

Cumulative report of the Ombudsman of the Montreal Archdiocese

March 30th, 2022

Ombudsman's Third Quarterly report

Summary:

The cumulative report of the Ombudsman of the Archdiocese of Montreal was filed on March 30th 2022. It covers the period of May 5 to March 30, 2022. It notably includes the analysis of 95 formal complaints (an increase of 20), including 53 related to abuse. Of these, 30 relate to sexual abuse that took place from the 1950s to the present day.

Twenty-two complaints mostly concerning issues between employees and members of the clergy or between the churchwardens of a *fabrique* and a member of the clergy were sent to the Pastoral Staff Office.

Finally, twenty complaints of various nature were sent to the Vicars Generals. These do not target members of the clergy, but are rather related to the upkeep of cemeteries, funerals, vaccination passport requirement, applications for apostasy, genealogical research or labor relations.

In addition, the Ombudsman has received a significant number of calls that do not or do not yet constitute a formal complaint.

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March 30th 2022

This report is the third since I took office on May 5, 2021. As was the case with the previous ones, this report is public and will be made available to everyone through the Archdiocese's website. It cumulatively covers the period from May 5 to March 30, 2022, which is reflected in the numbers and statistics that appear in this report.

Since my last report, I again received numerous calls from people who have suffered tremendously as a result of the abuse they suffered. Listening to their suffering is central to the Ombudsman's job.

Flaws in the complaint process :

Before sharing with you my statistical report, allow me to paint a picture of the internal process that has taken place over the past three months, a difficult period that comprised a large number of meetings, some of which were urgently requested by your undersigned or by the Transition Committee. The aim of the meetings was to clarify and coordinate every one's duties. Present at these meetings were the various stakeholders in the implementation of the recommendations of the Capriolo Report, including Archbishop Lépine, both Vicars General, the Director of the OPP, the "executive arm" of the Archbishop, as well as your undersigned, and depending on the meetings, employees of the archdiocese

Here is a summary of the problems we have dealt with, some of which are alas recurrent:

- Non-compliance with deadlines and lack of follow-up in the implementation of certain recommendations:
 - o the Advisory Committee recommended forwarding a follow-up letter to a religious community was recommended by the Advisory Committee on July 29;
 - o The Archbishop granted this recommendation on November 26, 2021;
 - o The letter still has not been sent.

- The absence of follow-up regarding the actions that a person subject of a complaint must take, following the treatment of the complaint, and consequently, the absence of sanctions in the event of non-compliance;
 - o As an example, in one of the complaints, a person had to re-establish the Church's position on vaccines and make amends publicly. That person has made it known that he does not intend to apologize.

- Important delays following requests from the Ombudsman:
 - o Faced with letters of admonition whose wording gave the impression that the complaints were only a misinterpretation of the facts by the complainants (in one case: sexual advances, in another: personal attacks of a sexist nature), I requested on December 12, 2021 that new letters containing clear and unequivocal warnings be drafted. Three months later, I'm still waiting for them.

- The resistance of some to the changes that have been made, caused delays in the progress of investigations. These delays were a direct result of their omission, negligence or refusal to transfer the requested documents:
 - o The beginning of one of the investigations was delayed by more than six weeks because of this conduct.

In addition, in our last report we underlined the public misconduct of a member of the clergy following the receipt of complaints made against him. At the risk of repeating ourselves, in order to ensure that in the future no other complainant would be subjected to such behavior, either directly by the person concerned by the complaint, or by an intermediary, the *Complaint handling by-law* was amended in the fall of 2021 so that the Committee must prioritize the protection of victims in its recommendations:

14. Role of the Advisory Committee:

A) The Advisory Committee will review and make recommendations to the Archbishop regarding all complaints of physical, psychological, sexual, spiritual or financial abuse received from the Ombudsman.

B) In all its recommendations, the Advisory Committee must prioritize the protection of the victim and any witnesses, including from possible reprisals.

