better alignment with the pre-eminent state justice

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407 [Discours à l'ONU du 2 octobre 1979.](#) Cf also the UN's address to Unesco on 14 June 1980

408 Article 6 – 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms: "Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law, in the determination of his civil rights and obligations and of any criminal charge against him."

The legal order of the Catholic Church, governed by canon law, has traditionally - and the tradition is long - regarded itself as autonomous. As the relationship between two laws is understood according to levels of primacy, autonomous coexistence and submission, the CIASE notes that the question of its alignment with state law is not clearly defined by existing canon law, with regard to the repression of sexual violence.

Clarification is all the more necessary since canon law only provides for the sanctioning of sexual assault as a last resort, redemption being the main objective: “The salvation of souls [...] must always be the supreme law of the Church”, and the bishop shall pronounce a sentence “only if he is assured that fraternal correction, reprimand or other means of pastoral solicitude cannot sufficiently repair the scandal, restore justice, or reform the guilty party.” Canon law thus appears to be designed to avoid trial.

The *Vademecum* published by the Holy See on 16 July 2020, on “procedural points dealing with cases of sexual abuse of children by clerics” insists on cooperation with state justice and does not sit easily with these initial aims.

As a matter of principle, the law of the Republic cannot in any way be subsidiary to canon law, even if the purpose of canonical procedure, as protector of an order proper to the Church, must not be disregarded and devalued. The referral to the state authorities of sexual offences, which are criminal offences even if committed in the Church, is therefore essential and all the more vital as the Church has no means of coercion against members of clergy or religious orders, and even less against lay members.

The effectiveness of the State’s criminal inquiry depends, moreover, on the speed with which the judicial authority is seized and on the preservation of evidence. From a procedural point of view, the central issues are therefore the speed with which facts are reported to the judicial authorities, the content of the report and the coexistence of canonical and state criminal law procedures.

#### **a) Agree on the timing of reporting to the judicial authorities and on precautionary measures**

The above-mentioned preliminary inquiry (*investigatio praevia*), provided for by canon 1717, is not part of the canonical process; it is an administrative act carried out under the direction of the “local Ordinary” (i.e., the bishop in most cases), who is informed that an act has been committed which may be defined as a crime under canon law. It should be remembered that canon 1717 § 1 provides that “Whenever an ordinary has knowledge, which seems plausible, of an offence, he shall make a careful investigation, either personally or through another suitable person, of the facts, circumstances and imputability of the offence, unless such an inquiry appears entirely superfluous.”

The Council for Canonical Affairs of the Bishops of France restricted the purpose of the preliminary inquiry, recalling in its directives that it is uniquely a matter of ensuring the plausibility of the facts in order to assess the merits of opening an inquiry: “Before informing the administrative or judicial authorities, the bishop must ensure the plausibility of the facts.” This rule is intended to protect the presumption of innocence, the good reputation and the

privacy of the parties, in accordance with Canon 220.<sup>409</sup> It is applicable to the victim, the person who has denounced the facts and the accused.

The very purpose of this pre-trial phase, during which the person under investigation does not have access to the file, is to close it as quickly as possible so that the inquiry proper can be carried out and any provisional precautionary measures necessary pronounced. In practice, so the Commission has heard, the bishops tended to go beyond their remit of verifying the plausibility of the facts, seeking their proof as well. However, recently, a reverse trend has emerged, in which the matter is immediately referred to the judicial authorities. Consequently, the moment when a bishop reports a case of sexual abuse to the state authorities is far from harmonised; some bishops considering that it must be done after the preliminary inquiry and others that reporting the offence is independent of the preliminary inquiry and that it should therefore be carried out before its completion.

Article 17 of the *Vademecum* of 16 July 2020 on “procedural points in dealing with cases of sexual abuse of children by clerics”<sup>410</sup> - with reference to the principle set out in Article 19 of the *Motu proprio* “*Vos estis lux mundi*” of 7 May 2019 - indicating that verification of the plausibility of accusations is carried out subject to the rights and obligations established by state law, in particular with respect to the obligation to report, reporting a suspected case of child sexual abuse to the public prosecutor’s office is no longer subordinated to the opening - and even less to the completion - of the preliminary inquiry. However, discussion between the judicial and religious authorities is required to settle on the timing and modalities of referral, bearing in mind the importance of preserving evidence indispensable for any criminal inquiry, and the Church’s need to take precautionary measures for the protection of victims and to be kept informed of the progress of the investigations and of any security measures ordered against the accused. In this respect, following the hearings conducted<sup>411</sup> by the Commission with regard to the consistency and scope of the “protocol for the transmission of reports of sexual offences, further to denunciation to the diocese of Paris, to the public prosecutor’s office” signed by the public prosecutor of Paris, Mr Rémy Heitz, and the Archbishop of Paris, Monseigneur Michel Aupetit, on 5 September 2019, the Commission is convinced of the utility of signing and implementing such protocols, provided, of course, that they really are duly and effectively implemented.<sup>412</sup>

**Recommendation N° 42:** Emphasise to all bishops, the advantages of having protocols in place, for instance the protocol of 5 September 2019 agreed between the archbishop and the public prosecutor of Paris or that agreed in 2020 in the jurisdiction of Grenoble Court of Appeal with regard to the reporting of any sexual offence of which the archbishop is made aware and the transmission of information concerning legal actions filed further to the said reporting of the offence (cf. Recommendation N°29).

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<sup>409</sup> Can. 220: no one may illegitimately damage the good reputation of others, nor violate anyone’s right to privacy.

<sup>410</sup> Article 17: Even in the absence of an explicit legal obligation, the ecclesiastical authority shall file a complaint with the competent civil authorities whenever it deems it necessary to do so in order to protect both the alleged victim and other children from the danger of further criminal acts.

<sup>411</sup> Hearing of Mr Rémy Heitz, Public Prosecutor of Paris and Mr Alexis Bouroz, Assistant Public Prosecutor, 9 June 2020. Hearing of Monseigneur Thibault Verny, Auxiliary Bishop of Paris, Fr Emmanuel Petit and Maître Laurent Delvolvé, 12 June 2020.

<sup>412</sup> Cf. below reference to a similar protocol signed in the jurisdiction of the Grenoble Court of Appeal and discussion regarding the place of these tools in all the actions deployed.

## b) Provide clear guidance on the legal obligation to report the sexual abuse of children or vulnerable persons

*“So I go to confess to a bishop, I don’t even know his name or anything. The only thing he says to me is “Has this priest confessed?” The only thing he asks me to do as penance is “ask the priest to confess to this”. In retrospect, I think it was completely irresponsible on the part of everyone I spoke to at the time. When I returned from that pilgrimage, I did what the bishop had said: I asked my abuser to confess and not to continue, which he did. The sexual abuse stopped but the psycho-spiritual hold remained: “It is obedience that will save you”. (Sylvie, Hearing N° 135).*

In the absence of clear guidelines, clerics are faced with impossible “*Cornelian*” choices, which not only place all concerned in situations of real moral dilemma, but which also carry the risk - unacceptable to the Commission - of not properly defending the integrity of individuals.

Effectively, in accordance with canon 983, the sacramental secret is inviolable and a confessor who breaks it shall incur “*latae sententiae* excommunication which is reserved for the Apostolic See”, while those who infringe it indirectly shall be sanctioned according to the gravity of the offence (canon 1388). In fact, Pope Francis refers in Article 3 of the *motu proprio* “*Vos estis lux mundi*” of 7 May 2019, to the seal of confession, stating that reports made to the state justice system need to be subject to the terms of 1548 §2.

The Commission notes, with regard to the implementation of state law, that if, in application of Article 226-13 of the [French] Criminal Code<sup>413</sup> which protects professional secrecy, case law (in the absence of any state legislation, actually unthinkable in a secular state, which would be protective of the sacramental seal or has historically protected this secrecy), limits professional secrecy, as shown by established case law,<sup>414</sup> to keeping secret any information divulged in the confession of the perpetrator of the offence.

