

Reporting Centre
Sexual Abuse within the
Roman Catholic Church
in the Netherlands

Report on activities 2011-2018

Reporting Centre

Victim Support Platform

Complaints Committee

Compensation Committee

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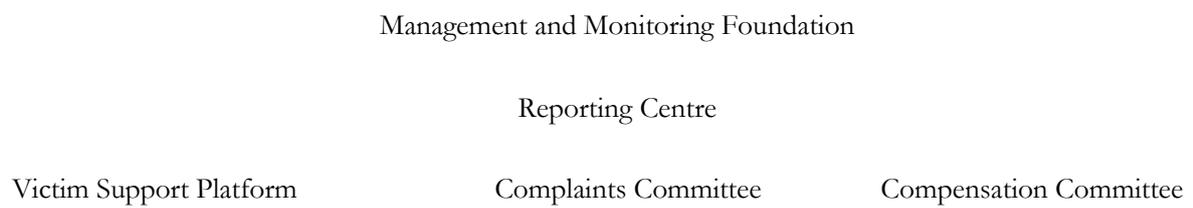
Editors: Liesbeth Sanders and Ben Spekman, Reporting Centre Sexual Abuse within the Roman Catholic Church in the Netherlands

Layout: Desiree Meulenkamp, Libertas Pascal

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www.meldpuntmisbruikrkk@nl

Organisational structure



Timeline

- 1995 Establishment by the church of Help & Justice (*Hulp & Recht*), a body for victims of sexual abuse within the Roman Catholic Church in the Netherlands.
- 2010 A stream of complaints from victims of sexual abuse within the Catholic Church in the Netherlands follows the publication of reports by *NRC Handelsblad* and the *Wereldomroep* (the Dutch world broadcasting service) on 26 February. Practically all of the cases are barred from action under criminal and civil law by the statute of limitations.
- 2010 On 9 March, the Conference of Bishops and the Conference of Dutch Religious initiate an independent inquiry by a commission chaired by former minister and Speaker of the Dutch House of Representatives, Wim Deetman.
- 2010 On 9 December, the Deetman Commission publishes an interim report, calling mainly for the reorganisation of Help & Justice. The Conference of Bishops and the Conference of Dutch Religious decide to delegate implementation of the recommendation to a committee chaired by Mr. Ronald Bandell, a former mayor of Dordrecht.
- 2011 On 24 June, the Bandell Commission recommends the establishment of an independent Reporting Centre for Sexual Abuse of Minors within the Roman Catholic Church, with a Victim Support Platform, a Complaints Committee and a Compensation Committee. Oversight is to be exercised by an independent body, the Management and Monitoring Foundation on Sexual Abuse within the Roman Catholic Church in the Netherlands (*Stichting Bebeer en Toezicht*). The Board of the foundation is chaired by Ms. Karla Peijs, former Queen's Commissioner in Zeeland (until 1 July 2014); its secretary is Mr. Rob van de Beeten (chairman from 1 July 2014); and its treasurer is Mr. Ton Peek. (Mr. Jan Brenninkmeijer joins the Board as secretary from 15 January 2015.)
- 2011 On 20 June, the Lindenbergh Commission publishes the compensation scheme that has been drawn up on behalf of the Conference of Bishops and the Conference of Dutch Religious.
- 2011 On 16 December, the Deetman Commission publishes the report 'Sexual Abuse of Minors in the Roman Catholic Church'.
- 2012 On 28 September, the former Deetman Commission publishes its first monitoring report, which is discussed on 28 March 2013 in the House of Representatives' Standing Committee on Security and Justice.
- 2013 On 28 March, the Standing Committee on Security and Justice holds a hearing in the House of Representatives on Mr. Deetman's first monitoring report, of 28 September 2012. Representatives of the church and of victim groups come face to face. After the meeting, agreements are made for regular consultation. The House of Representatives decides to monitor progress closely (in response to a motion by MP Ard van der Steur).
- 2013 The Commission for Help, Recognition and Reparation for violence against minors in the Roman Catholic Church (*HEG Commissie*) is established with responsibility for arranging recognition and reparation solely for victims of violence. This decision ensues from publication of the report of the Deetman Commission's follow-up inquiry into violence against girls, on 11 March 2013.
- 2013 On 7 July, members of the House of Representatives' Standing Committee on Security and Justice visit the Reporting Centre. They include the (later Minister of Justice) Ard van der Steur. With the consent of victims, some members of parliament will later attend hearings of the Complaints Committee.

- 2013 On 5 November, the chairmen of the Conference of Bishops, the Conference of Dutch Religious and the *Koepel Landelijk Overleg Kerkelijke Kindermisbruik* (KLOKK) (Cardinal Eijk, Brother Van Dam and Mr. Klabbers, respectively) present a report on the current status of measures to address sexual abuse in the Catholic Church to Minister of Security and Justice Ivo Opstelten. This so-called ‘baseline measurement’ was written by Mr. René Westra.
- 2013 Because of the decline in the number of complaints, at the end of the year the Conference of Bishops and the Conference of Dutch Religious establish a deadline of 1 July 2014 for submitting complaints.
- 2014 The victims’ organisation Women’s Platform for Child Abuse in the Catholic Church (*Vrouwen Platform Kerkelijke Kindermisbruik*, VPKK) institutes legal proceedings against the closing date for submitting claims of 1 July 2014. On 12 October, the court rules that the deadline must be extended to 1 May 2015.
- 2015 On 1 May, the Conference of Bishops and the Conference of Dutch Religious establish a Reporting Centre for Transgressional Behaviour. New cases of abuse of minors will continue to be reported to the police. The Reporting Centre is intended for transgressional behaviour not covered by criminal law.
- 2015 On 12 October, the Conference of Bishops and the Conference of Dutch Religious adopt rules for a ‘final action’ for victims whose complaints were initially declared unfounded, but were believed to be authentic.
- 2016 On 26 June, Mr. Deetman publishes his final monitoring report on five years of activities on behalf of victims of sexual abuse. The report is discussed for the first time with the House of Representatives’ Standing Committee on Security and Justice on 30 June, with the hearing being completed on 14 December.
- One of the subjects discussed is the issue of the archives. Minister Van der Steur promises to look for a comprehensive solution in consultation with the relevant parties.
- 2017 The Roman Catholic Church agrees with the government that it will treat any later reports seriously and will continue to offer support for victims.
- 2017 In the autumn, a framework regulation governing the archives relating to victims of sexual abuse in the Catholic Church is published.
- 2018 In January, the Reporting Centre for Sexual Abuse within the Roman Catholic Church in the Netherlands closes. The Victim Support Platform continues to assist victims under the auspices of the Reporting Centre for Transgressional Behaviour.

Summary

Victims of sexual abuse within the Catholic Church received recognition

For the most part, victims of sexual abuse regarding the Catholic Church in our country have received recognition and reparation, the Board of the Management and Monitoring Foundation on Sexual Abuse within the Roman Catholic Church in the Netherlands (hereinafter: Management and Monitoring Foundation or Foundation) concludes in a report on its activities during the period 2011-2018. The report covers the activities of the Reporting Centre Sexual Abuse within the Roman Catholic Church in the Netherlands, the Victim Support Platform, the Complaints Committee and the Compensation Committee.

‘Have we met the expectations of the victims?’ In the opinion of the Board, the answer to that question has to be given by the victims. ‘Nevertheless, we dare to say in response to this key question: in general, yes. We base that answer on the reactions of victims, particularly after the hearing by the Complaints Committee, the feedback from groups representing victims and the observations of members of the House of Representatives who attended hearings.’

The Board finds that this answer to the key question is in itself a tribute to the employees of the Reporting Centre, some of whom provide moving testimony of their experiences in the final report. In the final report of the Complaints Committee, for example, the registrar, Sophie Roos-Bollen, says: ‘Recording so much grief and misery so clinically on paper was not always easy, but it was our task as Complaints Committee to make the correct decision. A highly emotional case had to be handled in a correct manner for all parties.’ And one of the chairpersons of the hearings, Lieke de Rijke-Maas, says: ‘I was not the only one who had difficulty absorbing the nature and scale of the abuse in the beginning. The representatives of the Catholic Church also struggled with it, although it was evident that the comment ‘Wir haben es nicht gewusst’ could not be true. Although I am willing to assume that the scale of the abuse and the enormous impact it had on the victims was not immediately apparent to everyone, individuals were transferred because of so-called ‘improper behaviour’ and it was known that there had been criminal convictions.

The Board feels that the employees deserve credit for ‘offering the victims the path to the recognition, reparation and help they so fervently desired’. The final report describes in detail how difficult that path sometimes proved to be. There was, particularly in the beginning, insufficient experience in this specific domain.

Deetman Commission

At the beginning of 2010, a flood of reports of abuse within the church followed publicity in *NRC Handelsblad* and by the *Wereldomroep*. The church’s agency Help & Justice (*Hulp & Recht*) was not equipped to handle the volume and was forced to improvise in order to provide help for victims, so the Conference of Bishops and the Conference of Dutch Religious asked the Deetman Commission to conduct an inquiry. In an interim report published at the end of 2010, the commission called for a thorough reorganisation of Help & Justice, and the agency was transformed into an independent professional organisation to provide help, handle complaints and arrange compensation. In July 2011, the new organisation started operating as the Reporting Centre for Sexual Abuse within the Roman Catholic Church in the Netherlands (hereinafter: Reporting Centre). The Reporting Centre finally closed on 1 January 2018. The support for victims is still being provided under the auspices of the Reporting Centre for Transgressional Behaviour within the Roman Catholic Church.

The attitude of the church was positive

The Board takes a generally positive view of the cooperation provided by the church over the years. ‘The actions of many church figures of authority can be regarded as extremely praiseworthy’, although it sometimes had to be pointed out that the process was about the victims and that it was essential to display flexibility towards them. That insight always led to the Reporting Centre receiving the cooperation it requested from the church. ‘On balance, the Board’s conclusion is that every victim received recognition and reparation in accordance with the recommendations of the Complaints Committee and the Compensation Committee.’

3,712 Reports

Between the spring of 2010, when the flood of reports commenced, and the end of June, a total of 3,712 victims came forward. Complaints were submitted by 2,060 of them.

Of those who submitted a report, 1,650 did not take the matter any further for a variety of reasons, despite being invited to convert their report into a complaint. Some felt a report was enough in itself or were reluctant to lodge a complaint. Another 2,062 complaints were filed by 1,599 victims. Some complaints were divided into two or more complaints for administrative reasons.

Other complaints were not dealt with, for example because they were inadmissible or because the complainant died and the next-of-kin wished to end the proceedings. A further 251 complaints were withdrawn and a settlement was reached in 334 cases. The Reporting Centre referred six individuals to a legal adviser but subsequently heard no more from them. They also failed to contact their legal adviser. These complaints are not deemed to have been withdrawn.

The figures also show the effect of the deferral of the closing date for submitting a complaint, by order of the court, from the original date of 1 July 2014 to 1 May 2015: almost 300 victims submitted a complaint or decided to convert their report into a complaint during the extended period. Reports that could no longer be dealt with by the Complaints Committee after 1 May 2015 were passed on to the relevant church authority. These cases involved 72 people (as of the end of November 2017).

1,002 complaints acknowledged

The Complaints Committee ultimately handled 1,471 complaints, after a hearing usually conducted in the presence of the victim. The committee found 113 cases to be inadmissible and declared that it had no jurisdiction in 20 cases. In 18 cases, a settlement was reached during or shortly after the hearing. The committee wholly or partially acknowledged 1,002 complaints. It ruled that the complaint was unfounded in 318 cases, usually due to the absence of supporting evidence. In 2016, the Roman Catholic Church announced a final action by virtue of which these victims would still be offered recognition and reparation.

Compensation

Victims whose complaints were acknowledged by the Complaints Committee could apply for compensation. There were five categories of compensation, based on the seriousness of the abuse (see the detailed report in chapter 6, Compensation Committee).

At the end of November 2017, 860 victims had submitted a claim for financial compensation. For administrative reasons, some applications were divided into two or more claims, making a total of 953 applications. As of 1 December 2017, a total of € 27,709,888 had been paid out in financial compensation. The average amount paid per claimant was € 32,221.

The number of victims that received compensation was:

- 29 in category 1
- 121 in category 2
- 313 in category 3
- 97 in category 4

- 381 in category 5 (The maximum compensation in this category was € 100,000 and 65 claimants received that amount.)

Appendix 2 of this final report contains a brief, anonymised list of all the compensation awards. More information about the rulings, also in anonymised form, can be found on the Reporting Centre's website at www.meldpuntmisbruikrkk.nl.

Mediation

Mediation was also used as an alternative to the complaints procedure. The church only used that option at a relatively late stage; consequently, in the Board's opinion, far fewer cases were dealt with through mediation than could have been.

The Reporting Centre referred a total of 37 reports to *Perspectief Herstelbemiddeling* (formerly *Slachtoffer in Beeld*), an organisation that arranges victim-offender mediation. In practically every case, the parties concerned actually engaged in mediation and were generally positive about the process afterwards. Financial compensation was sometimes an aspect of the mediation process and sometimes it was not.

Archives

In consultation with the church, a regulation has been drawn up to allow the Reporting Centre's archives to be made available for scientific research. All of the relevant documents, with the exception of those covered by canon law, will be transferred to an archival institution that has yet to be named. A foundation will be established to manage the archives. The church will be represented on the Board of the foundation, but will not have a majority. Requests to access the information for research purposes will be considered by an independent scientific committee. If a request is denied, the decision, together with the reasons for it, must be published.

The complete final report can be found at www.meldpuntmisbruikerkk.nl

Foreword

In this final report, we reflect on a very turbulent period, stretching from the early spring of 2010 to the winter of 2017.

It was very turbulent because of the shocking experiences of victims of sexual abuse in the Roman Catholic Church. And because for most victims the disclosure of those experiences unleashed emotions that also had an impact on relationships within their families and their social networks. Events that had often been suppressed for many years rose to the surface and became known. That in itself was a painful experience for many victims.

Beyond their own circles, the events caused shockwaves in society at large, in the Roman Catholic Church, in political circles, in the media and in the social and health services. The church, in particular, was unnerved: its reaction was sometimes clumsy, and sometimes simply wrong. An important and fruitful decision was the subsequent appointment of the Deetman Commission. It not only gave shape and substance to a thorough scientific inquiry into the abuse, it also showed both individual victims and victims' organisations that they were being heard. For the victims, the commission's report marked a first important recognition of their experiences and of the often far-reaching impact of the sexual abuse on their lives.

The recommendations of the Deetman Commission then laid the groundwork for the establishment of our Foundation, and the Reporting Centre in particular.

The Reporting Centre was in many respects the beating heart of the foundation. The employees received the reports from victims, listened to the stories of the many people who submitted reports and established contact with victim groups, confidential counsellors, social workers and legal advisers. The Reporting Centre also handled the complaints, organised the hearings of the Complaints Committee, kept victims informed of progress with their case, prepared the payment of the financial compensation that was awarded and – last, but certainly not least – provided and arranged help for victims.

Huge emotional impact

It is only right to mention here that the employees of the Reporting Centre were themselves deeply affected emotionally by their interaction with the victims – especially in the early years of 2010 and 2011. Much of the anger and grief, the concerns and sometimes the despair, of victims was directed at the people working for us in the Reporting Centre. That applies for both the church's reporting centre that was already in place before the Deetman Commission's recommendations were implemented and the Reporting Centre (which has operated under our auspices since September 2011). Every one of those employees deserves our respect and appreciation for the manner in which they performed their tasks, sometimes under almost unbearable circumstances.

The same applies, a little less directly, for the members of the Complaints Committee. They first read the complaints submitted by victims, with their descriptions of their often appalling experiences. They then had to face the same emotions as the staff members of the Reporting Centre during the hearings, emotions that were intensified by the encounters with representatives of the church, which many victims regarded as confrontational – even more so if an alleged perpetrator appeared in person at the hearing. Even committee members with a background as a criminal judge were not unaffected by this.

It was the same for many of the church's representatives. For many, the confrontation with the suffering of the victims fostered an accommodating attitude, but quite often, the response was restrained due to incredulity or an unwillingness or inability to believe the charges. The hearings of the Complaints Committee, and later the mediation sessions, sometimes taught them a hard lesson.

You will come across all of these human aspects as you read this final report, which naturally also discusses various practical issues and relationships that played a role during the period reviewed. The Board, the Complaints Committee, the Compensation Committee, the Victim Support Platform and the Reporting Centre as an organisation also report on their policies, the decisions they made and the results. We review the collaboration with victim organisations, the church in all its guises and our external partner organisations. The account will also describe the tensions, and sometimes conflicts, that inevitably arose in such a sensitive situation.

Naturally, this final report presents our views and those of each author. Others who were involved in the process might disagree with the authors on certain subjects or could at least shed a different light on them. Their views and opinions therefore lend themselves to scientific research, not only into the sexual abuse itself, but also into other aspects of the work that has been performed over the last six-plus years. For example, although the Deetman Commission revealed just about everything that had happened, the investigations in the complaints procedure brought the sexual abuse itself into even sharper focus. Those other aspects of the work also include unconventional political and administrative processes and the equally untypical legal aspects of our work.

Insights gained

The Board has endeavoured to facilitate such scientific research by providing access to our archives for research, subject to protection of the privacy of those directly involved. A lot has been accomplished in terms of gaining experience, gathering information and acquiring insights that could enhance prevention. Society can also benefit from this process in relation to other forms of sexual abuse, an evil that is still far from being banished from our world.

The key question in this foreword is whether we have met the expectations and the needs of the victims. After all, the Reporting Centre was established for them and we have been working all this time for them.

Naturally, the question has to be answered mainly by them. However, we do know that, for many victims, making the report, the complaints procedure and – although by no means always – the completion of the process with compensation enabled them to close that chapter of their lives. Fortunately, many have been able to get on with their lives again. Others have been less fortunate, but for precisely that reason do not wish to be reminded of the abuse or of the moment when the memories came back to them so insistently in recent years.

Nevertheless, we dare to say that the answer to the key question is, in general, yes. We base that answer on the reactions of victims, particularly after the hearing by the Complaints Committee, the feedback from groups representing victims and the observations of members of the House of Representatives who attended hearings.

This is in itself a tribute to the employees of the Reporting Centre, the members of the Complaints Committee, the Compensation Committees and the Victim Support Platform. It is to their credit that the victims were offered a path to the recognition, reparation and help they so fervently desired.

Rob van de Beeten, Chairman

Ton Peek, Treasurer

Jan Brenninkmeijer, Secretary and former Head of the Reporting Centre

Liesbeth Sanders, Head of the Reporting Centre

From its establishment until 1 July 2014, the Board was chaired by Karla Peijs

The following person attended meetings of the Board as advisers:

Wiel Stevens,

Chairman, Complaints Committee

Bart Holthuis,

Chairman, Compensation Committee

Paul Schreurs, Chairman, Victim Support Platform

Ben Spekman, permanent PR adviser and spokesperson

Chapter 1

From Help & Justice to Reporting Centre

On 26 February 2010, the *NRC Handelsblad* and Dutch radio's *Wereldomroep* simultaneously reported that three Salesian priests had been involved in sexual abuse at the boarding school attached to the Don Rua monastery in 's-Heerenberg in the 1960s. The newspaper and the radio station had received confirmation from a brother who had worked there that brothers and priests had had 'relations' with pupils.

The news items prompted a flood of reports from children and youths saying they had been abused and assaulted at Roman Catholic institutions throughout the country. A small number involved parishes, parochial schools and diocesan training institutes, while a larger number concerned the boarding schools run by some religious orders. *NRC* and the *Wereldomroep* received hundreds of reports, and other media started publishing the stories of victims.

There was already an awareness of individual complaints of sexual abuse, some of which had been made, for example, to the church's institution, Help & Justice. But the fact that abuse had occurred on a systematic basis shocked everyone.

Help & Justice was established by bishops and religious superiors in 1995 to deal with complaints of sexual abuse of women and minors in the Catholic Church. Soon after the reports appeared in the media, it opened a telephone hotline for reports, which was contacted by hundreds of victims in the first half of 2010.

It emerged from the stream of reports that these victims had often remained silent about the abuse for years, but that the numerous reports of similar cases had broken the taboo: dozens, and ultimately hundreds, of distressing stories of abuse emerged.

Under pressure from the publicity and from the Dutch House of Representatives, the bishops and the major superiors of religious orders and congregations decided to ask former minister Wim Deetman to conduct an independent inquiry. The religious superiors considered it important for bishops and members of religious orders and congregations to act jointly in this matter.

The Deetman Commission presented an interim report on 9 December 2010. One of its recommendations was to establish an independent Reporting Centre for victims to replace Help & Justice. The bishops adopted this recommendation and, at the church's request, Mr. R. Bandell implemented the Deetman Commission's interim recommendations concerning the operations of Help & Justice. This led to the establishment, in 2011, of the Reporting Centre for Sexual Abuse within the Roman Catholic Church, together with a Victim Support Platform, a Complaints Committee and a Compensation Committee. In June 2011, the Lindenbergh Commission wrote an advisory report for the bishops and superiors on compensation and reparation in cases of sexual abuse. Its recommendations were adopted and implemented by the Compensation Committee.

The Deetman Commission published its final report in the autumn of 2011. In the same year, the Samson Commission started an inquiry into sexual abuse in institutions and foster families where children had been placed by the social services, and Mr. Dato Steenhuis investigated how the Public Prosecution Service had dealt with reports of sexual abuse within the Roman Catholic Church.

Being heard

From the beginning of the flood of reports in March 2010, Help & Justice was available to advise victims of sexual abuse in the Catholic Church and provide individual counselling and support if they requested it, whether it was listening to them, helping them find specific care or submitting a complaint.

Until that time, Help & Justice had been financially and administratively dependent on the bishops and the religious orders. It was also staffed to deal with the small number of reports that the institution had been receiving annually between 1995 and the spring of 2010. It could not cope with the explosive increase in reports in the spring of 2010, or handle them independently.

Help & Justice received reports from 2,000 people who had experienced sexual abuse or mental or physical mistreatment in the Catholic Church, the majority of them in the years before 1970, when the boarding schools were closed. They had been abused themselves or knew people close to them who had been abused. In 85% of cases, the abuse occurred in a school, a boarding school or another institution managed by an order or a congregation. There were roughly 200 of these institutions in the Netherlands. Half of the boarding schools were involved in sexual abuse, and most of the reports related to the period 1950-1970. Many of the alleged perpetrators were deceased, old or physically or mentally ill.

A small minority of those who reported to Help & Justice were members of one of the independent groups that had been formed to represent victims of sexual abuse. Some victims did not agree with the way this was being done. A substantial number suffered under the constant publicity and media attention, and a great many became frustrated because, despite all the talk, little was being done for them.

Victims wanted to tell their story and to receive recognition for their personal suffering, a genuine apology and, sometimes, financial compensation, either symbolic or substantial. Financial compensation proved not to be the primary motivation of victims, and the payment of a sum of money would be – all being well – the final step in a process that led to recognition of their suffering and a genuine apology. The institutional expression of regret, made on various occasions by the Pope and bishops, was not sufficient.

Help & Justice was established relatively early (in 1995) by the Conference of Bishops as the first, and for a long time the only, institution of its kind in the church (the initiative came from the Women and Church Working Group with a focus on protecting women). Complaints could initially only be made regarding sexual abuse perpetrated by a person who was still living and serving as a pastor of the Catholic Church. The procedure was ecclesiastical and formal, and there were not many ways for complainants to influence it. The principal objection was that the principle of *audi alteram partem* [hearing both sides] was not observed. The focus was on abuse in pastoral relationships, with the emphasis on violations of the rules of celibacy, and the complaints committee based its findings purely on written documents. An accused could easily get away with denials or lies.

As of 1 January 2008, an entirely new procedure was introduced, in which the term ‘sexual abuse’ was interpreted broadly and complaints could also be made against deceased persons. Furthermore, complaints could also be made against anyone who performed work, paid or unpaid, for the Roman Catholic Church and had been guilty of any form of sexual abuse.

Complainants were interviewed in the presence of the alleged perpetrator by a committee of three persons, who would then make a recommendation. The search for truth and the quality of rulings greatly improved with the new procedure.

By the time the Deetman Commission commenced its work, the new procedure had only been used in a small number of cases, between five and ten. Consequently, the Deetman Commission’s interim report of 9 December 2010 relied heavily on earlier experiences. Although this nuance was made in the report, it was not reported in that way in the media.

Overwhelmed

In 2010, Help & Justice was overwhelmed by the explosion in the number of reports of sexual abuse. The organisation was designed to handle ten reports a year and did not have the resources to cope with the new situation; it was suddenly expected to speak to hundreds of people, provide adequate primary care, make referrals and provide counselling. It soon became clear that it was unable to do that, and an

interim director was hired in the person of Petra Stassen, who quickly set about expanding the organisation. A database was developed to register the reactions, all of which had been entered in it by the summer of 2010. After that, a new website went live and a start was made with enlarging the team of confidential counsellors, appointing more legal advisers, developing a digital process for the handling of complaints and creating an effective organization. In 2011, protocols and instructions were drawn up and a new chairperson was appointed to the Complaints Committee, under whose leadership the process of handling hundreds of complaints accelerated.

Confidential counsellors and legal advisers spoke to hundreds of victims in the months after March 2010. They provided counselling and support for victims, helped them search for care and draw up complaints. They also provided support during the procedure. These people, quietly working behind the scenes, performed a lot of work for the victims, spoke to them regularly and knew very well how they were feeling. Neither the Deetman Commission nor Mr. Bandell spoke to them about their experiences.

Help & Justice was meanwhile – thanks to all those individuals who had worked so hard from the outset – the only body that was handling specific complaints from victims of sexual abuse in the Roman Catholic Church in the Netherlands, and making recommendations. The statute of limitations played no role and the fact that the alleged perpetrator was deceased was irrelevant. Facts did not have to be proved in the same way as in civil legal proceedings. They only had to be ‘plausible’. Various forms of additional evidence could be submitted and was accepted. The confrontation between the complainant and the alleged perpetrator was sometimes difficult, and often healing. People felt – finally – that they were being taken seriously.

Naturally, there was also disappointment. There was a victim who could not lodge a complaint because he no longer knew the name of the alleged perpetrator. A complaint was declared unfounded because it was based exclusively on the complainant’s own statement (the accused also has the right to a fair hearing). Mental and physical assault fell outside the competence of Help & Justice, and the superiors and bishops did not all cooperate wholeheartedly. None of this detracts from the good work performed by Help & Justice itself. It was finally well organised and had effective procedures in place. The church provided the resources to perform the work, and the work was carried out by qualified individuals who were definitely not guided by the church’s interests in the performance of their work. Whether Help & Justice was an ecclesiastical or a civil legal entity had little relevance – certainly from the victims’ perspective – as long as the conditions for independence were met.

*Maria ter Steeg,
Secretary of the Board of Help & Justice until the middle of 2011*

Chapter 2

Report of the Board

This section of the final report presents the Board’s accounting for its policy, with a discussion of a number of the relationships and topics that were relevant to the functioning of the Reporting Centre, the Complaints Committee, the Compensation Committee and the Victim Support Platform. That discussion is preceded by a description of the environment in which the Reporting Centre performed its work.

This introduction is devoted to providing an outline of a number of issues that cannot be conveniently addressed under any of the relationships and themes discussed later in this chapter.

The first is the functioning of the Board itself. An important factor is that the Management and Monitoring Foundation¹ is a foundation established under civil law. Although a specific role is assigned to the church in its articles of association – which we will return to later – in legal terms the foundation was and is an independent body, which means that the Board had to be guided exclusively by the goals and interests of the foundation and not by any other interests.

