



## Te Rōpū Tautoko

The group coordinating Catholic engagement with the Royal Commission

# Summary of Catholic Findings

from the Commission's Interim Report on Redress

### Ngāāwhakatakotoranga - Structural barriers

#### Barriers when disclosing abuse

Survivors face numerous barriers when disclosing abuse to the Catholic Church, made worse by the very structure of the Church. The Catholic Church has not taken sufficient steps to reduce these barriers for survivors.

#### Canon Law and the Holy See

There have been failures by bishops and religious superiors to use procedures under canon law, or to use them properly. In addition, only the Holy See can permanently remove a priest or bishop from ministry, but responses from the Holy See are often delayed. This suggests the rights of alleged abusers being prioritised over survivor needs and over the prevention of further abuse.

### Whakahoki onamata - Historical response

#### Actions taken on a case-by-case basis

The Church was aware of allegations of abuse, and actions were taken on a case-by-case basis. However, there were only very limited attempts at a unified, national approach for responding to such allegations prior to the early 1990s.

### Ngāhāo te wā - Current processes

#### A Path to Healing

Te Houhanga Rongo – A Path to Healing was first introduced in 1998 and remains limited to reports of sexual abuse by clergy and religious. Not all religious institutes have accepted the role of National Office of Professional Standards and the Complaints Assessment Committee.

#### Reports of abuse that do not include sexual abuse by clergy and religious

The Catholic Church still does not have a consistent approach to addressing reports of abuse that do not include sexual abuse by the clergy and religious.

#### Investigative response

One of the four principles of Te Houhanga Rongo – A Path to Healing is fairness and natural justice. The principle states that “in any inquiry the quest for truth will be paramount and will be based on the principles of natural justice.” In practice, the “quest for the truth” translates into an investigative response dominated by the search for corroboration of a survivor’s account in the context of most abuse occurring in secrecy.

#### Survivor's interests not paramount

More emphasis is placed on investigation rather than treating the survivor with empathy and compassion. Survivors’ interests are not paramount in the Catholic Church’s redress policy or in its redress process generally.



Failure to provide survivors with appropriate care and support

Catholic institutions frequently fail to provide appropriate care and support for survivors during redress processes or criminal proceedings.

Poor record keeping, culture of secrecy and lack of interest

Prior to the inquiry, the Catholic church had generally not attempted to collect or analyse information about reports of abuse, including about the prevalence of abuse. Poor record-keeping, a culture of secrecy and an apparent lack of interest or inclination to understand the nature and extent of abuse has meant the church leaders had limited insight into systemic issues impacting the safety of those in its care.

### Motuhaketanga - Independence

Religious institutes have autonomous power over redress outcomes

In the context of church processes, despite the existence of the National Office of Professional Standards and the Complaints Assessment Committee, bishops and leaders of religious institutes still have authority over redress outcomes following an investigation process. Dioceses and religious institutes still have entirely autonomous power and authority over redress outcomes following an investigation process.

Appeals limited to a review under APTH

Individuals seeking redress have no way to appeal against the decision of the Complaints Assessment Committee. They are limited to a review of process under Te Houhanga Rongo – A Path to Healing.

### Whai wā - Accessibility

No incorporation of Pacific People's worldviews

While the Catholic Church has a significant Pacific community, there has been no incorporation of Pacific peoples' worldviews into any redress processes.

Incorporated limited measures for Deaf and disabled survivors

The Catholic Church has incorporated limited measures to increase accessibility of reporting and redress process for Deaf and disabled survivors.

Catholic Church has not proactively sought out survivors

The Catholic Church has generally not proactively sought out those who were abused in the care of the Church.

### Te whakamahinga o te Tiriti - Application of te Tiriti

Tikanga Māori and te ao Māori values not sufficiently incorporated

The Catholic Church has policies that emphasise its commitment to biculturalism, but it does not sufficiently involve Māori designing, implementing or reforming its redress process, or incorporate tikanga Māori or te ao Māori into its redress process.



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## Haepapatanga - Accountability

Redress processes and responses to survivors considered separate to safeguarding responses

Leaders of Catholic Church authorities did not prioritise their duty to assess and minimise risk of further offending when responding to reports of abuse. We consider that they deemed redress processes and responses to survivors as separate to safeguarding responses. This ignores a key motivation of survivors to come forward which is to prevent further abuse.

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## Emery-James Wade Case Study – Volume II

Unacceptable delays

The delays by the church in responding to Emery-James' disclosure of abuse were unacceptable. This is fully acknowledged by the church.

Investigation suspended

Further and additional delay arose when the church suspended investigation of Emery-James' disclosure during the police investigation.

Final decision not made until 18 months after abuse disclosed

Even with the assistance of a lawyer and no objection to extensive and irrelevant questions, a final decision was not made until 18 months after Emery-James disclosed his abuse to the Church.

Some agreements made in principle not acted on by the Church

Although the restorative justice meeting was helpful, as was the ongoing engagement with Emery-James, some agreements made in principle were not acted on by the Church. Emery-James felt he needed to "chase" Bishop Lowe for full payment, which resulted in delay and caused him unnecessary distress. (Bishop Lowe says that he would have loved Emery-James to use the money to build a home, and he was worried about it being used for short-term measures.)

Bishop Lowe and Bill Kilgallon's participation was helpful

We acknowledge the approach and initiative taken by Emery-James and Project Restore and the church response in attending. It is clear that Bishop Lowe for the Hamilton Diocese and Bill Kilgallon for the National Office of Professional Standards participating in a survivor needs-led and trauma-informed restorative justice conference hosted by a neutral party was of assistance in this case.