At a period when professional secrecy is becoming less of an obligation- including for health professionals - especially in cases of sexual offences against children or vulnerable persons, it does not seem possible that such a requirement for secrecy could be invoked in opposition to the obligations to report a danger or assist a person in danger; obligations which are obviously incumbent on a minister of religion every bit as much as on any other “professional”.

Article 434-3 of the [French] Criminal Code provides that “Anyone who having knowledge of maltreatment, deprivations or sexual violence inflicted on a minor or on a person incapable of self-protection for reasons of age, illness or infirmity, physical or psychological disability or pregnancy, fails to inform the administrative or judicial authorities or continues to fail to inform these authorities while the said offences continue, shall incur a sentence of three years’ imprisonment and a fine of 45,000 euros. When the failure to inform concerns an offence mentioned in the first paragraph committed against a minor under fifteen years of age, the penalties are increased to five years’ imprisonment and a fine of 75,000 euros”. The end of this article reads: “Unless otherwise provided for by law, persons bound by secrecy pursuant to the

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<sup>413</sup> Article 226-13 of the [French] Criminal Code: The disclosure of secret information by a person who is in possession of it either by virtue of his or her status or profession, or by reason of an office or temporary assignment, is punishable by one year’s imprisonment and a fine of 15,000 euros.

<sup>414</sup> Court of Cassation, Criminal Division, judgment of 11 May 1959; Court of Cassation, 1st Civil Division, judgment of 12 June 1965; Bordeaux Criminal Court, judgment of 22 April 1977; Basse Terre Court of Appeal, judgment of 14 October 1985; Caen Criminal Court, judgment of 4 September 2001.

provisions of Article 226-13 are exempt from the foregoing provisions.” There is, therefore, a firm legal obligation to report, “unless”, and behind this “unless” one could, at a first glance, imagine a secret expressly protected by law.

This, however, is not the Commission’s analysis. Article 226-14 of the [French] Criminal Code states that the violation of professional secrecy is not an offence in situations where the law imposes or authorises the violation of secrecy. This is the hypothesis provided for by Article 434-3, whereupon information imparted to the judicial and administrative authorities by virtue of said article is excluded from the scope covered by professional secrecy.

The Commission also highlights the obligation of assistance of a person in danger: Article 223-6 of the [French] Criminal Code<sup>415</sup> makes it an obligation for any citizen who, by his/her immediate action, without occasioning risk to him/herself or to any third party, can prevent a crime or a misdemeanour being committed against the physical integrity of a person, to act. Failure to do so is punishable by law. Consequently, a professional is obliged to assist a person in danger and in most instances this can only be done by notifying the competent authorities. The said professional shall not incur the penalties applicable to the violation of professional secrecy because s/he was compelled to reveal the facts by an order of the law. Incidentally, as is logical, the violation of professional secrecy is reprimanded less severely than the failure to provide assistance to a person in danger. The hierarchy of duties is clear.

Aware of the dilemma facing ministers of religion in such situations, some religious authorities have tried to separate, within the Sacrament of Penance, subjects which are purely the confession of sins from more general conversational subjects. Others have considered making absolution conditional on the penitent reporting the facts, a practice which is, however, prohibited by the Apostolic Penitentiary of the Holy See.<sup>416</sup> One bishop heard by the Commission felt that the solution lay in the confessor’s skills and his ability to find the words to ensure that what the penitent reveals in confession is repeated outside the strict sacramental framework thereby resulting in being reported to the authorities. In December 2020, the Bishops’ Conference of France drew up their *Guidelines for Confessors*, which addresses the question of the “seal of the sacrament in the face of crimes” as follows:

**Extract from a CEF Note of 8 December 2020:  
The Seal of the Sacrament in the Face of Crime**

When a confessor receives confidences from a victim, witness, or perpetrator of sexual violence, especially on a child, which suggests that there exists serious risk of reoffending, the crucial issue is to engage a new path, a path of justice and salvation.

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<sup>415</sup> “Art. 223-6 - Anyone who, without risk to himself or any third party, is able to prevent by his immediate action either a crime or a misdemeanour against the physical integrity of a person, yet voluntarily refrains from doing so, shall incur a five-year custodial sentence and a fine of 75,000 euros.

“Anyone who voluntarily refrains from giving a person in danger assistance that, without risk to himself or to any third party, would have been possible either through his personal action or by bringing about a rescue, shall be sanctioned by the same penalties.

“The sentence shall be increased to seven years’ imprisonment and a fine of 100,000 euros when the crime or offence against the physical integrity of the person referred to in para.1 is committed against a minor aged fifteen or when the person in danger referred to in para.2 is a minor aged fifteen.

<sup>416</sup> Note of the Apostolic Penitentiary of 29 June 2019 on the importance of the internal forum and the inviolability of the sacramental seal.

A priest is not allowed to make use of what he has heard in confession and therefore, in no event may he report a penitent to the judicial authorities, whether the penitent is the perpetrator, the victim or the witness\*. The sanction for a direct violation of the sacramental seal is *latae sententiae* excommunication reserved to the Apostolic See (CIC 1388).

The confessor can provide the penitent, victim or witness, resources to receive the protection s/he needs or encourage him/her to report the crime if s/he is the perpetrator. The confessor should be aware of and publicise the helpline numbers for children - 119, and for adults - 3919.

For the assessment and referral of persons attracted to children, there is a helpline – 0 806 23 10 63 to try and avoid any act of assault taking place.

After the celebration of the sacrament, the priest may never revisit what has been confided in him during confession which is placed under the seal of secrecy. The secrecy of confession covers all the “knowledge acquired in confession” - that is, all the information garnered from a perpetrator, victim or witness, during confession. This is why the confessor has to be careful not to change his attitude towards the penitent, or with regard to other persons, no matter what he has heard. He must, however, make this clear to the penitent and remind him/her that s/he and s/he alone is free to discuss the matter outside the sacramental framework. However, the confessor may not make absolution conditional on a subsequent step\*\*. The confessor may suggest the penitent take this step as an act of reparation (*cf.* Roman Ritual 18). While respecting the secrecy of confession and because of its absolute character, the confessor “should [...] try to convince the penitent to share his/her information in other ways, in order to allow those entitled to act to take the necessary steps” \*\*\*.

Only by the penitent returning to the matter of own volition during a non-sacramental interview with the confessor, can the parties be freed from the sacramental framework. However, it should be stressed that such an interview remains covered by the secrecy that applies to the extra-sacramental internal forum. On a canonical level, this secrecy is based on the right of all to have their privacy respected (CIC 220) and on a civil level, from professional secrecy. The priest who has received information outside of confession may make an exception to professional secrecy and in certain situations, must make this exception. \*\*\*\*

It is of the utmost importance that the confessor remain free before the penitent and the penitent free before the confessor, who is simply an instrument of divine mercy with regard to the former. In this sense, bishops should not confess priests under their authority, just as priests who are directors of schools or holiday centres should not confess young people under their responsibility (CIC 985). In this manner, situations of conflict are avoided.

\* The confessor is not certain that he will not, in very rare cases, incur civil legal proceedings for having respected the secrecy to which his ministry obliges him, even if there exists no case law to affirm this to date. In 2019, an information report issued by the French Senate raised this problem which, for the moment, remains theoretical: “The discrepancy between French criminal law, which overrides professional secrecy in cases of child sexual abuse, and canon law, which does not provide for any exception to the secrecy of confession, poses an obvious difficulty in that it places confessors at the centre of contradictory injunctions” (*Information report on public policies for the prevention, detection*

*and organisation of reporting and repressing sexual offences which could be committed by persons in contact with children, 28 May 2019).*

\*\* Cf. Annex to the document on the question of absolution.

\*\*\* Cf. Congregation for the Doctrine of the Faith, *Vademecum on procedural points in dealing with cases of sexual abuse of children committed by clerics*, 16 July 2020, Art. 14 § 1.

\*\*\*\* Cf. Annexes to the document on, respectively, confessions made of the penitent's own volition outside of the Sacrament of Penance, and on professional secrecy in French criminal law.

In the Commission's view, however useful such attempts to reconcile contradictory requirements may be in specific circumstances, they are unlikely to provide a lasting solution to the question raised, nor are they equal to the problem raised, which is both sensitive and symbolic.