Furthermore – and we will also return to this later – the Board was always aware that a tranquil environment was required to allow the employees, as well as the two committees and the Victim Support Platform, to perform their work properly. This meant that the Reporting Centre should avoid publicity and handle conflicts with tact and diplomacy and a heavy emphasis on the independence, integrity and quality of the work they performed. The recognition, reparation and help that the Reporting Centre could offer would not have the same value for the victims if that independence, integrity and quality could be called into question.

As the term ‘monitoring’ in the foundation’s title suggests, the Board also exercised oversight over the work of the Complaints Committee, Compensation Committee and the Victim Support Platform. Neither the articles of association nor the rules of the two committees or the platform provided any grounds for such oversight. The Complaints Committee, for example, operated independently within the Reporting Centre, and was not required to accept any instructions from the Board. However, for the reasons given above, the Board did meet very regularly with the chairpersons of the committees when there was reason to do so, for example because of criticism from a victim, from any of the victim organisations or from the church. That created some tension, especially in the early days, because it was obviously essential to avoid creating the impression that the Board was acting as a sort of appeals body or that it wished to interfere in the decision-making by the committees or the platform.

In practice, it quickly became clear that the Board, on the one hand, and the various independent bodies within the Reporting Centre, on the other, had been able to find a way to respond to *démarches* from outside, and that this preserved the authority of the committees and the platform. Lessons were also drawn from such interventions, because they sometimes highlighted flaws in the procedures or shortcomings in communication. This type of consultation led, for example, to the agreement between the Compensation Committee and the Board that very straightforward claims for compensation would be handled via an accelerated procedure that was not provided for in the compensation scheme. This speeded up the process significantly, thereby providing certainty for victims sooner and easing the workload for the Compensation Committee.

¹ For the formal structure, see the organogram on page 5. For the sake of convenience, in this report we refer to the organisation as a whole as the Reporting Centre rather than using the full statutory name of the foundation.

This balance certainly contributed to the fact that the Board in general – in other words including the chairpersons of the Complaints Committee, the Compensation Committee and the Victim Support Platform – was always able to act unanimously. There was only one occasion when tension of any significance arose, namely when the chairman of the Complaints Committee publicly disclosed that, in his view, many complaints that had been declared unfounded because of the lack of supporting evidence were in fact authentic and that the church should do something about them. That finding was not new to the Board, but the timing of its disclosure was. It ultimately led to the so-called Final Action, which will be discussed later. The Board never actually doubted the correctness of the view of the chairman of the Complaints Committee.

Another important aspect of the Board's sense of responsibility was the need to guarantee the safety of the employees. With such an emotionally charged subject as sexual abuse, minor incidents can be magnified, apparently insignificant issues can assume substantial proportions and administrative and organisational differences of opinion can escalate into serious conflicts. It is not uncommon for such escalations to crystallise in or around a particular individual, or at least that individual's function. Accommodating or trivialising the emotions involved is not an option.

Naturally, over time such situations arose with a certain frequency, albeit significantly less often in the last few years than previously. The Board always tried to address such situations with restraint and endeavoured to keep channels of communication constantly open. Many hours were devoted to conversations with the individuals concerned, on the side of the victims and on the side of the church, in an attempt to keep things in proportion and to find a solution. However, relatively early on, the Board drew a clear line when personal attacks were made against a specific official. Not only had little or nothing been done wrong in a formal sense in this instance, the Board also realised the importance of assuring all the other employees (including the chairpersons and the members of the committees and the Victim Support Platform) that they had the support of the Board and had no reason to fear that their actions would be called into question. Once the Board had informed both the victim organisations and the church that it had drawn that line, there was still occasional criticism of some officials, but it remained within acceptable bounds. No one left or quit because of such criticism.

The performance of the Reporting Centre at every level was also greatly enhanced by the availability of modern communication tools. Although the Board held 37 plenary meetings, the members also conducted a lot of correspondence by e-mail. Many decisions were also made outside formal meetings to ensure that the Board could always act effectively. The fact that this was possible is itself an illustration of the large degree of consensus within the Board and between the Board and the chairpersons of the Complaints Committee, the Compensation Committee and the Victim Support Platform. It is also important to mention the excellent support the Board received from Mr. Brenninkmeijer as head of the Reporting Centre, and later from his successor, Ms. Sanders.

Description of the environment

When the Board took office in September 2011, the complaints procedure was already in place and the compensation scheme had almost been finalised.

The chairman of the Complaints Committee, Mr. Stevens, had been guiding that process for some time. Professor Wim Wolters, a clinical psychologist, managed the victim support services until January 2012, when he and two professional experts, Mr. Schreurs and Mr. De Jong, constituted the Victim Support Platform. Mr. Brenninkmeijer was head of the Reporting Centre and had by that time set up the organisation to process the large number of reports and complaints. The staff was expanded, and additional members were appointed to the Complaints Committee. The Compensation Committee was established later, with Mr. Holthuis as chairman. The Reporting Centre also hired a number of counsellors, who worked under the auspices of the Victim Support Platform but also provided practical assistance, for example by helping victims to formulate a complaint.

As mentioned in the description of the establishment of the organisation, the Bandell Commission also provided advice regarding the structure of the organisation. This advice was quickly implemented under our responsibility as Board. The final report of the Deetman Commission had not yet been published at that time. The work had to be performed under intense pressure, pressure that was connected to a large extent with both the nature of the problems and the large number of actors involved.

In the first place, naturally, the Roman Catholic Church, which (it has to be remembered – and as the Deetman Commission described in its reports) is less monolithic than is sometimes believed: there are seven dioceses within which each bishop has a large degree of autonomy, although they work together in the Conference of Bishops. Orders and congregations² have even greater autonomy and have traditionally worked together in the Conference of Dutch Religious. The divisions on the subject of ‘sexual abuse’ were also (if possible) even greater within the Conference of Dutch Religious than within the Conference of Bishops. As the statistics in Appendix 1 show, a large majority of the instances of sexual abuse occurred within orders and congregations, and there was also a concentration within that group in terms of the orders or congregations concerned and in terms of geographic location.

Some orders and congregations had since disappeared from the Netherlands, and there were major differences both in quantitative and qualitative terms. The phenomenon described in the foreword (discomfiture and reactions that were sometimes clumsy and sometimes simply wrong) frequently occurred, mainly in orders and congregations with a small number of members or with no younger members who could assume administrative responsibilities. This diversity was also reflected in the bureaucracy of the Conference of Dutch Religious. Although the Reporting Centre dealt exclusively with the board of the Conference of Dutch Religious, its president, who was the Reporting Centre’s principal contact person, did not have a full mandate. Nor did the president of the Conference of Bishops, but it was significantly easier for a collegium composed of the bishops and auxiliary bishops of seven dioceses to make decisions. In that context, the very constructive role played by the former president of the Conference of Bishops, Cardinal Eijk, cannot go unmentioned.

Another aspect of the forces that influenced the environment in which the Reporting Centre operated has to be mentioned: the church authorities were not really used to dealing with the media, and certainly not with the media in situations where they were meeting with victims. It was notable (to the Reporting Centre as well) that the church was very sensitive to publicity, and particularly to the activities of journalists who were regarded as hostile. The relevance of that was that the church had at that point not succeeded in winning the trust of victims, and initially of victim organisations, via the media. In that respect, the uneasy relationship with the media did not help the process.

This was also relevant for the Reporting Centre because it reinforced the need for the Reporting Centre to make it clear to outsiders that it operated independently of the church. For many victims, and also for some victim organisations and victims support groups, the Reporting Centre was still ‘an agency of the church’, despite the legal guarantees and the thorough reforms that had been carried out in accordance with the recommendations of the Deetman and Bandell Commissions.

The church’s inability to win public confidence, especially in the early years, therefore increased the risk that the Reporting Centre would be viewed with mistrust. The other side of the coin was that the church was also very nervous about public statements made by the Reporting Centre, because of the automatic expectation that they would have negative consequences for the church. That is why the statement by Mr. Stevens, the chairman of the Complaints Committee, that the stories of many victims whose complaints had been declared unfounded due to a lack of supporting evidence were authentic initially caused a scare, even though it was recognised even in ecclesiastical circles that the statement was not groundless. The public statement by Mr. Stevens did have the incidental effect of underlining the independence of the Reporting Centre.

These relationships between the church, the victims and the organisations representing them, and the Reporting Centre cannot be seen in isolation from the role played by the House of Representatives and the Minister of Justice (later Security and Justice) in this process. Significant political engagement arose almost immediately after the first major reports by the *NRC Handelsblad* and *Wereldomroep*. Which is understandable, given the publicity engendered by those reports. In the relationship between church and politics, the possibility of a parliamentary inquiry (or a parliamentary investigation, an alternative form of scrutiny later incorporated in the Rules of Procedure) by the House of Representatives was constantly hanging over the church like the Sword of Damocles. The vision of public hearings with elderly church office holders from the religious orders or dioceses being heard under oath was a nightmare for the church. It would not be overstating the case to say that this pressure prompted the church to opt for transparency and for an independent inquiry by the Deetman Commission. Although discussions about a

² An order is a monastic community whose members swear a solemn oath and have Papal approval. Congregations can be formed with the approval of a bishop and the members make simple vows.

cover-up by the church arose on several occasions (even after September 2011 when our Board took office), and a parliamentary inquiry or parliamentary investigation was suggested, the threat of such an action greatly declined, especially after the publication of the Deetman Commission's final report, which was received with unanimous appreciation and confidence by the House of Representatives.

Despite the easing of the threat of parliamentary action, the church's position was determined to a relatively insignificant extent by the fear of such action, while victim groups wishing to accomplish something for their members naturally maintained contact with members of parliament and even occasionally created the impression that they would insist on action by parliament if the church did not concede.

The Deetman Commission and, in particular, Mr. Deetman himself also operated in this same force field, especially because his task did not end with the publication of his report. First, there was a follow-up inquiry into the use of excessive violence. Second, there were reports on the monitoring of the extent to which his recommendations were being implemented. Victims, as well as victim organisations, continued to approach Mr. Deetman, particularly if they had disputes with the church or with the Reporting Centre. In the early days of the Board's existence, such differences of opinion led to close consultation with Mr. Deetman, and from that time on, the substantive division of roles was carefully respected.

Over time, the political engagement with the issue led to hearings, roundtable discussions and consultations between the House of Representatives³ and the government on progress with the process of recognition, reparation and help. Representatives of the Reporting Centre were questioned in the House of Representatives, and there was frequent contact between officials of the ministry and the Reporting Centre to provide the government with the necessary factual information.

The hearings and roundtable talks were also attended by representatives of the church and the victim organisations, as well as by Mr. Deetman. It goes without saying that the various actors had their own area of responsibility, but sometimes also their own agenda. By way of illustration (the subject is discussed separately later), the victim organisations occasionally insisted on mediation using the method developed by *Stichting Triptiek*. They also tried to use their contacts in parliament to persuade the church to make systematic use of the mediation model developed by *Stichting Triptiek*. Naturally, the issue of complainants whose complaint had been declared unfounded but whose story was authentic in the opinion of the Complaints Committee, was discussed in parliament. The House of Representatives then insisted that a solution should be found for this group of victims and explicitly suggested using *Stichting Triptiek*.

In 2012, it emerged that there had also been widespread sexual abuse outside the Roman Catholic Church, in juvenile institutions falling under the responsibility or supervision of the government. This led to an inquiry by the Samson Commission. Victims of sexual abuse in that domain organised and allied themselves with organisations of victims in the church, whereupon plans were made to form a network to secure recognition, reparation and help. In that context, the Reporting Centre was asked to integrate its activities into a similar wider network. The Ministers of Health, Welfare and Sport and Security and Justice initially agreed to these plans, but ultimately they did not go ahead. Nevertheless, they are worth mentioning because they demanded a lot of the Board's attention for a considerable length of time and therefore were one of the elements in the context that formed the environment in which the Reporting Centre had to operate. The plans were not implemented because of disagreements among various organisations. The Reporting Centre was not a party to those disagreements but, with hindsight, the work of the Reporting Centre would certainly have been severely hampered if it had been required to join such a network.

In other words, the backdrop against which the Reporting Centre had to operate was also changing over time.

To conclude this description, two other aspects of that backdrop deserve to be mentioned. When the Deetman Committee published its final report, it was criticised on two points. The first was that the report concentrated exclusively on sexual abuse, while there had also been cases of excessive violence without any form of sexual abuse in many religious institutions. This excessive violence had also caused substantial harm, but it had been entirely overlooked. The same argument was made by a group of female victims who pointed out that the abuse, particularly in female congregations, had taken the form of

³ Almost always the Permanent Committee on Justice (later Security and Justice).

physical or psychological violence and that the Deetman Commission had devoted almost no attention to these female victims.

It is relevant to note that, from the outset, the Reporting Centre devoted attention to violence in relation to sexual abuse. Where there were separate incidents of excessive violence by a perpetrator who also committed sexual abuse, that was taken into account in assessing the seriousness of the sexual abuse and, subsequently, in the amount of financial compensation awarded. The Reporting Centre did not have the authority to allow victims of violence alone to use the complaints procedure and the compensation scheme, but the mandate to provide help for victims was interpreted broadly and victims of excessive violence alone could also contact the Victim Support Platform. Some did take advantage of that option.

The relationship with victim groups

Immediately after taking office, the Board started building a relationship with victim groups. There were initially two groups: the *Koepel Landelijke Overleg Kerkelijke Kindermisbruik* (KLOKK) and the fairly large group of people who had been abused as boys in the Bleijerheide institute and had come together under the name Mea Culpa United (MCU). From the outset, meetings were held regularly with KLOKK, almost always arranged to coincide with Board meetings. Meetings with the MCU only started after the conflict between victim organisations and the church over the communication between them – a clash that occurred in public during a hearing in the House of Representatives on 28 March 2013 (see also below). Meetings with the *Vrouwen Platform Kerkelijke Kindermisbruik* (VPKK) were less frequent than with KLOKK, partly because a significant number of VPKK's members were women who had suffered only violence; VPKK was also integrated into KLOKK for some time.

The relationship between the Reporting Centre and KLOKK, the largest organisation representing victims, was initially troubled, although a distinction has to be made in that context between the contacts with the Board and the contacts with professionals. As the representative body of individual victims, the organisation often contacted employees of the Reporting Centre to resolve practical problems relating to individual cases. To a certain extent, these types of contacts proceeded reasonably smoothly from the outset.

As far as the communication with the head of the Reporting Centre and the Board on policy issues is concerned, the situation was uncomfortable for both sides. An additional factor for KLOKK was a certain scepticism concerning the Reporting Centre's degree of independence. In addition, early on KLOKK lost faith in the chairman of the Victim Support Platform, Professor Wolters. The origins of that rift lay in the period before the Board took office in September 2011. In the prevailing situation it was impossible to restore mutual trust. Professor Wolters then put the interests of helping victims first and declared his willingness to stand down as chairman of the Victim Support Platform. That position was then assumed by Mr. Schreurs.⁴

Meanwhile, the contacts between KLOKK and other victim organisations and the chairman of the Complaints Committee proceeded satisfactorily. This communication enabled the chairman of the Complaints Committee to clear up misunderstandings for KLOKK, while at the same time benefiting from the information he received from that organisation.

Once the Compensation Committee was up and running, the committee's chairman, Mr. Holthuis, similarly maintained contact with KLOKK. Over time, these and other contacts, as well as the later improvement in the communication with the Victim Support Platform, made a significant contribution to establishing mutual trust and respect for each other's work.

In that context, it has to be mentioned that the volunteers in the victim organisations were often confronted with the anger, grief, frustration and disappointment of victims even before the Deetman Commission or the employees of the Reporting Centre. This affects a person and naturally also determines the way in which victim organisations view an institution like the church, but also the Reporting Centre. Partly thanks to the expertise and experience of the Victim Support Platform, it was ultimately possible to establish cooperation with victim organisations, with respect for the exceptional position they found themselves in.

⁴ In 2016, after the death of Professor Wolters, it was found that he had kept case files at home. They were handed over to the Victim Support Platform.

That process was certainly not without setbacks, but there was a willingness on both sides to learn from one another.

Another important aspect in this respect was the management of expectations. If expectations are too high, there is a risk of frustration, which is ultimately not helpful for cooperation. A lot of time was therefore devoted to this. Naturally, the learning process and the management of expectations also played an important role in the relationship between the Reporting Centre and the church, which brings us to a further discussion of that relationship.

The relationship with the church

The church acknowledged the importance of the Reporting Centre's independence, but on the other hand, the articles of association provided that the appointment of Board members, changes to the complaints procedure and the compensation scheme required the prior approval of the church. The church was also financing the Reporting Centre. On that latter point, it can immediately be said that the church never made any attempt to use its control of the purse strings to exert influence on the functioning of the Reporting Centre.⁵

Nor, in fact, did the church ever pull rank on the Reporting Centre. After some discussion, it always went along with the Board, even when its preferred course of action differed. Although there were sometimes traces of what one might call a principal-agent attitude to the relationship on the part of some church representatives, it was confined to verbal communications, for example in remarks made in approving the annual accounts. Paradoxically, at one point KLOKK made reference to such a principal-agent relationship when its chairman and the chairpersons of the Conference of Dutch Religious and the Conference of Bishops were establishing the so-called Chairmen's Council. This platform plotted a course for the implementation of a recommendation that the Board of the Reporting Centre disagreed with. To our amazement, KLOKK chose that moment to say that, as Board of the Reporting Centre, we should listen to the Conference of Dutch Religious and the Conference of Bishops, which it suddenly regarded as our principal. This was the only time it happened, but it also illustrates how perceptions can shift over time in a relatively complex environment like the one in which the Reporting Centre had to operate.

A not unimportant issue was the attitude of church authorities, not only towards individual victims, but also towards the process as a whole. A number of meetings were organised with a larger group of church authorities in an attempt to persuade the superiors of orders and congregations, in particular, to adopt a cooperative and empathic attitude both in terms of providing factual information and in terms of their motivation. These occasions involved question-and-answer sessions, with the chairmen of the Complaints Committee and the Compensation Committee in particular, at which various factual issues were raised. The victim organisations were aware that these meetings took place.

There were some instances where the treatment of an individual during a hearing of the Complaints Committee was a serious problem, particularly for the victim, of course, or there was a risk that a recommendation of the Complaints Committee or the Compensation Committee would not be followed. In a number of cases, the lawyer for an order or congregation also played a negative role by acting far too much as a criminal lawyer.

In some cases, it was sufficient to persuade those concerned to change their attitude through contacts in the church. In this way, it was also possible to prompt some orders or congregations to ask a different father or brother or sister to appear at a hearing – someone who was able to show greater empathy and display more tact. In some cases, where there was a risk that a recommendation would not be implemented, the Board intervened, sometimes by speaking directly to the relevant superior. The number of incidents in this latter category can be counted on the fingers of both hands. However, the Board of the Reporting Centre also had to exert pressure on some diocesan office holders to ensure that the recommendations of the Complaints Committee and the Compensation Committee were properly implemented. The same figure of speech applies to these instances.

In general, the Board's judgement of the church's cooperation is positive, and the conduct of many church officials can be described as extremely praiseworthy. On balance, the Board can conclude that all

⁵ See also the later chapter on finances.

victims received recognition and reparation in accordance with the recommendations of the Complaints Committee and the Compensation Committee.

There are, however, two areas that deserve further comment. In the first place, a recurring theme was that the church felt it was receiving too little public appreciation for the efforts being made to provide recognition, reparation and help for victims. Whenever the Board urged the church to display some flexibility in resolving particular problems, there would be deep sighs here and there that this flexibility would still not yield any appreciation. We, as Board, repeatedly pointed out that this was not ultimately the point, it was about providing the recognition, reparation and help that the victims deserved. That insight always led to the Reporting Centre receiving the cooperation it requested from the church.

The second point is an extension of the first and concerns the complaint about the judicialisation of the complaints procedure (an aspect that will be discussed in more detail later) and the better alternative of mediation, which KLOKK in particular pressed for. Some victim groups did reach bilateral settlements with an order or congregation through mediation – without any involvement of the Reporting Centre – that provided recognition as well as financial compensation.

The Conference of Bishops and the Conference of Dutch Religious were strongly disinclined to cooperate with any form of mediation since they had – in accordance with the advice of the Deetman Commission and the Bandell Commission – established the procedure that involved the Complaints Committee and, later, the Compensation Committee for determining financial compensation. It seemed as though many church authorities took refuge in that and were afraid that, with mediation, they would be starting down some kind of unfamiliar path. However, the Board was ultimately able to convince the church that mediation should also be allowed under the purview of the Reporting Centre. Unfortunately, that cooperation only came at a very late stage, so in the Board's view, far fewer cases were handled via mediation than might have been.

Nevertheless, that does not detract from the favourable judgement expressed earlier regarding the cooperation the Reporting Centre received from the church.

Westra Report

While the relationships between the Reporting Centre and victim groups, on the one hand, and between the Reporting Centre and the church on the other, were not entirely problem- and tension-free, at a certain point relations between the victim groups and the church were quite frankly appalling. The church more or less hid behind the Reporting Centre, while victim organisations were looking for direct contact with the church. This all culminated in a public confrontation with Cardinal Eijk, then the chairman of the Conference of Bishops, and Brother Van Dam, the chairman of the Conference of Dutch Religious, in the House of Representatives on 28 March 2013. It was this clash that prompted the House of Representatives to ask the chairman of the Board of the Reporting Centre to mediate and to arrange talks between the church and the victim organisations. This was done and resulted in a meeting between the chairman of KLOKK (Mr. Klabbers), Cardinal Eijk and Brother Van Dam. Separate meetings were later arranged with MCU and, subsequently, with the VPKK, the latter meeting being set up via the so-called Contact Group.⁶

The talks between the chairpersons of the Conference of Bishops, the Conference of Dutch Religious and KLOKK produced an agreement to take a so-called baseline measurement. This study would establish the current status of the implementation of the recommendations of the Deetman Commission and the Bandell Commission and form the basis for a discussion of what further steps should be taken. It would then also be possible to measure progress in the future. Following this agreement, Dr. R.L.N. Westra was asked to carry out the study. He had meetings with all the relevant actors and, on 10 October 2013, published a report containing a large number of recommendations, some of which were also directed to the Reporting Centre (see Appendix 10).

Dr. Westra's report made a significant contribution to improving relations between the parties, and the Reporting Centre could accept the vast majority of the recommendations. One recommendation – to

⁶ This was a consultative group at a professional level, chaired by Bishop Van de Hende, established for the purpose of resolving practical problems. The secretary of the Board of the Reporting Centre attended two meetings before the talks collapsed because of the tensions between the victim organisations and the church.

alter the layout of the room in which the hearings of the Complaints Committee were held by substituting a round table for the square one – quickly faced objections from victims, who felt it was important to retain the classical, more courtroom-like layout.

Another important recommendation by Dr. Westra was to arrange regular meetings between the chairpersons of the Conference of Bishops, the Conference of Dutch Religious and KLOKK, the so-called Chairmen’s Council. It was also considered whether the chairman of the Board of the Reporting Centre should attend those meetings, but the Board consciously rejected that option. The Chairmen’s Council would discuss many issues that did not fall under the remit of the Reporting Centre and were therefore no concern of the Reporting Centre.

In practice, this did not lead to completely separate circuits. Both before and after meetings of the Chairmen’s Council there was always contact with either Dr. Westra – who served as secretary and adviser – or with Mr. Klabbers, or with both. These contacts also served an additional purpose in the sense that important issues arising between the Reporting Centre and the church or victim groups were also discussed in the Chairmen’s Council. The information provided to the chairman of our Board was also always passed on to the other Board members and the chairpersons of the Complaints Committee, the Compensation Committee and the Victim Support Platform, as well as the head of the Reporting Centre.

This is an appropriate place to say something about the role of Dr. Westra, and also that of Mr. J. Bakker. As the representative of the financial administrators of the dioceses, Mr. Bakker was always closely involved and attended meetings of the Contact Group and the Chairmen’s Platform. He and Dr. Westra both made enormous efforts to tie up the so-called ‘loose ends’ that were part of the reason for the conflict between the victim organisations and the church in April 2013, as well as those that emerged later. The question of complaints that had been declared unfounded and the cases of violence were also raised in those forums and both men played an important role in helping to resolve the issues.

A specific example of such a ‘loose end’ concerned the provision of help. Quite a few victims were confronted with the obligation to pay a personal contribution for health services, or later a supplement on their health insurance premium, for example when they applied for psychiatric help. In consultation with Mr. Bakker and Dr. Westra, it was arranged that the Board’s treasurer would assume those costs, in consultation with the chairman of the Victim Support Platform, and charge them on to the church.

Another example is the relatively large group of victims of the institute in Bleijerheide. The relevant congregation, originally German, was no longer represented in the Netherlands and the German mother house was struggling financially. In consultation with Mr. Bakker and Dr. Westra, the church eventually created a fund to pay the compensation due to those victims and delegated its management to the treasurer of the Reporting Centre.

In the Board’s view, Dr. Westra played an important role in keeping open the lines of communication, which ultimately led to a noticeable improvement in the relationship between the representatives of the church and of the victim organisations, and to greater mutual respect.

Monitoring by Deetman

Mr. Deetman published an interim monitoring report, and later a final monitoring report in December 2016, which were intended primarily for the House of Representatives and the government. The reports were also raised during meetings in parliament. To a certain extent, these reports – in the perception of the Board of the Reporting Centre – served to crystallise issues about which the actors concerned were nervous. The question for the church was always what terms Mr. Deetman would use to describe his findings, while victim organisations formulated their wishes and informed him of them. The Reporting Centre always provided Mr. Deetman with the information he needed. Recommendations made in the monitoring reports did affect the Reporting Centre, but not directly, for example in relation to the complaints that were declared unfounded but where the victim’s story was felt to be authentic and the cases of violence. Mr. Deetman also spoke out on the objection that the complaints procedure was causing cases to become too juridicised.⁷

⁷ First monitoring report of the (former) Commission of Inquiry into sexual abuse of minors in the Roman Catholic Church, House of Representatives’ Standing Committee on Justice (appendix to 33400VI, no.5), pp. 20 and 21.

Mr. Deetman's final monitoring report in December 2016 was not discussed with the Reporting Centre in advance, but he was provided with statistics about the current state of affairs.

There were some incidental discussions regarding the archives. Early on, the Board of the Reporting Centre had suggested a meeting with the Deetman Commission and the church to consult on an arrangement for the use of the archives for scientific research. However, the Deetman Commission said it wished to formulate its own policy on that issue.

Publicity policy

From the outset, the Reporting Centre pursued a carefully considered policy towards publicity. Naturally, the bottom line was to protect the privacy of both victims and alleged perpetrators. In publishing the recommendations of the Complaints Committee, and later those of the Compensation Committee, special care was always taken to omit any information that could possibly allow a case to be traced to a particular individual. There was one specific case in which the Board was alerted to the fact that a published recommendation still included information from which a person could be identified. A number of details were then removed from the version of the recommendation published on the Reporting Centre's website.

The Board always regarded publication of the recommendations on its website as part of its public accountability and as an element of its desire to avoid any appearance that it was cooperating with a cover-up. This method of publication was also intended to increase confidence in the committees and the Reporting Centre in general, since by reading the recommendations of the Complaints Committee and the Compensation Committee, the public would be able to see for themselves the diligence with which they were performing their tasks.

