

Cumulative report of the Ombudsman of the Montreal Archdiocese

December 7, 2021

Ombudsman's Second Quarterly report

## Summary:

The cumulative report of the Ombudsman of the Archdiocese of Montreal was filed on December 7, 2021. It covers the period of May 5 to November 30, 2021. It notably includes the analysis of 75 formal complaints, including 46 related to abuse. Of these, 30 relate to sexual abuse that took place from the 1950s to the present day.

Twenty 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, nine complaints of various kinds were sent to the Vicar General. These do not target members of the clergy, but are rather related to the upkeep of cemeteries, funerals, genealogical research or labour relations.

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

## Cumulative report of the Ombudsman of the Montreal Archdiocese

December 7, 2021

This report is the second since I took office on May 5, 2021. 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 November 30, 2021, which is reflected in the numbers and statistics that appear in this report.

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

### The consequences of abuse

Before I share my statistical report with you, let me again give you a brief overview of the experiences of the people who contacted me and the consequences the abuse had for them.

### The fear of having children or the myth that abused people will in turn become abusers

Two men told me of their fear of having children because of the abuse they suffered. They feared to become abusers themselves as if they were going to be haunted or even possessed by the spirit of their abuser. Fortunately, despite their fear, they both became fathers, although in the first case somewhat by accident, his wife's pregnancy was not planned. Naturally, neither were abusive towards their offspring. This urban myth is tenacious. Only a minority of abused children will in turn abuse.

## The consequences :

When it comes to sexual abuse, victims of all ages bear the burden of secrecy and the consequences on their life of what they were subjected to.

## “I am sorry for what happened to you”

For those who read my first report, I mentioned one constant that continues to this day: the spontaneous reaction of complainants when I told them I was sorry for what had happened to them. “*You are the first to tell me that*”. During the last trimester, another constant appeared: “*You believed me!*”. As I wrote then:

*“These people need to be comforted and comforted in their feelings. In this sense, it will be necessary for a Church officer to also tell them, “I am sorry”.*

The Archbishop not only followed the recommendations to this effect of the Advisory Committee, but also took it upon himself to write to other complainants to express to them his concern and regret for what they had to go through.

## Complaints by category:

### Complaints 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.

In one case, the aggression was so violent that surgery was necessary.

## The number of complaints of abuse:

As of today, I have received 49 denunciations pertaining to abuse<sup>1</sup>. Of this number, the Advisory Committee was seized of 42 formal complaints<sup>2</sup>. Of those that were assessed (40), 32 were retained, 4 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.

In ten of the complaints, investigations were recommended by the Advisory Committee and the majority of them are currently underway. Of this number, two final investigation reports were filed that concern sexual abuse. The reports find the *possible commission* of the alleged acts in one case and the *probable commission* in the other.

In nine cases, a letter was sent to religious orders that were concerned, asking them for more information and, if necessary, to investigate. Some of these communities have been very proactive in our process, while others have been more off-putting.

## The persons targeted by complaints of abuse:

Of the 43 persons targeted by complaints of abuse, 22 were members of a religious order, 18 members of the clergy, and 3 lay people, employees of religious orders<sup>3</sup>.