It is clear that the idea of either a victim or a perpetrator repeating confidences about sexual abuse outside the strict sacramental framework, is largely theoretical. Yet it should be pointed out that in the face of such dilemmas - even if we accept the fiction of setting aside the legal obligation to report to the judicial or administrative authorities, thereby placing ourselves entirely in a perspective internal to Catholic doctrine - the question arises as to what meaning should be given to the notion of the protection of the person of the penitent, which is attached to the secrecy of the confession. Effectively, the divine nature of this secrecy, which like Thomas Aquinas, we could interpret as the natural property of the Sacrament of Penance, clashes with another natural divine right, namely the protection of the life and dignity of the person, as provided for by the 5th Commandment of the Decalogue. Such a doctrinal conflict must be taken all the more seriously because, even if the practice of confession is no longer as widespread today as it was at the beginning of the period studied by the Commission, the confessor will often find himself confronted with the sexual abuse actually suffered by the victim, or with the imminent threat of its repetition, on the same person or on other potential victims. Whereas, the above-mentioned Article 19<sup>417</sup> of the *motu proprio Vos estis lux mundi*, which provides that the rules on reporting sexual abuse of children and vulnerable persons apply, without prejudice to the rights and obligations established in each place by the state law, especially with regard to obligations to report acts of sexual violence to the competent civil authorities, further adds to the uncertainty of what the Church actually requires its clergy to do in these circumstances.

Consequently, the Commission, without calling into question the secrecy of the seal as such, but rather in confining itself to the recommendations it has to make to put an end to the tragedies of sexual violence within the Catholic Church, would like to point out that the secrecy of the seal constitutes, with regard to the criminal law in force, a professional secret which does not fall within the exception provided for by the last paragraph of Article 434-3. Therefore the secrecy of the seal cannot be evoked in opposition to the legal obligation of reporting, sexual violence committed against children or vulnerable persons. Clearer guidelines than those that currently exist should be given to confessors, bearing in mind that secrecy is primarily intended to ensure the protection of the person and his/her reputation, but that it must be reconciled with

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417 Art. 19 – Compliance with state laws: These standards apply without prejudice to the rights and obligations established in each place by state laws, in particular with regard to possible reporting obligations to the competent civil authorities.

other requirements whose sources and authority are no less important, in particular those relating to the protection of the dignity and physical integrity of persons.

It would be desirable that the Catholic Church resolve for itself the moral, and even theological, dilemmas that arise from the conflict of duties between respect for the revealed divine right (sacramental secrecy) and respect for the natural divine right (the obligation to protect the integrity of persons).

**Recommendation N° 43:** Send a clear message from the Church authorities to penitents taking confession and to the faithful that the seal of confession may not derogate from the obligation provided for by the [French] Criminal Code, - which is, in the Commission's opinion, compatible with the obligation of divine natural law to protect the life and the dignity of the person - to report to the judicial and administrative authorities all cases of sexual violence inflicted on a child or a vulnerable person (cf. Recommendation N°8).

On this symbolic note, the Commission concludes its exploration of the fundamental doctrinal issues that it felt it had to address. Although less fundamental in appearance, the questions of training and prevention which will now be addressed are nonetheless of great interest to CIASE, if only because of their concrete scope and their capacity to be implemented rapidly. They will lead to a change of the internal culture within the Catholic Church in the fight against the scourge of clerical sexual violence.

## **C. CONSOLIDATING THE PERIOD OF DISCERNMENT AND TRAINING**

The Commission has attempted to explore and understand the issues at play when future priests and members of religious orders discern their religious vocation and enter the seminary or the novitiate to follow their initial training. The hearings it conducted – mainly of seminary officials - have shown that these issues have already been clearly identified by the Catholic Church which has, over the past decades, increased its focus on this process.

The Commission undertook to analyse the risks that still exist and suggest ways of improving this process which may be beneficial both to the persons concerned and the institution. The Commission believes that in the Church, as in any other sphere where there is a risk of sexual violence, training is an effective way of implementing prevention by raising awareness of the patterns of abuse, by identifying situations of risk and by breaking with a culture of silence or avoidance, thus creating a strong structural institutional identity capable of preventing sexual violence in its midst.

While priests and members of religious orders rank first among those concerned by these issues, the Commission believes that other people involved in the Church should also be mentioned since the social impregnation of the Catholic Church is such that it resorts to a large extent to third parties for its activities (catechesis, holiday camps, pilgrimages, parish life, charitable foundations, catholic schools etc.).

### **1. Improving the reception and accompaniment of vocations so as to better detect vulnerabilities**

While it began to look into this issue as early as the 1950s, the Church recognised in 1974 that “mistakes in the discernment of vocations are not rare, and in too many cases a

psychological inaptitude of a more or less pathological nature is only revealed after ordination to the priesthood. Many tragedies might be avoided if they were timely detected.”<sup>418</sup> The word “tragedy” can refer to a multitude of events, not just sexual violence. But while the nature of the tragedies resulting from discernment mistakes may vary –the 1974 *Orientations* were published at a time when many priests were choosing to abandon the priesthood - it seems reasonable to assume that sexual violence committed by priests might figure among them and that a more rigorous recruitment process might prevent some of these “tragedies” occurring.

Much has been written in specialised literature about the psycho-affective and sexual maturity of priests and in the 1970s, the American Episcopal Conference commissioned a survey on this subject.<sup>419</sup> The conclusion reached by the researchers appointed by the Conference was that two thirds of the priests included in the survey lacked emotional maturity and had failed to complete their evolution in accordance with expected norms. This deficiency was measured against the level of maturity expected from people in the same age group with similar levels of responsibility. The researchers pointed out that the principal consequence of this immaturity was an inability to give up all form of sexuality. According to the researchers, these men would find it very difficult to maintain the state of celibacy because of their lack of maturity and life experience.

There is a strong connection between the issue of maturity and the age of admission to the seminary. In the early 1970s, a totally new approach to vocation began to develop, with the secularisation and individualisation of society having a direct influence on admission to the seminary. The vocational process of the Christian ministry, which follows that of “believing”, became individualised with a growing importance placed on relying on one’s own interior individual wish to become a priest rather than on the Church’s institutional call to priesthood. This movement happened simultaneously with the decline of the *petit* seminaries. The issue of vocational discernment and psychological and spiritual maturity in the seminaries and novitiates has been considered central for the last few decades, from propaedeutics (first year) until ordination.

According to persons in charge of training in the Catholic Church heard by the Commission, there are very few applications to enter the seminary from 18-year-old young men today. A Paris seminary official confirmed its rarity and added that, in most cases, such an application would receive a negative response from the institution, with the applicant being encouraged to spend a year thinking about it and gaining experience. In fact, most candidates apply when they are in their mid-twenties. Based on experience, to seminary representatives feel that the age of entry is gradually increasing, up to forty years old in some cases. The above-mentioned persons in charge of training believe that a significant change has taken place over the last fifty years: in post-war years, at the beginning of the period under study, a vocation discerned at the age of 20 was considered a rather late one.

Once they have formally applied to the vocation department of the CEF, applicants to the propaedeutic year and then to the seminary join a discernment course under the aegis of a spiritual father in order to identify any obstacles that may thwart or interfere with their vocation. They are also subjected to an assessment of their psycho-affective equilibrium through interviews and the re-reading of their personal history.

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<sup>418</sup> Congregation for Catholic Education - *Orientations éducatives pour la formation au célibat sacerdotal* (11 April 1974)

<sup>419</sup> *The Catholic Priest in the United States: Psychological Investigations* (1972), Eugene Kennedy et Victor J. Heckler

The crucial importance of the period of time dedicated to vocational discernment, in the early years but also over the long term, until the ordination, was stressed by the persons heard by the Commission. It is therefore essential for the spiritual directors to be able “to say no with sadness rather than yes with anguish;”<sup>420</sup> and in all events, to duly formalise the difficulties and issues raised by all the persons involved in the training from the very first years at the seminary, and to share them with the seminarist. The same should also apply to novitiates preparing to religious life.