Furthermore, the by-law has also been amended so that the Advisory Committee can now also recommend to the Archbishop to:

- a. *Temporarily relocate the pastoral staff member to another residence;*
- b. *Ask the Archbishop to issue a precept requiring the person concerned to maintain confidentiality with regard to the complaint and the measures taken against him¹.*

The precept in question is an ordinance from the Archbishop that enjoins the person subject of a complaint, not to discuss it and not to communicate with the complainant or members of the community.

Notwithstanding such ordinance, during the last quarter, at least one person concerned has not respected the decree that was issued, and this, without consequences. I asked for sanctions to be taken against him and to my dismay, my question seemed to surprise. No doubt aware of this problem and parallel to the steps I was taking, the Vicar General, Moderator of the Curia, has drafted the *Archdiocese of Montreal Disciplinary Process Policy to eradicate abuse* which should be adopted shortly. This policy lists the sanctions that will be applied in the event of breaches. It remains to be seen whether these will be applied without hindrance.

Nine months in office show me the seriousness and the importance of knowing what to do with members of the clergy who are the subject of complaints of abuse that have been upheld and that do not require their “secularization”. These people still require the application of strict measures to ensure that the alleged behaviors are not repeated. Just as I will do further on in the section concerning the complaints handled by the OPP, I think that a serious reflection must begin on what to do and how to do it in these situations in order to take the appropriate disciplinary measures and guarantee their application. Otherwise, I fear, the current process will do more harm than good to our complainants.

These reflections having been made, here is the statistical section of my report.

¹ Section 15.1 I.D)

Complaints of abuse:

Complaints by type of abuse:

The complaints received were related to the following form of abuse:

- psychological abuse including abuse of power and misogyny;
- financial abuse;
- physical abuse;
- sexual abuse.

In the latter case, we find complaints that cover exhibitionism, pornography, unwanted sexual advances or proposals, group masturbation, being forced into performing fellatio or masturbation, the male version of tribadism, vaginal penetration and sodomy.

The number of complaints of abuse:

As of today, I have received 55 denunciations pertaining to abuse². Of this number, the Advisory Committee was seized of 47 formal complaints³. Of those complaints, 39 were retained, 4 were rejected, 3 files were closed as lacking the necessary information to proceed and one complaint was withdrawn by the complainant before it was assessed by the Advisory Committee.

External investigations :

In ten of the complaints, investigations were recommended by the Advisory Committee and these are currently underway.

² This includes the complaints of my two previous reports.

³ The number of complaints is not necessarily representative of the number of calls received from victims. Some have chosen not to file any formal complaint; others are taking some time to decide if they wish to do so. Furthermore, some victims without wishing to file a formal complaint wanted to be included in my statistics and they have been.

At the beginning of March 2022, the external firm of investigators was asked to submit their conclusions based on the criterion in civil matters, namely the preponderance of the

Three final investigation reports have been filed to date. Of this number:

- Two reports concern abuse of a sexual nature. The reports conclude that the alleged acts were committed;
- One report concerns psychological and financial abuse. The report concludes that the priest targeted by the complaint committed psychological abuse towards five (5) people and financial abuse towards one of them.