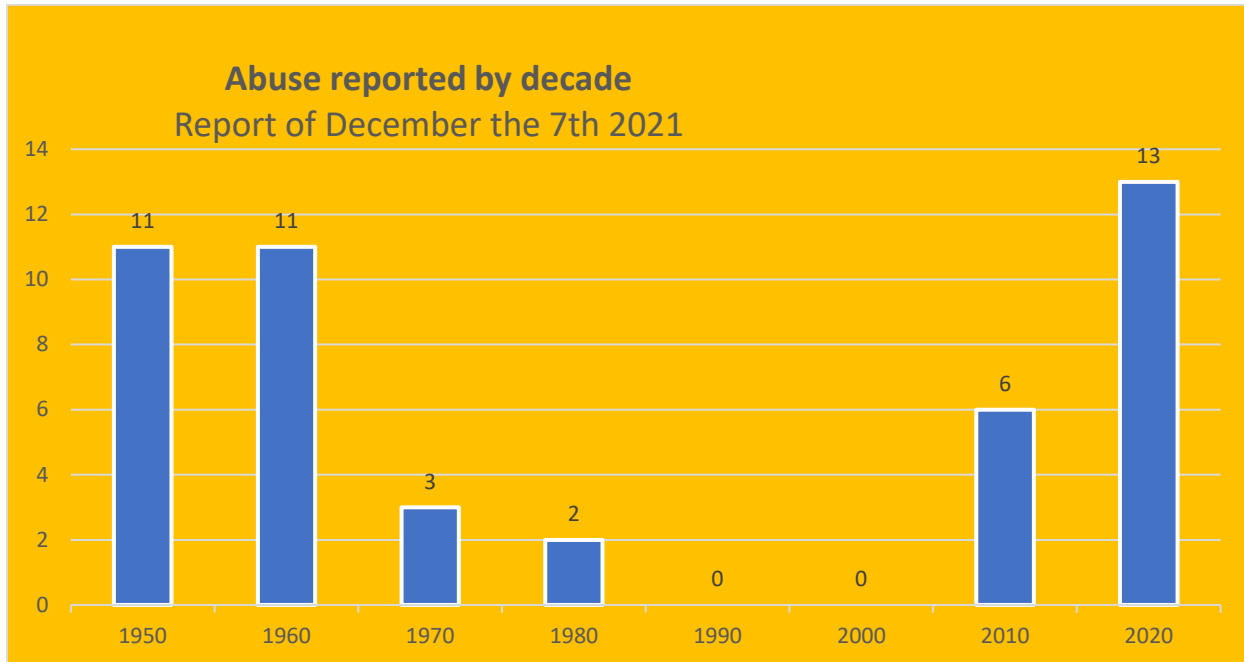
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<sup>1</sup> This includes the original 26 complaints of my original report.

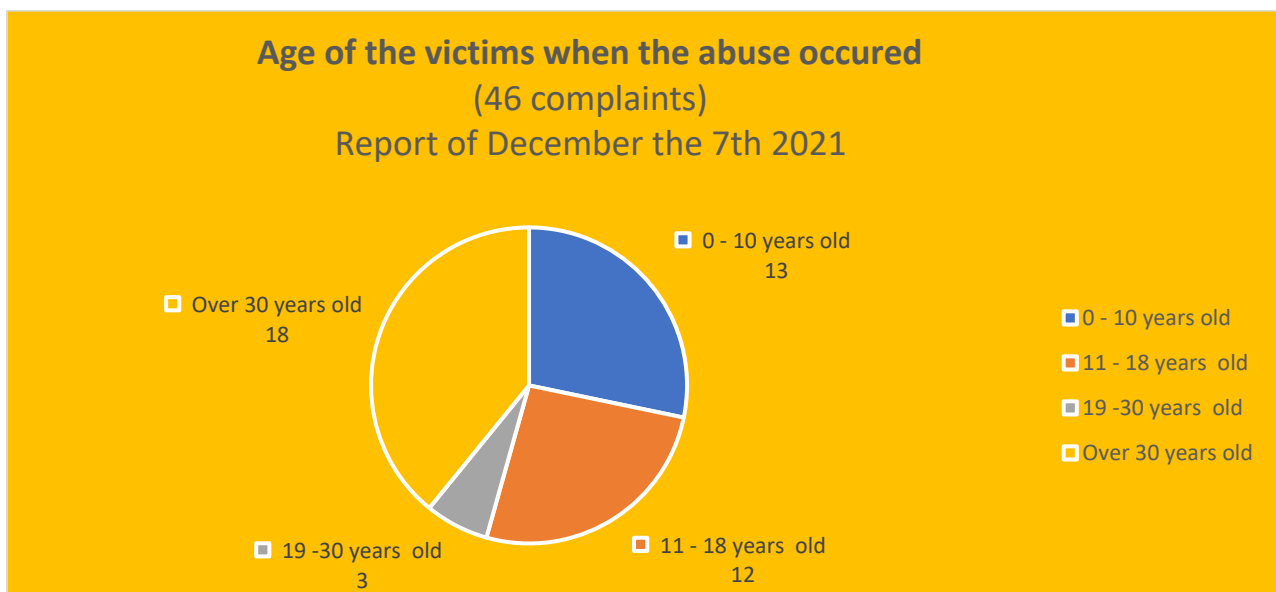
<sup>2</sup> The number of complaints is not necessarily representative of the number of calls received from victims. Some have chosen not to file a formal complaint; others are taking some time to decide if they wish to go ahead with filing one. Furthermore, some victims without wishing to file a formal complaint wanted to be included in my statistics and they have been.