It was also highlighted by the persons heard that it is essential – as well as a mark of respect – to be able to say no to applicants early on because of the significance of the course for them, and also because it is inevitably harder to refuse them at the end, after many years’ demanding training, than at the beginning. According to the persons heard, it is necessary to take time for discernment, especially where the aim is to uncover inadequate sexual behaviour or the risk of acting out pedo-criminal behaviour, although some applicants may feel shocked by the intrusive nature of the “screening” questions. Some of the people in charge therefore suggest a more gradual assessment. It would be useful, however, for Catholic Church officials to discuss this matter, among others, with persons involved in other areas of training (teachers, educators etc.)

During the five years spent at the seminary proper, the seminarians’ discernment process is ongoing and supervised by a spiritual director. At the Paris seminary, and elsewhere, seminarians can request financial help for psychology sessions. This is left completely up to them.

A more stringent mode of assessment has been implemented in other countries: since the early 2010s for example, Belgian bishops have systematised the psychological assessment and care of seminarians by professionals. After an initial study of their profile, Belgian seminarians then attend dedicated psychology sessions with professionals.<sup>421</sup>

Applicants who have been denied admission, whether at the start of, or during their training, to the seminary, deserve particular attention. They may, if they wish to persevere in their vocational process, apply to seminaries situated in other dioceses. The Commission has dioceses is often sorely lacking and that applicants who have been denied admission to a seminary or training institution for psychological reasons have sometimes been accepted elsewhere. While normative texts tend to encourage exchanges between dioceses and training institutions, these exchanges in fact largely depend on the transparency of the applicants’ story and the perseverance used by each institution to research the applicants’ history. Moreover, according to some of the people heard by the Commission, training institutions, pressed by the need to encourage vocations and find new recruits on account of the rapid decline in priests’ numbers, may have been less particular about some applicants’ history.

## **2. Strengthening legal skills and the understanding of psychological issues**

The nature of the Commission’s work led it see the importance of developing certain areas of knowledge in the training of priests and future members of religious orders.

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<sup>420</sup> Hearing of an ecclesiastical official

<sup>421</sup> Press sources. Example: [https://www.lexpress.fr/actualite/societe/religion/pedophilie-les-futurs-pretres-belges-passeront-des-tests-psychologiques\\_1031979.html](https://www.lexpress.fr/actualite/societe/religion/pedophilie-les-futurs-pretres-belges-passeront-des-tests-psychologiques_1031979.html)

It transpires, in particular, that they have very little knowledge in legal matters: several Church officials confirmed having a very minimal grasp of the law. This means, for example, that they were not aware of the legal leverage available to them when faced with situations of sexual violence.

While it is not the seminary's purpose to turn out canon law specialists, it would seem to the Commission that training in canon law - during a priest's early training, throughout his "career", or on assuming the specific responsibilities of bishop, superior or vicar general etc. - is essential, even without necessarily referring to the ability of this law to deal with sexual violence, as seen above. The *Ratio fundamentalis institutionis sacerdotalis* (RFIS) of 2016<sup>422</sup> underlines the importance of canon law training.

Similarly, teaching in civil and criminal law, or in human rights – particularly those of children - seems to be very little developed, or even non-existent, from very early on in the training and it seems to the Commission that state law is only approached through the way it articulates with canon law and not as a subject in itself. This perception is confirmed by the texts: there is no reference whatsoever to state law studies in the *Ratio nationalis* adopted by the CEF in 2021 and state law is only mentioned in the context of its alignment with canon law. It is obviously not a question of training legal experts as this is not what seminaries are for, and anyway there are no such requirements for other professions with comparable needs in society at large. Rather, the purpose of such training would be to arm future priests and members of religious orders with the basic legal knowledge and answers with which to confront their obligations. It is, however, noted by the Commission that, as evidenced by the above-mentioned signature of protocols between bishops and public prosecutors, the culture of the Catholic Church is currently evolving in this field.

The Commission also focused its attention on the psychological training received by the seminarians. While it has, so far, examined the psychological assessment undergone by seminarians as part of the discernment and overall evaluation process, it would also appear that psychology studies, or more generally, human sciences studies would provide future clerics and members of religious orders with tools to understand situations and behaviours or even for the exercise of their ministry. Comprehension is a very important issue in the exercise of authority, whether symbolic or managerial, but also, and primarily, in connection with the duty of listening to, and helping the most needy, all of which activities are expected to be carried out by priests and certain members of religious orders and require both relational skills and experiential theoretical landmarks. Comprehension tools allowing one to understand what it means to hold and exercise authority, especially over the weak and vulnerable, may be helpful in addressing the question of the correct positioning towards others.

In the RFIS and the 2021 *Ratio nationalis*, place is given to human sciences in the training of priests (*cf.* the box below) and psychology appears among the eight subjects listed as examples of possible teachings in propaedeutics. It is the only profane subject, along with general knowledge, referred to in the *Ratio*, its purpose being to help seminarians build up a better awareness of themselves. The Commission believes that the Church has taken a step forward by mentioning in the new *Ratio nationalis* the benefits of resorting to psychologists, psychiatrists, sexologists and marriage counsellors. The text moreover suggests that, in addition

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<sup>422</sup> Reference document for priests' training, issued by the Holy See (Congregation for the clergy). This *Ratio fundamentalis* is adapted at the local level as *Ratio nationalis*. In France, the latest version of *Ratio nationalis* was adopted by the Bishops' Plenary Assembly of March 2021.

to theology and philosophy, three other disciplines should be included in the training, namely, psychology, sociology and education.

While philosophy remains the central human sciences discipline in the training of seminarians, in particular at undergraduate level – where it is purposefully taught before theology - psychology, pedagogy and sociology also receive “the attention they deserve”. Psychology is taught, therefore, with the aim of allowing seminarians to “develop their capacity to understand the human mind, in all its glory and fragility, and to form dispassionate and balanced judgments of persons and situations”. At graduate level the purpose of teaching psychology has gone well beyond its undergraduate diagnosis and therapeutic aspects, and aims to provide future priests with working tools. Although this is still only a project, it is certainly headed in the right direction, and it is to be hoped that the Church will soon be able to assess the possibility of its effective implementation.

The Commission believes, however, that more attention should be directed to children’s developmental psychology. As part of their training, seminarians almost always do an internship in a youth organisation, which implies, in most cases - and this can only be seen as a very positive point- passing the BAFA exam (youth leader certificate of aptitude) thereby acquiring theoretical and practical training in relations with young people. It might be a good idea for seminaries, depending on specific identified needs, to reinforce these studies with child and adolescent psychology lessons too. Some of the testimonies received by the Commission have indeed shown that certain perpetrators had trouble understanding children’s emotional needs to the extent of sometimes presenting their actions as a response to what they had perceived to be the child’s expectations. Theological teaching in seminaries lays great emphasis on one’s “appropriate positioning towards others” which, presumably, includes positioning towards children and teenagers. It would appear, however, that certain cases should be studied separately, especially situations specific to vulnerable people (children/young people, people with a physical or psychological disability). An entire section is consequently devoted in the RFIS of 2016, to the protection of children and the accompaniment of victims, and invites training officials “to include”, both in the initial and in the on-going training of seminarians, “specific classes or seminars about the protection of children” and to provide “adequate information (...) in the proper manner while laying particular stress on the possibilities of exploitation or violence, in particular (...) sexual abuse against children or vulnerable adults”.

While the RFIS acknowledges the necessity of associating non-cleric experts from various walks of life - medical, educational, artistic, ecological and administrative - to the training of future priests, psychology is, however, the only discipline mentioned at any length in the text. The *Ratio* recommends preferably employing Christians, in order to ensure a presentation of the spiritual and scientific approaches as non-exclusive of each other. The creation of greater diversity, inclusive of persons exterior to the Church, sometimes falls to “coordinators of the human aspect” and creates a community environment conducive to students’ development through the mobilisation of new skills (psychological, sports-oriented, medical).