Communication with religious orders

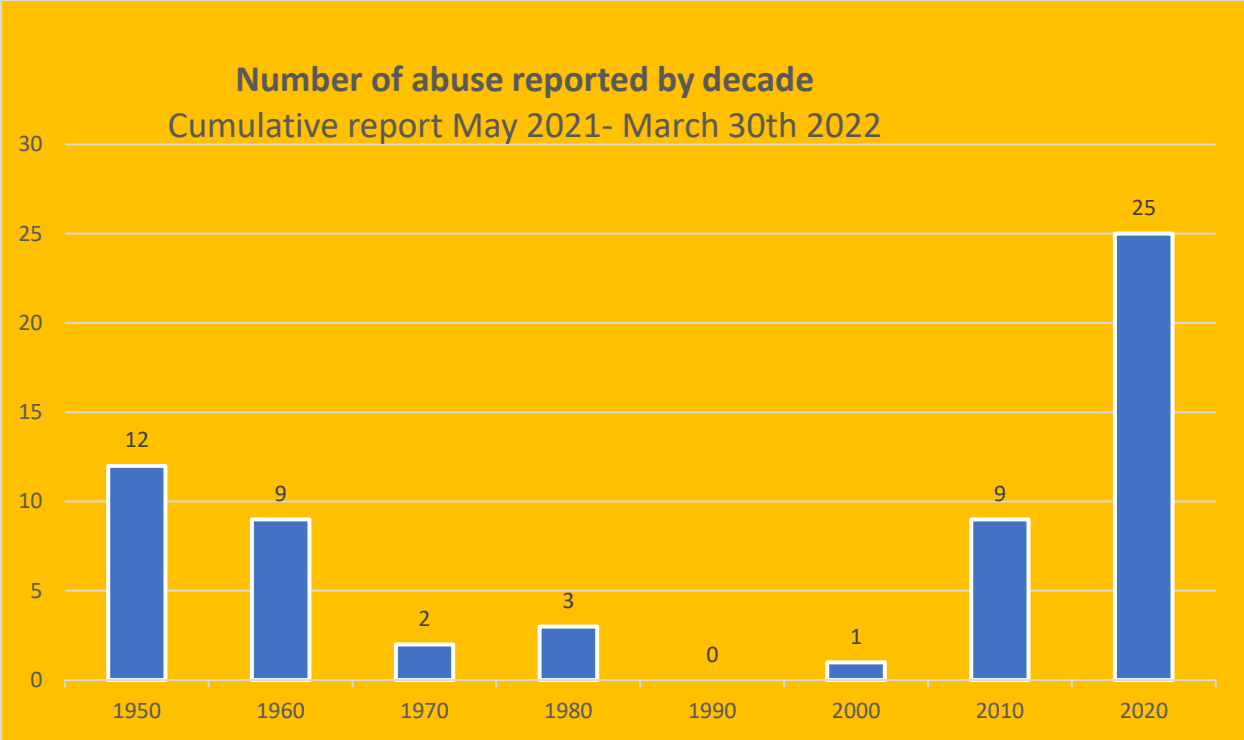
In nine files, a letter was sent to the religious communities concerned asking them for more information and, if necessary, to investigate. Some of these communities participated wholeheartedly in the process and I welcome this change in culture. Others, on the other hand, were more forbidding.

The persons targeted by complaints of abuse:

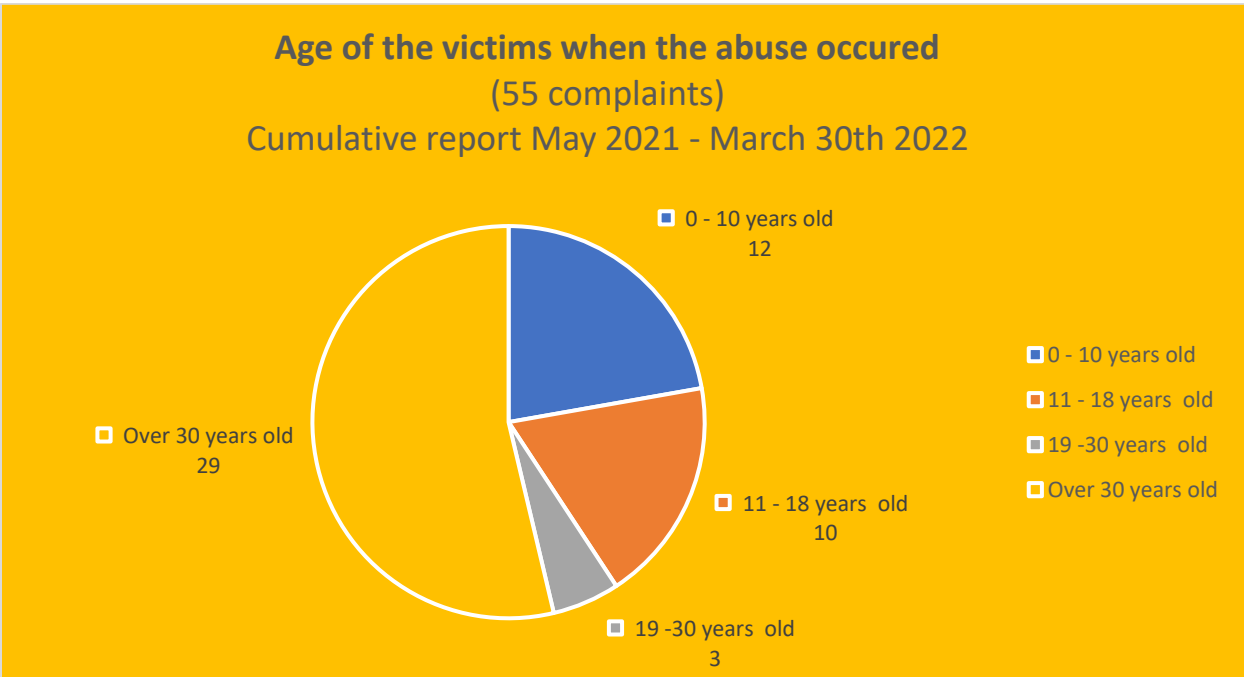
Of the 54 persons targeted by complaints of abuse, 26 were members of a religious order, 23 members of the clergy, and 3 lay people, employees of religious orders⁴.

The complaints relate to events that took place from the 1950s to the present day and some abuses spanned more than one decade.

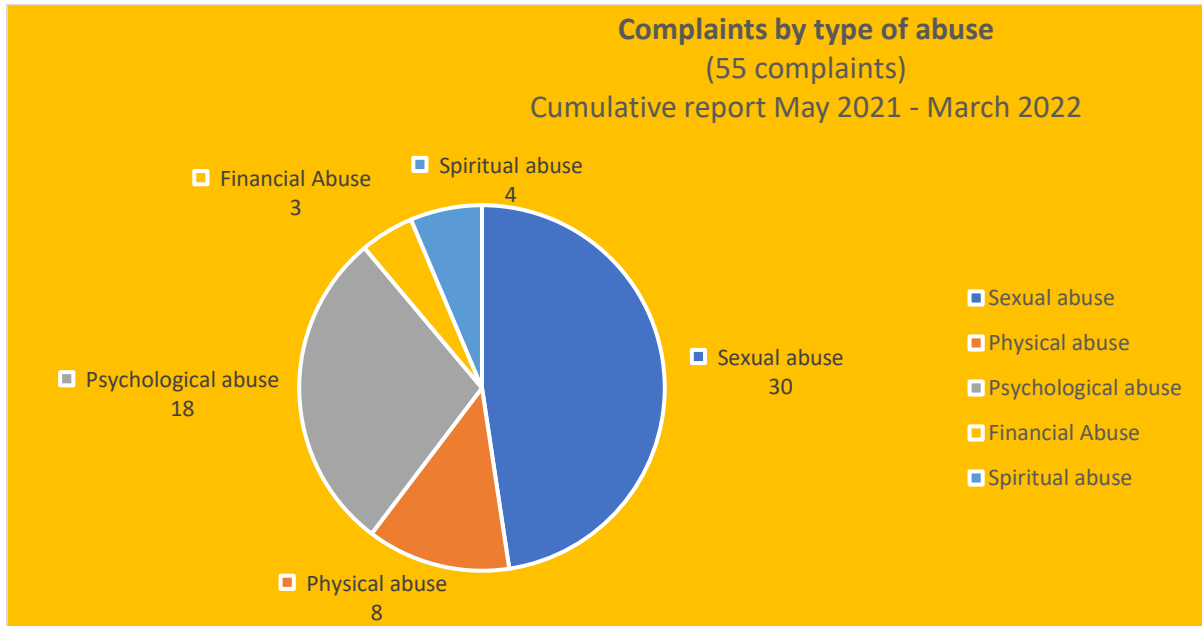
⁴ Some people are the target of more than one complaint.