The Reporting Centre consistently refused to comment on those cases in which third parties included names – for example of victims or church officials – based on their own knowledge. The reason for that was set out in a policy that was also published on the Reporting Centre's website (Appendix 8). Briefly, the policy was that the purpose of the Reporting Centre's procedures was to address the needs of the victims. Their stories and the plausibility of the stories took priority. For example, it was not for the Complaints Committee to judge or condemn an alleged perpetrator. The Complaints Committee was not a criminal court investigating the offences of an accused individual. The priority was the victim's suffering and recognition of it. The purpose of the complaints procedure was to provide as many victims as possible with the recognition and reparation due to them. It was not the purpose of the procedure to name and shame individual perpetrators. Given the low evidentiary threshold for victims, it would also be irresponsible to disclose the name of an alleged perpetrator on the basis of that evidence. Even when the name was public, for the Reporting Centre to give additional publicity to that person's name would increase the damage for that person and his or her family or relatives and that could be regarded as an unlawful act.

In one case, the Reporting Centre was criticised by an acquaintance of an accused who had since died and whose reputation he wished to protect. That complaint was in fact preceded by the objection that the procedure provided insufficient safeguards for those accused. Later, this acquaintance formed a single-person foundation, which again approached the Board, and the Board again took the position that the publicity was solely the consequence of the fact that the accused's name had been disclosed and that the Reporting Centre had been in no way involved in that disclosure. As regards the earlier complaint, the special character of the procedure was emphasised. The summons served on the Board by this single-person foundation is currently pending before a district court. In the interests of the privacy of the individuals concerned, the Board will not discuss this case any further.

As regards the policy on publicity, it is also worth mentioning that the Reporting Centre was regularly approached with requests for its cooperation with some form of research. Those requests were only agreed to if, for example, they involved meetings with the chairman of the Complaints Committee to discuss aspects that could not be related to individual cases. Requests to examine case files were always denied. Requests for the names and addresses of persons who had made a report (with a view to approaching them for the purposes of scientific research) were always denied. Providing such information was not only prevented by the rules governing the protection of personal data, but also by the realisation,

already mentioned in the foreword, that many victims wished to forget about their childhood experiences and to get on with their lives on completion of the procedure.

One academic researcher was referred to victim organisations, which had a different relationship with their members.

Mediation, relationship with *Stichting Triptiek*

As mentioned above, the Board of the Reporting Centre drew the church's attention to mediation as a satisfactory method of handling complaints. The complaints procedure itself permitted that option if the chairman of the Complaints Committee, during the oral hearing for example, believed there was a possibility of the parties reaching an amicable settlement. In other words, the church had already opened the way for mediation in the complaints procedure that it had adopted.

The Board of the Reporting Centre carefully studied the procedures followed and applied by *Stichting Triptiek* and discussed them at length at two meetings with Mr. L. Klijn and Mrs. C. Goosen.

The Board received signals from the church that the Conference of Dutch Religious, in particular, had reservations about *Stichting Triptiek*. For example, the impression existed that the compensation awarded by Mr. Klijn as arbitrator were far higher than were to be expected on the basis of the Reporting Centre's compensation scheme. However, a study by the chairman of the Compensation Committee of a number of arbitration cases known by the Reporting Centre to have been handled by *Stichting Triptiek* clearly showed that this fear was erroneous.

The Board of the Reporting Centre was ultimately unable to collaborate with *Stichting Triptiek* for two reasons. First, there was little support for the amounts awarded in *Stichting Triptiek's* procedures because the decision was ultimately made by a single person, i.e., Mr. Klijn. The Compensation Committee that assessed claims for the Reporting Centre had at least three expert members. A further objection was that the general information provided by *Stichting Triptiek* described Mr. Klijn's rulings as binding, while the ultimate agreement that was to be signed said it was an arbitration procedure, which, at least in legal terms, is something quite different.

More importantly, however, under *Stichting Triptiek's* rules the settlement agreements that would be concluded between the victim and the church body would remain confidential. This would mean that the terms of the settlement could not be used as supporting evidence in other cases being handled by the Complaints Committee. This was unacceptable to the Board of the Reporting Centre.⁸

The church was then asked to adopt a draft regulation for a mediation scheme drawn up by the Board and to undertake to implement it. In the view of the Board of the Reporting Centre, that took longer than necessary, but the scheme was eventually adopted. An agreement was reached for mediation by *Perspectief Herstelbemiddeling* – formerly *Slachtoffer in Beeld*, a sister organisation of Victim Support Netherlands (*Slachtofferhulp Nederland*) – in which it was expressly stated that the Reporting Centre would be notified about the settlements so that they could be used as supporting evidence.

Excessive violence and the HEG Committee

As previously mentioned, there was criticism of the Deetman Commission from some victims because it failed to devote any attention to cases of excessive violence that had not been accompanied by sexual abuse. The commission subsequently investigated this subject.

From the outset, the Reporting Centre also registered reports that contained no element of sexual abuse and documented information provided by victims. When the church also declared its willingness to establish a scheme for this group of victims, the Reporting Centre was asked to register new reports, and victims' organisations called on their members to report such cases to the Reporting Centre.

These cases were then also sent to the Committee for Help, Recognition and Reparation for Violence against Minors in the Roman Catholic Church (HEG Committee), and on that basis, the committee⁹ sent

⁸ Later (see below) many church bodies also agreed to requests by the Reporting Centre to see settlement agreements, despite the contractual non-disclosure clauses.

⁹ P. Kalbfleisch, G.A.M. Stevens, W. Langeland and R.L.N. Westra, with H.P.M. Kreemers as secretary.

out letters expressing recognition for the suffering and awarded compensation that was then paid by the church.¹⁰ The Reporting Centre was not involved in any way in the work of the HEG Committee and the follow-up to it. However, some members of the HEG Committee transferred their archives to be managed by the Reporting Centre.

Rejected complaints and the Final Action Committee

It took a long time to answer the question of how to deal with the cases of victims whose complaints had been rejected but whose stories the Complaints Committee believed to be authentic. In October 2015, the church drew up a procedure for so-called Final Action, which was largely completed in June 2016.¹¹ Naturally, later cases also qualified for the scheme. The Reporting Centre was not involved in either assessing or implementing this procedure, but the files relating to these complaints were of course made available to the Final Action Committee. The administrative records are not in the possession of the Reporting Centre.

Summary proceedings, deferral of deadline for submitting reports, reports submitted later (distressing cases)

The original complaints procedure drafted by the church did not specify a closing date for the scheme. With the decline in the number of new reports and complaints being submitted, the Board of the Reporting Centre consulted the church about fixing a final deadline. Naturally, the deadline would not only apply for the complaints procedure, but also the compensation scheme. The Board prepared a draft text that was approved by the Conference of Bishops and the Conference of Dutch Religious, as provided for in the Reporting Centre's articles of association. The revised procedure provided that reports could be submitted until 1 July 2014 and that the final date for submitting complaints was 1 October 2014.

The VPKK objected to this deadline with the argument that female victims found it far more difficult than men to overcome their qualms and submit a report or a complaint. The VPKK felt that there were still many hundreds of female victims who were not yet ready to speak publicly about the sexual abuse they had experienced during their childhood. The VPKK and a number of individuals then brought summary proceedings against the church before the provisional relief judge of Midden Nederland District Court, who ruled that the closing date for submitting new reports should be 1 May 2015. The church then had to decide whether to appeal against that decision, while the VPKK considered whether to bring proceedings on the merits of the case in an attempt to have the final deadline deferred to an even later date. The Board of the Reporting Centre then mediated between the VPKK and the church, the outcome being that no appeal was lodged against the ruling and no proceedings on the merits were instituted.

The intervention of the civil court was notable in legal terms. The deadline for submitting a report is part of a procedure drawn up by the Board of the Reporting Centre; the prior approval of the church was a formal requirement by virtue of the Reporting Centre's articles of association. However, the Reporting Centre was not a party to the summary proceedings. However, over 300 more victims came forward with a report in the period between the original deadline and 1 May 2015. The proportion of these complaints that were recognised was no different from the general cases. In other words, 200 victims received recognition and reparation thanks to the later deadline. The action by the VPKK therefore certainly had a favourable outcome for them. It is also worth mentioning that this group of complainants were not primarily female victims. Forty were women, of whom 32 were victims of sexual abuse. The others had reported violence or had come forward as witnesses.

¹⁰ According to the committee's report – to be found at <https://www.bertsmeets.nl/heg-commissie/> – 3,500 reports were investigated, roughly the same number as the Reporting Centre had received. Compensation was awarded to 350 persons, for a total amount of approximately € 1,000,000.

¹¹ The Final Action Committee consisted of the same persons as the HEG Committee. Of the roughly 249 victims whose complaints were initially declared unfounded due to a lack of supporting evidence, 144 had received recognition and total compensation amounting to approximately € 750,000 as of June 2016.

After the ruling by the provisional relief judge, attention in the consultations between the House of Representatives and the government shifted to the question raised by the victim organisations of how the church would deal with any victims who reported after 1 May 2015. In a motion submitted by Ard van der Steur, the church was called on to compensate victims in distressing cases. In the meantime, the Reporting Centre was still receiving reports submitted by individuals after 1 May 2015 and entering them into the registration system. Additional substantive information was added to case files. As of May 2017, 59 of these so-called post-deadline reports had been received. The Reporting Centre provided information about them to the church and anonymised details were also provided to the Ministry of Security and Justice.

The Board of the Reporting Centre is aware that the church has since adopted a scheme for these post-deadline reports. The Reporting Centre has not been involved in the implementation of that scheme, which has been delegated to the new Reporting Centre for Transgressional Behaviour within the Roman Catholic Church, which was established by the church in 2016. In light of the winding down of the work of the Reporting Centre – which was, after all, mainly intended to deal with cases of sexual abuse to which the statute of limitations applied – the church has made arrangements for victims to report new complaints of transgressional behaviour by its employees. Further information can be found on the website of the Reporting Centre on Transgressional Behaviour.¹²

Availability of supporting evidence

At a certain point in 2016 it was suggested that supporting evidence was being withheld by the church. This was also brought up during a hearing of the Permanent Committee on Security and Justice of the House of Representatives. It ultimately proved to involve mediation cases, including those handled by *Stichting Triptiek*, in which every settlement contained a non-disclosure clause. This has already been discussed in the section on mediation and *Stichting Triptiek*, above. Naturally, this again raised the suspicion of a cover-up.

It was ultimately established that the Reporting Centre was aware of all cases that had been concluded with a settlement, either via *Stichting Triptiek* or otherwise.

A large number of the settlement agreements were known in full to the Reporting Centre. That information was included in the registration system in which supporting evidence was kept for the purposes of ongoing cases and for possible review of cases that had previously been declared unfounded.

To explain: the Reporting Centre kept a number of registers under the names of complainants, accused individuals and institutes. If and when new information regarding a particular accused person became available and an earlier complaint against that person had been declared unfounded because of a lack of supporting evidence, this new information was linked to the accused and to every earlier complaint made against that person. That led in turn to a message to the legal adviser of the complainant concerned, who was informed by the Reporting Centre that there was supporting evidence and that it was possible to request a review of the case. After all, there could still be a finding that the complaint was well founded on the basis of the new information, which then qualified as supporting evidence.¹³

This meant that there was at least a theoretical interest in seeing settlements. The appeal by the government ultimately led to the church arranging that all settlements would be made available to the Reporting Centre.

Mr. Deetman assessed whether all relevant information had been provided to the Reporting Centre, and found that it had been. The review of the additional information provided by the church led to the conclusion that there was no supporting evidence whatever that had not been seen by the Reporting Centre. The additional information had therefore not yielded new supporting evidence.

¹² <https://www.meldpuntgrensoverschrijdendgedragkk.nl/>

¹³ This could also be a complaint that was partially upheld regarding a lighter form of sexual abuse and partially declared unfounded with regard to the more serious abuse. If supporting evidence later emerged that made the more serious abuse plausible, there was a revised ruling. Naturally, that also affected the amount of the compensation. A notification of new supporting evidence did not always lead to a review because a victim sometimes declined to endure the burden of a formal procedure again.

Complaints about treatment

One of the recommendations in the Westra report related to the establishment of a separate complaints procedure for the treatment of complainants by officials of the Reporting Centre (in the widest sense of the word). Similar complaints about treatment are also handled with a separate complaints procedure in health care institutions, schools and similar institutions.

The Board adopted such a complaints procedure, published it on the Reporting Centre's website and appointed a complaints officer in the person of Mrs. Petra Stassen. It should be mentioned in that context that the Board had not received any such complaints up to the time of the establishment of the complaints procedure, but there had been complaints about the treatment of victims by representatives of accused persons. As mentioned above, in appropriate cases the chairman of the Complaints Committee or the Board had undertaken action against improper conduct or a lack of empathy on the part of representatives of the church.

Following the establishment of the Complaints Committee, one actual complaint was submitted, which the Board ultimately found to be unfounded. A second complaint was handled by the complaints officer, but the individual who had complained about his treatment failed to respond to efforts to contact him.

Archives

As mentioned above, the Board took office in September 2011, at which time a complaints procedure was in place and a compensation scheme was almost finalised. These regulations included a provision relating to the files of the complaints and compensation cases, which stated that, on completion of the procedure, the files would be kept for 20 years in the archives of the committees, which would not be open to the public, and would then be destroyed, with the exception of the recommendations of the committees.

The Board took the position early on that it could not accept responsibility for implementing these provisions, given the fact that it was in the public interest for the case files to remain available, at least for scientific research.

The Board also regarded it as relevant that, in a great many cases, victims had told no one or only a very few people about what had been done to them in their youth even after the complaint had been handled by the Complaints Committee and compensation had been awarded by the Compensation Committee. At the same time, it was clear that family members had also often suffered from the consequences of the sexual abuse that their relative had endured. It was also clear that many family members had difficulty understanding the behaviour of a victim or the course his or her life had taken without being able to form an impression of those childhood experiences. Particularly when the victim had since died and it was discovered that he or she was the victim of sexual abuse in childhood, it could help family members to better understand their family life or to place the memory of the deceased in the correct perspective by reading the record of a complaint made to the Reporting Centre. The importance of this was also impressed on the Board in its consultations with the victim organisations.

As mentioned above, the issue of archiving was also raised with the Deetman Committee and the church early on. In anticipation of the closing of the Reporting Centre, the Board informed the church that it wanted to make arrangements that would guarantee access to the archives of the Reporting Centre for the purposes of scientific research and for the next-of-kin. In a supplement to his final monitoring report, Mr. Deetman informed the government and the House of Representatives that he himself had made arrangements for his archives. In the discussions on this issue with the government and the House of Representatives, the church ultimately gave a public commitment that no file would be destroyed and that access to them would in any case be guaranteed for scientific research.

Meanwhile, after consulting the victim organisations and an expert from the National Archives, the Board of the Reporting Centre prepared a draft of its own scheme, which was then submitted to Professor J.K.M. Gevers for his assessment in view of his expertise in the field of 'privacy and medical information'. The church also drafted its own scheme, which also covers archives that could be added in the future, particularly ecclesiastical archives, to which the Reporting Centre did not have access.

The consultations between the church and the board of the Reporting Centre on this subject finally led to agreement on an arrangement whereby archives would be available for scientific research, while at the same time the privacy of victims and the accused would be safeguarded, the rules relating to the confidentiality of medical information would be observed and there would be a possibility for the next of kin of victims to inspect the file if there were a complaint. This scheme was also evaluated by Professor Gevers and his comments were incorporated in it. The archive scheme is attached as Appendix 7 of this report. Ownership of all the relevant documents in the archive, except those that fall under canon law, will be transferred to a foundation with a board that can operate independently of the church.

Proposals for research projects will be assessed by a scientific committee, which will in turn be independent of the Board of the Foundation. The church and the board of the Reporting Centre also reached agreement on the members of the board and of the scientific committee. The archive foundation will then deposit the collection with an archival institution, which has still to be named.

There are two more issues that need to be mentioned.

The Reporting Centre's archive includes the files of the Victim Support Platform, which contain medical information that is subject to the Agreement on Medical Treatment Act [*Wet geneeskundige behandelovereenkomst*], which imposes a duty of confidentiality on the physician. There is also an obligation to destroy information, albeit exemptions from that duty are permitted in the interests of scientific research. On the advice of Professor Gevers, however, the possibility was expressly created for victims to object, in which case the documents would still be destroyed. This option was publicised on the websites of the Reporting Centre and the victim organisations. At the time of the publication of this final report, one victim had applied for destruction of the file and that request was honoured. At the request of the Victim Support Platform, a provision was also inserted into the archive arrangement stating that the files in the archive relating to treatment, in any case, would be destroyed 15 years after the Reporting Centre's closure. The Victim Support Platform is still considering further requirements that might be needed to ensure that the archiving is adequate.

The possibility for next-of-kin to read the file of a complaint that was submitted by a deceased family member is not unrestricted. It does not extend to information in the file that qualifies as medical information within the meaning of the Agreement on Medical Treatment Act. If, for example, a deceased victim submitted a psychiatric report to the Complaints Committee, relatives will not be allowed to see it. It will also not be possible to inspect information, in the file or otherwise, concerning the sexual inclination or sexual conduct of a victim.

The reasoning of the board of the Reporting Centre in this regard was as follows: an immediate relative of a deceased victim can have a legitimate interest in learning more about what happened to that individual in his or her youth. In particular, the information can provide insight into the deceased's behaviour as experienced by that relative, and which sometimes 'had to be endured', to help understand why the deceased had behaved in that way. On the other hand, during his or her life, the victim had apparently not told anyone, and apparently did not wish to tell anyone, about the abuse during his or her childhood. In addition, the victim provided the Complaints Committee of the Reporting Centre with that information in the knowledge that it would remain secret. The victim had apparently not made any provision for allowing relatives to see that information after his or her death, since they were relying on the Reporting Centre's archive for it.

The board of the Reporting Centre wishes to respect this manifest wish of the deceased victim by excluding the aforementioned types of information from perusal by the next-of-kin. The board further believes that the next-of-kin should also respect that manifest wish, even if it prevents them from acquiring a complete picture of their deceased loved one as a person. The church endorsed the position taken by the board of the Reporting Centre on this issue.

Dissolution

On conclusion of the agreements with an institution to manage the archive and when all the documents and digital data carriers have been transferred to the archive, the Management and Monitoring Foundation will be dissolved in the course of 2018. The members of the Board will act as its liquidators. Since it was financed entirely by the church, which will pay all the costs of its dissolution, there are no assets to be assigned.

R.H. van the Beeten, Chairman
J.W. Brenninkmeijer, Secretary
A.J.H. Peek RA, Treasurer

Chapter 3

Reporting Centre Sexual Abuse within the Roman Catholic Church in the Netherlands

The Reporting Centre Sexual Abuse within the Roman Catholic Church in the Netherlands provided support for the Victim Support Platform, the Complaints Committee and the Compensation Committee with a permanent staff of legal, psychological and secretarial assistants under the direction of the head of the Reporting Centre. The staff's work generally involved verifying and documenting personal details; registering and monitoring the steps to be taken in providing help, handling complaints and assessing compensation; handling correspondence; managing the files of complaints; dealing with telephone calls and e-mails; and arranging the catering and reception of visitors during hearings, meetings and gatherings.

The support provided by the Reporting Centre for the Victim Support Platform consisted of conducting the initial intake interviews, assigning a counsellor, making an inventory of the help required, organising 'screening interviews' by the psychologists attached to the Victim Support Platform, and, if necessary, bringing victims of abuse into contact with specialist mental health-care providers.

The support of the Complaints Committee involved assigning a legal adviser, free of charge, to victims of abuse; monitoring and overseeing the procedure from the submission of a complaint up to and including the recommendation of the Complaints Committee; keeping complainants, alleged perpetrators and relevant church authorities informed during the procedure; planning and preparing hearings; and finally, publishing the recommendations and decisions of the Committee in anonymised form.

The support of the Compensation Committee consisted of sending application forms to victims of abuse whose complaints had been wholly or partially acknowledged, keeping records of the submitted applications and verifying that they were complete, forwarding the applications to the Compensation Committee and church authorities, arranging correspondence with claimants and church authorities (or their authorised representatives) in the course of the procedure, guaranteeing timely payment by the church authorities of the compensation awarded, and publishing the rulings of the Compensation Committee in anonymised form.

Working methods

The Reporting Centre made a distinction between reports and complaints. With the consent of the person who submitted them, reports and complaints could be used as supporting evidence in the assessment of other complaints, and the Reporting Centre actively sought that consent. Until 1 May 2015, victims of abuse who wished to submit a complaint were assigned a legal adviser (often a lawyer) at the Reporting Centre's expense. The legal adviser helped the victim to draft the complaint and accompanied the victim at the hearing of the Complaints Committee. With regard to complaints against alleged perpetrators who were still living and to which the statute of limitations did not apply, the victim was also advised to file a complaint with the police. In practice, the threshold for doing so proved to be very high. The relevant religious authorities, if they were known, were notified about proposed complaints. Every complaint of sexual abuse made against alleged perpetrators (priests, members of religious orders and congregations, and lay persons) falling under the authority of the church in the Netherlands was accepted. These also included complaints of abuse that had occurred in Surinam and Curaçao.

Neither the statute of limitations nor the fact that the alleged perpetrator was deceased was an obstacle to submitting a complaint.

On receipt of the notice of complaint, it was forwarded to the accused or the relevant church office holder. The accused filed a statement of defence (or if the accused had died, the relevant church office holder filed a so-called ‘substantive reaction’). The Complaints Committee then held a hearing. The committee issued a recommendation and the church office holder published a decision indicating whether or not the recommendation would be accepted. That ended the complaints procedure, unless one or other of the parties appealed against the committee’s ruling. In addition, until 1 June 2017, decisions could be reviewed if new facts that could serve as supporting evidence emerged later.

When the procedure was completed and the complaint had been acknowledged (even if only partially), the complainant was sent an application form for a claim under the compensation scheme. Victims who had secured evidence of the abuse without the intervention of the Management and Monitoring Foundation (such as settlement agreements in mediation procedures, a written admission by the perpetrator, a judicial ruling) could also make a claim under the compensation scheme.

Automation

From the start of its activities in 2011, the Reporting Centre worked hard to build a system for the automated registration of reports and complaints. Considerable effort was also devoted to remedying the gaps and mistakes that had appeared in the available information because of the flood of reports and complaints in 2010. The new, more professional organisational structure greatly improved the reliability and efficacy of the monitoring of the procedures.

At the end of 2012, a programme was introduced to adapt the complaints registration system to facilitate the automatic generation of correspondence and the digital storage of case files. This process continued in 2013. Because of the potential risks of generating correspondence automatically, the four-eyes principle was followed: all correspondence had to be checked by a second person before it was sent out. The quality of the complaints registration was further refined and enhanced and the physical case files were digitised in 2014.

Communication

Communication received a great deal of attention from the outset. The entire process had to be clearly explained to victims, not only because of the various steps that had to be taken, but also because of the consequences their decisions would have. While confidential counsellors played an important role in this process, communication was also important because victims were repeatedly confronted with stories in the media about victims and their recollections of the abuse they had suffered.

The Management and Monitoring Foundation was not only frequently in the news (on radio and television and in the newspapers), but its spokesperson Ben Spekman also maintained regular contact with the media, sometimes to answer questions in response to external events or events relating to the foundation, but sometimes by issuing press releases on behalf of the foundation itself. The Complaints Committee, in particular, was often asked for a statement regarding the handling of complaints.

The Reporting Centre Sexual Abuse within the Roman Catholic Church produced its own house-style for its stationery, the website and the signposting in the office. In 2011, the website was thoroughly redesigned to reflect the new organisational structure and the procedures. The website explained the procedures and provided information in a ‘frequently asked questions’ section.

In 2011, the decision was made to publish the recommendations of the Complaints Committee and the Compensation Committee in anonymised form. Considerations of privacy meant that this had to be done with great care. After a slow start, the backlog was cleared in 2012, and in 2013 recommendations were often published within a few weeks.

Accommodation

On 1 August 2011, the organisation moved from Biltstraat in Utrecht to Maliebaan in the same city. The move was necessitated by the growth of the organisation and the number of workplaces required to

accommodate the staff, as well as the large increase in the number of hearings each month. Another major advantage to the move was that the hearings could take place in the Reporting Centre's own offices.

In anticipation of the phasing out of its activities and the reduction of its staff, on 30 September 2016 the Reporting Centre moved to smaller offices in the small business centre at Goeman Borgesiuslaan 77 in Utrecht.

Deadline

In the autumn of 2013, the chairmen of the Conference of Bishops and the Conference of Dutch Religious announced that the closing date for submitting reports and complaints of sexual abuse against persons who were deceased and complaints of sexual abuse covered by the statute of limitations would be 1 July 2014. More complaints were submitted in response to this announcement. That deadline was extended to 1 May 2015 in summary proceedings. To publicise the new deadline as widely as possible and because their information might provide supporting evidence for other cases, everyone who had submitted a report since 2010, but had not subsequently lodged a complaint, was notified by registered letter or, if no postal address was known, by e-mail. As a result, 154 people who had reported to the Reporting Centre before 1 January 2015 now converted their original report into a complaint. Other complaints related to reports submitted between 1 January 2015 and 1 May 2015.

In the period between 1 May 2015 and 1 June 2017, just over 50 more people approached the Reporting Centre with a report of sexual abuse to which the statute of limitations applied and/or abuse perpetrated by a deceased person. At the behest of politicians, the Conference of Bishops and the Conference of Dutch Religious made arrangements for dealing with these post-deadline reports. The support for the implementation of these arrangements was provided by the Reporting Centre Transgressional Behaviour in the Roman Catholic Church.

Personnel and Organisation

There has been a large turnover of staff in the Reporting Centre. In 2011 and at the beginning of 2012, there were many changes of personnel during the process of constructing the new organisation. It was also difficult to offer job security for employees, which sometimes made it impossible to retain capable people. The work gradually declined after 2016, which naturally also had an effect on the size of the staff. An organisation that is constantly changing demands a large degree of adaptability and flexibility from its employees, and the nature and content of the work also made the Reporting Centre a difficult place to work. Everyone who has worked at the Reporting Centre in recent years is therefore deserving of our deep respect.

Ms. M.S.L. Sanders,

Head of Reporting Centre Sexual Abuse within the Roman Catholic Church.

2011

Left employment:

- Ms. Th. Dijkema, secretary (1 June 2011)
- Ms. P.M.M. Stassen, interim head (20 June 2011)
- Ms. S. Jacobs, policy assistant, Victim Support Platform (1 July 2011)

Current employees:

- Ms. K. Feenstra, policy assistant (until 1 February 2012)
- Ms. W.G. Steehouwer, legal policy assistant (9 February 2011)

- Ms. L.A. van de Bunt-de Koning, secretary (21 March 2011)
- G.A.M. Stevens, chairman of Complaints Committee (15 May 2011)
- Ms. L. Sanders, secretary of Complaints Committee (1 June 2011)
- Ms. S. Jacobs, policy assistant, Victim Support Platform (1 June 2011)
- Ms. S.N. Mulder, secretary/communications assistant (20 June 2011)
- J.W. Brenninkmeijer, interim head of Reporting Centre (on secondment, 20 June 2011)
- Professor W.H.G. Wolters, chairman of Victim Support Platform (15 May 2011)
- P.J.G. Schreurs, member of Victim Support Platform (23 June 2011)
- Ms. M. Mitić, policy assistant, Victim Support Platform (11 July 2011)
- W.A. de Jong, member of Victim Support Platform (with a service contract via employer, 1 October 2011).

B. Spekman has been spokesperson and communications expert since 22 March 2010 on the basis of a zero-hours contract. Ms. H. Saleem also worked at the Reporting Centre on a zero-hours contract, performing photocopying work in preparation for the hearings.