The Commission wondered whether future priests should read the testimonies as this might open their eyes and alert them to risk situations. It certainly does not, however, deny the difficulties experienced by most diocesan and regular clergy members in facing the collective image of the Catholic Church reflected by the current crisis, and to which the priests’ interviews in Digital Annex 31 testify. Some seminarians might also, regardless of their own appropriate positioning towards the issue of sexual violence, experience such difficulties, and it should be possible for them to be able express those difficulties for what they are, i.e. not a denial of facts.

Combining experiential knowledge, academic contributions and encounters with victims or victim support organisations might be a sensitive way of raising awareness and giving substance to the reality of the violence inflicted and its devastating consequences on victims and their entourage.

Such steps have in fact already been taken and the victim support organisations contacted by the Commission have drawn several conclusions, stressing the indispensable sincerity of the measures implemented by the seminaries: victim support organisations might indeed be reluctant about asking their members to testify - because of the feeling of exposure and traumatic repetition- if it were for purely formal reasons and before an audience not properly prepared to receive their story (*verbatim*: “it shouldn’t be just so they can tick the box”, “it shouldn’t just serve as a warning or a display of good will”).

Victim support organisations insist that a “reliable framework” would be vital in the event of victims presenting their testimonies, which might, for example, involve two persons testifying together, accompanied by a professional – perhaps a victimology psychologist or a psychologist specialised in trauma. For the effective recognition of experiential knowledge, over and above the occasional presentation of a victim’s testimony, the victims - in so far as they are recognised as experts - must be involved the organisation of the training session and included in a long-term scheme that goes beyond the training session itself.

### **The Contribution of Psychology to the Accompaniment of Future Priests**

In recent *orientations* and *ratios*, the Church has opened the door to introducing psychological expertise in seminaries. In 2008, the *Orientations* of the Congregation for Catholic education<sup>423</sup> stepped up the possibilities of involving a psychologist in trainers’ training and for the training and assessment of seminarians.

The text gave a preliminary reminder, after the post-Synodal exhortation *Pastores dabō vobis*, of the “*human virtues and (...) relational abilities*” required for the priest: “*A positive and stable appropriation of his masculine identity; the ability to enter into a mature relationship with other persons or groups of persons; (...) self-knowledge i.e. a knowledge of one’s gifts and limitations, which are all part of one’s self-esteem before God; (...) esteem for others; (...) the ability to accept, according to the Christian perspective, one’s sexuality, in particular as concerns the obligation of celibacy*”.

The Congregation thus stresses the contribution of psychology to the vocational journey of future priests. Its role is, in the first place, to train trainers in “*vocational education*” so that they are able “to decide, with reasonable certainty, of an applicant’s admission to a seminary”. The *Orientation* calls upon each bishop to provide for a specific training for trainers which should include, if necessary, “*encounters with psychologists for purposes of clarification*”. The persons heard by the Commission have indeed underlined the importance of the issue of the training of trainers.

Psychology should also be an available resource for the seminarians themselves. While upholding the primary importance of the spiritual director and of the confessor with regard to the “*divine gifts*” of vocation and discernment, the 2008 *Orientations* confirm the competence of psychologists with regard to the psychological and human capacities of applicants to the priesthood. The services of psychologists may, however, only be called upon before and/or after the training in particularly complex cases (“*si casus ferat*”) and “*highly specialised*” care should not be sought. Where the psychologists are independent of the training team (exterior to the Church), they must have skills in the vocational field in order to guarantee the integration of the moral and spiritual trainings. It is generally considered that

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<sup>423</sup> Congregation for Catholic education – *Orientations for the use of psychology in the admission and training of applicants to the priesthood*. (29 June 2008).

they may or must intervene at the time of the initial discernment (for diagnosis purposes or for the elaboration of specialised training paths) and during the training (in order to support the applicant in the event of difficulties).

The *Ratio fundamentalis institutionis sacerdotalis* (RFIS) “The Gift of the Presbyteral Vocation” issued by the Congregation for the Clergy in 2016, reaffirms the importance of the complementarity of spiritual accompaniment and a psychological approach in vocational discernment.

The future priest is mainly accompanied by the trainers and the spiritual director on the path towards the necessary maturity and a psychological assessment may, in some cases, be called for. In the words of the RFIS, “*The contribution of psychological sciences has turned out to be a valuable help for trainers who are in charge, among other things, of vocational discernment, in that it helps them gain a better knowledge of the character and personality of applicants and to adapt the training to the needs of each individual*”. Psychology also appears to be a valuable resource in the face of the new challenges that have emerged in our society since the last *Ratio*. The RFIS therefore recommends resorting to psychology, as well as to spiritual means, in cases of addiction to the internet.

It actually goes even further by recommending a systematic psychological assessment on admission to the seminary (“*In all events, a psychological assessment should be carried out on admission to the seminary and perhaps later on should the trainers think it useful*”) while issuing a reminder of the necessary consent (“*prior written (...), informed and free consent*”) of the applicant.

Based on a pattern of subsidiarity, the RFIS leaves it to the national Churches to adapt these principles to local needs and situations (“*the modalities of the performance of psychological assessments and for how long the documents relating to the physical and psychological health of the seminarians should be kept (...)*”)

### **3. Mapping out a robust discernment process with clear steps and decisions**

Between the day of first applying to the vocation department and that of ordination, or between being a young applicant and standing on the threshold of the perpetual profession, there are many successive stages of assessment to go through with regard to, essentially, theoretical knowledge, practical knowledge and knowledge of the human condition.

Assessment is concerned with whether the applicant is sufficiently mature to express his choice of vocation and well-balanced enough to allow him to answer its call. The question of the applicant’s human qualities also includes that of his relationships with others and in this respect, the propaedeutic year is a kind of test of the applicant’s capacity to live collectively, while at the same time revealing his personality.

The officials heard by the Commission stressed the fact that, for the experience to bear its fruit, the applicant’s community life in a religious institution should be organised so as to allow him to confront otherness via a diversity of profiles and that the experience is not, in this sense, designed as an opportunity for dynamic exchange and interactions.

The human aspect consistently receives particular attention throughout the five years at the seminary and regular interviews are conducted with a member of the seminary’s council, the leader of the religious community and the seminary’s superior, while the applicant’s human qualities may also be assessed during daily parish life and during internships (service assignments, participation in parish life, internship in a youth leading organisation) which are

always subject to a personal review by the seminarian himself as well as to reports drawn up by the officials and close collaborators of the seminarian, including laypersons.

To complete the training and recruitment process, the seminary's superior will, at the end of the course, request that a confidential investigation be conducted and communicated to the bishop before a potential ordination. A dozen people who have been in contact with the seminarian during the training period are therefore asked to contribute their views while the superior also gives his personal opinion.

The system currently in place, which comprises five "votes" taking place during the training to the priesthood,<sup>424</sup> demonstrates real concern for the accompaniment of the discernment process and the assessment of applicants as potential recruits. While it actually appears, based on quitting and refusal rates, to be quite efficient in allowing some applicants to decide on a change of course, this mechanism also seems to pose a number of questions.

According to the Commission, the system's main flaw lies in the way in which its assessment and recruitment functions are exercised by the Church. The hearings conducted by the Commission have shown that the chances of ordination being denied lessen as the number of years of discernment and training increase. The temptation will always be there not to say "no" and to give the applicant have (a second) chance, even though he does not meet the requirements to pursue his path towards priesthood. The very first stages, i.e. the vocation department and the propaedeutic year are therefore extremely important for the Church to be able to properly exercise its recruitment function.

The primary mission of the internal supervision system of the Catholic Church being of a spiritual order, it may be difficult for the applicant to find a space where he can freely voice his concerns and he may be more reluctant to speak to his peers about any doubts he may have than to a professional third party.

Whereas spiritual directors play a key role in the accompaniment and recruitment of applicants, it seems that there is no requirement for them to possess any psychological skills, which may constitute a risk factor for the non-detection of some applicants' vulnerability. In Roman texts, spiritual accompaniment is mainly concerned with vocational discernment in which both the spiritual director and the confessor have a major role. But while it is not incumbent on the Commission to voice an opinion on the state of things thus established, it is however relevant for it to underline that the hearings it has conducted have raised some questions, i.e. whether the accompaniment of vocational discernment may be quite complete when insufficiently supported by psychological expertise.