<sup>3</sup> Some people are the target of more than one complaint.

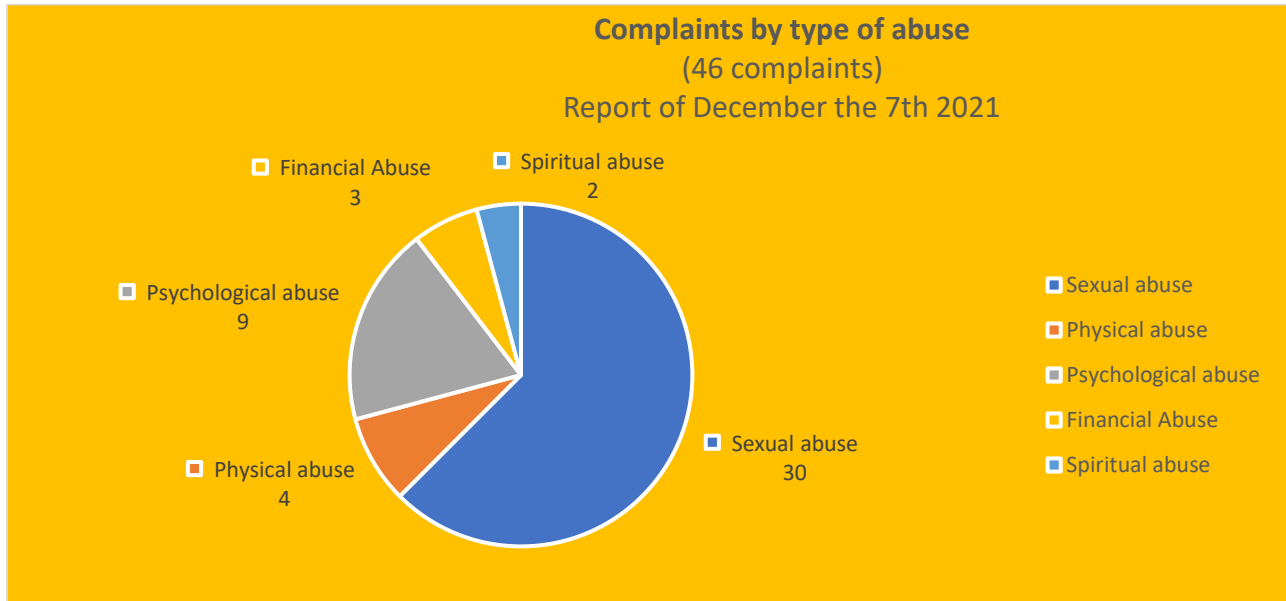
The complaints relate to events that took place from the 1950s to the present day and some abuses spanned more than one decade.