2012

Left employment:

- Professor W.H.G. Wolters, chairman of Victim Support Platform (1 March 2012)
- Ms. K. Van Pelt-Bangoer, legal secretary (1 December 2012)
- Ms. W.G. Steehouwer, legal policy assistant (9 February 2012)
- Ms. L.A. van de Bunt-de Koning, secretary (21 March 2011 until 21 June 2012)

Current employees:

- B.G.M. Spekman, spokesperson (22 March 2010)
- Ms. W.G. Steehouwer, legal policy assistant (9 February 2011)
- Ms. L.A. van de Bunt-de Koning, secretary (21 March 2011)
- G.A.M. Stevens, chairman of Complaints Committee (15 May 2011)
- Ms. L. Sanders, secretary of Complaints Committee (1 June 2011)
- Ms. S.N. Mulder, secretary/communications assistant (20 June 2011)
- J.W. Brenninkmeijer, head of Reporting Centre (20 June 2011)
- P.J.G. Schreurs, member of Victim Support Platform (23 June 2011)
- Ms. M. Mitić, policy assistant, Victim Support Platform (11 July 2011)
- W.A. de Jong, member of Victim Support Platform (1 October 2011)
- Ms. J.M.C. Verbart, legal assistant (1 February 2012)
- Ms. M.M. Boerland, hostess at hearings (1 February 2012)
- Ms. K. Van Pelt-Bangoer, legal secretary (19 March 2012)
- Ms. N.E.M. Schippers, legal secretary (1 June 2012)
- Ms. E.W.M. Van Kerkhof, legal secretary (11 June 2012)
- Ms. M. Braspenning-Groeneveld, legal assistant (1 October 2012)
- Ms. J.C. Quint, legal assistant (1 October 2012).

Ms. H. Saleem also worked at the Reporting Centre on a zero-hours contract, performing photocopying work in preparation for the hearings. Ms. C. Eriks was hired externally to supervise and coordinate the secretariat.

2013

Left employment:

- Ms. N.E.M. Schippers, legal secretary (28 February 2013)
- Ms. M.M. Boerland, hostess at hearings (30 June 2013)
- Ms. E.W.M. Van Kerkhof, legal secretary (30 September 2013)
- Ms. S.N. Mulder, secretary/communications assistant (20 December 2013)
- Ms. J.M.C. Verbart, legal assistant (31 December 2013)

Current employees:

- B.G.M. Spekman, spokesperson (22 March 2010)
- G.A.M. Stevens, chairman of Complaints Committee (15 May 2011)
- Ms. L. Sanders, secretary of Complaints Committee (1 June 2011)
- Ms. S.N. Mulder, secretary/communications assistant (20 June 2011)
- J.W. Brenninkmeijer, head of Reporting Centre (20 June 2011)
- P.J.G. Schreurs, member of Victim Support Platform (23 June 2011)
- Ms. M. Mitić, policy assistant, Victim Support Platform (11 July 2011)
- W.A. de Jong, member of Victim Support Platform (1 October 2011)
- Ms. J.M.C. Verbart, legal assistant (1 February 2012)
- Ms. M.M. Boerland, hostess at hearings (1 February 2012)
- Ms. N.E.M. Schippers, legal secretary (1 June 2012)
- Ms. E.W.M. Van Kerkhof, legal secretary (11 June 2012)
- Ms. M. Braspenning-Groeneveld, legal assistant (1 October 2012)
- Ms. J.C. Quint, legal assistant (1 October 2012)
- Ms. G.M. Verhoef, secretary (4 June 2013)
- Ms. J.A. Blokzijl, secretary (18 November 2013).

Ms. H. Saleem also worked at the Reporting Centre on a zero-hours contract, performing photocopying work in preparation for the hearings. Ms. M.W.H. Dietz was hired externally to replace Ms. Boerland as hostess and to replace Ms. Saleem for photocopying and archiving. Ms. C. Eriks was hired externally to supervise and coordinate the secretariat.

2014

Left employment:

- Ms. S.N. Mulder, secretary/communications assistant (1 January 2014)
- J.W. Brenninkmeijer, head of Reporting Centre (31 December 2014)

Current employees:

- B.G.M. Spekman, spokesperson (22 March 2010)
- G.A.M. Stevens, chairman of Complaints Committee (15 May 2011)
- P.J.G. Schreurs, chairman of Victim Support Platform (23 June 2011)
- W.A. de Jong, member of Victim Support Platform (1 October 2011)
- Mr. J.W. Brenninkmeijer, head of Reporting Centre (20 June 2011)
- Ms. L. Sanders, secretary of Complaints Committee (1 June 2011)
- Ms. M. Braspenning-Groeneveld, legal assistant (1 October 2012)

- Ms. J.C. Quint, legal assistant (1 October 2012)
 - Ms. M. Mitić, policy assistant, Victim Support Platform (11 July 2011)
 - Ms. G.M. Verhoef, secretary (4 June 2013)
 - Ms. J.A. Blokzijl, secretary (18 November 2013)
- Ms. M.W.H. Dietz was hired externally as a hostess and for photocopying and archiving.

2015

Current employees:

- B.G.M. Spekman, spokesperson (22 March 2010)
 - G.A.M. Stevens, chairman of Complaints Committee (15 May 2011)
 - P.J.G. Schreurs, chairman of Victim Support Platform (23 June 2011)
 - W.A. de Jong, member of Victim Support Platform (1 October 2011)
 - J.W. Brenninkmeijer, head of Reporting Centre (20 June 2011 until end of 2014)
 - Ms. L. Sanders, secretary of Complaints Committee and head of Reporting Centre (1 June 2011)
 - Ms. M. Braspenning-Groeneveld, legal assistant (1 October 2012)
 - Ms. J.C. Quint, legal assistant (1 October 2012)
 - Ms. R. Bongaerts, legal assistant (1 July 2015)
 - Ms. M. Mitić, policy assistant, Victim Support Platform (11 July 2011)
 - Ms. G.M. Verhoef, secretary (4 June 2013)
 - Ms. J.A. Blokzijl, secretary (18 November 2013)
- Ms. M.W.H. Dietz was hired externally as a hostess and for photocopying and archiving.

2016

Left employment:

- Ms. J.C. Quint, legal assistant (1 March 2016)
- Ms. R. Bongaerts (1 July 2016)
- Ms. G.M. Verhoef (1 December 2016)
- Ms. J.A. Blokzijl (1 December 2016)

Current employees:

- B.G.M. Spekman, spokesperson (22 March 2010)
 - G.A.M. Stevens, chairman of Complaints Committee (15 May 2011)
 - P.J.G. Schreurs, chairman of Victim Support Platform (23 June 2011)
 - Mr. W.A. De Jong, member of Victim Support Platform (1 October 2011)
 - Ms. L. Sanders, secretary of Complaints Committee and head of the Reporting Centre (1 June 2011)
 - Ms. M. Braspenning-Groeneveld, legal assistant (1 October 2012)
 - Ms. J.C. Quint, legal assistant (1 October 2012)
 - Ms. R. Bongaerts (1 July 2015)
 - Ms. M. Mitić, policy assistant, Victim Support Platform (11 July 2011)
 - Ms. G.M. Verhoef, secretary (4 June 2013)
 - Ms. J.A. Blokzijl, secretary (18 November 2013)
- Ms. M.W.H. Dietz was hired externally as hostess and for photocopying and archiving.

2017

Left employment:

- Ms. M. Braspenning-Groeneveld, legal assistant (1 April 2017)
- Ms. M. Mitić, policy assistant, Victim Support Platform (11 July 2011)
- Ms. L. Sanders (1 July 2017)

Current employees:

- B.G.M. Spekman, spokesperson (22 March 2010)
- G.A.M. Stevens, chairman of Complaints Committee (15 May 2011)
- P.J.G. Schreurs, chairman of Victim Support Platform (23 June 2011)
- W.A. de Jong, member of Victim Support Platform (1 October 2011)
- Ms. L. Sanders, secretary of Complaints Committee and head of Reporting Centre (1 June 2011)
- Ms. M. Braspenning-Groeneveld, legal assistant (1 October 2012)
- Ms. M. Mitić, policy assistant, Victim Support Platform (11 July 2011)

Chapter 4

Victim Support Platform

Introduction

In 2010, the newspaper *NRC Handelsblad* published an article by J. Dohmen, and the radio station *Wereldomroep* broadcast a report on accusations of years of sexual abuse by Dutch priests from the order of Salesians of Saint John Bosco. The media publicity caused a flood of reports from victims who had been abused during childhood by an office holder of the Catholic Church, and the Catholic Church had no choice but to order a major inquiry into sexual abuse. The inquiry was chaired by former minister Wim Deetman.

Victim Support Platform as part of the Reporting Centre for Sexual Abuse in the Roman Catholic Church

On the recommendation of the Deetman Commission in an interim report, the Catholic Church's agency Help & Justice was transformed into an independent organisation with the task of arranging recognition, reparation and help for victims. The bishops and major superiors of religious orders asked Mr. Bandell to advise them and he quickly proposed the solution of establishing a reporting centre, operating independently of the church, with a Victim Support Platform, a Complaints Committee and a Compensation Committee.

Professor Wim Wolters, a clinical psychologist, was asked to establish the platform, the most important task of which was to organise initial care and short-term confidential counselling for victims and to conduct a psychological screening for the referral of individuals for specific psychological help.

A team of fifteen confidential counsellors was selected, as well as three psychologists familiar with the specific problems and the possible consequences associated with abuse in early childhood. Their principal task was to spend a short period conducting interviews and providing information about the complaints procedure and the possibilities of receiving professional psychological help. They also considered requests for help from partners and family members.

The confidential counsellors assembled the necessary information during a personal interview and then provided feedback to the platform's psychologists. If necessary, the feedback led either to further advice from the confidential counsellor or an interview with a psychologist from the Victim Support Platform for the purposes of further diagnosis and an indication of the required therapy, followed, if necessary, by a referral to the network of specialists (psychiatrists and psychologists) in the field of sexual abuse.

A group was formed to serve as a sounding board, with the intention that it would include representatives of victim organisations as well as scientists, social workers and church authorities. Unfortunately, the victim organisation *Koepel Landelijke Overleg Kerkelijk Kindermisbruik* (KLOKK) declined to join this group. KLOKK did not have sufficient trust in the structure and methods of the Victim Support Platform and there was a dispute over who should be in control of the form and substance of the help to be provided. This dispute eventually even led to the departure of the then chairman of the Victim Support Platform, Wim Wolters.

In 2013, following Mr. Westra's investigation into the functioning of the Reporting Centre and its composite bodies, the so-called baseline measurement, an advisory board was set up with representatives from the academic community, the religious institutions and the victims' organisations. The subsequent cooperation proved fruitful.

Activities of the Victim Support Platform

Between 2010/2011 and 2017, a total of 3,712 persons approached the Reporting Centre for Sexual Abuse within the Roman Catholic Church to report that they had been sexually, psychologically or physically abused by individuals who were subject to the authority of the Catholic Church in the Netherlands. A total of 2,062 complaints were submitted to the Complaints Committee by 1,599 victims. Acknowledgement of the complaint then provided access to the Compensation Committee for further recognition and reparation.

I was sometimes the first person they had told their story to. That was moving. I heard terrible stories of abuse, sometimes accompanied by violence and – this was particularly shocking – sometimes also by mutilation.

Nel van der Loos, confidential counsellor.

For the full story, see chapter 8, Stories from practice.

There were 1,650 reports from people who, for various reasons, did not take the matter any further, despite repeated invitations to convert the report into a complaint. There has been no academic research into the reasons why people did not take the matter any further than a report. The employees who were involved in the reporting procedure found that the reasons were varied: 'I have put the problems behind me and I don't want to rake them up again', 'no interest in a legal procedure', 'the injustice must never be forgotten and must not go unrecorded in history', 'cannot cope with the stress of the complaints procedure', 'have already found a process for securing recognition', 'pressure from the pastoral community not to file an official complaint', 'too much shame, unwilling to allow family and friends to learn of the abuse that was suffered'.

In the period from 2011 to 2016, 1,048 of the persons who reported abuse sought the help of the Victim Support Platform.

- In 330 cases, a confidential counsellor was assigned (835 cases if all the reports from before 2011 are included);
- In 159 cases, a psychological screening was performed;
- In 213 cases, the individual was referred for psychotherapy, of whom:
 - 62 were referred to an independent psychotherapist;
 - 51 were referred to specialised institutions;
 - 50 were referred to their current (or former) physician;
 - 26 were referred to other specialists such as a community worker, a social psychiatric nurse or a personal coach;
 - 8 were referred to a local psychotherapist in consultation with the person's GP.

It can be observed that a relatively large number of those who reported sexual abuse did not initially make use of the support and psychological help that the Victim Support Platform was able to offer.

The reasons why so few survivors made use of the services of the Victim Support Platform varied greatly. Many of those who reported said they wished to overcome (or had overcome) the consequences of the abuse on their own and did not need professional help; some were already receiving (psychological) help and/or support from victim organisations; there were others who had little or no faith in the psychological support in light of previous negative experiences (for example, the subject had often not even been raised). Fear, shame and/or feelings of guilt could also still be so strong that the threshold for seeking psychological help was too high. Furthermore, it is impossible to rule out denial and trivialisation of the complaints and symptoms as possible factors. It can take years before a person is able or willing to discuss their sexual abuse.

The terrible thing was that they were often not believed. Parents were loyal to the church, the pastor and the brothers and priests of the boarding school. The parents were sometimes ‘more Catholic than the Pope’, and blind faith in authority then prevailed over their own child’s welfare.

Nel van der Loos, confidential counsellor.

For the full story, see chapter 8, Stories from practice.

This is the reason why the Victim Support Platform advocates keeping open the possibility of reporting abuse and continuing with the provision of help.

Another reason notifiers of sexual abuse would not initially make use of the services of the Victim Support Platform was a desire to focus on the complaints procedure and the path to recognition and reparation, which generally evoked very strong feelings.

It might almost be forgotten that not all victims of sexual abuse develop chronic complaints. There were also many victims who had overcome the effects of the sexual abuse in their childhood on their own and whose developmental process had proceeded normally.

Disclosure and struggles within the mental health-care system

Many victims were only able to discuss the abuse and seek help late in life. This could have been due to shame, denial or fear. It is only years later that these feelings can be overcome, opening the way to further recovery.

The victim organisations KLOKK, VPKK and Mea Culpa stressed how difficult it had been for many victims to find effective help because they felt isolated and experienced a strong sense of fear and shame in talking about the abuse. Too often they had found that they were not believed and that their distress was not recognised and acknowledged, which might have been why they were depressed. They often did not dare to take the initiative of calling a hotline or a reporting centre, for example. Furthermore, many were elderly people who did not possess sufficient digital skills and were consequently unable to make use of the effective online reporting procedures that do exist, such as those of organisations like PsyQ and the sexual abuse hotline of Victim Support Netherlands. A good relationship with their GP was often essential (because of the requirement of a referral) and that was frequently lacking, according to the victim organisations. And if a person was given a referral, he or she was often confronted with lengthy waiting lists and the expense (the health insurance excess, the personal contribution towards the costs of care and the limited reimbursement of the costs of primary care), since not everyone had taken out supplementary cover in addition to the basic health insurance. As a result, they often put off seeking care.

The organisations representing victims also said that many victims who had reported to them had indicated that they had not benefited much from earlier help. For many of those who had followed a course of psychotherapy in the past, the sexual abuse had not been mentioned or had not been explored deeply enough.

Criticism by the victim organisations of the mental health-care system

The current system of mental health care is not properly equipped to give victims of traumatisation in early childhood the attention and broad range of care that they need, according to the representative of KLOKK. The psychological approach is too dominant, and complaints, symptoms and diagnoses receive too much emphasis in the treatment. The problems are not exclusively connected with psychological complaints, but lie in numerous other areas of day-to-day life. In addition to serious personality problems, there were also consequences in terms of physical health, social functioning and life skills.

The Victim Support Platform was de facto a referral agency, according to the chairman of KLOKK, and confined itself to making referrals to psychologists, who, in turn, focused primarily on the treatment of the diagnoses laid down in the Diagnostic and Statistical Manual of Mental Disorders (DSM). They focused too much on treating psychological complaints and stabilising emotions. The other aspects of a person’s social environment and the problems with it were barely addressed. KLOKK appealed for a

holistic approach that could offer the prospect of a proper recovery. Psychologists should shift from being an exclusive treatment option and work more closely with other care providers. The help provided should be tailored more to the needs of the victims, with more time being set aside for treatment than the prescribed maximum number of sessions. More aspects of a person's life should be addressed.

We return to these criticisms later in this report when we describe the ways in which the Victim Support Platform endeavoured to address these problems.

'Do you believe me?' 'I believe you,' I would say, 'because it is your experience.'

Nel van der Loos, confidential counsellor.

For the full story, see chapter 8, Stories from practice.

Impact of abuse in early childhood

Academic publications in recent years have clearly shown how severely sexual abuse during childhood can affect the victims. The consequences still affect many people much later in life. Whereas a number of years ago, the impact of early childhood abuse was still sometimes played down or attributed to other factors of vulnerability that is no longer the case in 2017.

A lot of knowledge has been accumulated within the discipline of psycho-traumatology in recent years about the impact of sexual abuse in early childhood, and a variety of psychological interventions have been developed. One thing that can be clearly stated is that the consequences of sexual abuse can be very serious and, at the same time, individuals can be affected in very different ways. The consequences are usually of a psychological nature, but can also impair a person's social functioning. The sexual abuse can have had a negative impact on the person's performance at school and their later attempts to establish a career. Many victims are socially impaired and have trouble forming lasting relationships. There are also reports that certain victims sometimes have difficulty accepting the authority of superiors. The consequences can continue appearing long after the sexual abuse has taken place.

Requests for help

The victims of sexual abuse who approached the Victim Support Platform reported a range of complaints, including post-traumatic stress disorder (PTSD), anxiety disorders, dissociative syndrome, excessive alcohol and drug use, mood swings, somatic symptom disorder, and personality disorders. Other psychological effects that could be observed were suicidal tendencies, self-harm, emotional lability, aggression, delinquency, a negative self-image, sexual problems, sleeping disorders, lasting and serious relationship problems, the inability to form meaningful relationships and loneliness.

Social problems such as financial worries, parenting problems and difficulty interacting spontaneously with children and grandchildren were also identified.

Psychological help

The psychological help for victims of childhood sexual abuse has expanded significantly in recent years in the Netherlands, and there are many specialists (clinical psychologists, psychotherapists and psychiatrists) with knowledge and experience of treating people who were victims of sexual abuse in childhood.

To enable a referral to be made to the specific care that was needed, an anamnesis/screening was conducted for therapeutic indications. Depending on the seriousness of the problems, their impact on the person's everyday functioning and the complexity (self-neglect, neglect of family and friends, suicidal tendencies or child abuse), people were referred to a nurse specialist in a general practice, the generalist basic mental health service or the specialised mental health service.

Before the referral, the prospective physician or institution was always contacted and, with the consent of the patient, received the screening report. When the person requesting help started receiving treatment and the treatment was proceeding satisfactorily, the contact with the Victim Support Platform ended.

The psychologists attached to the Victim Support Platform did not provide treatment themselves (except in situations where it was estimated that a very small number of appointments – two or three – would suffice and where psychoeducation was the priority); instead, after conducting an anamnesis and making a provisional diagnosis and an indication for therapy, they referred the individual to experienced psychotherapists familiar with the consequences of long-term sexual abuse and to specialised institutions such as Centrum '45, the trauma centre of the Reinier van Arkel Group, the Viersprong, Fier Fryslan and the Vincent van Gogh Institute of Mental Health Care. In some cases, the Psychotrauma Diagnosis Centre, which is part of Centrum '45, was consulted for a further diagnosis and therapy indication.

The interventions performed by the specialised centres and the psychotherapists encompassed evidence-based interventions, cognitive behavioural therapy (CBT), eye movement desensitisation and reprocessing (EMDR) and pharmacotherapy, as well as other forms of treatment such as client-centred therapy, insight-focused therapy or systemic therapy, and support groups with fellow-sufferers. Schema-focused psychotherapy was used in cases where there were also personality disorders.

The cases that affected me most deeply were those that involved victims who had been trapped, emotionally and physically, as a child. Many of the children had been neglected and mistreated. Some came from broken relationships or had been orphaned at a young age

Nel van der Loos, confidential counsellor.

For the full story, see chapter 8, Stories from practice.

There are also providers of various alternative therapies that lack theoretical underpinning and whose effectiveness has not been scientifically proved. They include craniosacral therapy, biodynamic therapy, reincarnation therapy, body stress release, haptotherapy, regression therapy, hypnotherapy, Shantala touching therapy, and many more. The Victim Support Platform did not make referrals to these practices.

As mentioned above, most of the disorders we encountered could be diagnosed within the DSM-IV classification system. People suffering from these disorders have access to the regular mental health service, and the costs of treatment are covered in the basic package of the health insurance scheme. But there were also some victims who suffered psychosocial problems that could cause them difficulty in their social life, such as financial worries, 'a short fuse', renouncing of faith, parenting problems, difficulty behaving spontaneously with children or grandchildren, intergenerational problems and specific problems relating to the abuse.

The number of places available for these victims for whom proactive psychiatric help, medication, psychosocial help and further social counselling is essential or would be desirable is steadily declining. In some cases, they could be referred to carers attached to a general practice, for example social psychiatric nurses and nurse practitioners. Some could be referred – via the GP or otherwise – to social services, organisations such as Vitras, Gimd and MEE, a debt-restructuring programme or a personal coach.

Effectiveness

The Victim Support Platform referred victims to experienced psychotherapists and institutions familiar with treating victims of sexual abuse in early childhood. The preferred method was to refer victims to members of the Dutch Association for Psychotrauma, most of whom are psychologists specialising in dealing with trauma victims, who closely follow scientific developments in the field. They all have their own system of intervention or supervision to safeguard the quality of their work and they endeavour to avoid the pitfalls the victim organisations had repeatedly warned of (see above). They provided the best possible care, which went beyond treating psychological complaints and included teaching coping strategies for dealing with problems in different areas of one's life. In many cases, the Routine Outcome Measurement was used to monitor and safeguard the quality of service provided.

A legitimate question is how effective the psychological interventions were. It is a difficult question to answer because the different outcome indicators that can be formulated depend on factors such as the diagnosis, how the problems are tackled and the targets that are set.

In June 2016, the Victim Support Platform organised a study day and invited all the psychotherapists to whom victims had been referred. As well as discussing the psychological interventions that were used, there was also the question of the extent to which 'our' clients differed from their other clients. A general observation made was that the victims of childhood sexual abuse by a perpetrator associated with the Roman Catholic Church did constitute a unique group, for reasons such as the violation of a relationship of trust, abuse of power, blackmail ('divine' instruction, 'keeping it to ourselves and not telling anyone else'), alienation of friends and classmates, emotional distance between the victim and parents/guardians or abuse over a longer period by the same perpetrator.

You have to listen with your heart, but you also have to keep a clear head in order to gather details for the initial report in the lengthy process of securing reparation and recognition.

Nel van der Loos, confidential counsellor.

For the full story, see chapter 8, Stories from practice.

There was also discussion of the repeated criticisms by the victim organisations of the access to mental health care and the quality of service provided. The general conclusion was that carers and physicians focused very much on PTSD – perhaps too much, given that only a relatively small percentage of victims developed PTSD. Focusing on this disorder could distract from other complaints, such as depression, anxiety and panic attacks, addictions, self-harm, dissociation, disruption of intimate relationships, an inability to set boundaries, and physical complaints. The question was raised of whether PTSD was actually a suitable concept for describing the later effects of sexual abuse in childhood.

The scientific interest in psychotrauma and complex PTSD in the Netherlands has grown exponentially in the last two decades and, according to the psychotherapists who attended the conference, the quality and level of service has greatly improved. However, it had to be observed that waiting lists could be long, the Diagnosis Treatment Combination (DBC) system is strictly adhered to and the financial thresholds are high. Whereas treatment was formerly aimed at stabilising complaints and symptoms, more recently treatments, such as EMDR, TF-cognitive behavioural therapy and narrative exposure treatment, have become more trauma-oriented.

Unfortunately, the psychotherapists working in the mental health sector in the Netherlands have not all mastered these techniques, and they are also not covered in standard and basic training. They require specialisation, and we see that a growing number of therapists, including all of the psychotherapists who attended the session, have taken follow-up courses and apply these treatments in their own practice and/or institution.

The therapists who were present recognised the criticism that too much emphasis is sometimes placed on the diagnostic classification system and that the treatment can be based too much on disorders along Axis 1 and Axis 2 of the DSM and the corresponding care pathways. However, it was also noted, more than one DBC can be contracted for and it is possible to opt for a broad treatment plan aimed at empowerment, relieving complaints and improving a person's ability to function in society. Some psychotherapists therefore did not accept the earlier criticism that there was too much emphasis on treating complaints and symptoms in their psychological treatment of traumatised clients.

The following is a report of a study carried out by Mr DeJong for the conference.

For the study day, Mr. De Jong, a psychotherapist and a member of the Victim Support Platform, examined the reports of 25 randomly chosen men and women who had applied for help and had been screened. The average age of the members of this group was 62. On average, the members of the group had first been abused at the age of nine and the abuse ended, on average, at the age of 14. This implies – again on average – that the abuse continued for a very long period: five years!

It was noteworthy that the majority of this group came from a troubled background, for example one or both parents suffered from psychiatric problems and/or alcoholism or one of the parents had died at a young age. The main disorders they reported included (partial or complete) post-traumatic stress (PTS) complaints such as reliving experiences, problems with sleeping, and depression. Other frequently mentioned complaints were aggression, addiction and anxiety, and problems with their sexual identity and/or sexuality. Half of the members of this group reported having problems forming relationships, although a third were in a satisfactory long-term relationship. Although it was often heard that people were not satisfied with the psychological help provided, that was not reflected in this sample: seven of the 25 men and women studied had never

received any help. Of the fourteen men and women in the study who had received help, nine were satisfied with their psychotherapeutic treatment.

As regards the advice, thirteen of the notifiers had been referred for further psychotherapy. Two others were referred to institutions for treatment of problems relating to addiction and, in two other cases, to primary health care providers or nurse practitioners in a general practice. Some were also referred to an organisation in the General Social Work (AMW) sector or were recommended for further diagnostic study.

Note: twelve of the men and women in the study were educated to HBO or academic level and eleven had completed secondary or lower vocational (MBO/LBO) education. People with a higher education were possibly over-represented in the sample. No fewer than nine of those included in the study failed a medical examination at one point or another.

Obviously it is impossible to draw any firm conclusions from this limited study, which encompassed only a small sample of the roughly 150 people seen by the Reporting Centre. However, the intention is to study every report in a similar manner and to publish the results.

After-care project

We mentioned earlier that many of those who reported sexual abuse did not initially make use of the possibilities for receiving help and psychological support offered by the Victim Support Platform. On the other hand, we found that people did seek support from experts and did request help later on. They often approached the Victim Support Platform for advice and psychological help after the closing date for the complaints and compensation procedure.

To be on the safe side, we wrote again to everyone who had reported sexual or physical abuse but had not submitted a formal complaint, sending a survey and notifying them that they could submit a complaint/or make use of the services of the Victim Support Platform if they still wished to do so. We also wrote to every victim who had already completed the complaints procedure and had still not used the platform's services to inform them that they could still make an appointment with a confidential counsellor from the Victim Support Platform, the victim organisations, the church authorities, or a psychologist. Victims who were following a programme of psychotherapy, or had already completed one, were excluded. Of the roughly 700 surveys sent out, 40% were completed and returned. Twenty percent of the respondents said they did wish to speak to a confidential counsellor or a psychologist.