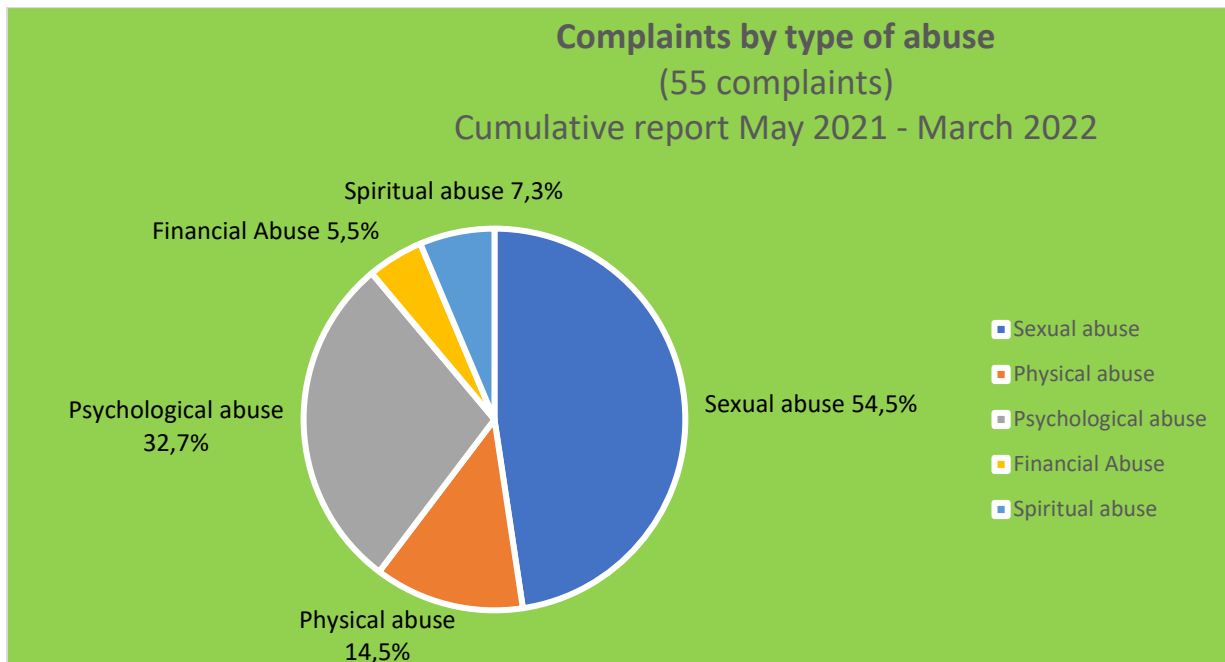
The ages of the victims at the time of the abuse range from elementary school children to adults over 80 years old. It should be noted that in cases of repeated abuse, victims may fall into more than one age category.



The type of abuse denounced in the complaints⁵ :