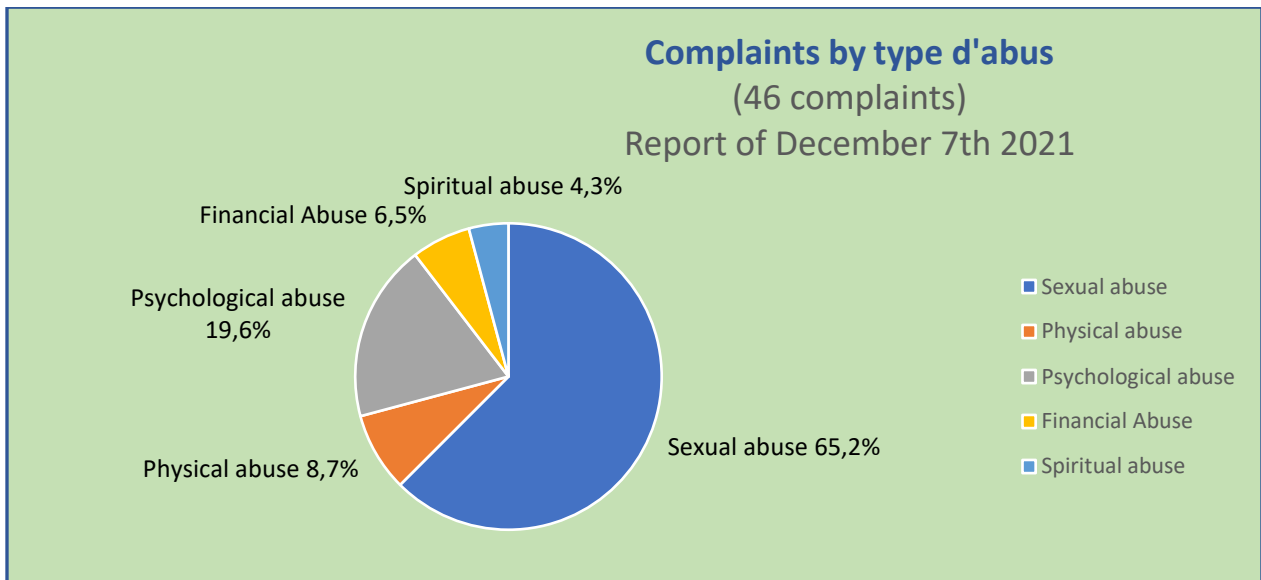
The ages of the victims at the time of the abuse range from elementary school children to adults over 80 years old. It should be noted that in cases of repeated abuse, victims may fall into more than one age category.