Of those who had already spoken to a counsellor, 79% said they felt the meeting had helped (14% were neutral and 7% felt it had not helped). Sixty-four percent of those who had spoken to a psychologist from the Victim Support Platform said it had helped (27% were neutral and 9% did not find it helpful).

There were representatives of the church, from a diocese or an order or congregation, who expressed deep regret for what had happened. However, there were also a few who took a formal/legalistic approach, sometimes on the advice of their lawyer, to avoid paying damages or to secure a reduction in the amount. In those cases, it was incomprehensible and very disappointing for the victims that once again they were not being believed or the abuse was being denied.

Nel van der Loos, confidential counsellor.

For the full story, see chapter 8, Stories from practice.

Victim Support Platform Advisory Board

The Victim Support Platform had an advisory board. An external research report (the so-called baseline measurement, Westra, 2013; see elsewhere in this final report) recommended the establishment of the board in 2013. The advisory board was the successor to the sounding board and reported on its activities to the Management and Monitoring Foundation every year.

The advisory board's main task was to oversee the implementation of the practical recommendations in Mr. Westra's report (16b to 16d):

Recommendation 1) ‘Raise your profile by communicating what the Platform has to offer, its procedures and specific examples of the help it offers.’ This led, among other things, to the publication of an informative brochure and an invitational/expert meeting.

Recommendation 2) ‘Communicate more actively to the dioceses, congregations and orders about the options in terms of providing help.’ To supplement the brochure, this recommendation led to communication about the supply and demand in relation to help and about the system of registering information, the choice of specialists (only therapists listed in the Individual Healthcare Professions Register [BIG register]) and the ratio of referrals.

Recommendation 3) ‘Actively monitor the results of the referrals and publish the results.’ This led to the quantification of referrals and evaluation of the help provided in the after-care project. Steps were taken to prolong the after-care project.

The advisory board considered the issue of archiving the information collected by the platform and the release of information for the purposes of scientific research, the importance of recognition and an apology for what had happened for the recovery process and the need for continuity in the provision of help.

The advisory board also made recommendations regarding how the help should be organised in the future. Who should be responsible for the Victim Support Platform when the Reporting Centre closed down? Victims of sexual abuse in the Roman Catholic Church still have to be able to rely on the range of specialised help provided by the Victim Support Platform.

The members of the advisory board found that the Reporting Centre had created a unique platform with an associated network of psychological and other help, which should be preserved as a network of ‘expertise’. They expressed a clear preference for integrating assimilating it in an independent organisation (preferably one that already existed). They considered combining resources for helping victims to be very important. The board also recommended that the range of services provided should not be confined to sexual abuse, but extended to include physical and psychological violence. The Management and Monitoring Foundation sent the report with the recommendations to the church authorities. The platform was integrated into the Reporting Centre Transgressional Behaviour on 1 June 2017.

The advisory board’s predecessor, the sounding board, was in place from the foundation of the platform in 2011 until 2014. The group’s purpose was to give victims, representatives of victim groups, experts and specialists in the field of sexual abuse a forum for discussion. The group also provided the members of the Victim Support Platform with advice.

People sometimes asked me: ‘How do you keep going, hearing all those terrible stories?’ I learned to work with a warm heart and a cool head – in other words, to take a step back regularly.

Nel van der Loos, confidential counsellor.

For the full story, see Chapter 8, Stories from practice.

Subjects that were discussed at the two annual meetings of the sounding board group included the remit of the confidential counsellors and the role of care providers, a proactive policy, the problems surrounding complaints that had been declared unfounded, complex psychiatric problems and the winding down of the Reporting Centre.

The recommendations in Mr. Westra’s baseline measurement in 2013 led to the abolition of the sounding board group in its existing form and the appointment of an advisory board whose members included representatives of the victim groups VPKK, KLOKK and Mea Culpa United and of religious institutions, as well as members from the scientific community and the mental health sector.

*Dr. P.J.G. Schreurs,
Chairman, Victim Support Platform*

Composition

The Advisory Board had a chairperson and seven members:

- Ms. W. Langeland, chairperson from 9 February 2015, successor to Professor G. Bleijenberg
- Professor J. Baneke, Conference of Bishops
- G. Klabbers, KLOKK
- Ms. A. Knibbe-van Dijck, VPKK
- Professor M. Olf, professor at the University of Amsterdam
- B. Smeets, Mea Culpa United
- W. Bosch (Mea Culpa United, extra meeting in July 2016, temporary substitute for Mr. Smeets)
- Professor M.J.M. van Son, emeritus professor of clinical psychology
- Sister T. Sonder, Conference of Dutch Religious

Members of the sounding board

- Professor H.M. van Praag, emeritus professor of psychiatry
- M. Van Weers, psychiatrist
- J. Schaart, director of Arq
- Professor M.J.M. van Son, emeritus professor of clinical psychology.

Members of the Victim Support Platform

The members of the Victim Support Platform were appointed by the Board of the Management and Monitoring Foundation on nomination by the chairman. The members of the Victim Support Platform in the period from 2011 until the end of 2017 were the following:

Psychologists

- Professor W. Wolters, psychotherapist (chairman until 2012, deceased in 2016)
- P.J.G. Schreurs, mental health psychologist (chairman from 2012)
- W.A. De Jong, psychotherapist
- Ms. M. Mitic MSc, psychologist

Members of the focus group (until 2014)

- Professor H.M. van Praag, professor of psychiatry
- M. Van Weers, psychiatrist
- J. Schaart, director of Arq
- Professor M.A.M. van Son, professor of clinical psychology

Members of the Advisory Board (from 2014)

- Professor G. Bleijenberg (chairman until 2014)
- Ms. W. Langeland (chairperson from 2015)
- Professor J. Baneke, BC
- Sister T. Sonder, KNR
- B. Smeets, Mea Culpa United
- Ms. A. Knibbe-van Dijck, VPKK
- G. Klabbers, KLOKK
- Professor M. Olf, University of Amsterdam
- Professor M.J.M. van Son, professor of clinical psychology

Confidential Counsellors

- G. Loman
- Ms. M. Schoeber
- Ms. P.A.C.G.M. Dillen
- Ms. N. van der Loos
- J. Oostrik
- Ms. J. Gorgels (until 2015)
- Ms. M.J.F. van Helvert-Willeme (until 2014)
- Ms. L. van Deutekom-van den Bos (until 2014)
- Ms. J. van Heel (until 2014)
- Ms. N. van Spelde-Janssen (until 2014)
- Ms. H.J. Leijendekkers (until 2014)

Chapter 5

The Complaints Committee

The Complaints Committee has completed its work. Since 2011 it has published an annual report containing the most important facts. No report was published in 2016 because the Management and Monitoring Foundation decided to publish a review of its activities over the more than five years of its existence when the Foundation closed in 2017.

An Assessment and Advisory Committee (*Beoordelings- en Adviescommissie, BAC*) had been established to deal with complaints of sexual abuse within the church long before 2011. It operated under the auspices of Help & Justice, the precursor of the Management and Monitoring Foundation.

When the media began its coverage of sexual abuse within the Catholic Church in 2010, and especially after a commission of inquiry was established (the Deetman Commission), Help & Justice and the BAC suddenly started receiving a far larger number of reports and complaints. Neither of these bodies was equipped to handle such a large volume and both were consequently overwhelmed. In response to a number of criticisms and recommendations in the Deetman Commission's first interim report, the Bandell Commission was established at the beginning of 2011 with the task of setting up a new, independent organisation on the basis of those criticisms and recommendations. In his report on 17 August 2011, Mr. Bandell reported on progress with the handling of complaints:

'The Complaints Committee for Sexual Abuse within the Roman Catholic Church in the Netherlands is responsible for handling complaints... and as such is the successor of the former Assessment and Advisory Committee, BAC. Mr. G.A.M. Stevens, a former president of the court of appeal in 's- Hertogenbosch, was recently appointed as chairman of the new Complaints Committee....'

Ms. Liesbeth Sanders was also appointed as full-time legal secretary and assistant to the Complaints Committee and its chairman. On their appointment, the chairman and secretary immediately started analysing the committee's organisation and structure and making the necessary improvements.

Improving the organisational structure

The organisation moved into larger premises where hearings could also be held. The number of committee chairpersons was increased from three to six, the number of committee members was increased from eight to seventeen, and the number of registrars was increased from three to twelve. This meant that two days of hearings could be held each week, starting in September 2011, and three days of hearings a week from 2012. Accordingly, the number of complaints being heard each month rose significantly.

Internal and external consultations

Internal and external consultations were both important. Given the number of chairpersons, members and registrars of the various chambers of the Complaints Committee, the internal consultation was particularly important for ensuring uniformity in the handling and assessment of complaints. The Committee held one or two plenary meetings every year to share their experiences and to reach agreement on substantive issues. Procedural, formal and substantive issues were discussed at the monthly meetings of the chairpersons, where new or fundamental issues were also discussed in order to prevent the different chambers from issuing varying or even conflicting recommendations. If a matter was urgent, the consultations were also conducted by e-mail.

We tried to not to make the handling of the cases too legalistic, but were not entirely able to avoid it. Various issues arose. How far did our jurisdiction extend? Was an ecclesiastical institution involved? When was it a case of sexual abuse? How much supporting evidence was needed to reach the conclusion that the accusation was plausible?

Lieke de Rijke-Maas

Vice-chairperson of the Complaints Committee.

For the full story, see Chapter 8, Stories from practice

The external consultation with the victim organisations, legal advisers, major superiors of the Conference of Dutch Religious, individual complainants and church officials was also very important, in order to learn how the stakeholders perceived the functioning of the Complaints Committee and to be informed of their criticisms. It also gave us an opportunity to explain issues that had raised questions. These meetings were instituted from the very beginning and continued throughout the committee's existence. This external consultation – especially with the victim groups – made a significant contribution to improving the work of the organisation and the quality of the recommendations. At these meetings the victim organisations expressed their views in a critically positive manner and made suggestions regarding the state of affairs in the Complaints Committee, and they gave us an opportunity to answer specific questions. In our view, this not only enhanced the understanding between the parties, but also fostered mutual trust and respect. The chairman and the secretary also attended some meetings of the legal advisers to provide more information about the procedure and the internal administrative state of affairs. Criticisms and suggestions were also made at these meetings, with the result that it was decided to arrange regular meetings with a delegation from the team of legal advisers. We were also asked on several occasions to address a meeting of office holders of the Conference of Dutch Religious, where once again we had an opportunity to explain the Committee's policy in response to their questions and criticisms, as well as raising a number of issues we had with the stance they took during hearings.

With thanks to our interlocutors, we feel we can say that these meetings helped to improve the quality of the complaints procedure and the service provided.

New elements in the procedure

The new procedure that took effect on 1 November 2011 contained two new elements: the possibility of requesting a review and of lodging an objection. Both instruments were designed to improve the quality of the recommendations, on the one hand by rectifying any errors that had been made during the procedure, and on the other by giving victims an opportunity to present facts from the past that they had not put forward properly earlier. Naturally, experience had to be gained with these changes and a policy had to be formulated for their implementation. This also called for intensive consultation among the committee members.

Objection

The objection was a remedy designed to rectify mistakes in the handling of complaints. However, it was not an appeal on the merits, but more a form of cassation. As stated in the relevant provisions of the complaints procedure, the remedy involved a marginal review; in other words, not a review of the facts, but of whether a general principle of the proper handling of a complaint had been violated and whether the Complaints Committee could reasonably have arrived at the decision it made. This procedure is clearly derived from the general principles of good administration in administrative law. This was not always properly understood. In the beginning, in particular, objections were sometimes made against a finding that a complaint was or was not plausible. However, the decision on the plausibility of a complaint, as such, was not susceptible to objection, unless it was found that the Complaints Committee could not reasonably have reached that decision. The precise delineation of the scope of the objection procedure crystallised further over time in the published rulings.

Review

A review of an earlier recommendation could be requested if new facts or circumstances emerged later or if, for any other reason, particular facts and circumstances had not been considered in the earlier recommendation. This was particularly important in those cases where a complaint had been declared unfounded because there was insufficient supporting evidence and new facts emerged later to provide that supporting evidence. After all, the purpose of the procedure was to address events that had occurred covertly many years previously and about which it was often very difficult to discover the facts and details. The review enabled a victim to challenge a recommendation in which the complaint had been declared unfounded due to insufficient supporting evidence when evidence emerged later.

The Complaints Committee comes up to speed

From August 2011, the emphasis was on building and strengthening the organisation and the structure of the Complaints Committee. Consequently, in 2012, the Committee could devote most of its attention to the expeditious, painstaking and correct handling of complaints on the basis of the new complaints procedure that had entered into force on 1 November 2011.

For example, in 2012 the number of days of hearings was expanded from two to three a week. An average of four cases were heard at each sitting, which meant that 45 complaints could be dealt with each month. During a hearing in December 2012, the House of Representatives' Standing Committee on Security and Justice expressed the desire that the backlog of cases should be cleared by the end of 2013. The chairman of the Complaints Committee was able to state that this would be possible if the Committee could continue its work at the same pace and there were not too many additional new cases.

Unfortunately, the number of hearings had to be drastically reduced in the summer months due to the lack of availability of complainants, and/or their legal advisers, and the church authorities. Even subsequently, however, it was found that, in a substantial number of cases, delays in submitting a complaint unfortunately meant that the capacity of the Complaints Committee could not be fully utilised. At the same time, there was also a spike in the number of complaints being received.

There was another aspect that I personally found quite extraordinary: how the victims had been chosen by the perpetrators from a large group of children as easy prey. How those children were so delighted with the attention they received simply with a stroke of their hair and a sweet, and before they knew it, they were in the power of their teacher or the head of the department.

Sophie Roos-Bollen,
Registrar.

For the full text, see Chapter 8, Stories from practice.

The Complaints Committee then contacted the legal advisers and/or complainants whose complaints were being held up and offered the possibility of a meeting with the chairman and the legal secretary to review whether the complaint could be formulated more precisely in that setting. In that case, the report of the meeting, once it had been approved by the complainant, would be sent directly to the Complaints Committee as an alternative complaint. Only a few complainants used this option, so the proposal did not resolve the backlog in the process.

Intensification of internal consultation

Objections and requests for a review were handled every month, always in conjunction with a meeting of the chairpersons of the committee's panels. Accordingly, there was a substantive discussion at least once a month, which fostered uniformity in handling and assessing complaints.

Publication of rulings

The Deetman Commission had urged that the recommendations of the Complaints Committee should be published annually (in anonymised form) on our website. Because we agreed that this was very important from the perspective of transparency, we decided, with all due respect to the Deetman Commission, to publish the recommendations continuously rather than annually, since in that way the interested parties would learn of the findings of the Committee sooner.

However, the process of anonymising and publishing the rulings proved very time consuming, so the publication of (anonymised) rulings on the website initially progressed slowly. However, that process accelerated rapidly in 2012. This was very important to us because it enhanced the process. The published rulings also served as a tool for others who had submitted a complaint or wished to do so, since they could read in the recommendations how the Complaints Committee interpreted and applied the procedure and the definitions used. A number of key definitions will be discussed in more detail later in this report.

Finger on the pulse

It was not only the Complaints Committee that kept its finger on the pulse with the monthly meetings of the chairpersons of the chambers. External bodies were also vigilant. The various consultative platforms have already been mentioned, but Mr. Deetman's monitoring reports and the so-called baseline measurement were also important. The monitoring reports evaluated the implementation of the recommendations of the former Commission of Inquiry into Sexual Abuse of Minors within the Roman Catholic Church (the former Deetman Commission). The baseline measurement was also an investigation into the state of affairs and was carried out on behalf of the chairpersons' platform, the consultative body of the chairpersons of the Conference of Bishops, the Conference of Dutch Religious and KLOKK.

It was not always easy for the church's representatives, cooperating and showing empathy (unfortunately only after repeated encouragement in some cases), while at the same time respecting the interests of the accused. The procedure was established to provide justice for victims, which, naturally, could not lead to innocent people being accused, including alleged perpetrators who were deceased.

Lieke de Rijke-Maas

Vice-chairperson of the Complaints Committee.

For the full text, see Chapter 8, Stories from practice.

It was not always easy for the church's representatives. On the one hand, they had to cooperate and show empathy, which some unfortunately had to be repeatedly encouraged to do, while at the same time the interests of the accused also had to be safeguarded. A procedure was established to provide justice for the victims of sexual abuse, also in relation to alleged perpetrators who were deceased, but naturally without that leading to innocent persons being accused.

Monitoring reports

The first monitoring report on the implementation of the recommendations of the Deetman Commission appeared on 28 September 2012. First and foremost, it expressed great appreciation for the reorganisation/expansion of the staff (see above: Improving the organisational structure). It also observed that the legal framework had improved and that the Complaints Committee communicated regularly and constructively with the organisations of victims: KLOKK, the VPKK and the MCU. The report also drew attention to the need to take account of the human dimension: an approach that extended well beyond strictly following legal procedures. This point, in particular, did not fall on deaf ears, as will be described later in the section on interventions, actions and characteristics. The report also observed that considerable efforts had been made and a lot of work had been done, but also that it had taken far longer to implement the recommendations than the Deetman Commission had anticipated. The final monitoring report appeared on 28 June 2016. It covered many of the subjects and issues that had

arisen in the preceding six years, but did not include any passages specifically devoted to the Complaints Committee.

The baseline measurement

Mr Westra also conducted an investigation into the implementation of the recommendations of the Deetman Commission on behalf of the chairpersons' platform. An interim report was published on 1 September 2013 and the final report followed on 10 October 2013.

The final report contained a number of recommendations pertaining to the Complaints Committee. At the same time, it found that a lot of good had been done. Special mention should be made of recommendation 10, which had also appeared in the interim report: that a final deadline for submitting complaints should be fixed as soon as possible and should be publicised in a timely and transparent fashion.

Closing date approaches

In light of the recommendation in the baseline measurement, not surprisingly the Conference of Bishops and the Conference of Dutch Religious commenced preparations for termination of the complaints procedure. However, that required an amendment of the regulation governing the procedure, which, pursuant to Article 25 of the regulation, could be initiated by the Conference of Bishops and/or the Conference of Dutch Religious, but required a decision by the Board of the Management and Monitoring Foundation, after consultation with the chairman of the Complaints Committee. The Board of the Management and Monitoring Foundation was not automatically opposed to the move. The chairman of the Complaints Committee, after internal consultation with the chairpersons' platform, expressed the following opinion on the matter: the procedure relates to complaints of criminal offences to which the statute of limitations applies. The church has nevertheless taken the position that despite the statute of limitations, victims should be able to submit a complaint to the Complaints Committee. That possibility has now existed for a number of years and has received a lot of publicity, both from the church and in the media. In the chairman's opinion, it is not unreasonable for the church to wish to end that possibility, provided a reasonable deadline is adopted and it is announced in good time.

The Conference of Bishops and the Conference of Dutch Religious then issued a press release on 19 November 2013, giving notice that the possibility of submitting new complaints would end on **1 July 2014**. As was to be expected, that announcement not only caused unease and uncertainty among the victims, but also created a lot of additional work for the Complaints Committee, particularly its legal support team, who were overwhelmed with inquiries and with incomplete complaints submitted at the very last moment, or even after the very last moment.

Summary proceedings were then brought, seeking an order overturning the deadline of 1 July 2014. The provisional relief judge ordered a new closing date of **1 May 2015**. Since none of the parties appealed against that decision, the Board of the Management and Monitoring Foundation then amended the regulation for the complaints procedure to the effect that **no further complaints could be submitted after 1 May 2015 (the new Article 2.1)**. In addition, **complaints relating to reports submitted before 1 May 2015 had to be submitted before 1 August 2015 (the new Article 3.6)**. These amendments to the procedure 'resolved' the uncertainties and problems surrounding the former date. Nevertheless, the way in which the Committee's legal support team addressed and dealt with those problems deserves enormous respect.

Various complaints that I investigated concerned the question of whether the accused was a representative of the Catholic Church in his or her function. In one case, the question was whether, for the purposes of the complaints procedure, the leader of a church choir represented the Catholic Church, and in another case whether the leader of a Catholic scouting group was a church representative. A condition often inserted in charters and internal rules was that a Catholic cleric had to be appointed to oversee the day-to-day affairs, but there was never any question of an employer-employee relationship.

Ans Oude Breuil

Investigating registrar.

For the full text, see Chapter 8, Stories from practice.

When the new deadline for submitting complaints was fixed at 1 May 2015, attention shifted entirely to the preparation and organisation of the hearings. To notify as many victims as possible before the deadline, anyone who had submitted a report since 2010, but had not lodged a complaint, was contacted by registered letter or, if no correspondence address was known, by e-mail. One reason for this was the fact that these individuals could possibly provide supporting evidence in other cases. The result was that 154 people who had submitted a report to the Reporting Centre before 1 January 2015 now converted their original report into a complaint.

The question of whether a complaint had been submitted too late was reviewed carefully and leniently. If the deadline had been exceeded without any blame on the part of the complainant (was 'excusable'), the complaint was declared admissible. The number of cases that ultimately had to be declared inadmissible was surprisingly small: seven. This was perhaps the result of the decision, as mentioned above, to write to everyone who had submitted a report.

Naturally, this closing date did not apply for the submission of requests for a review or to complaints that had already been submitted but had been adjourned pending mediation or an attempt to reach a settlement under Article 7 of the complaints procedure. Alternative arrangements had to be made for those cases, which was effected with the amendment of the complaints procedure of 9 September 2016. Briefly, the effect of that amendment was that for those two categories of cases, two separate periods commenced **on the date of the final ruling** in the regular procedure: one for submitting a request for a review and another for resuming a case in which the procedure had been suspended in connection with an attempt to reach a settlement or for mediation. The recommendation in the last regular case to be heard was made on 1 December 2016.

In other words, two periods applied from 1 December 2016:

1. a maximum period of six months for requesting a review (a request for a review therefore had to be submitted **before 1 June 2017**);
2. in cases that had been adjourned by virtue of Article 7, complainants had to give notice of whether they wished to resume the handling of the complaint by the Complaints Committee within one month of 1 December 2016, i.e., **before 1 January 2017**. Anyone who failed to do so would be assumed to have definitely chosen for mediation or a settlement, and the complaint would be deemed to have been withdrawn.

Naturally, this information was published, both in a general letter to the legal advisers and in a notice on the website, as well as in a letter to each individual concerned (or their legal adviser).

Interventions and actions

The most important task of the Complaints Committee was of course the handling of the complaints: independently and impartially, expeditiously, to a high standard and with empathy for the victims. However, the Complaints Committee also had other duties. Some of them arose from the procedure, while others crossed its path.

It was not always easy to bluntly record so much grief and misery on paper, but it was our task as the Complaints Committee to make the right decisions. A highly emotional case had to be handled in a manner that was correct for all the parties.

Sophie Roos-Bollen
Clerk.

For the full text, see Chapter 8, Stories from practice.

The first task that needs to be mentioned was **to ensure that a decision was made in a timely fashion on the basis of the recommendation**. We can observe that this was generally done properly and on time. There were only a few cases in which it was necessary to issue a reminder. A church authority that felt that a case had not been handled correctly could lodge an objection. If the authority still intended to depart from the recommendation after the objection, the chairman of the Complaints Committee had to be consulted in advance (Article 21.2). This unmistakably reflects the basic principle that the recommendations had to be followed. This form of consultation occurred on a number of occasions. On one occasion – deserving of an honourable mention – it involved a finding that a complaint was unfounded. The church authority had become so convinced of the complainant's credibility that it would not accept the decision that the complaint was unfounded and requested a meeting with the complainant in order to reach an agreement on recognition and reparation. It will come as no surprise that there was no objection to that.

In many cases, the meeting with the chairman was sufficient to persuade the church authority to agree to accept the recommendation. In a small number of cases it was not, but the recommendation was followed after mediation by other individuals or agencies (the Contact Group, for example). There were only five cases (four involving the same diocese and one involving a congregation) in which the church authority continued to refuse to follow the recommendation. Fortunately, after intervention by the Complaints Committee, the complainants concerned did receive recognition and compensation with the help of the Contact Group. Although this form of solidarity is naturally praiseworthy, the attitude of the church authority remains a blot on the church's commitment to clean up the legacy of the past and address the needs of the victims as far as possible.

Another example to the church's credit was the problem of the boarding school in Bleijerheide. It became evident quite quickly that no church authority in the Netherlands could be designated for this boarding school. After some correspondence between the Complaints Committee and the Conference of Bishops, the Conference of Dutch Religious and the Contact Group, agreement was fairly rapidly reached that the complainants must not suffer from that situation. However, that still left the question of how the situation should be dealt with. It took some time, but the solution was found in the creation of a solidarity fund by the Conference of Bishops and the Conference of Dutch Religious to assume responsibility for paying the compensation that was awarded in every case. Anyone who has read Jeroen Brouwers' book *Het Hout* will understand that this was not a situation that affected just a few victims or involved only small amounts of compensation. Nevertheless, victims found it regrettable that they had not received a genuine acknowledgement from an ecclesiastical authority.

Some characteristics of the complaints procedure

In the new structure designed by the Bandell Committee (see chapter 2), the Board of the Management and Monitoring Foundation was mandated to draft a complaints procedure. On 5 October 2011, the Management and Monitoring Foundation adopted the Procedure of the Complaints Committee for Sexual Abuse within the Roman Catholic Church. The characteristics of the procedure are largely laid down in that document, but also evolved in the recommendations (the rulings) of the Complaints Committee, which had to apply and therefore interpret the procedure in specific cases.

The most important basic principle was that the complaints procedure was an independent scheme and was **not a criminal procedure**. That has major implications. The hearing is not the same as the hearing in a criminal case. For example, this procedure centred on the victim, not the perpetrator. That, in turn, meant that a procedure could also be brought against a deceased perpetrator. The church authority

performed a specific role in that respect. A number of important characteristics and concepts are discussed in more detail below.

Plausibility and supporting evidence

It was clear from the outset that the Complaints Committee did not require evidence to a legal standard to uphold a complaint. That had also been a specific demand of the Deetman Commission and of various members of parliament during the hearings.

After all, such a standard would have presented the victims with an almost impossible task. These were offences that had usually occurred covertly and a very long time ago (they were not subject to the statute of limitations for nothing).

On the other hand, a complainant's story could not be relied on exclusively. The story also had to be objectively plausible. This sometimes promoted the criticism in some quarters that the Complaints Committee had over-judicialised the procedure, although, in fact, everything possible was done to avoid that. Naturally, if the accusation of judicialisation meant that the Complaints Committee adhered to the principles of fair and orderly proceedings and impartial and independent judgment, it is correct. The Complaints Committee always acknowledged that and endeavoured to adhere to those principles, such as the principles of *audi alteram partem* [the right of both sides to be heard], following correct procedure and not convicting a person solely on the basis of the accusation of the purported victim. After all, in this context it had to be remembered that when a complaint was acknowledged, a perpetrator was also 'designated'. Although the complaints procedure was not primarily concerned with identifying and punishing perpetrators, and even though recommendations were only published in anonymised form, the Complaints Committee adopted the principle that the story had to be objectively plausible. The criterion adopted by the Committee was therefore whether the facts and circumstances in the complainant's story were sufficient for an objective third party (the Committee) too consider it plausible.