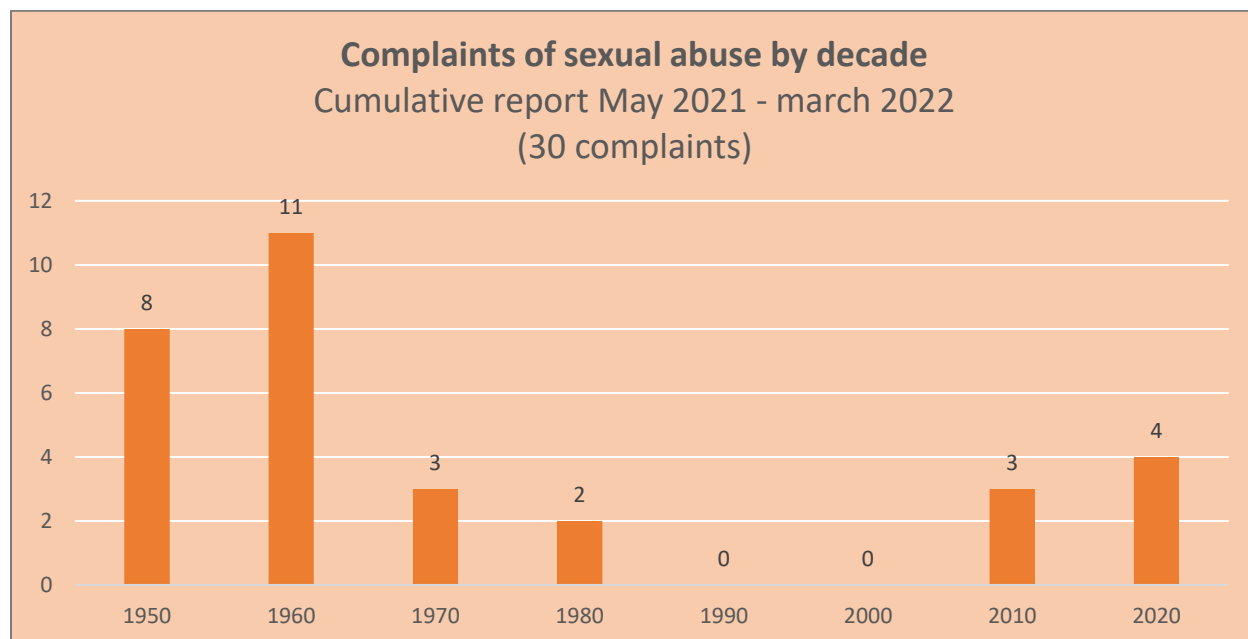


In the case of sexual abuse (30 cases or 54,5% of complaints received), **47%** of victims were victims of repeated abuse. In the case of physical abuse (8 cases or 14,5% of complaints received), **80%** of them suffered repeated acts of violence.



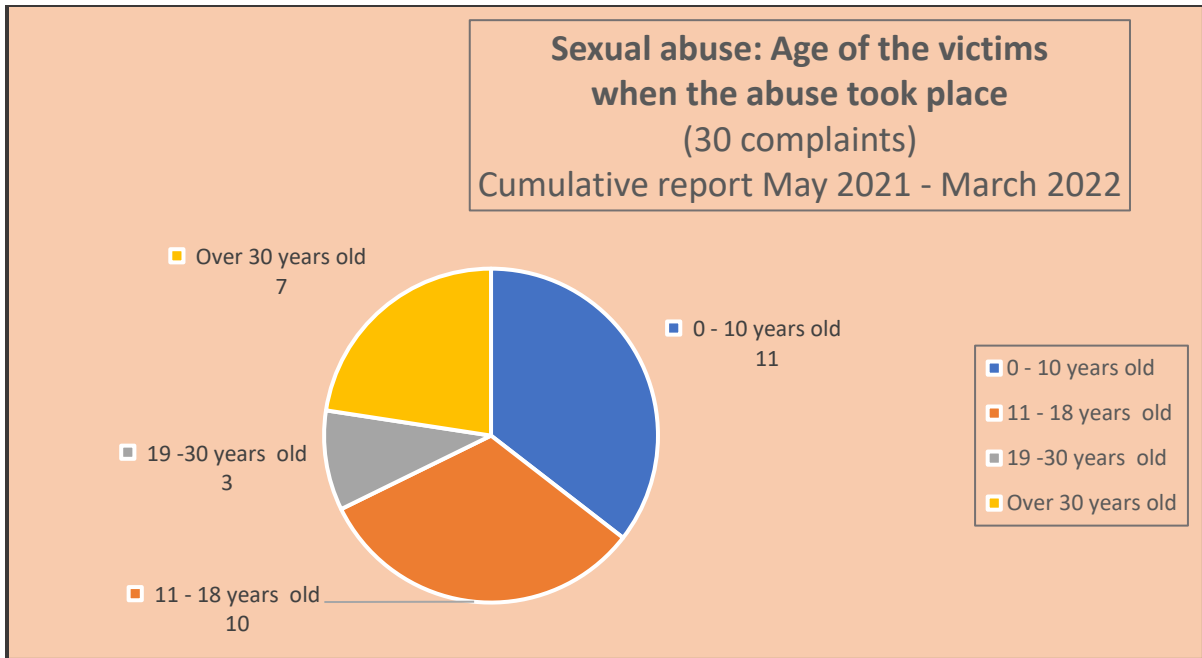
⁵ Please note that some complaints contain more than one form of abuse.