Moreover, the secrecy applying to the content of the exchanges between an applicant and a spiritual director outside of the scope of confession is also a risk factor with regard to the non-revelation of difficulties.<sup>425</sup>

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<sup>424</sup> On admission as a candidate to the priesthood (seminary), then for each of the two ministries (reader, acolyte), for the diaconate, and finally for the presbyterium.

<sup>425</sup> The secret applies to things said in confession. It seems to be the habit, however, that what is said outside of confession, but within the framework of spiritual accompaniment, is often kept secret and is never revealed in order to preserve the trust between the spiritual director and the applicant to the seminary of the priesthood.

Although it is possible for the spiritual directors to hold back the decision process <sup>426</sup> in order to impart a cautionary message to the community (council of the house of spiritual foundation, council of the seminary) without explicitly refusing the applicant, these guarantees are far from sufficient and may easily give way under the influence of human compassion.

In practice though, it seems that there are two moments when a spiritual director may more or less explicitly oppose his student following his path to the priesthood: firstly, by ending his accompaniment of his student during the propaedeutic year, thus making his student's application lapse *de facto*; <sup>427</sup> or, during his seminary years, he may share his doubts with the council implicitly by ending his accompaniment or withdrawing from the final decision rendered about the applicant.

The Commission is of course aware that, in the conception of the Catholic Church, spiritual discernment partly pertains to the dimension of the Holy Spirit in the life of the persons concerned, over which the people in charge of observing, assessing and deciding believe they do not have a complete grasp, and withdrawing from the decision process may therefore also be interpreted as an act of humility in the accomplishment of their mission.

The Commission wishes however to underline that it is the Church's duty to applicants to the priesthood to provide for a robust recruitment process with clear steps and decisions and that this process be fully endorsed by all institutions. Some former seminarians heard by the Commission have indeed expressed the confusion generated by an imperfect understanding of the reasons why they had been asked by the Church to leave the seminary. To conclude, the Catholic Church should definitely give itself the means to fully assume its recruiting role and clearly and systematically explain its decisions to the individuals whom it believes should not, or should no longer, pursue the path to priesthood.

According to the Commission, this accompaniment and assessment process should naturally be transposed, with the necessary adaptations, to the recruitment of their members by religious institutes and, more importantly still, of members of communities constituted in the form of associations of the faithful. The same discernment methods should equally be implemented before the pronouncing of perpetual vows. The Commission also wishes to underline the importance of the supervisory role of bishops in checking out the existence and proper implementation of these procedures, the bishop being, as in some cases brought to the attention of the Commission, the ultimate safety rope to invalidate hazardous recruitment procedures in a religious institute. They should therefore be all the more cautious with regard to ordinations in their own diocese.

#### **4. Making the most of ongoing training to reinforce prevention against child sexual abuse and the fight against this scourge**

To complement the work on vocational discernment and initial training, the Commission wishes to raise the subject of ongoing training programmes which may provide a suitable accompaniment of priests and members of religious orders throughout their working lives.

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<sup>426</sup> In the face of an unspeakable difficulty, a spiritual director may, at any point in the training, decide to step back and allow the applicant to be placed under the supervision of another person. He may also, during the council of the seminary in charge of deciding the applicant's future, refrain from participating.

<sup>427</sup> Applicants must be accompanied for a whole year on a permanent basis before applying to be admitted to a seminary.

Ongoing training is in keeping with two French laws of 1971 and 1984 which provide that access to continuing education is a right. Recent texts issued by the Holy See<sup>428</sup> place, in their turn, great emphasis on the necessity of both priests and laypersons benefiting from a continuing Christian education, in either the name of baptism and/or the name of the “*gift of ordination*”.

It does appear clearly today that, not only should the prevention of sexual violence be included in initial training, but it should also be part of ongoing education programmes available throughout people’s professional lives, with the participation of seminary trainers and teachers of ecclesiastical faculties.

Ongoing training may also help in dealing with the specific issue of foreign priests i.e. *fidei donum* priests whose country of origin does not follow the same social rules as ours and where they may have received different teachings on the subjects of authority and the relationship between a priest and his parishioners. Moreover, the level of information about child sex abuse and prevention training programmes varies greatly from one country to another, and the hearings conducted by the Commission demonstrate the necessity of reinforcing specific adaptation training upon the arrival of these priests in France.

#### **Recommendation N° 44:**

##### **Accompaniment**

In the relationship between the candidate for priesthood and his spiritual director, clarify which confidences are covered by the seal of secrecy.

Take advantage of the possibilities offered by the RFIS and the *Ratio nationalis* to improve the training of trainers in matters of accompaniment (making a distinction between vocational construction and preparation for a function).

Take advantage of the RFIS and the *Ratio nationalis*’ incitement to conduct psychological assessments of candidates before they enter a seminary and make it easier for candidates for priesthood to access psychological help, if they ask for it, once they are in ecclesiastical institutions.

##### **Training**

Encourage the study of human sciences; improve access to specialists with diverse profiles; and improve access to “*extra muros*” teaching spaces for seminarists.

Align in a more systematic and formal manner, the initial training and continuing education of priests, members of religious orders and laypersons in the Church with shared training sessions (LEME).

Implement assessment procedures of the new format of training programmes dispensed in every *Ratio (fundamentalis and nationalis)*.

Reinforce the following aspects of training:

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<sup>428</sup> *Ratio fundamentalis* (N°56), adapted in *Ratio nationalis* (N°295), *Veritatis Gaudium* (1<sup>st</sup> part Art.3 § 2) and the Directory for the Catechesis (Ch. IV et V).

- Develop an understanding of the dynamics and challenges in the development and affectivity of children and young people.

- Teach canonical and civil rights (the rights of children in particular) during the seminary or novitiate years.

Work on the development of critical thinking, reflection and elaboration in seminarists and novices, particularly with regard to questions of authority and obedience.

Share experiences and teaching methods with other training centres. Encourage university-backed courses and externalised training (in mixed situations, with members of the public and groups of students).

Consider training sessions on the prevention of sexual violence, co-organised with victim support groups, with the participation of health professionals.

### **Assessment and Recruitment**

Formalise the assessment process by means of precise questionnaires addressed to the assessors.

Explain clearly and systematically to candidates the reasons why they have not been accepted on a course of discernment or training, or why they have been refused access to a further stage on the path to the priesthood.

Establish formal intermediary assessments which are shared with seminarists (put a name on difficulties when they are noted).

Ensure a written follow-up of candidates' progress, and communication between dioceses, seminaries and Congregations to make sure all parties are aware of the negative responses received by the unsuccessful candidates.

### **Continuing Education**

Include, in the framework of clergy's continuing education, training on the fight against child sex abuse (law, response tools, prevention plans) and on the hold one person can have over another.

Pay particular attention to the training of the trainers and seminar supervisors, ensuring that they have the necessary tools for providing good spiritual or professional accompaniment.

Adapt the welcome session of *fidei donum* priests, to integrate training in the fight against child sex abuse with specific modules on the exercise of authority and appropriate positioning in interpersonal relationships.

Encourage discussion groups between priests about their work with children and vulnerable adults so that collective, peer-led intelligence may contribute towards the regulation of practices and adjustment of positioning in relationships and groups.

Include contributions from the faithful and from victims in initial and continuing education, following in the lead of the 2019 health law and 2017 decree defining social work.

Strengthening the training of clerics, members of religious orders and consecrated laypersons -from seminary or novitiate to ongoing training - is an important strategy in the fight

against sexual violence in the Catholic Church. However, to be effective, this approach must be part of a more ambitious prevention policy.

#### **D. DEPLOYING PREVENTION TOOLS WITHOUT EXCESSIVE “PROTOCOLISATION”**

The Commission concludes on the necessity of implementing a prevention policy which combines information, awareness raising, and more in-depth structural changes in order to minimise - most of the time indirectly- the risk of violence. In this respect, the participation of the persons concerned in the governance of the institutions, the promotion of their rights and of their well-being through daily-life measures, all provide actual risk limitation leverage. What's more, because these prevention measures are positive they also make it possible to avoid the repetition of messages trickling down from above which have a tendency to discredit the institution. And while it is a major issue for the Catholic Church - whose main focus is on the recognition of past abuse - to implement practical measures aimed at reducing the risk of sexual violence in its midst, it must also provide new and positive perspectives for the priests and laypersons who suffer acutely from the current situation. It would therefore be useful for the Catholic Church authorities to draw inspiration from the measures implemented in other institutions also concerned by acts of sexual abuse committed against children or vulnerable persons.