What was also very evident was the determination of everyone concerned to ensure that the victims received 'justice' within the legal framework of the procedure. And not least for the church office holders who were being asked to dig up the past, gather information and, with their behaviour, compensate now for the conduct of the perpetrators then.

Jacqueline Verbart

Legal assistant

For the full text, see Chapter 8, Stories from practice.

This is also why considerable emphasis was placed from the outset on the question of **supporting evidence**. The issue was discussed a great deal by the chairpersons in the Complaints Committee in order to prevent differences of interpretation by the various chambers. Consequently, a clear line quickly emerged in the Committee's 'case law'. Naturally, the process started with verifying the facts, as far as that was still possible. The location, the period and the circumstances in which the complainant claimed to have been sexually abused by a particular alleged perpetrator had to be, at least potentially, correct. If so, the Committee checked whether there were other facts and circumstances to support that story: the supporting evidence. The legal advisers, victim organisations and the media were always openly informed of this approach. The Committee's legal secretary, Ms. Liesbeth Sanders, also wrote an article that was published in the journal *Letsel & Schade* (2014, number 4; see appendix 7), in which she mentioned, among other things, that supporting evidence had to be specific and verifiable. In other words, it had to relate to the abuse committed by the alleged perpetrator against the complainant personally. The strongest evidence was that of a person who was actually present during the abuse or whom the complainant had told of the abuse immediately after it occurred. But those situations rarely occurred. However – and this was more common – it could take the form of a statement by another victim of similar abuse perpetrated by the same accused or by a third person, for example a family member, a good friend, a social worker or a GP whom the victim had told of the abuse at an early stage.

Statements by third parties to whom the complainant had spoken of the abuse could therefore constitute supporting evidence in the complaints procedure, whereby statements by GPs or social workers generally carried more weight than statements by a partner, a family member or a friend of the victim. Multiple statements by different people and the level of detail in the statements could also strengthen the supporting evidence.

As in the case of criminal evidence, weighing the evidence in the complaints procedure was neither a mathematical exercise nor something for which there is any precise benchmark. It was always a question of weighing the facts, circumstances and arguments in the specific case. Every fragment of information could count, but still had to be weighed. This was another reason why the Complaints Committee chose, on principle, for chambers composed of multiple individuals with varied backgrounds. The chairperson of each chamber was a former judge. There were also two members with a background in behavioural or social sciences and/or practical experience (a psychotherapist, psychologist, psychiatrist, pedagogue, secondary school headmaster, professor of medical ethics, etc.).

Because supporting evidence was so critical, the Complaints Committee always advised and appealed to victims to report abuse, even if they did not plan to use the complaints procedure themselves. The Reporting Centre therefore actively approached individuals who had submitted a report to request their consent for the use of their evidence in other cases. This active approach and the registration of information often provided the necessary supporting evidence for other cases. For example, the ‘consent statement’ of a complainant for his complaint to be used in another case against the same alleged perpetrator regularly supported the complaint of that other complainant.

But this was different: the subject matter of the complaints was very sensitive and personal, the political and media attention was intense, the volume of work was overwhelming and there was no real precedent for the work of the Complaints Committee. These were tasks that had to be performed with a very great deal of care. It was not a question of meeting deadlines, but ensuring that the complainants, for whom it was already stressful enough, were treated with every possible respect.

Jacqueline Verbart
Legal assistant

For the full text, see Chapter 8, Stories from practice.

Well-founded or unfounded

The complaints procedure provided that the ruling of the Complaints Committee had to contain a recommendation (‘acknowledged’ or ‘unfounded’) to the church authority. The Complaints Committee soon realised that a finding that a complaint was unfounded was often very disappointing and painful for complainants, because this formulation was regarded – incorrectly – by complainants as a finding by the Complaints Committee that their story was untrue. But, as already mentioned, if the facts and circumstances put forward were insufficient to make the story plausible to an objective third party (in other words, there was insufficient supporting evidence), the Complaints Committee had to declare the complaint unfounded even if it considered the complainant's statement to be highly credible and convincing. This very quickly prompted the Committee to include a finding that a declaration that the complaint was unfounded did not mean that the Complaints Committee did not believe the complainant. Nevertheless, the Committee understood that such a finding remained very disappointing for the individual concerned. In some cases, the review procedure did later lead to a declaration that the complaint was well-founded. The church also addressed this problem with the Final Action: in every case in which a complaint was declared unfounded, but it was clear from the Committee's recommendation that it believed the story to be authentic or credible – and that was the case in practically every procedure – the church still provided recognition and an apology for what had happened to the complainant.

The hearing

The hearing formed a crucial part of the procedure. During the hearing, the complainant was given the opportunity to calmly and freely tell his or her story. It was nevertheless still extremely challenging for most victims, both because of the effort of trying to put their story had to put into words and because of the – sometimes very intense – emotions it evoked for them. This meant that a hearing was often an intensely stressful and emotional occasion for the complainant, despite the efforts of the Complaints Committee to put complainants at their ease as far as possible. There was a hostess who welcomed complainants and took them to a separate waiting room of their own, where they could wait for the hearing with their legal adviser and, if necessary, one or more confidential counsellors. In the hearing room, there was a single large table around which the complainants and their legal and other advisers, the alleged perpetrator and/or the church authority and the members of the Complaints Committee all sat. The complainants could, if they wished, be heard in the absence of the alleged perpetrator and the church office holder. Coffee, tea and biscuits were provided during the hearing. The Complaints Committee was nevertheless well aware that it was a difficult occasion for complainants.

On the other hand, it was also an opportunity for the Committee to hear the complainants tell their own story and a last chance to properly establish the facts and the supporting evidence. That too was sometimes difficult and stressful for complainants, although they would frequently say at the end of the hearing that while it was stressful, they still felt better afterwards. ‘I was finally able to tell my story and was listened to’ was a remark that was made regularly and one which the Complaints Committee was very pleased to hear. Because, it has to be said, the hearings were also often mentally and emotionally draining for the members of the Committee. It will not come as any surprise that some members withdrew during this period because they found the process too burdensome.

The work of the Complaints Committee was therefore very edifying in a very surprising respect: insight into human nature. It often became clear to me how resilient people can be and how people are able to prevent what has happened to them from dictating their entire lives.

Jacqueline Verbart

Legal assistant

For the full text, see Chapter 8, Stories from practice.

Role and attitude of church authorities

Another subject that needs to be addressed is the role and attitude of the church authorities. In this procedure, they were the representatives of the Roman Catholic Church in the Netherlands – the Conference of Bishops and the Conference of Dutch Religious – which had decided to clean up the legacy of the past in response to the findings of the Deetman Commission. They were willing, as the head of a diocese or an order or congregation, to accept **functional responsibility** for the sexual abuse that members of their organisation had perpetrated. *Functional*, because what had happened occurred long before they occupied their position. On the one hand, they were expected to be open and show empathy towards the victims, but on the other it was a procedure in which fellow brothers, sisters and priests, some of whom they knew personally, were accused of terrible misdeeds. Not an enviable position, as a quote from the final report of the baseline measurement makes clear: ‘A strong sense of justice emerged from the conversations with the church authorities: what happened in the past is terrible and reprehensible. The primary concern is for the victims. Wherever any supporting evidence at all can be provided, it will be provided. But as a person in authority, you also have a responsibility to your fellow priests, brothers and sisters. Especially when they are wrongly accused. You then have to stand up for them.’

This was obviously a difficult dilemma. It made the role of church office holders in the procedure very difficult. They were not the alleged perpetrators and they were not the persons expected to put forward a defence. In fact, they were expected to present the facts as they knew them, even if they were incriminating for the alleged perpetrator. Nevertheless, they could, with due respect for a complainant, refer to inconsistencies or improbabilities.

The vast majority of the church office holders performed that role well, but it has to be said that there were other less fortunate actions. There were even a few occasions when a church office holder or his representative put forward a truly scandalous or harmful defence. If that occurred during a hearing, the relevant office holder was not spared by the chairman. Fortunately, these were exceptions; there were many who performed this role excellently.

Complaints procedure or mediation?

From the beginning, the Complaints Committee interpreted Article 7 loosely. The article left open the possibility of suspending the complaints procedure if and as long as the complaint could be settled amicably, either through mediation or otherwise. After all, it would be an excellent outcome if the parties could reach an agreement. However, the complaints procedure had an additional function. On the one hand, the proceedings before the Complaints Committee could have a healing effect, depending on the attitudes of the parties, and did in fact often have that effect. On the other hand, it had the additional advantage of enabling a complainant to achieve justice when confronted by a recalcitrant accused or church office holder, not to mention its importance in terms of yielding supporting evidence for other victims, a possibility that was often lost when there was mediation or a settlement.

The Complaints Committee would like to conclude by thanking all those who helped to ensure that it could perform its work effectively.

G.A.M Stevens, Chairman

Complaints Committee

L. Sanders, Legal Secretary

Personnel

The members of the Complaints Committee between 2011 and 2016 were as follows:

- G.A.M. Stevens, chairman
- Ms. C.C. de Rijke-Maas, deputy chair
- R.J.M. Smit, deputy chairman (until 1 September 2012)
- H.J. Schepen, deputy chairman
- P.A.M. Hendriks, deputy chairman
- C.H.W.M. Sterk, deputy chairman (until 1 January 2015)
- Ms. B.F. de Poorter, deputy chair (until 1 January 2014)
- Ms. M.D.J. van Reenen-Stroebel, deputy chair
- T.F.A.M. Hoogenboom, deputy chairman
- P.R.M. van der Ven, member
- M.P.P.M. Merx, member
- Ms. W.M. Veltman-Breddels, member
- W.A.M.C. Mol, member
- Sister J.G.M. Verwijs O. Praem, member
- A.A.M. Oostveen, member
- Professor W.H.G. Wolters, member (until end of 2011)
- Professor H.B.M. van de Wiel (until 1 June 2014)
- P.A. Schaafsma (until 1 September 2014)
- Ms. N.A.M. van Beelen, member
- Ms. Th.M. Bronzwaer, member
- J.L.H.H. Kunnen, member
- F.J.M. Walstock, member

- F.A.A. Duynstee, member
- Ms. A.M.T. Denekamp-Mulder, member
- Ms. L. Erftemeyer, member
- P.J.A. van Panhuis, member

Registrars:

- Ms. A.M.T. Denekamp-Mulder (until 1 January 2012)
- Ms. S.R.M.I. Roos-Bollen
- Ms. M. Braspenning-Groeneveld
- Ms. I.C.M.T. Jongens-Manders (until 1 March 2015)
- Ms. C.A. Murray (until 1 January 2015)
- M.J.C. van Leeuwen (until 1 September 2014)
- Ms. E.B. Schaafsma-van Campen (until 1 January 2012)
- Ms. S. Westerdijk (until 1 February 2014)
- M.H.J. Materman
- Ms. L. Pander Stapel
- Ms. J.C. Quint
- Ms. Y. Rikken
- Ms. M. van der Meulen (until 1 January 2016)
- Ms. M.G.M. Van Rijnstra
- Ms. H.L. Miedema (from 7 October 2014)
- Ms. R. Willemsen (from 1 November 2014)
- Ms. R. Bongaerts (from 1 November 2015)
- Ms. L. Sanders served as legal secretary.

The special registrars who performed additional research:

- Ms. J.S. Oude Breuil
- E.A.A.E. van de Walle
- D. Herlaar (until 1 January 2015)

The hostesses at the hearings:

- Ms. M.M. Boerland (from 1 February 2012 until 30 June 2013)
- Ms. M.W.H. Dietz (from 1 June 2012 until 1 October 2016)

Chapter 6

Compensation Committee

The compensation schemes¹⁴ drafted by the Lindenberg Committee¹⁵ in 2011 contain rules for making claims for compensation by anyone who was sexually abused (as a minor or an adult) by a person affiliated with a Roman Catholic institution in the Netherlands. In drafting the compensation schemes, the intention of the authors was to find a middle path between strict adherence to the principles of Dutch law and avoiding legal complexity and juridicisation as far as possible, always in the interests of minimising the stress of the procedure for the victims.¹⁶

With regard to the awarding of compensation, the intention was to provide equitable compensation for the damage caused by sexual abuse. This basic principle meant that, in some cases, the compensation would cover the damage sustained, but in some cases it would not. That is a consequence of using the same fixed amounts or amounts within a certain range for specific groups of victims.¹⁷

Compensation schemes for victims who were minors

The nature of the compensation in categories 1 to 4 of this scheme was a combination of damages and reimbursement of expenses incurred in connection with sexual abuse, such as the costs of therapy or travel expenses. The amounts were based on the damages awarded by Dutch courts in similar cases. Claimants in these categories did not have to produce proof of damage. The compensation in category 5 was a combination of damages, reimbursement of actual expenses and compensation for any loss of income from work as a result of the sexual abuse.

Article 5 of the compensation scheme distinguished five categories of sexual abuse:

- 1) in the case of acts or statements of a sexual nature constituting a violation of physical or mental integrity, other than acts referred to in the later categories: compensation of up to € 5,000;
- 2) in the case of the touching of private parts: compensation of € 7,500;
- 3) in the case of the touching of private parts over an extended period, depending on the frequency, seriousness and additional circumstances: compensation of between € 10,000 and € 20,000;
- 4) in the case of one or several instances of rape: compensation of € 25,000;
- 5) in exceptional cases of sexual abuse or in cases referred to in categories 3 and 4 in which the claimant's financial loss due to the sexual abuse is substantial and there is no reasonable doubt about the causal relationship between the sexual abuse and that loss: compensation of up to € 100,000.

¹⁴ The members of the Lindenberg Committee were Professor S.D. Lindenberg, a professor of private law in Rotterdam (chairman), Ms. J. Meyst-Michels, a lawyer in Utrecht, and Mr. J. Wildeboer, a lawyer in Rotterdam. The Committee performed its work on behalf of the Conference of Bishops of the Roman Catholic Church in the Netherlands and the Board of the Conference of Dutch Religious from November 2010 until the beginning of 2012.

¹⁵ The Compensation Scheme for Sexual Abuse of Minors dates from 1 December 2011 and was amended on 30 August 2012 and 1 July 2014; the compensation scheme for sexual abuse of adults dates from 13 December 2011 and was amended on 1 March 2012.

¹⁶ Advisory report of the Lindenberg Committee 'Compensation for sexual abuse of minors', 20 June 2011, page 3.

¹⁷ Explanatory memorandum to the Compensation Scheme for Minors, 1 December 2011, page 8.

For adult victims

The compensation scheme for adult victims included three categories. The compensation in category 1 (up to € 5,000) was a combination of damages and compensation for expenses connected with the sexual abuse, such as the cost of therapy or travel. Claimants in these categories did not have to provide proof of damage. In categories 2 (up to € 10,000) and 3 (up to € 25,000), it could be necessary to provide evidence of damage for the purposes of determining the amount of the compensation.

For heirs

The compensation scheme for minors included a special scheme for heirs. The heirs of victims who had died before 1 December 2011 (the commencement date of the compensation scheme) could submit a claim for three years from that date; in addition, a general period of two years from the death of the victim also applied as of 1 December 2012.

For the purposes of this scheme, heirs were defined as the spouse or registered partner and the children who were legal heirs of the victim concerned. Heirs by substitution did not qualify for the scheme. Claims by heirs had to be submitted by at least a majority of them and were limited to 50% of the claim the deceased victim would have had if he or she had still been alive. Heirs were not entitled to make a claim under category 5 of this compensation scheme.

Final deadline

The closing date for submitting a claim for financial compensation was 31 December 2015, with the proviso that the deadline for submitting an application was at least six months from the date of signature of the evidence, within the meaning of Article 7 of the compensation scheme, required by and submitted with the application, for example – and most commonly – a declaration by the Complaints Committee upholding the complaint, accompanied by the written decision of the church authority of the alleged perpetrator accepting the recommendation or decision. In practice, this final deadline did not cause any significant problems.

Composition of the Compensation Committee

On 1 December 2011, the members of the Compensation Committee were as follows: Mr. R.Ph. Elzas (lawyer in Arnhem), Mr. E.S. Groot (NIVRE-registered claims adjuster in Papendrecht), Ms. J.M. van der Laar (lawyer in Amsterdam), Ms. K. Faase (claims adjuster in Noordwijk) and Mr. B. Holthuis, chairman (lawyer in Deventer). Ms. E.B. Schaafsma-van Campen in Voorburg was the registrar/secretary who prepared the drafts of all the recommendations.

Mr. Elzas stood down on 1 July 2013 having reached retirement age and Mr. D.J. van der Kolk (lawyer in Rotterdam) joined the Committee.

The members of the Compensation Committee all possessed considerable experience and expertise in assessing personal injury claims in the Netherlands. The composition of the Compensation Committee was also balanced, comprising representatives of what are known in the personal-injury claims sector as 'liable' parties (i.e., insurance companies, in this case the relevant church authority) and 'injured' parties (i.e., victims of personal injury, in this case victims of sexual abuse), while the chairman's background was in the so-called 'mixed' business and he therefore had experience representing the interests of both 'liable' and 'injured' parties. The Compensation Committee consisted of lawyers; however, by virtue of Article 20 of the compensation scheme, the Committee could also request input from external experts in assessing claims for compensation and did make modest use of that option, particularly in the early years. Some members of the Compensation Committee were also able to use the services of a medical adviser of their own, where necessary.

At the beginning of 2012, the Compensation Committee received a lengthy briefing from Mr. R. Rijnders, a forensic psychiatrist attached to the Pieter Baan Centre in Amsterdam, on issues such as the harmful effects, including long-term effects that victims could suffer from sexual abuse.

In the middle of 2014, the Compensation Committee organised a meeting to evaluate the application of the ‘causal relationship’ criterion in Article 5.5 of the compensation scheme. That meeting was chaired by Professor C.J.M. Klaassen, a professor of civil procedural law at Radboud University in Nijmegen.

Start

The members of this committee were appointed by the Board of the Management and Monitoring Foundation with effect from 1 December 2011. The Compensation Committee commenced its work at the beginning of 2012.

Implementation

The Compensation Committee’s point of departure was always that applicants for compensation and the relevant Roman Catholic institutions were entitled to have claims assessed as carefully and expeditiously as possible by the Compensation Committee.

In the first three months of 2012 the Compensation Committee deliberated intensively to determine its procedures and to formulate criteria for assessing claims for compensation, with a view to ensuring that, as far as possible, ‘equal cases’ were assessed equally. In that context, the Compensation Committee formulated the following factors for determining whether a particular case constituted an exceptional case of sexual abuse within the meaning of Article 5(5) of the compensation scheme:

1. age;
2. nature/seriousness of the abuse;
3. duration of the abuse;
4. multiple persons;
5. systematic/frequent;
6. increased vulnerability;
7. knowledge of earlier abuse;
8. physical violence;
9. blackmail/psychological coercion;
10. (permanent) physical injury;
11. other.

The Reporting Centre’s website always carried an explanation of the application form for compensation and the procedure of the Compensation Committee.

I and everyone else engaged with these cases gained a better insight into how great the impact can be of even relatively minor sexual abuse and how far-reaching the consequences can be.

Eskje Schaafsma
Secretary of Compensation Committee.
For the full story, see chapter 8, Stories from practice.

We dealt with many damaged lives during that period. Only on paper perhaps, but the information in the documents that were submitted during the procedure was so extensive and so detailed that, as a reader, you could not be left unmoved by the enormous harm that had been done to victims of sexual abuse.

Eskje Schaafsma
Secretary of Compensation Committee.
For the full story, see chapter 8, Stories from practice.

Length of procedures in 2012

During 2012, the Compensation Committee was regularly confronted with earlier rulings by the Assessment and Advisory Committee (BAC), which did not adequately convey the nature and scale of the sexual abuse. The chairman therefore repeatedly had to request information from the chairman of the Complaints Committee, a possibility created by Article 15 of the compensation scheme. This caused delays in the handling of claims for compensation. The pace of handling applications that were assigned to categories 3 and 4 (and provisionally, category 5) also faltered, partly because the Compensation Committee sometimes received a great many documents in support of an application. Claimants for compensation also quite regularly requested a delay in connection with the sometimes very stressful character of submitting a claim for compensation and substantiating financial loss ensuing from the sexual abuse.

Approximately six months after the compensation scheme entered into force, at the request of the Board of the Management and Monitoring Foundation, an accelerated procedure to address the delays was introduced. This procedure encompassed the following steps:

- The chairman and the secretary/registrars of the Compensation Committee would, in future, assess all new claims approximately once a month.
- Claims that immediately qualified for assignment to categories 1, 2, 3 or 4 of the compensation scheme would be submitted as soon as possible, as a draft final decision, to one of the two chambers of the Compensation Committee for assessment.
- In the case of claims that qualified for assignment to categories 3 or 4, provisionally 5 (Article 5.5, second phrase, of the compensation scheme), the chairman and secretary/registrars would decide whether, and if so what, missing information should still be provided, such as evidence regarding the nature and scale of the damage and/or the causal relationship between abuse and damage. Instead of the usual model letter, the claimant concerned would in future receive a 'bespoke' letter with questions and clarification, together with a provisional assignment to a category.
- In the case of claims that immediately qualified for direct assignment to category 5, an exceptional case of abuse (Article 5.5, first phrase, of the compensation scheme), the claimant would also be notified as soon as possible of whether the claim would be promptly submitted to the relevant chamber of the Compensation Committee as a draft final decision, or whether additional information had to be provided with regard to the nature and scale of the damage or the relationship between abuse and damage.
- An applicant would in future be able to authorise the Compensation Committee in the application form to take cognisance of the complaint and the documents submitted for the purposes of the complaints procedure.

With this accelerated procedure, applicants received a clearer explanation than before of what they could expect with regard to the procedure if they chose to be provisionally assigned to category 5. It was also clearly explained which category claimants would fall into (3 or 4) if they decided to waive the category 5 procedure.

The accelerated procedure had an impact. By allowing the relevant complaint file to be inspected immediately (rather than via the Article 15 procedure) and with the aforementioned preliminary investigation by the chairman and the secretary/registrars of the Committee, claims could be disposed of or checked for completeness more quickly.

For more information about the duration of procedures, see the section on 'The compensation scheme in figures', below.

The compensation scheme in practice

In practice, the compensation scheme proved to be well thought-out and practical. The authors clearly envisaged the rapid disposition of claims for compensation. For example, the scheme made no provision for appeals against the recommendations of the Compensation Committee; its recommendations were deemed to be binding on the church authority. Victims were not required to grant full and final discharge. In accordance with the objective of dealing quickly with claims, a basic principle of the scheme was that

evidence of sexual abuse had to be submitted at the start of the procedure. Article 7 of the compensation scheme also contained an exhaustive list of the valid types of evidence. Had this not been so clearly regulated, the Compensation Committee would not have been able to implement the scheme as quickly and smoothly as it did.

After consultation with its chairman, recommendations by the Complaints Committee contained far more transparent information about the nature and scale of the sexual abuse than the recommendations of its predecessors (the Assessment and Advisory Committee – BAC and the Review and Advisory Committee – TAC).

Category 4

Article 5(4) provided that, for a claim to qualify for assignment to category 4, there had to be ‘one or several instances of rape’. This phrase raised the question of what was meant by ‘several instances’ and how the term ‘rape’ should be defined.

As to the first question, the Compensation Committee found that assignment to category 4 was indeed only appropriate in the event of one or several instances of rape; in the case of more than several instances of rape, the Compensation Committee classified the sexual abuse as exceptional under category 5. This explains why a relatively large number of claims (partly in view of the serious circumstances that without exception accompanied rape) were assigned to category 5 as exceptional abuse.

As regards the term ‘rape’ within the meaning of Article 5(4) of the compensation scheme, as far as possible the Compensation Committee followed the Supreme Court’s interpretation of the term: it is always rape if there has been penetration (with any form of coercion) of the body of the complainant or the body of the perpetrator. In departure from the prevailing jurisprudence of the Supreme Court at the time, the Compensation Committee ruled that one or several instances of French kissing was not to be regarded as rape within the meaning of category 4 in Article 5 of the compensation scheme.¹⁸

We also always tried to cover precisely those aspects that were (or could be) important to the specific claimant, in the hope that they would feel they were being heard and were receiving recognition. That was not always easy, especially with claims in which asserted financial loss could not be awarded, or not in full.

Eskje Schaafsma

Secretary of the Compensation Committee.

For the full story, see chapter 8, Stories from practice.

The ‘causal relationship’ criterion in category 5

The Compensation Committee could not always achieve the scheme’s authors’ objective of ensuring the rapid disposition of claims for compensation. In hindsight, this was mainly due to the ‘causal relationship’ clause in Article 5(5) of the compensation scheme.¹⁹ That clause constantly raised the question of what had to be understood as a ‘reasonable doubt’ in a specific case. Pursuant to Article 5(5), two obstacles had to be overcome before a claim qualified for compensation of financial loss.

First, the financial loss had to be ‘substantial’. The Compensation Committee adopted the threshold of € 25,000 as its point of departure for this amount, as prescribed in the explanatory memorandum to the compensation scheme.

¹⁸ In its judgment of 12 March 2013 (ECLI:NL:HR:2013:BZ2653), the Supreme Court also reversed itself by deciding that a French kiss under duress would in future no longer be regarded as ‘rape’ within the meaning of Article 242 of the Dutch Penal Code.

¹⁹ Article 5 of the compensation scheme reads as follows: ‘Article 5: There are five categories of financial compensation:
1) ...
5) in exceptional cases of sexual abuse or in the cases referred to in categories 3 and 4 in which the applicant’s financial loss due to the sexual abuse is substantial and the causal relationship between the sexual abuse and that loss is not subject to reasonable doubt: compensation up to a maximum of € 100,000.’

To qualify for assignment to category 5, a claim also had to show a causal relationship between the substantial loss and the sexual abuse beyond a reasonable doubt. According to the explanatory memorandum to the compensation scheme, there was reasonable doubt within the meaning of Article 5(5) if the financial loss ‘appears to be a consequence more of other causes than of the sexual abuse’.

Causality is one of the trickiest issues in the law of liability, and the risk of judicialisation is particularly great high in discussions of causality. The Compensation Committee did its best to avoid judicialisation, for example by, in principle, only allowing the parties one opportunity (and only in writing) to present their position on the scale of the damage and the causal relationship with the sexual abuse to the Compensation Committee. Despite this, the Compensation Committee was not entirely able to avoid judicialisation in its assessment of claims for compensation because it naturally had to invite the claimants and/or their representatives to substantiate their position on the scale of the financial loss and the causal relationship as far as they could with details of their income and other documentary evidence. In some cases, claimants presented lengthy arguments, supported by many documents. The church authorities sometimes chose not to put forward a defence and left the decision to the Compensation Committee; sometimes they (dioceses or congregations) put forward a relatively modest defence, but sometimes also a detailed defence. Accordingly, the Compensation Committee received many thousands of pages of information, and judicialisation was a fact.

Many applications presented the Compensation Committee with the question of whether specific events and ‘life events’ broke the chain of causality between the loss and the sexual abuse. Examples of ‘events’ might be illness or traffic- or work-related accidents and ‘life events’ might be divorce or the death of a loved one, but could also include sexual abuse that occurred before or after the sexual abuse within a Roman Catholic institution. Accordingly, the Compensation Committee was required to try to answer the question of how the applicant’s career would have progressed if there had been no abuse. The Committee often had to reach the hypothetical finding that the sexual abuse was not the only relevant factor in the experiences that had led to loss of work and financial damage.

In all of the circumstances to be taken into account in assessing the causal relationship within the meaning of Article 5(5) of the compensation scheme, the Compensation Commission always first made a distinction between circumstances that had occurred before and circumstances that had occurred after the sexual abuse.