The majority of sexual abuse complaints that have been received relate to assaults that took place in the 1950s and 1960s: 61.30%.



As to the victims, their age at the time the abuse took place goes as follows:

- Ten years old and younger: 35,4%
- 11 to 18 years old: 32,3%;
- From 19 to 30 years old: 9,7%;
- Over 30 years old : 22.6%.



The abuses, whether sexual, physical or psychological perpetrated during the 1950s and 1960s were mainly committed by members of religious communities⁶.

⁶ All the complaints that refer to events that took place during the 1950s were committed by members of religious communities (sexual, physical or psychological abuse). Seventy percent of the abuses committed during the 1960s were also by members of religious communities.

Complaints referred to the Office du personnel pastoral (OPP):

Since I took office, the OPP has received 22 complaints (out of a total of 95 complaints received). They mainly concern issues between employees and members of the clergy or between the churchwardens of a *fabrique* and a member of the clergy.

The majority of these complaints have already been dealt with. The difficulty with some of them is the question of what to do with an irascible, angry or entrenched priest? To remove him? Certainly and this was the case with at least one of them, but what to do thereafter? Simply assigning them to another parish is not a solution, and it is a virtual guarantee of the resumption of problematic behaviors which, if they do not constitute abuse, are still unacceptable behaviors. Unlike in the private sector, where it suffices to terminate the employment relationship, the situation becomes more complicated when it comes to a member of the clergy. In my capacity as Ombudsman, I emphasize that the situation requires an in-depth reflection to find solutions on how to control these problematic characters.

Complaints referred to the Vicar General :

Since May 5, 2021, the Vicar General was seized with 29 complaints of various natures:

- problems related to funerals which do not involve members of the clergy;
- problems related to cemeteries;
- genealogical research;
- work relations;
- opposition to the vaccine passport;
- demandes d'apostasie non traitées (6) sous l'ancien Chancelier.
- apostasy requests (6) untreated under the former Chancellor.
- ... *etc.*

They were all dealt with promptly,

Other complaints or requests received

In my capacity as Ombudsman, I also receive requests that do not fall strictly within the complaint process, once more I have received inquiries about the process for apostatizing. All of these people received the information requested to help them in their efforts, i.e. 14 in total.

Conclusion :

As you can see, the last few months have been difficult. The shift initiated 9 months ago requires a major culture change, which will only take place if it **comes clearly and unequivocally directly from above**.

It is only in this way that people reluctant to change will follow in the footsteps of this reform. Thus and only thus, will they be able to grasp that their future and the future of their Church are also at stake. Otherwise, this process will only be a smokescreen for which the victims will pay the price. I am of the opinion that they have already paid enough.

However, I hope that this report will encourage other victims to file a complaint. I assure them all in advance of my listening and my understanding of what they have lived or are still living and my unwavering support through the complaint process. I also assure them that over the next few months, I will continue, as I state in this report, to increase my efforts so that this process works and that victims have a voice. I think it's the least of the things that are due to them.

Me Marie Christine Kirouack, *Ad.E.*

Ombudsman for the Archdiocese of Montreal

Appendix I : Whistleblower and witness of abuse protection policy