## The type of abuse denounced in the complaints<sup>4</sup> :

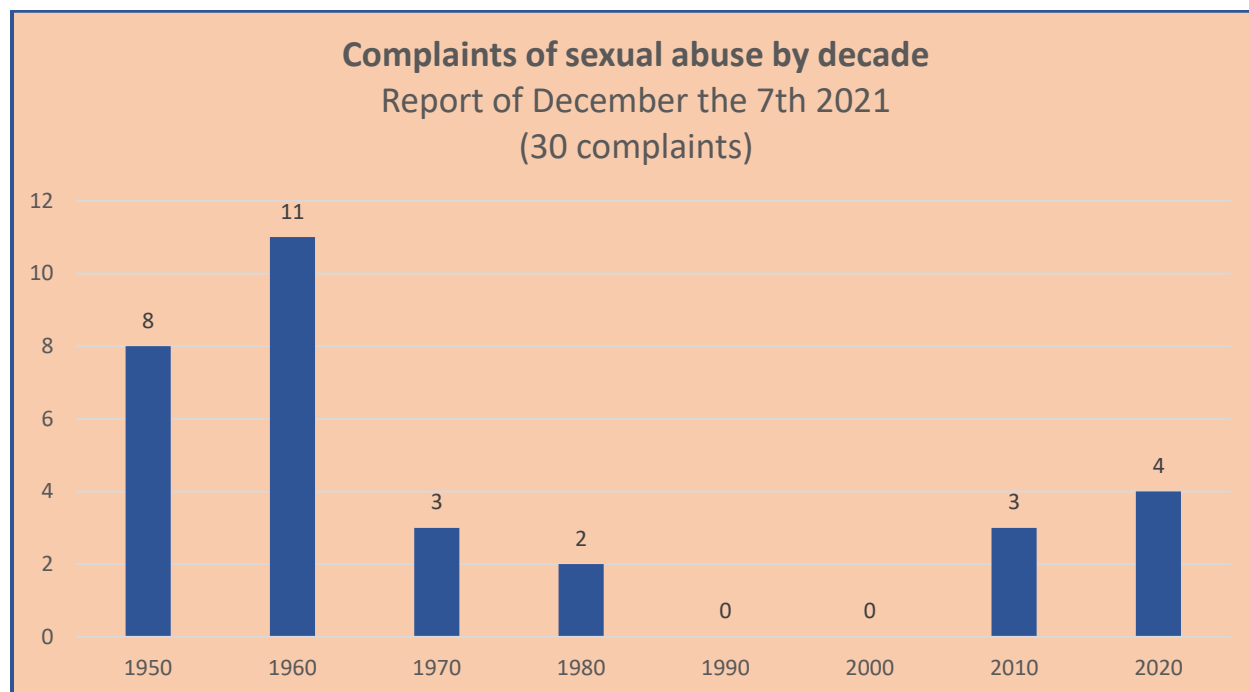


In the case of sexual abuse (30 cases or 65.2% of complaints received), **47%** of victims were victims of repeated abuse. In the case of physical abuse (4 cases or 8.7% of complaints received), **100%** of them suffered repeated acts of violence.



<sup>4</sup> Please note that some complaints contain more than one form of abuse.

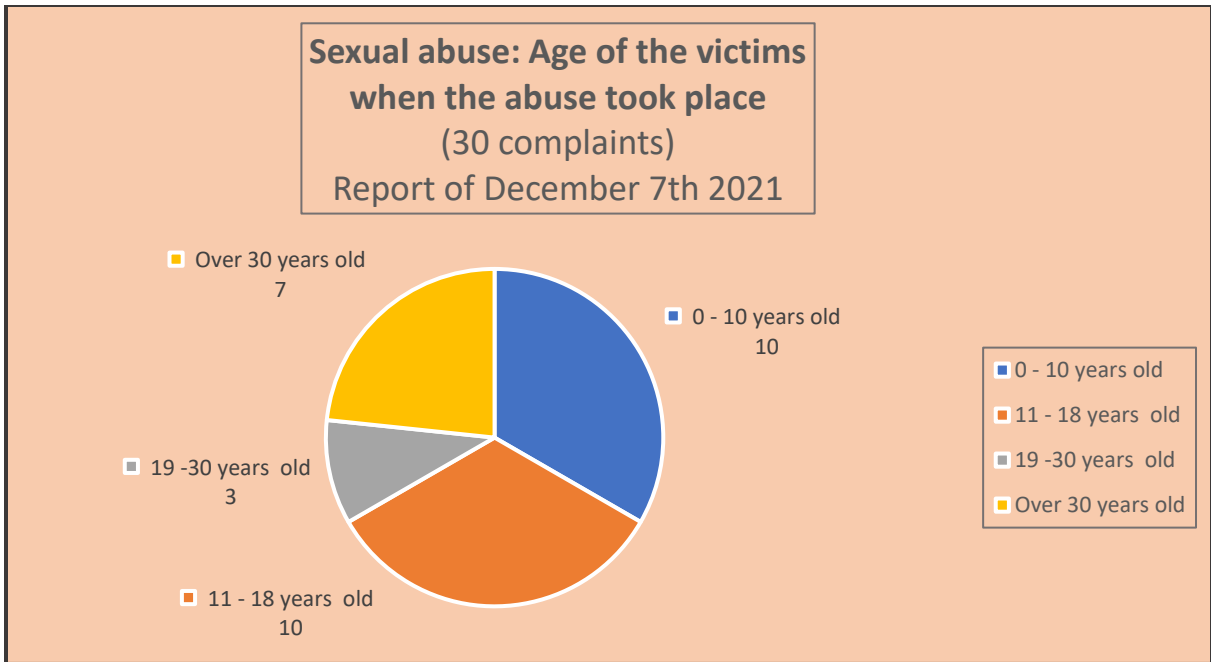
The majority of sexual abuse complaints that have been received relate to assaults that took place in the 1950s and 1960s: 61.30%.