In the former situation, the Committee’s point of departure was that, if the sexual abuse within a Roman Catholic institution had occurred later, it did not break the causal relationship, but could limit the scale of the financial loss. The question that then always arose was whether in that situation the damage or financial loss would also have occurred in the hypothetical situation that the sexual abuse had not taken place.

If the circumstances had occurred after the sexual abuse in the Roman Catholic institution, the causal relationship could have been broken. In those cases, the question to be answered was whether the harmful event after the abuse had, with a ‘reasonable degree of probability’ caused the damage. If it was clear that there was financial loss attributable to the sexual abuse, but not how much, the Compensation Committee estimated the amount of the loss and apportioned it reasonably, by analogy with Article 6:98 of the Dutch Civil Code, according to the nature of the liability, the nature of the damage and the predictability of loss. Sometimes, in those cases where the Compensation Committee found that all of the applicable circumstances had contributed to the loss, it also attributed the damage pro rata to the contribution of the sexual abuse and of the other harmful circumstances.

Violence

Very often the sexual abuse occurred in the context of a very strict regime in which violence was not shunned. The Compensation Committee is convinced that it was usually the combination of these circumstances and the sexual abuse that caused sometimes very serious traumatising of victims. In view of the fact that the compensation scheme applied only to compensation for sexual abuse, aspects such as violent and heartless regimes could only be considered in the Compensation Committee’s assessment insofar as they coincided with or were directly connected with the sexual abuse.

I have enormous respect for the victims who must have felt very vulnerable in the proceedings before the Complaints Committee and the Compensation Committee. They had to reveal many aspects of their lives, which must have been very difficult.

Eskje Schaafsma

Secretary of Compensation Committee.

For the full story, see chapter 8, Stories from practice.

Attitude of the church authority

Many church institutions chose not to put forward a substantive defence against the sometimes extensively detailed claims for compensation and left the decision on the claims to the Compensation Committee. As described elsewhere, there were also some church institutions that were not averse to putting forward a defence against claims for compensation.

Although it is easy to understand why some victims regarded such defences as an additional barrier to the recognition and reparation envisaged by the church authorities, the Compensation Committee did not regard them as sufficient grounds to intervene, even if it could have, given that the right of both sides to present their case is one of the most important fundamental principles of Dutch law, the law on which the compensation scheme is based. It can also be stated that, in the vast majority of cases, the church authorities put forward nuanced defences with due regard for the necessary respect for the position of the claimant. It is also the case that the church institutions all acted in good faith in accepting the recommendations of the Compensation Committee and then paying the compensation in time (i.e., within six weeks of the Committee's recommendation). Here too, the exceptions prove the rule. For example, one superior objected on principle to accepting the Complaints Committee's recommendations, which created a serious risk of a delay in the handling of the compensation claim of a victim who was known to be terminally ill and might possibly not live to see the award and payment of compensation, an important element of the reparation due to him. Thanks to the effective cooperation of the Conference of Dutch Religious, the recommended compensation was paid just before the claimant's death. His son reported that the victim was consciously aware of the payment and greatly appreciated it. He died several days later.

Solidarity fund

In 2012, there were delays in handling the claims for compensation by victims of sexual abuse that had occurred at the Maria ter Engelen boarding school in Bleijerheide, which had closed in 1979. The relevant congregation (the German congregation *Ordensgemeinschaft der Armen-Bruder des heiligen Franziskus*) had left the Netherlands in 2005 and failed to respond to requests for a reaction to the claims for compensation. On the advice of the Board of the Management and Monitoring Foundation, the Conference of Dutch Religious and the Conference of Bishops then intervened and established a solidarity fund for Bleijerheide to be managed by the Board and administered by the staff of the Reporting Centre.

Accordingly, members of this group of victims were able to submit a claim for compensation directly to the Compensation Committee, without the intervention of the German congregation, provided the Complaints Committee acknowledged the complaint. For the nature and size of the amounts awarded under the solidarity fund, see Appendix 4.

Consultation with organisations of victims and the church

Starting in 2012 and occasionally also in 2013, the Compensation Committee discussed the procedures and desired changes in the compensation scheme with as many as possible of the parties concerned.

In 2012, for example, after consulting members of the former Lindenbergh Commission, the Compensation Committee decided that victims who had been sexually abused by more than one

perpetrator and/or perpetrators at different institutions could only make a single claim for compensation. One issue that received specific attention was whether the scheme as described above should be amended in the case of multiple perpetrators because KLOKK took the view that the scheme failed to take sufficient account of abuse by multiple perpetrators.

It was true that the existence of multiple perpetrators could not lead to higher compensation being awarded in categories 2 and 4 of the compensation scheme because the amount of compensation in those categories was fixed. But the possibility did exist in categories 3 and 5, in the sense that all other factors being equal, the fact that there were multiple perpetrators could lead to higher compensation. The Compensation Committee saw no grounds for allowing multiple claims by a victim who had been abused by multiple perpetrators (and thus creating the possibility of a claimant receiving more than the maximum amount within a particular category), while the maximum compensation for that category would still apply for a victim who had been abused on multiple occasions by the same perpetrator. The Compensation Committee did regard the simple fact that there had been multiple perpetrators as an aggravating circumstance that was generally reflected in the assignment to a particular category or in the amount awarded.

In those cases in which there were multiple perpetrators who were attached to different Roman Catholic institutions, the Compensation Committee also adopted the principle that the total compensation to be paid could not exceed the maximum amount for the relevant category for the abuse concerned. The Compensation Committee took the view that an alternative rule for these cases would have led to an inexplicable inequality in the treatment of a victim abused by multiple perpetrators attached to the same Roman Catholic institution compared to a victim of multiple perpetrators attached to different Roman Catholic institutions.

If, on request, the church authorities agreed, in these cases the Compensation Committee always recommended that the payment of the compensation should be divided among the church authorities concerned.

In 2012, the Compensation Committee further proposed an amendment to Article 22 of the compensation scheme. A provision was inserted creating the possibility of receiving an allowance towards the costs of legal advice if a case had been provisionally assigned to category 5 from categories 3 and 4 and claimants had been invited to provide further information about the scale of their financial loss and the causal relationship between the financial loss and the sexual abuse.

Arrangement for payment of an advance

From the middle of 2013, the Compensation Committee arranged that, in distressing and financially urgent situations, the claimant for compensation could be eligible for a provisional payment in anticipation of the final recommendation of the Committee on receipt of the provisional notice of the category to which their claim was assigned. The advances ranged from € 5,000 (for a case assigned to category 3, provisionally 5) to € 25,000 (for a case assigned to category 4, provisionally 5 or to category 5 due to exceptional abuse).

The compensation scheme in figures

The Compensation Committee handled a total of 860 claims, including 154 from women. At the time of the publication of this final report (end of November 2017), the Compensation Committee was still dealing with one application.

The Committee has classified all of its recommendations on the basis of various criteria, such as gender, age, nature of the abuse, aggravating circumstances, heirs, causal relationship, amount of compensation and costs of legal assistance.

Compensation for minors

Number of cases by category:

category 1:	29
category 2:	121
category 3:	313
category 4:	97
category 5:	381

See the appendices for a complete list of all the compensation awarded and the number of claimants per congregation/diocese.

A relatively large number of claimants were assigned to category 5 for exceptional abuse for the reasons already given. Of the 326 cases provisionally assigned to category 5, 156 were finally assigned to category 3, 56 to category 4 and 114 to category 5. With respect to the claims that were definitively assigned to category 5, there was no reasonable doubt about the connection between the sexual abuse and the financial loss, which was substantial.

Compensation for adults

There were 18 claims in all, 10 of which were assigned to category 1, 5 to category 2 and 3 to category 3 of the compensation scheme for adults. The rulings can all be found in anonymised form on the website www.meldpuntmisbruikrkk.nl.

Quality of investigation and assessment

The Compensation Committee attached great importance to the consistency of its recommendations, which were all published – in anonymised form – on the Reporting Centre’s website. To promote that consistency, in 2012 the Compensation Committee introduced a system of external verification of the quality of its recommendations and of review of the compensation schemes.

External assessment

The rulings made by the Compensation Committee were reviewed against the basic principles of the compensation schemes by two external lawyers (until 1 January 2016 by Mr. D. ter Laak, who is now attached to the National Office of the Public Prosecution Service, and from 1 January 2016 by Mr. J.H.B. Röben, a former justice of the Arnhem-Leeuwarden Court of Appeal).

The review focused mainly on the consistency of the decisions. The findings were set out in a detailed report and reported separately to the chairman of the Compensation Committee. The conclusion was as follows:

The conclusion of the external lawyers is that the Compensation Committee has interpreted the compensation schemes consistently. The assignment to categories of financial compensation and the descriptions contained therein have generally proved very practical. They provided clear guidance to the Compensation Committee for assessing the many claims for compensation. In some exceptional situations not provided for in the regulations, the Compensation Committee was able to find a solution in line with existing civil case law.

The compensation scheme provided no guidance for assessing whether there were exceptional cases of sexual abuse within the meaning of category 5 of the compensation scheme or for determining the size of the compensation for non-material damage in such cases and the Compensation Committee formulated its own criteria. It has been found that the Compensation Committee consistently assessed cases against the following criteria, which are also reported on the Reporting Centre’s website:

1. *age*
2. *nature/seriousness of the abuse*
3. *duration of the abuse*
4. *multiple persons*

5. *systematic/frequent*
6. *increased vulnerability*
7. *knowledge of earlier abuse*
8. *physical violence*
9. *blackmail/psychological coercion*
10. *(permanent) physical injury*
11. *other*

Assessment against these criteria led to consistent recommendations, in terms of both the reasons given for the assignment to the particular category and the amounts awarded for non-material damage.

*Deventer, 1 November 2017
Mr. J.B.H. Röben*

Conclusion

On balance, it is the Compensation Committee's opinion that, viewed objectively, with this compensation scheme the church offered victims of sexual abuse a reasonable middle course between full compensation (of material and non-material damage) and proper recognition of the suffering that was sustained by victims. This objective finding does not, however, alter the fact that the Compensation Committee has retained the impression from its work that, in a substantial number of cases, no financial compensation, however great, could have removed the pain that had been caused. Moreover, experience has shown that some cases of relatively minor sexual abuse have totally devastated a person's life, while in other cases involving very serious abuse, great suffering was inflicted but no substantial financial loss. The social context in which the abuse took place and the extent to which it could be discussed, within the individual's family for instance, ultimately proved to be an important factor in the scale of the damage. In hindsight, the objective of the compensation procedure might have been met better if categories 3 and 5 in the compensation scheme had also contained fixed amounts of compensation for material and non-material damage, since that might have contributed to the rapid award of financial compensation and therefore to better processing and recognition of the suffering of the victims.

On the other hand, the existing definitions of the categories did enable the Compensation Committee to make tailored recommendations.

A final point that has to be made is that reading many hundreds of pages with shocking and emotionally distressing content every week for a period of six years did not leave the members of the Compensation Committee unmoved. Every member felt 'worn out' at one time or another. That aside, those emotions quickly paled in comparison with the indescribable suffering of the often very young victims of sexual abuse. We hope that with its work, the Compensation Committee has been able to help with the successful processing of the suffering of victims of sexual abuse within the Roman Catholic Church in the Netherlands.

*B. Holthuis, chairman
Compensation Committee*

Chapter 7

Finances

The Management and Monitoring Foundation for Sexual Abuse within the Roman Catholic Church in the Netherlands was established on 28 September 2011. From that date, the Foundation continued the activities that had formerly been carried out by the National Institution Help & Justice.

This chapter presents an accounting of the total costs over the period from 2010 until the end of 2017, in other words from the time the large stream of complaints began.

All costs are divided equally between the dioceses in the Netherlands and the Conference of Dutch Bishops.

Personnel costs

The maximum staffing level at any one time was approximately 8.5 FTEs (2012) and then gradually declined to approximately 4.4 FTEs in 2016. The remuneration for members of the Compensation Committee is included under the fees reported in the figures for the Compensation Committee.

Mr Stevens, the chairman of the Complaints Committee, was a salaried employee of the foundation during the reporting period. The remuneration of the other members of the Complaints Committee are included under the fees in the figures for the Complaints Committee.

The members of the Victim Support Platform were all employed by the foundation.

The members of the board of the foundation received no remuneration for their work. They received an allowance for their travel expenses. Those costs are incorporated in the item 'Meetings and other expenses of the Board'.

Legal advisers

The complaints procedure provided that complainants could receive assistance from a legal adviser provided by the foundation. A fixed hourly rate of € 152.52 including VAT was agreed with the legal advisers. It can be concluded from the total amount of the fees and the total number of complaints that the average cost of legal assistance was € 2,500 per complaint. The varying complexity of the complaints produces a wide bandwidth in the costs of legal assistance, ranging from more than € 10,000 in a number of cases, but also amounts of less than € 1,000.

Handling of complaints

The fees for a hearing (a half-day) came to € 1,195. In addition to the costs of hearings, this item includes the costs of the special registrars who conducted investigations at the request of the Complaints Committee.

Assistance

The most important expense in the item Assistance comprises the fees for the confidential counsellors.

Accommodation

The most important component of the item Accommodation is rent, but it also includes the costs of canteen facilities.

Miscellaneous expenses

Under Miscellaneous Expenses, the size of the item for post and photocopying costs can be explained by the fact that a lot of information relating to a hearing by the Complaints Committee had to be circulated to a large number of people.

The costs of automation were largely determined by the monthly costs for the maintenance of workstations and by the costs of security and network management.

Reporting Centre's total costs 2010 to 2017

€

Personnel costs

wages, social security contributions and additional expenses	3,187,421
health insurance and other	131,311
	<u>3,318,732</u>

Legal advisers

fees and travel expenses	5,082,763
mediation by SIB	56,000
other expenses	9,485
	<u>5,148,248</u>

Handling of complaints (hearings)

fees and travel expenses	1,319,842
travel expenses of complainants	4,310
	<u>1,324,152</u>

Assistance

fees and travel expenses	306,032
special allowances for assistance	7,876
fees and travel expenses of advisory board	51,697
other expenses	18,793
	<u>384,398</u>

Compensation Committee

fees and travel expenses	2,060,837
other expenses	20,115
	<u>2,080,952</u>

Accommodation

88,234

Miscellaneous expenses

telephone expenses	30,272
liability insurance	77,092
meetings and other expenses of Board	63,397
postage and photocopying	159,104
office equipment, furniture and printing	100,191
automation and website	194,102
archiving	36,257
administrative costs of Conference of Dutch Religious	45,000
other expenses	71,333
	<u>776,748</u>

TOTAL

13,421,464

Chapter 8

Stories from practice

Nel van der Loos, Confidential Counsellor

Standing by victims provides recognition for them

As a confidential counsellor, I advised victims of sexual abuse in the Catholic Church, usually from the time of the initial report until their complaint had been dealt with. I was sometimes the first person they had told their story to. That was moving. I heard terrible stories of abuse, sometimes accompanied by violence and – this was particularly shocking – sometimes also by mutilation.

I also had to inquire whether specialist help was needed, preferably locally. The Victim Support Platform could then provide it by referring the individual to professional helpers in the field of sexual abuse.

Since the flood of reports at the beginning of 2010, I have spoken to dozens of victims, usually in their home. My impression is that all of those interviews already represented a form of recognition. ‘Finally, my story is being heard,’ many victims said to me. It was also appreciated that ‘the church’ was now taking the trouble to travel to them and listen to them. I was often asked ‘Do you believe me?’ ‘I believe you,’ I would say, ‘because it is your experience.’

Twelve confidential counsellors have visited victims throughout the Netherlands over the last few years. My visits were mainly in the north and east of the country. As soon as a person contacted the Reporting Centre, a general description of the story of the abuse was documented. The confidential counsellor would then visit the victims to listen to their story in their own environment. We tried to establish the circumstances as clearly as possible, such as where the abuse had taken place, when and by whom. We gave them plenty of time to tell their story. We also broadly explained the process of submitting a complaint and having it heard. Afterwards, we wrote a report, which was sent to the victim to make any additions or corrections.

If the report led to a complaint, a legal adviser was appointed. Some victims left it at a report, for example because they were satisfied with just telling their story. Some were put off by the entire process of submitting a complaint and attending a hearing.

As confidential counsellors, we also received regular training, for example about what victims are feeling and the significance of traumatic experiences and their treatment. That makes you realise all the more that abuse has enormous consequences for people’s personal lives. But they also have to get on with their lives. In that sense, we benefitted a lot in the first year from the advice of Professor Wim Wolters, a clinical psychologist with considerable experience in dealing with victims. We also learned from each other by sharing and discussing our experiences during the intervention sessions.

People sometimes asked me: ‘How do you keep going, hearing all those terrible stories?’ I learned to work with a warm heart and a cool head – in other words, to take a step back regularly. I would often light a candle for someone, which helped me to think intensely about that person and provide additional support for him or her in that way. Strong support at home was also important.

Early on, in the spring of 2010, things were very hectic. People were calling and writing. An organisation had to be set up to talk to the hundreds of victims and register their details in a short space of time. Under the guidance of Petra Stassen, a more professional organisation was in place within a few months.

The cases that affected me most deeply were those that involved victims who had been trapped, emotionally and physically, as a child. Many of the children had been neglected and mistreated. Some came from broken relationships or had been orphaned at a young age. Older sisters and brothers had then felt that a boarding school was the best option for them, for example. There were occasions when the abuse also continued during holidays; the abuser would say the child had misbehaved and as a punishment was not being allowed to go home.

They were treated with indifference, particularly the most vulnerable. They were damaged. They had no rights at all. They suffered. There was abuse of power and there was the age difference: an adult against a child, who was also often in a vulnerable situation.

The terrible thing was that they were often not believed. Parents were loyal to the church, the pastor and the brothers and priests of the boarding school. The parents were sometimes ‘more Catholic than the Pope’, and blind faith in authority then prevailed over their own child’s welfare. The children were being abused, and then they were not being believed! Some heavily traumatised victims said of the perpetrator: ‘he was a real paedosexual.’

I clearly recall many telling me they were particularly hurt when Cardinal Simonis said on the television programme Pauw & Witterman in 2010, ‘Wir haben es nicht gewusst’ [We knew nothing about it]. There were even victims who had personally approached the cardinal with their story before 2010.

I was always deeply moved by the stories the victims told. Sometimes I thought, ‘it can’t get any worse’, but then I would hear something even more terrible. A victim told me that he had been so seriously abused that he was removed from the boarding school; his mother treated his wounds, but the scars will never disappear, literally or figuratively. The victim is maimed for life.

Victims have often suffered the consequences of the abuse for the whole of their lives: difficulty forming attachments (because of the breach of trust by a person in whom they had believed), marital problems, addictions to escape the pain, fear, sexual problems. The abuse left its mark permanently on their lives. They often also lacked a good social network.

If a victim decided to start the complaints procedure, including a hearing, you were that person’s confidential adviser. A hearing like that is not for the faint-hearted: you relive the abuse, as it were. The confidential counsellor prepared the victim as well as possible for the hearing. It was not a court, although it felt like that to some victims. The hearing was usually not as bad as they feared, because the main concern was for the victim and the facts did not have to be repeated because they had already been recorded in writing. In many cases, the hearing appeared to have a healing effect. The church’s representatives also showed compassion in most cases. There were representatives of the church, from a diocese or an order or congregation, who expressed deep regret for what had happened. However, there were also a few who took a formal/legalistic approach, sometimes on the advice of their lawyer, to avoid paying damages or to secure a reduction in the amount. In those cases, it was incomprehensible and very disappointing for the victims that once again they were not being believed or the abuse was being denied.

The supporting evidence was sometimes insufficient and the complaint could not be heard, despite the authenticity of the story. The chairperson of the Complaints Committee, Mr. Wiel Stevens, could then say that the abuse had certainly taken place. The church decided to organise a final action to provide recognition and compensation in those cases.

As a rule, the victims I advised received recognition and closed a dark chapter in their lives. I am thankful that I and others were able to help an entire group of victims in that process.

Ans Oude Breuil, special registrar

They were valuable, moving and distressing conversations

When I heard that the Complaints Committee for Sexual Abuse in the Roman Catholic Church was looking for an investigator, I knew immediately that I was perfect for the job. I had lived through the developments in the Catholic Church, the changes in society and the sexual revolution. From 1966 I was a detective in the sexual offences unit of the police and I was very familiar with the atmosphere and the thinking about sexual abuse during the period covered by most of the complaints – sexual abuse had barely been mentioned. It was very recognisable to me that complainants had not dared to speak out about it at that time. Victims had no voice. At the time, if the police received a report of a child being sexually abused by her father, the child was generally dismissed as a liar by the family and was sometimes even removed from home – a case of the child being doubly victimised. There was scarcely any help available.

The investigation was entirely new. It was based on questions that I was given by the chairman of the Complaints Committee. Its purpose was not to collect information to furnish evidence, but to make further enquiries to establish the plausibility of the complaint. I was responsible for the investigation; the conclusion rested with the Complaints Committee.

I found the detective work challenging and enjoyable. For each new investigation, I studied the questions and prepared a plan. Each investigation required a very different approach. My iPad and the internet were important tools, and I was quickly able to find useful information. In the course of the investigation, I found witnesses and information and conducted research in ecclesiastical and municipal archives, libraries, the Chamber of Commerce, etc.

I travelled throughout the country to interview witnesses and visited beautiful institutions of the Catholic Church: sometimes a beautiful monastery with a 500-metre-long drive, other times a basilica. On a visit to the monastery in Brabant, the driver let me off the bus one stop too soon. After travelling for hours, I had no choice but to continue on foot for half an hour with my heavy briefcase and with the temperature over 25 degrees. I was glad there was coffee.

The regular procedure for interviewing witnesses was to have the appointment with a witness or an expert confirmed by the secretariat of the Complaints Committee. If it was a witness who had emerged in the course of the investigation, it was sometimes necessary to make a phone call to ascertain that it was the correct person. If someone else answered the phone, I used the cover story that I was organising a reunion. In that way, I was sure that I would only disclose what I was doing when I was speaking to the right person. Witnesses were grateful to me for that. Sometimes it emerged that they too had been victims of sexual abuse and had never shared that information. The 'reunion' story gave them the chance to make a choice.

When a witness was being interviewed in a public place or at home, the decision always had to be made whether the interview could proceed safely and without interruption. The presence of a special investigator would not go unnoticed in a small village. Witnesses sometimes did not want to be recognised in connection with the sexual abuse. Once the location for the interview was established, I made an appointment for a meeting, telling the witness what time I would arrive and how I could be recognised: what I would be wearing, that I would be carrying a newspaper or would be on a scooter – anything was possible. It was always an exciting, but also a pleasant experience.

The preliminary investigation by the Deetman Commission had already shown that the sexual abuse in the Catholic Church had been covered up during a particular period. The individual concerned would be transferred and the victim and other individuals involved were bound by confidentiality. Evidence in files was deleted or destroyed. It was not only victims that had difficulty with this method of resolving matters.

In one of my investigations, a complaint of sexual abuse had been made against a pastor. The abuse was reported to the police and then covered up with the knowledge of the victim's father, the church authority and the police chief. During the investigation, it emerged that there was a memo in the diocesan archives mentioning that the pastor concerned left shortly after the incident and was later convicted and given a suspended sentence, without specifying the incident. I was instructed to carry out the investigation again. Case files of the police and the public prosecution service had been destroyed, but the diocese was willing to cooperate in discovering the truth. During the investigation, it emerged that something had been wrong with this pastor and that he had suddenly disappeared. I discovered what had happened in this case from statements and with the help of an archivist in the municipal archives. A useful document was a speech by the chairman of the church board who was taken totally by surprise by the pastor's sudden departure. The local press also expressed surprise. A guest brother at the monastery where the pastor was sheltered shortly after his departure could still clearly recall the pastor's arrival and unusual stay.

Individuals bound by confidentiality were also bound by the non-disclosure clause, and scarcely any reports of sexual abuse were found in the archives of the church institutions. In an investigation into the complaint of sexual abuse by a nun, there were no reports to be found in the archives of a number of convents. I visited the nun who was handling the convent's affairs on behalf of the last abbess. On her deathbed, the abbess had entrusted an envelope containing documents to the nun. The nun was deeply upset by this legacy and was very pleased to be relieved of her 'secret'. I gained access to the contents when she handed the envelope over to the archives of the Heritage Centre for Monastic Life in the Netherlands. It contained valuable information.

Various complaints that I investigated concerned the question of whether the accused was a representative of the Catholic Church in his or her function. In one case, the question was whether, for the purposes of the complaints procedure, the leader of a church choir represented the Catholic Church, and in another case whether the leader of a Catholic scouting group was a church representative. This required an extensive study of the development of scouting in the Netherlands. And what was the situation with the Catholic primary school run by nuns, whose congregation no longer existed, which was gradually transformed into a school with lay teachers, including the buildings? These were complex investigations that generally required extensive historical investigation. A condition often inserted in charters and internal rules was that a Catholic cleric had to be appointed to oversee the day-to-day affairs, but there was never any question of an employer-employee relationship.

I knew from experience that I had to persuade the person to tell me his or her story. During the intake interview, I would tell them about the purpose and the methods of the interview. The fact that I had worked with the vice squad also made them more forthcoming. I told them I would only include relevant information in a report and would show it to them for their approval before submitting it. They were often valuable, moving and distressing conversations. Many were very personal. Some people were telling the story of their sexual abuse or about their life experiences for the first time. They were happy to be able to tell their story in confidence after so many years. Some thought of themselves as 'losers' because they had not resisted the sexual abuse; they usually made it clear that they did not wish to take any further action with respect to the sexual abuse and did not want any help in relation to it. A few individuals were thinking about making a complaint and I then explained the procedure.

I performed my work as a special registrar with total dedication and enthusiasm. I tried to make sure I clearly understood the questions being investigated. It sometimes became obvious that it could not become any clearer. I also noted that the scope of my investigations expanded. The brief usually contained the phrase that the special registrar should do anything considered necessary for the purposes of the investigation. I made full use of that power. Diligence and integrity are important to me and I employed them during all those years. I have been spiritually enriched by these years. I encountered scarcely any resistance during my investigations and I received good cooperation from everyone. I was moved by the sad information I heard, but was able to deal with it professionally. The cooperation of the secretariat of the Complaints Committee was excellent: I could go to them with any questions and suggestions I had. I would like to thank them for that.

They were good years. I would not have missed my time working for the Complaints Committee for the world.

Lieke de Rijke-Maas, Vice-Chairperson

Justice for victims of sexual abuse

I retired in April 2010, but was not quite sure that I was entirely ready for retirement. I have had a busy life: married young, three children, lived abroad, mature student, and ultimately 25 years as a judge and vice-president of the district court. I had therefore already accepted a number of positions: president of an appeals committee in a health-care institution and deputy president of the complaints committee of the Ministry of Health, Welfare and Sport, and for years I had been a member of the Appeals Tribunal for Higher Education. I had enough to do.

MarieAn Tan, the chair of Help & Justice's Assessment and Advisory Committee came to my retirement party and, during a brief conversation, asked me whether I would think about joining the committee. I had never heard of it, but a retirement party was neither the time nor the place to discuss it in more detail, so we agreed I would make enquiries and get back to her.

I knew little or nothing about the abuse within the church. I had seen a film about unmarried mothers in Ireland who had been sent to nuns and had a terrible time there, but that was something different. They were generally not sexually abused.