Information and awareness raising have, since the early 2000s, been at the very heart of the action carried out by the Catholic Church, and while they are not enough to efficiently guarantee prevention, they at least create focus and are therefore absolutely necessary for the collective appropriation of the subject of sexual violence. If taken further, they may help to detect weak signals or provide information with regard to early intervention. For all these reasons, the Commission recommended, in part III of the Section Two, maintaining the current awareness-raising, information and training actions (through publications, posters, meetings and seminars). But while members of clergy and religious institutes, and in particular those directly involved in youth activities, should be the primary target of the above-mentioned actions, lay members as well as other persons involved in parish life should also be prioritised for training in the prevention of sexual violence. Lastly, posters can be put up and public meetings for information purposes may be held for all parishioners.

Prevention may also, however, be “situational” and consist of implementing adequate organisation and systems. It is primarily concerned with the relationships between adults and children and the proper distance that must be kept between them. In the testimonies collected by the Commission, victims frequently mentioned the fact that children and abusers often found themselves in situations of very close physical proximity (time spent together regularly, trips etc.) which gradually resulted in quasi-exclusive relationships which, in turn, facilitated the occurrence of sexual assault as well as the silence of the victims. Whether through mere negligence or a sometimes excessive trust in the person who will turn abuser, a victim's family circle is not always in a position to make sure that the proper distance is maintained. Such methods may however be taught, and it is therefore important to prioritise the persons who would most benefit from such training programmes and to find the necessary human resources and financial means.

Prevention measures may also concern the lay-out of the premises where activities involving young people take place and it has consequently become common practice in many institutions where adults and children or vulnerable persons come into contact for those contacts

to occur openly before the rest of the community. Such simple measures as the importance of keeping doors open, installing glass doors etc. are formalised in the form of protocols. Such practices, however, which aim both at making the participants (young people, activity leaders) feel free and at rendering the activities visible to all, were already known and sometimes implemented in the Church, as revealed to the Commission by the testimonies.

In the United States, the adoption of this type of behaviour has become widespread in all institutions of civil society (education and teaching for example) and in the Church, and prevention is subject to strict rules about the elaboration of *ad hoc* schemes in each diocese. The measures taken at the local level to prevent any risk of assault are referred to as Safe Environment Programs and they are steered by dedicated district coordinators whose contact details may be found online. These programmes are provided for by the 2002 Charter on the fight against child sexual abuse and they are subject to a yearly assessment within the framework of an audit of compliance with its commitments by the Church.

### **The American Catholic Church, The Fight against Child Sexual Violence and Safe Environment Programs**

The policy of fighting against child sexual abuse committed by persons in the service of the Catholic Church is based on the 2002 Charter which provides for the creation of a permanent committee –one of the 18 permanent committees of the episcopal conference - comprised of bishops and auxiliaries and coupled with a national bureau comprised of laypersons. The American policy is based on a dual approach, i.e. on the one hand, diversity in control and counterpower entities, with committees and bureaus actually bringing together clerics and laypersons while American bishops consistently use the services of private providers for audit services requiring unquestionable independence; on the other hand, a highly publicised accountability policy, with a dedicated website consisting of an exhaustive resource and information centre and intended for the general public, the media, the dioceses as well as the victims. Accountability is enacted through the publication of audits on the compliance with the Charter by dioceses, which include explicit references by name to any shortcomings (“Name and shame” principle).

#### **Players:**

The Committee and its Secretariat was set up by the 2002 Charter and is comprised of 16 bishops and auxiliaries (1 president and 15 district coordinators) and a team of 4 laypersons, one of them a deacon and team leader. Its role is to assist each diocese in implementing Safe Environment Programs, develop appropriate compliance audit mechanisms and prepare their annual report.

The National Review Board was established in 2002 by the United States Conference of Catholic Bishops to assist it in preventing child sexual abuse by persons in the service of the North American Catholic Church. It is comprised of 13 lay members with diverse profiles. Its missions include advising and making recommendations to the Committee’s Secretariat, but it also intervenes in the review of the annual report prior to its publication and the implementation of audits and advises the Committee on the composition of the Board by the President and Secretariat Executives.

Review boards are established in each bishopric and are mainly composed of laypersons not holding any function in the Catholic Church, their role is to advise bishops on the assessment of charges brought against clerics and persons in the service of the Church and on the ability of the persons so

charged to continue their ministry. They are also responsible for assessing local policies in the fight against sexual abuse.

*StoneBridge Business Partners* is an audit company<sup>429</sup> offering internal and compliance auditing services which conducts compliance audits on behalf of the American bishops' conference.

### **Products:**

Audits and annual reports: the Secretariat's annual report consists in reviewing advances made by the Catholic Church in the implementation of help programmes for victims and policies for the protection of children, and is based, in particular, on the audit of compliance by dioceses with the 2002 Charter. The report includes the conclusions of the compliance audit – including references by name to each compliant or non-compliant diocese - recommendations for a better application of the Charter, a report from the Secretariat on its activities, as well as varied data – number of complaints lodged, Safe Environment Programs, review of expenses<sup>430</sup>.

Safe Environment Programs are measures taken at a local level to prevent any risk of occurrence of sexual assault. They are steered by district coordinators whose details are available online.

The Website is an information and resource centre whose main role is to provide information on the measures taken by bishops in the fight against child sexual abuse in the Church. It gives a presentation of existing entities and makes the annual report, as well as making founding documents (charter) available to all. It also includes resources for victims and their representatives or for witnesses, with, in particular, a “Report” tab, as well as a page dedicated to victim assistance containing advice and contact details.

The Commission believes that a more widespread formalisation of the CEF and CORREF and related entities' prevention policies might be beneficial for the Church. The American system, which derives from a specific culture, is an example of extreme formalisation resulting from 20 years' practice and requiring significant financial means. The Catholic Church in France should probably adopt its own systems based on its own specificities.

While it remains convinced of the relevance of such prevention policies, which include practical provisions, the Commission however would finally like to draw attention to the risk of excessive formalism and protocolisation. It feels, for example, that overregulating the proper distance to be maintained between individuals may lead to interpersonal bonds drying up, particularly in the case of a teacher/pupil relationship which necessarily involves a certain proximity and an emotional commitment on the part of the adult towards the child. Relationships might be limited, even censured, out of precaution and in the name of risk prevention. Similarly, excessive accountability may be prejudicial to a proper degree of privacy and therefore paradoxically create a climate of surveillance and suspicion. It is therefore necessary to find the right, although delicate balance allowing prevention while preserving human relationships.

### **Recommendation N° 45:**

**Strengthen prevention policies by formalising them and making them known to as many people as possible.**

<sup>429</sup> As of the date of writing of this report.

<sup>430</sup> Available on: <https://www.usccb.org/offices/child-and-youth-protection/audits>

Involve the various stakeholders in the Church (clergy, committed laypersons, parishioners) in an adapted manner whether this is through training, awareness-raising or information.

Encourage parish initiatives and activities which teach children that they have rights and that they detain knowledge (and not only as receivers of doctrine), based on the model for thought and action organised by the City of Paris (with the Parisian Charter for the Rights of the Child drawn up in 2020 by the children themselves).

Ensure that priests' and members of religious orders' living and working space is organised with regard to the need for vigilance, taking particular care to:

- Keep bedrooms separate from any visitor/third party reception space.
- Keep a physical space between the priest and the penitent during confession

Implement measures throughout the country enabling all priests and members of religious orders in regular contact with children and young people to:

- Be aware of the obligation to report incidents to the justice system (and not simply the obligation of raising an internal alert).
- Have a referent with whom to be able to discuss ambiguous or risky situations.
- Have a space for reflection and in which to be able to stand back from regular practices to maintain a perpetually vigilant attitude towards sensitive issues (physical contact, time and place for meeting with young people, procedures for making appointments etc.)
- Read the CIASE report closely and discuss the lessons which can be learnt from it during periods of reflection with external parties.