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

- Ten years old and younger: 33.3%
- 11 to 18 years old: 33.3%;
- From 19 to 30 years old: 10%;
- Over 30 years old : 23.30%.





The abuses, whether sexual, physical or psychological perpetrated during the 1950s and 1960s were mainly committed by members of religious communities<sup>5</sup>.

<sup>5</sup> 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 20 complaints (out of the total of 75 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.

## Complaints referred to the Vicar General :

Since May 5, 2021, the Vicar General was seized with 9 complaints of various natures:

- problems related to funerals which do not involve members of the clergy;
- problems related to cemeteries;
- genealogical research;
- work relations;
- ... *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 only within the complaint process in the strict sense of the term. I have grouped these requests into the following categories.

### Covid measures:

Eight requests that were received concern health measures related to Covid, whether for or against these measures, including the requirement for a vaccination passport.

### Residential schools:

I have received emails and calls (13 in total) denouncing the atrocities suffered by indigenous peoples. To all of them, I said that I not only understood their feeling but that I shared it. As stated in my previous report, I therefore add my voice to theirs in indicating to all members of indigenous communities that I support them in their quest for truth.

### [Apostasy requests:](#)

These letters or calls sometimes also included requests for information on the process to apostatize. Others contacted me to do so without reference to residential schools. All of these people (a total of nine) have received the requested information to help them in their endeavour.

### [Operation and failures in the complaint process](#)

Six months is a short time to put in place a new complaint process and implement new protocols. The last three months have been marked by the adolescent period inherent in any new process, including the implementation of new operating protocols and the resistance of some to change.

I have requested and obtained a number of documents that date before I took office to ensure that there were no complaints (of any kind) that were not addressed. Due to the large number of documents received, I am not in a position as of today to report on my analysis.

A member of the clergy, involved in the complaint process, is currently temporarily suspended in order to investigate whether his delays, omissions and half-truths were mere negligence on his part or if he voluntarily failed to participate in the process, or even tried to impede it, either alone or with the help of one or more persons.

A member of the clergy has engaged in public misconduct following receipt of complaints made against him. Based on this experience and in order to ensure that in the future no complainant is subjected to any form of reprisal, either directly by the person concerned by the complaint, or through intermediaries, the *Complaint handling by-law* has been amended. so that the Committee should prioritize the protection of victims in its recommendations:

*Art. 14 B) In all its recommendations, the Advisory Committee must prioritize the protection of the victim and any witnesses, including from possible reprisals.*

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

*c. Temporarily relocate the pastoral staff member to another residence<sup>6</sup>.*

*d. Request that the Archbishop issue a precept to the person concerned to maintain confidentiality in relation to the complaint and the action taken against them.*

The precept is an ordinance from the Archbishop directing the person complained of not to discuss it and not to communicate with the complainant.

In addition, the Committee for the implementation of the recommendations of the Capriolo Report (MEO) adopted on October 15, 2021, the *Whistleblower and witness of abuse protection policy*. Given the importance of this policy, you will find the full text in the appendix, as well as on the website of the Archdiocese of Montreal.

This policy provides, among other things, clearly states that:

*Protection against retaliation*

*4.1 No person shall retaliate or threaten to retaliate against a person who makes a disclosure or cooperates in good faith with an inquiry or investigation of a disclosure or complaint.*

*4.2 Any person who retaliates or threatens to retaliate is subject to appropriate sanctions, including, in the case of employees, disciplinary action which may, depending on the circumstances, include reprimand, disciplinary suspension, or dismissal. In the case of pastoral staff, volunteers or members of the Church, sanctions may include those listed in paragraph 3.5.*

*3.5 Persons who breach the above confidentiality are subject to appropriate sanctions:*

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<sup>6</sup> This does not entail that this person is relocated to exercise their faculties elsewhere during this period, but rather that they are moved during the investigation to avoid any form of pressure or reprisals against the complainant.