The information that I later gathered was not entirely positive. The complaints were almost incredible and there was very severe criticism of the way in which the church had handled them. Friends advised me against taking the job, but I decided to do it anyway. I had read the procedures and I assumed that there was goodwill. The question briefly arose whether I could do it. I had a relatively liberal Catholic upbringing, but I am not a practising Catholic. However, that was no obstacle for the Bishop of Rotterdam to appoint me as deputy chair of the Assessment and Advisory Committee.

There were just a few of us, about twelve people in all, and we met at MarieAn's home, not really suspecting what we would face. My first 'pilot hearing' was conducted in a magnificent building on the Lange Voorhout in The Hague. I loved the beautiful location, but also wondered a little what I was getting into. The ecclesiastical authorities did not feel it was necessary to send a representative and I had difficulty coming to terms with the fact that a priest, of all people, could be guilty of such terrible misconduct.

We received a great many reports of sexual abuse, and even more criticism. Help & Justice was not prepared for this huge flood of cases. A few paid employees and a few volunteers did their best, but there was no organisation, no work process. Without naming everyone, we owe a debt of gratitude to those who rolled up their sleeves and got on with the work. They established order in the chaos relatively quickly. The volume of work prompted MarieAn Tan to stand down as chairperson, partly because she was unable to combine the work with her regular job as vice-president of the Court of Appeal in The Hague. I don't know precisely how much time her successor Wiel Stevens devoted to the Complaints Committee, but I am certain it was very often more than three days a week.

Naturally, the enormous rise in the number of cases also led to an increase in the number of deputy chairpersons, members and registrars. There were no more jolly meetings in someone's home, which unfortunately meant that those who had been involved from the beginning were not as closely involved and had less information about what was going on.

The criticism that the Catholic Church had established the Assessment and Advisory Committee and that the committee was therefore not sufficiently independent led to the establishment of the Management and Monitoring Foundation and a new procedure for the Complaints Committee. The Reporting Centre and the hearings moved to the Maliebaan in Utrecht.

It was not the familiar work of a judge or the chairperson of an appeals committee. They are also expected to display empathy, but, at least as far as I was concerned, this position called for a great deal

more patience. And that is not really a strength of mine. A lot of time was set aside to hear a case. The first thing was to win confidence: express sympathy for the inconvenience, slowly (but still usually too quickly) work up to the description of the sexual abuse, sometimes in terms that did not go down well with everyone.

Allowing complainants to tell their whole story, including the consequences the abuse had had throughout their lives, sometimes perhaps wrongly created the impression that those consequences could be a factor in assessing the plausibility that the sexual abuse had occurred.

I was not the only one who had difficulty absorbing the nature and scale of the abuse in the beginning. The representatives of the Catholic Church also struggled with it, although it was evident that the comment 'Wir haben es nicht gewusst' could not be true. Although I am willing to assume that the scale of the abuse and the enormous impact it had on the victims was not immediately apparent to everyone, individuals were transferred because of so-called 'improper behaviour' and it was known that there had been criminal convictions.

It was not always easy for the church's representatives, cooperating and showing empathy (unfortunately only after repeated encouragement in some cases), while at the same time respecting the interests of the accused.

The procedure was established to provide justice for victims, which, naturally, could not lead to innocent people being accused, including alleged perpetrators who were deceased.

We learned as we went along. The sympathy and compassion for the victims was dominant in practically every case. Their suffering, grief and loneliness all made a deep impression on everyone.

The hearings were sometimes difficult, for example if an alleged perpetrator attended a hearing and explicitly denied the abuse without showing any sympathy for the complainant. But there were also hearings where a perpetrator made a deep impression by admitting the abuse and apologising; hearings where the abuse was acknowledged and complainants showed their relief at finally being listened to.

We tried to not to make the handling of the cases too legalistic, but were not entirely able to avoid it.

Various issues arose. How far did our jurisdiction extend? Was an ecclesiastical institution involved? When was it a case of sexual abuse? How much supporting evidence was needed to reach the conclusion that the accusation was plausible? It was not always easy and we perhaps occasionally stretched the definitions in the complaints procedure a little.

We also had to ensure that the division of the Complaints Committee into different 'chambers' would not lead to varying recommendations. To that end, meetings were arranged on every last Friday of the month at which the chairpersons of each of the chambers were present. The discussions at these meetings were sometimes heated.

The work is done. I am pleased about that, but I am also happy that I decided to take part in 2010. I have learned a lot, particularly about the consequences of putting too much power in the wrong hands. The terrible loneliness of victims, the pain, the grief, but also the unjust feelings of guilt that victims have carried with them for their whole lives. Victims whose lives are still not really back on the rails, but who had the courage to report the abuse.

Unfortunately, we were not able to help all the victims. Some did not submit a complaint. There was not always sufficient supporting evidence for complaints that were submitted, but I hope that we were still able to help these people a little by listening to them and showing our compassion.

Jacqueline Verbart, legal assistant

Helping victims to secure justice

My parents are Catholic. It went without saying that they would raise their children as Catholics. For me this meant attending a Catholic primary and secondary school, taking First Holy Communion and becoming reasonably familiar with the stories in the Bible. I feel at home in the Catholic Church and am actively involved in my local parish.

After my time at Catholic schools, I studied Dutch law in Utrecht and then worked for the government, in the private sector and, remarkably enough, for the Conference of Bishops in the Netherlands. I was working there when the full scale of the abuse within the Catholic Church came to light in 2010.

The abuse and the scale on which it occurred over a long period both came as a shock to me. That this had happened in ‘my’ church caused mixed feelings: compassion for the victims and anger at the perpetrators and those who had turned a blind eye. I also found it totally shameful.

If I had to describe the key to Christianity, I would come to St. Mark’s Gospel, chapter 12, where Jesus is asked what is the most important commandment? Jesus replies that the most important commandment is “Hear, O Israel; The Lord our God is one Lord. And thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind, and with all thy strength: this is the first commandment. And the second most important commandment is ‘Thou shalt love thy neighbour as thyself.’ There is no other commandment greater than these.”

I find it difficult to comprehend that people whose lives are based on this fundamental rule can at the same time so seriously violate it by sexually abusing others – although of course I know that there have been other occasions in the history of Christianity when there has been a wide gap between doctrine and practice.

It was therefore important to me, after making an inventory of what precisely had happened, to see what the reaction of the church authorities would be. How will you show that, as a church, you now accept responsibility? How will you treat the victims and the (usually deceased) perpetrators? Soon after the procedure to arrange all that had been implemented and the flood of complaints after Mr. Deetman’s report had started, I was given an opportunity to make my own contribution by assisting the Complaints Committee at the Reporting Centre Sexual Abuse within the Roman Catholic Church.

I seized that opportunity gladly. It was not my first experience with complainants, complaints, legal assistance and a decision-making committee. I had previously worked in a similar environment and have also occasionally made a complaint myself. But this was different: the subject matter of the complaints was very sensitive and personal, the political and media attention was intense, the volume of work was overwhelming and there was no real precedent for the work of the Complaints Committee. These were tasks that had to be performed with a very great deal of care. It was not a question of meeting deadlines, but ensuring that the complainants, for whom it was already stressful enough, were treated with every possible respect.

What was also very evident was the determination of everyone concerned to ensure that the victims received ‘justice’ within the legal framework of the procedure. That applies for the Complaints Committee’s chairpersons, members and registrars and the employees who assisted them, as well as for the other employees of the Reporting Centre and the legal advisers who assisted the complainants. And not least for the church office holders who were being asked to dig up the past, gather information and, with their behaviour, compensate now for the conduct of the perpetrators then.

This all made the work very worthwhile. The complaints were often very clear about the nature of the abuse and the consequences the abuse had had in the lives of the victims. The work of the

Complaints Committee was therefore very edifying in a very surprising respect: insight into human nature. It often became clear to me how resilient people can be and how people are able to prevent what has happened to them from dictating their entire lives. Some of the church office holders also demonstrated how a person can show true greatness with openness, empathy and genuine repentance. Fortunately, I often saw something of the words of St. Mark reflected when this attitude was displayed during the procedures.

Sophie Roos-Bollen, Registrar

A sympathetic ear for the victims

After completing my law studies in Louvain in 1994, I worked for ten years in the criminal sector of the district court in The Hague as a registrar for hearings of the police magistrate and the multi-judge chamber. I have been secretary of the Regional Medical Disciplinary Board in The Hague since the end of 1998 and secretary of the Central Complaints Committee of the Royal Dutch Dental Association (KNMT) since 2013.

In 2008 I was appointed as registrar of the Assessment and Advisory Committee (BAC) of Help & Justice, which later became the Management and Monitoring Foundation's Complaints Committee for Sexual Abuse within the Roman Catholic Church. I only handled a few cases each year in the beginning and they were usually cases against an alleged perpetrator who was still living. There were no very shocking cases; they often involved a romance between two adults. That was certainly no longer the case after 2011, following the publicity about sexual abuse within the Roman Catholic Church at the beginning of 2010. The scale and the number of hearings of the Complaints Committee rapidly expanded explosively to as many as three hearings a week.

To be honest, in the beginning I was quite shocked by everything I saw and heard during a hearing. I grew up in a warm home and had a carefree childhood. I could not imagine that so many children had grown up in a cold environment without any parental love. The victims' stories were often tragic. It quickly became clear to me that it was essential to have a box of tissues on hand during a hearing. I often had to choke back tears myself and wondered how all this could have happened at boarding schools and other institutions. All these many years later, those children from then were now sitting as psychologically and physically broken adults across the table from our Complaints Committee. But I also always had a feeling of satisfaction knowing that it was also often a moment when the victims felt they were being heard and were grateful to be listened to with so much understanding. Many of the victims/accused had been reluctant to attend the hearing, but for most of them it was a good experience, and some even found closure – even 30 to 50 years later – and hopefully the start of a new carefree period in their lives.

I greatly enjoyed the years I spent working at the Reporting Centre. That might sound strange – 'greatly enjoyed' – in light of all the misery dealt with during the hearings. The victims/accused had to lay themselves bare, so to speak. For the proper assessment of a case, it was essential for all the facts to be discussed in detail. Of course, that was not easy for everyone. As committee members, you could only have great respect for them.

There was another aspect that I personally found quite extraordinary: how the victims had been chosen by the perpetrators from a large group of children as easy prey. How those children were so delighted with the attention they received simply with a stroke of their hair and a sweet, and before they knew it, they were in the power of their teacher or the head of the department. During the hearings, it became clear to me that the children who had been listened to at home were able to pick up their lives, or at least a lot better. The victims who felt they had never been listened to by their parents or friends often appeared as broken people at the hearings. Naturally, their own character played an important role in that. Yes, I found the psychological aspect of the work very interesting. It also became clear to me how important it is for a parent – I am the mother of three children – always to pay attention and listen to their children.

It was not always easy to bluntly record so much grief and misery on paper, but it was our task as the Complaints Committee to make the right decisions. A highly emotional case had to be handled in a manner that was correct for all the parties.

Eskje Schaafsma, secretary, Compensation Committee

Seeing all those damaged lives passing by, it really affects you

The Compensation Committee handled 860 claims between the beginning of 2012 and the autumn of 2017. The work was intense and very labour intensive, but the hardest part was the subject matter. We dealt with many damaged lives during that period. Only on paper perhaps, but the information in the documents that were submitted during the procedure was so extensive and so detailed that, as a reader, you could not be left unmoved by the enormous harm that had been done to victims of sexual abuse. It affects you and leaves an oppressive feeling of powerlessness. It also strengthened my resolve and dedication to perform my work to the very best of my abilities. I realised that all I could do was what lay within my power as secretary of the committee. In my case, that was to express what had to be reported as clearly as possible. The Compensation Committee always bore in mind that everyone would, at some point, receive a recommendation and that they all deserved to receive a recommendation that had been written with care and dedication. We also always tried to cover precisely those aspects that were (or could be) important to the specific claimant, in the hope that they would feel they were being heard and were receiving recognition. That was not always easy, especially with claims in which asserted financial loss could not be awarded, or not in full. The aim was always to formulate the recommendation clearly and give clear reasons for it, and fortunately recommendations were only made with the input and deliberation of the Compensation Committee as a whole. I and everyone else engaged with these cases gained a better insight into how great the impact can be of even relatively minor sexual abuse and how far-reaching the consequences can be. All in all, I feel privileged to have been able to make a contribution as secretary of the Complaints Committee.

It is also a privilege to have worked with the members of the Compensation Committee and the staff of the Reporting Centre. I can only describe the collaboration with the members of the Compensation Committee as close and inspiring. They displayed considerable loyalty towards one another and an impressive dedication to the work. Working in a relatively small group on this difficult and extensive issue created a bond. The chairperson always kept everyone's interests in mind in chairing the Committee. With the exception of one change of personnel fairly early on, the Compensation Committee consisted of the same group of men and women during all those years. We learned to work well as a team and everyone knew all of the 'ins and outs'. That will have helped in creating consistency and balance in the rulings.

I have enormous respect for the victims who must have felt very vulnerable in the proceedings before the Complaints Committee and the Compensation Committee. They had to reveal many aspects of their lives, which must have been very difficult. I sincerely hope they can leave it behind and move on with their lives. At the same time, I realise that the harm they suffered cannot be undone and that people will carry it with them for the rest of their lives.

I also have respect for the Roman Catholic Church – the dioceses, orders and congregations – which was confronted with this dark chapter in its history and generally still found a way of addressing the issue.

From a broader perspective, I hope that the publicity about sexual abuse within the church in the last few years can help in raising awareness and recognition of sexual abuse and contribute to preventing it.

Ton Peek, Treasurer

The necessary financial resources were always provided

I was appointed as treasurer of what was then called Help & Justice in May 2008. It was then a manageable task: one or two board meetings a year and a stable budget of around € 50,000 a year, most of which was earmarked for personnel costs. Not a very tough job.

But I too was taken aback by the flood of reports in the spring of 2010. The contributions of others in this final report give a detailed impression of that.

A lot of improvisation was needed during that extremely hectic period. Maria ter Steeg (see her contribution in Chapter 1) had to pull out all the stops to set up an organisation from one day to the next. Of course, that would cost money and Maria contacted me about that. We did what was necessary (which many felt was still far too little) in the hope and expectation that the financial resources would be found. Staff had to be hired and lawyers had to be found. Because of the urgency of the situation, everyone had to approach members of their network to mobilise the necessary manpower. In the view of many, this all took far too long.

It took a while to fully realise that an annual budget of € 50,000 would not be nearly enough in the new situation. Naturally, the question was how much would be needed? It quickly became apparent that every forecast was immediately being overtaken by a totally new reality from one day to the next. There were no steering mechanisms. And it went on like that throughout 2010 and 2011. This created great uncertainty in the budgets that had to be produced for the financiers, the Conference of Dutch Religious and the Conference of Bishops. Understandably, therefore, there was a certain dissatisfaction with the repeated requests for funding that I had to make in those early years. The costs of the organisation's staffing and of the legal advisers invariably produced a critical reaction from the financiers. But that is entirely understandable when a budget rises from € 50,000 to € 2,500,000 in just a few years. Nevertheless, I was always able to inform my fellow board members and the staff that the necessary funds would be provided.

I would like to mention a number of specific items in the financial accounts.

In the early years, it proved very difficult to find qualified employees. The nature of the work and the fact that it was a temporary job meant that the list of suitable candidates was short. Those same factors also led to rapid staff turnover.

Particularly in the beginning, it was very difficult to find enough motivated legal advisers, partly because we felt they should perform the work for a modest fee. However, this did mean that the team of legal advisers that took on the work were highly motivated. The bills they sent to me each week (I had never received so much post every week) had to be assessed, which was no easy task. The complaints registration system, which was eventually established, was very welcome. The communication with lawyers proceeded well; the large differences in the time devoted to a case by the lawyers (the complaints were very diverse in nature) also took some getting used to. They were always willing to discuss and explain them.

The costs of automation was another item that was impossible to estimate accurately. Everyone recognised the importance of a complaints registration system, but actually developing it was a different matter! Not to mention effective use of it. With the arrival of Jan Brenninkmeijer as the head of the office, the system began to work properly, but it was a process of trial and error.

To sum up: it was a very intensive period. A period in which I was often happy to be functioning somewhat behind the scenes. But, above all, a period during which I am pleased to have been able to make a contribution to the process of accepting responsibility for the suffering caused by sexual abuse.

Johan Verschueren

Choosing for victims of sexual abuse – lessons to be learned

This chapter presents the personal experiences and testimonies of employees of the Reporting Centre. Victims and representatives of the church are not personally represented because it is the final report of the Reporting Centre itself. The Board has made an exception for an article by Father Johan Verschueren SJ, the regional superior of the Jesuits in the Netherlands and Flanders. His testimony illustrates the development experienced by many ecclesiastical representatives, which are also referred to in the Management Report and the report of the Complaints Committee.

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by Johan Verschueren S.J.*

Father Verschueren has been regional superior since 2012. In that position he has been contact person and had final responsibility for the victims of sexual abuse by Jesuits in Flanders and the Netherlands. For more than two years, assisted by another Jesuit, he has handled a hundred reports. How has this affected him?

‘Everything that you have done for the least of my brothers, you have done for Me’, Jesus says (Matthew 25:40). The apostolic religious have, throughout the history of the church, devoted themselves to various forms of service for the most vulnerable of their brothers in society: care for the sick; help for the poor; shelter for strangers; care for prisoners and for orphans and widows; education; care of the elderly. Many sectors of the organised social services in contemporary society owe their origins to religious orders deep in the Middle Ages. They drew their inspiration from the gospels, which call for love of each other and for charitable works. The special place in Jesus’ heart for the poor and the marginalised apparently went so far that He identified with them. Care of any kind for the poor is therefore a pious activity for any Christian. Victims of natural disasters, wars, injustice and personal crises can quickly count on charity from true Christians, and from the religious in particular.

It is we, religious and priests, who should above all wish to help others. We are not the type of people to marginalise the weak by pursuing only our self-interest, or even create victims. That, at least, is what everyone – including ourselves – believed for a very long time. In recent years, it has become clear to us that even religious and priests are capable of creating victims, even more than seemed possible to us. And that in the realm of sexuality, the realm from which we – in the mind of the public – had withdrawn as ‘inviolable angels’. When victims of sexual abuse came forward in large numbers in 2010 and with their wounded bodies screamed for help and cried for justice to the religious families to which their tormented minds belonged, centuries of experience in dealing with marginalised people and victims of misfortune proved insufficient to cope with the new situation. One did not know what to do. Suddenly we found ourselves in the role of accused criminals. The allegation that we were members of a criminal organisation was lurking.

In times of confusion from threatening new experiences, it is essential to refer back to fundamental, meaningful narratives. They provide templates for our spiritual lives and are beacons along uncharted courses. An obvious and inspiring parable could set me on the right path: the parable of the Good Samaritan. This parable was one of my favourites when I read the children’s bible as a child. What a fantastic hero, the Samaritan, who unhesitatingly – without reward – helps a half-dead stranger. And what

selfish cowards, those priests who went out of their way to walk around him. In my childish naivety, I promised myself I would never behave like those priests, but like the Samaritan. Naturally, I had no conception of cultural and religious reasons that explain why the priests ignored the victim or why it was self-evident that a Samaritan would help a Jewish pilgrim. As a child, I read it as a fairytale that made me angry, but at the same time gave me warm feeling. I did not consider the fact that I would probably never encounter a victim of a robbery along the side of the road, or that I would ever, as a priest, be bound by institutional loyalty, or that I would become a 'Samaritan' in a secularising society.

Later, in training as Jesuits, we mainly encountered victims of so-called unjust socioeconomic structures, which people started calling 'structural sins'. Political theology and liberation theology emerged in the 1970s. And in the 1980s these ideologies made a powerful breakthrough. Propagation of faith and promotion of social justice became inseparably bound. The novitiate impressed upon us that there was a sort of predatory evil, whereby the 'rich North' was assigned the role of robber, creating victims mainly far away in the deep 'exploited South'. In the church, everyone was called on to be aware of this and to choose the role of the merciful Samaritan who does not hesitate to pick up the victimised people of the South. The best way of doing this was to press for structural change in society, to strive for a change of mentality, to help with national actions during periods of fasting such as Broederlijk Deling, etc. Indifference was equated with playing the role of the priest and the Levite.

The victim in this story is a traveller who had been robbed, wounded and left for dead, possibly a pilgrim. He was on his way from Jerusalem – the Santiago, Rome or Lourdes of today – to Jericho, to home. A man without a name. He could have been anyone, even you or me, is what the story is saying. The story does not say who the robbers were – the evil that hides in man, as nameless.

A child who is sexually abused is robbed. Of what? Of his innocence, his self-worth and his self-confidence. He is often no longer able to build normal relationships, never mind a normal love life. He knows that this injury is a time-bomb lying deep within him, that it affects his ability to function and causes a lot to go wrong in his life. This is often too painful to face. For many, full awareness of this deep, unbearable injury finally surfaces after twenty or thirty or more years, like a boil that can burst at any moment. Only then does this person collapse and get left for dead along the side of the road. As though he had been stabbed thirty years before and can only now admit that it was fatal. Some surrender to this feeling and find an escape in suicide; others are picked up and brought to the shelter of doctors and psychotherapists, and often only later tap into their anger and find the courage to make a complaint to the current residents of the address of their robber.

The man on the side of the road – naked, dehumanised and left for dead – is always an appeal to those who see him. The victim is deranged, disturbed and calling out. The priest and the Levite cannot ignore him. They cannot *not* see him. For ritual reasons, in particular the priests in the old Israel, the *kobanim*, could not tend to a man left for dead. It defiled their person, their office, their mission and it made the honourable action impossible. Priests had to make a safe detour. The Levites, the *leviim*, in ancient Israel had less rigid rules in that regard than the *kobanim*, but were still too close to them in hierarchy not to show the same caution in terms of ritual cleanliness: avoidance, in other words. Victims were threatening to their institution.

The victims of sexual abuse were the same for the ecclesiastical institutes five years ago: dangerous and disruptive. They could besmirch our good name. We readily suspected them of liberal or atheistic sympathies; that they were being spurred on by journalists of the same genre. Their lawyers were no better, of course. And naturally, the victims and their lawyers were hungry for money, the money of the religious orders that was intended for good works. Our provincial offices and the directors of our colleges received angry letters or telephone calls. Fierce accusations were not uncommon, never void of anger. An example: '... Your congregation includes a lot of sick and crazy men who permit themselves to abuse the boys who were entrusted to them.... They believe there is no price to pay for their inclination and that those students belong to them. But sorry, my body belongs only to me!!!... Your Pope should force you to marry, just as God created us....instead of saying "Scusi, scusi". There must be reparation now.' Sanctimoniousness, hypocrisy and cover-up were the terms being used in that period. My predecessor as regional supervisor in Flanders wrote a letter, together with the central board, saying: 'I felt as though I had been kicked in the stomach.' He was on the ropes.

I still find myself experiencing mixed feelings of disbelief or suspicion and displeasure as a new complaint arrives. I then feel I am under attack. These complaints are seldom serene. They are often

fierce and without any attempt to disguise the desire to hurt. A feeling of anger then always comes over me – a contained anger and disillusionment at the accused brother, especially when evidence makes the complaint credible. Or anger and indignation at the victim if archive research shows that the complaint could not be true (which was rarer). I see the same boiling cocktail of emotion among my fellow brothers who are consulted in one case or another. No one benefits from it. It was all very confusing, threatening and disturbing. You would prefer to walk away. Take a detour. Or wrap yourself in the law: ‘Prove it if you can!’ I have tried it all. Nothing is easier than undermining the complaint of a victim who appears psychologically unstable or whose story contains a number of minor inconsistencies. But if you give in to that course, you do not sleep well when you look at yourself in the mirror at night. You know it is wrong, even if you have the law on your side... And then you know: there is no avoiding it, you call down a curse on yourself. How can you bear that curse?

I now have a better understanding than ever of the Bible’s message ‘His blood comes over us and our children’ (Matthew 27:25). And how sins and guilt pass from one generation to the next. The dark deeds of dozens of fellow brothers who could freely grab and rob, helped by a climate of taboo and unlimited respect for the church, is now falling on their children: the small remaining group of religious of one or two generations later.

How do you bear a curse? How do you bear the sins, the guilt of your ancestors? Denial is no longer possible. There was the ‘kick in the stomach’, also for me. Bury your head in the sand? Fight back like a cornered lion?

I found an answer in Jesus. After his death and resurrection, his pupils discovered that He had found the answer in the prophet Isaiah, in the Servant Songs. To do this I did have to abandon the ordinary ethics of decency, the ordinary law and my healthy psychological reflexes of self-preservation and accept the spiral of evil and violence that had turned against the order and myself as its highest local representative. I would offer my other cheek. It was either that or be disloyal to my vocation. And so I chose to accept the abuse and suspicions, to swallow the revulsion I felt in reading and studying the latest story of abuse, to admit the shame in meeting with the victim or group of victims, to dare to acknowledge that the policy had failed, to suffer sleepless nights over the matter, and to admit to psychological confusion. I also learned not to deposit that anger too easily with Jesus’ cross, but first accept the hurt it caused myself. Fortunately, after six months there was a fellow brother who was willing to help to carry this cross. It made things much more bearable.

Christian theology has been struggling for two thousand years with the question: how is it possible that Jesus’ suffering and death saves others? I dare to say that the answer is actually very simple: because it disarms evil and makes it powerless. It has nothing to do with the magic of sacrifice. It is a relational and spiritual event. I have now experienced on dozens of occasions how broken victims rebounded and came back to life when they were allowed to take out their anger on me, without facing defensiveness, without receiving blows in return. And what I did not expect: by giving them the unconditional recognition that they had been deprived of for so long, they got back in touch with their feelings and their need for vengeance crumbled. This in turn had an immediate and uncontrollable effect on me. They handed life back to me. It was the victims themselves who broke the curse and transformed it into a blessing. It just happens. And God agrees: ‘Who you bless, I will bless’ (Genesis 12:3). The spiral of evil and the curse were broken, for both of us.

There is, in other words, only one way out of this hellish anger of both the victim and the perpetrator or the perpetrator’s representative. The latter must turn with vulnerability to the person scarred by anger and accept that he wants revenge on you. You must acknowledge that he was robbed by your brother. Acknowledge that you yourself have also been a victim of betrayal by dozens of brothers. Acknowledge that for a long time your community’s main concern was to protect its good name and reputation. Acknowledge that you are now responsible. Acknowledge that the guilt lies with you. Feel that you need forgiveness. Abhor and condemn the acts of your accused brother, but do not demonise him personally; continue to see him as a brother who needs to be saved.

The key is not in the hand of the person who was robbed, but of the Samaritan. For me, this is encapsulated in the words of Deuteronomy 30:15: ‘Choose between life and death. I, the Lord, present this choice to you.’ And Jesus went a step further than the Samaritan. He allowed himself to be crucified between the robbers, as a murderer between murderers.

Assuming the role of the Samaritan and the step further – the unexpected awareness of the dynamism of redemption — abased me. I learned to understand Jesus and his non-violence better. I learned to look evil in the eye. As I had to. I also learned more about the people who had been robbed and their terrible wounds. These wounds go beyond the person. The evil spreads, it casts its tentacles a long way. It affects the victim's current social environment: the parents who never believed their child's stories, the spouse who wanted for a proper love life for decades, the children who often suffered from a lack of affection. And the pinnacle of perversion: the incapacity of the victim or his environment to continue believing in God, because of all people it was a man of the church who had built a wall between these people and God. 'Who brings down any of these little ones who trust me, can better be thrown in the sea with a millstone around his neck... Woe to the person who brings another person down' (Matthew 18:6,7). The opposite of 'woe to you' is 'blessed are you'. The choice is ours.