Set up obligatory, annual meetings in each diocese or religious community thus ensuring that all priests and members of religious orders are made aware of the CPPLP (*French Catholic Church advisory board in the fight against child sexual abuse*) activity report, or that of the national department which may take over its role; make this annual meeting an occasion for collectively building measures of reparation and prevention.

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Even though the current new era has brought about a change in the approach to sexual violence committed against children and vulnerable persons, as described in the socio-historical analysis sections of this report, which is certainly, in itself, the best form of prevention, in that it results in greater collective vigilance in the Catholic Church as well as in French society at large, this report also aims to highlight the fact that it would be wrong to view this phenomenon as belonging to a distant past. That is why the recognition by the ecclesiastical institution of its responsibilities, as discussed above at some length by the Commission, is also part of the prevention approach, while the more “traditional” or concrete measures presented above are merely an extension of the recognition and - without prior sincere recognition - will be built on sand.

## CONCLUSION

# PASSING THE BATON: BEARING WITNESS TO THE TESTIMONIES

At the close of this report which has attempted to give an account of its thirty-two months' work, the CIASE feels both that it has made a useful contribution while also leaving the work incomplete.

First of all because, however vast and fastidious, the data collection work carried out by the Commission and all the teams mandated by it can only ever be considered as an initial approach to the phenomenon. Further work must and will be carried out in the future to complement, augment and compare data with future research in France and abroad. The long process of speaking out, which as we have seen above can take a very long time, will continue to uncover new facts, new suffering and new responsibilities – and it may at least be hoped that these cases will be handled in line with the Commission's recommendations.

Secondly, a feeling that the work is left unfinished because the CIASE's will not be responsible for implementing the recommendations set forth in this report: such are the rules of the game for anybody authoring a report. But as an *ad hoc* Commission bound to be dissolved after delivering its public report, nor will it be able to ensure any follow-up, contrary to permanent institutions whose role is also to provide advice, monitoring or assessment and which can, and sometimes must, ensure that their recommendations are not totally ignored.

However, the work carried out by CIASE will, in future months and years, be greatly developed.

First of all, the wealth of material used by the Commission to compile its report will, as soon as its mission is ended, be included in the collections of the private archives of the National Archives with a special interconnectedness with the Ministry of Justice Archive Department. For the next one hundred years, the only persons authorised to access these archives - whether in digital or paper format - besides the deponents themselves, will be researchers able to justify a sufficient reason, and whose project will have been closely examined by a committee in charge of guaranteeing compliance with the requirements -especially of confidentiality. The moral interests of the Commission shall be protected throughout this period through the creation - by volunteer members of the Commission and its secretariat - of a dedicated association. The association will, in particular, be in charge of delivering authorisations to access the CIASE archives. Preliminary agreements have already been concluded between all parties including the National Archives, and the archival deposit agreement will be signed shortly between the association which shall succeed the CIASE and the head of the French Archives. In this respect, the Commission's work is, in fact, a starting point rather than a finishing point.

Secondly, as mentioned in several places in this report, the Independent Commission on Incest and Sexual Abuse against Children (CIIVISE) whose configuration was publicly said to have been inspired by that of CIASE – which honors as much as it binds the latter- will continue its work under the supervision of Mr Edouard Durand and Ms Nathalie Mathieu. There again, the CIASE will have been a starting point. Or, more accurately, it will “pass the baton” in the same way as a relay team runner runs parallel to another for a while, the former ending his race as the latter begins his. The CIIVISE will, in particular, be able to provide more thorough information than the CIASE regarding the following points:

- The exact scope of the sexual violence committed in our society and its various elements; its causes, its consequences and the responsibilities involved in covering it up and concealing it.

- The capacity of politicians and public institutions to take on board, without delay, the exact measure of the scourge of sexual abuse and the additional measures to be adopted to efficiently prevent and deal with it.

- The response, in terms of care and reparation, to be implemented in order to provide an adequate answer to the victims' experience: how to do them justice and repair, as far as possible, the harm done to them? In this respect, it is inconceivable that, with all due respect to the diversity of all institutions involved, some common principles may not be set forth and enforced.

The Commission finds an echo of its role in the polysemy of the word "witness", also used in the title of the Annex to the report which is intended as a literary memorial: *"From Victims to Witnesses"*. It would even like to add another dimension to this notion: that of "witness of a witness" or *"témoinnaire"* [the person collecting the testimony], a word coined by Régine Waintrater in the early 2000s based on the singular experience of the Holocaust, but which is here given a broader scope. In a review article published in 2014, the author summarised its meaning in the following words, which very accurately express the feelings of the members of the Commission:

*"1. [...] In its extended meaning, the word témoinnaire refers to any recipient of a testimony, real or potential, who feels involved in the process of the reception of the testimonial story. For the witness to be able to release his story, he needs a reliable interlocutor in whom he can place his trust and with whom he feels secure during the time of the testimony. The témoinnaire is that interlocutor and assures the witness that his words will not remain unheard and he will not return to the silence to which he was subjected during the persecutions. The word témoinnaire refers to a person who, through being involved in the moment and adopting a sympathetic approach, takes an active part in not only collecting a testimony but also in helping the witness deliver his story.*

*"2. The witness and the témoinnaire are linked by what may be called a "testimonial pact" which is in fact a moral contract between both parties. While the witness undertakes to deliver as truthful a narration as possible, the témoinnaire undertakes the moral obligation to help the witness speak out".*

*"3. The person who accepts to become the witness' witness must know that he is treading a very narrow path between the complex and sometimes contradictory needs of the witness and the partial impossibility for him to answer such needs. In this way, the témoinnaire can be said to be a representation of the impossible: caught between his desire to repair and the difficulty of his mission, he may sometimes feel useless and frustrated with his inability to relieve the witness of his burden."*

*"4. He must however consent to setting his narcissism aside and being used by the witness. It is always, indeed, an important moment for the witness. Whether he has already spoken before or whether it is the first time, he has been both looking forward to and fearing this moment and been torn between*

*distrust and the desire to be truly heard. His speaking out is therefore ambivalent: at the same time as he is offering his testimony, the witness already regrets doing so. What he expects from the témoignaire is therefore paradoxical and poses a challenge that each of the parties undertakes to explore. Because even though the moment of testimony proposes to consist of a dialogue, it must take place amidst the ruins of the concepts of mutuality and empathy which have so strongly failed the witness during the persecutions which he is trying to relate. The témoignaire is thus the cornerstone of this encounter, he whose delicate task it is, before anything else, to become “the likeness of his neighbour.”*

If, in the eyes of the witnesses who talked to it, the Commission successfully assumed the role of “*porteur*” [one who passes a story down], then it will have served its purpose.

Its members and associate members, its rapporteurs, the members of its secretariat and research teams have, over the months, experienced feelings of revolt and even indignance in the face of the serious wrongdoings and cover-ups they uncovered. They were overwhelmed but also transformed by the encounters and exchanges with these women and men who had suffered sexual assault, most of whom have been permanently hurt and damaged.

After so many witnesses and *témoignaires* had looked into the painful subject of violence committed against children, we were sickened and we said no to the intolerable. But just as Albert Camus in *The Rebel* - we refused but we didn't give up. Our very first impulse was to say yes: yes to justice, yes to respecting life, yes quite simply to respecting human dignity and children's fundamental rights. And we committed ourselves to drawing the full consequences.

We wish to close this report with the expression of our gratitude towards the victims with whom we have been on this journey throughout, for what they have given us: they have both enlightened and taught us. Without them, it would have been impossible for us to take on the task that had been entrusted to us. And we also hope that the Catholic Church, which has had the courage and daring necessary for mandating us, may now take onboard our reflections and propositions and conduct the work in the most open manner, in conjunction with the faithful and in a trusting exchange with the rest of society.

Paris, October 2021

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