*(a) In the case of employees, disciplinary measures, including reprimands, disciplinary suspensions, or dismissal.*

*b) In the case of volunteers, removal from any position or right of involvement in the work of the community, formal reprimand from the Archbishop.*

*c) In the case of members of the pastoral staff, formal reprimand by the Archbishop, revocation of faculties, and other disciplinary sanctions according to canon law.*

*d) In the case of any member of the Church, formal reprimand by the Archbishop, and other sanctions according to canon law.*

*All without prejudice to any civil remedies or remedies under the Charter of Human Rights and Freedoms that may be applicable, as discussed below in paragraph 5.2.*

*4.3 Any person who is a victim of, or who fears retaliation, may contact the Ombudsman who will follow up appropriately. Such behaviour may lead to a complaint of abuse.*

In addition, in October, the Complainant Support Policy was amended at my request so that there is no ambiguity that:

*Art.4 Except in cases where a person's life is in danger, no one will contact the police without the complainant's permission, as this choice rests with the complainant.*

This guarantees those who wish to file a complaint that no one involved in the process will denounce the content of their complaint to law enforcement authorities, including me as Ombudsman. Certainly, I will accompany the complainants if they wish to do so, but I will never force them. It is not up to us to involve them in a criminal process if they do not wish to do so. It is a matter of respect for the victims.

This policy does not affect the legal obligation to notify Youth Protection in matters of assault on a minor.

The Complainant Support Policy was also amended to provide legal protection for both victims and whistleblowers:

### *3. Legal protection*

*In the event of a canonical trial, the complainant may benefit from the services of a lawyer to represent them, if they so require:*

- *The Archdiocese will pay this lawyer's fees.*

*In the event of a criminal trial, the complainant may benefit from the services of a lawyer to represent them, if they so require:*

- *The Archdiocese will pay this lawyer's fees.*

*Moreover, the Archdiocese will provide legal protection to any person who makes a complaint in good faith (victim or witness) and will hold them harmless from any prosecution or threat of prosecution related to it.*

The process therefore follows its course and the various stakeholders: the Committee for the implementation of the recommendations of the Capriolo Report (MEO), Members of the Advisory Committee, Archbishop Lépine, the Vicar General, the Director of the OPP, as well as your the undersigned are on the lookout for the smallest problems in order to provide rapid solutions until the process is fully established.

### **Conclusion :**

I hope this report will encourage more victims to file complaints. I assure them all in advance of my understanding of what they have lived or are still living.

Me Marie Christine Kirouack, *Ad.E.*

Ombudsman for the Archdiocese of Montreal

## Appendix I :



### WHISTLEBLOWER AND WITNESS OF ABUSE PROTECTION POLICY

#### 1. Policy statement

Since reporting inappropriate conduct or abuse is fundamental to protecting the safety of all employees, pastoral staff, volunteers and congregants, it is essential that those who disclose such conduct, or who participate in an investigation of a complaint, are able to do so in a manner that ensures confidentiality and protects their privacy, reputation, employment and also protects them from any form of retaliation, threat or other prejudicial action.

The purpose of this policy is to set out the guiding principles for disclosure and the safeguards and support available to those who disclose abuse or inappropriate conduct, or who are called upon to participate in an inquiry or investigation into a complaint of abuse or inappropriate conduct.

#### 2. Definitions

“Abuse” means any wrongful conduct committed by one person against another, including physical abuse, sexual abuse, psychological abuse, including harassment or intimidation, spiritual abuse and financial abuse.

This includes offensive, threatening or otherwise inappropriate conduct or inappropriate communications via electronic media, the internet, or social media.

“Disclosure” means communication to the Ombudsman of information regarding misconduct or abuse that the whistleblower believes in good faith to be credible.

“Whistleblower” means a person who in good faith reports or denounces an act of abuse or suspected abuse or who provides information in the context of an inquiry or investigation of a disclosure or complaint.

“Ombudsman” means the Ombudsman appointed by the Archbishop in accordance with the *Archdiocese of Montreal Complaint Handling Regulation*.

“Reprisal” means any conduct, abuse or adverse action taken against a person on the grounds that the person has made, or intends to make, a disclosure in good faith or has cooperated or proposes to cooperate in an inquiry or investigation because of a disclosure or complaint. Reprisal also means threatening a person to keep them from making a disclosure or cooperating with such an inquiry or investigation or denouncing him or her or otherwise seeking to damage his or her reputation, dignity, or honour.

### 3. Disclosure of abuse and preservation of confidentiality

**3.1** It is the duty of any person who, in good faith, has credible knowledge of abuse or suspected abuse or inappropriate conduct to disclose it. The disclosure must be made to the Ombudsman who is obliged to protect the identity of the person making the disclosure.

**3.2** All reasonable steps, consistent with the law, will be taken to protect the employment, reputation, privacy, and confidentiality of the person making the disclosure. The If, for any reason, confidentiality can no longer be maintained, the person having made the disclosure shall be notified by the Ombudsman

**3.3** All persons involved in the handling of disclosures or complaints are bound by the same obligations of confidentiality and must exercise the same level of discretion as the Ombudsman so as to protect the confidentiality of any information they may receive in relation to the disclosure process, the handling of disclosures received and, especially, the identity of the persons involved in the process.

**3.4** It is strictly forbidden for anyone, including any member of the pastoral staff, employee, volunteer, or any other member of the Church, to disclose, directly or indirectly, to anyone, the identity of a person involved in the disclosure or speculate on the identity of that person. This prohibition applies not only to the name of the person, but also to any nominative information, i.e., any information that can identify a person.

It is also strictly forbidden to disclose or speculate about the identity of the person in electronic media, on the internet, or on social media.

**3.5** Persons who breach the above confidentiality are subject to appropriate sanctions:

- (a) In the case of employees, disciplinary measures, including reprimands, disciplinary suspensions, or dismissal.
- b) In the case of volunteers, removal from any position or right of involvement in the work of the community, formal reprimand from the Archbishop.
- c) In the case of members of the pastoral staff, formal reprimand by the Archbishop, revocation of faculties, and other disciplinary sanctions according to canon law.
- d) In the case of any member of the Church, formal reprimand by the Archbishop, and other sanctions according to canon law.

all without prejudice to any civil remedies or remedies under the *Charter of Human Rights and Freedoms* that may be applicable, as discussed below in paragraph 5.2.

**3.6** Any person who considers that the confidentiality of their identity has been violated may notify the Ombudsman, who will ensure the appropriate follow-up. Such behaviour may lead to a complaint of abuse.

### 4. Protection against retaliation



**4.1** No person shall retaliate or threaten to retaliate against a person who makes a disclosure or cooperates in good faith with an inquiry or investigation of a disclosure or complaint.

**4.2** Any person who retaliates or threatens to retaliate is subject to appropriate sanctions, including, in the case of employees, disciplinary action which may, depending on the circumstances, include reprimand, disciplinary suspension, or dismissal. In the case of pastoral staff, volunteers or members of the Church, sanctions may include those listed in paragraph 3.5.

**4.3** Any person who is a victim of, or who fears retaliation, may contact the Ombudsman who will follow up appropriately. Such behaviour may lead to a complaint of abuse.

## **5. Support services**

**5.1** Any person who has, in good faith, made a disclosure or cooperated in an inquiry or investigation conducted as a result of a disclosure or complaint will benefit from the *Archdiocese of Montreal Complainant Support Policy*, including support from the Ombudsman, legal protection, and therapeutic support.

**5.2** In the event of a serious breach of the obligations set out in this policy that has infringed upon the privacy, reputation, dignity, or honour of the whistleblower, legal protection also includes the services of a lawyer, whose fees will be paid by the Archdiocese or the relevant Diocese body, to pursue civil remedies against the offender or remedies under the *Charter of Human Rights and Freedoms*.