

SEXUAL ABUSE AND CANON LAW

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SEXUAL ABUSE by Catholic Clergy has received enormous coverage in the secular media in the last few years. The figures are appalling. In the United States, the Criminal Justice Department of John Jay University audited the over 300 American dioceses and found that 4% or 4019 clergy out of a total of approximately 100,000 who had served the American Church since 1970 had credible accusations against them. Dioceses in the United States have paid out more than US\$2 billion in compensation claims. In July 2007 the Los Angeles diocese alone paid out US\$660 million to 500 victims. In Canada in 2003, 81 victims at the Mount Cashel Orphanage were paid US\$16 million.¹ In New Zealand, in 2003 the St John of God Order paid out over \$4 million to 56 complainants of sexual abuse by brothers.² In Ireland, the report on child abuse in the Dublin archdiocese examined the responses of 19 bishops to the sexual abuse of more than 400 children by at least 152 priests in Dublin.³ There have been cases of serious abuse in Australia, Chile, Canada, England, Austria, sometimes involving bishops as well.

Victims often feel strongly that abusers hide behind concepts of sin and forgiveness to both seek forgiveness and make their actions seem less harmful.⁴ Abusers are allegedly just able to simply receive forgiveness and get on with their lives without really facing the true reality of the harm that they have done. However, the feelings of abhorrence towards sexual abuse of minors are reflected in the fact that it is not only seriously sinful but it is also a crime in canon law. A key issue is whether this law is used or not.

Canon law

Canon law is the name for the law of the Catholic Church. It includes the *Code of Canon Law* and many other canonical documents issued by Popes, Roman Congregations, Bishops' Conferences and Bishops. All of canon law has the ultimate aim of salvation of souls according to canon 1752 of the 1983 Code of Canon Law. Canon 1401 of the *Code of Canons of the Eastern Churches* explains the purpose of penal law:

Since God employs every means to bring back the erring sheep, those who have received from him the power of loosing and binding are to treat appropriately the illness of those who have committed offences, by correcting, reproof, appealing, constantly teaching and never losing patience, and are even to impose penalties in order to ensure that the wounds inflicted by the offence may receive a cure and to preclude the offender from being given to dissoluteness of life and contempt of the law. So sinners are to be recalled to right Christian living, the innocent faithful are to be protected from bad behaviour, ecclesiastical communion is to be promoted.

External and Internal Forum

Canon law makes a clear distinction between the internal forum and the external forum.⁵ The Church's penal law does not refer primarily to the individual's relationship with God in the person's conscience, but is aimed at public acts affecting the community. The law is concerned with the external forum while encompassing some relatively private acts such as solicitation in the sacrament of penance, because of the

potential harm to the community. The Council of Trent taught:

The Apostle warns (1 Tim 5:20) that public sinners should be openly rebuked. When, therefore, someone commits a crime publicly and in the view of many, by which others are offended and scandalised and disturbed, then without a doubt a fitting penance for the crime in question should be publicly imposed on such a person, that one who has incited others to evil by example should recall them to an upright life by the evidence of the person's penance.⁶

Penalties are considered to be a last resort when all other pastoral efforts to help the erring individual by warnings, instruction etc. have been attempted and have failed. (c. 1341)

Distinction between Sins and Crimes

A clear distinction is made between sins, grave sins and grave sins that are crimes as specified in law. A crime is the violation of a law that brings with it a penalty. The law defines that it is an offence because it is so diametrically opposed to the Church's mission to save souls. Offences are considered to be opposed to everything the Church stands for.

Some crimes are described as grave crimes. These are reserved to the Congregation for the Doctrine of the Faith or to the Sacred Penitentiary. The Ten Commandments guide the faithful about the content of grave matter.⁷

To commit a mortal sin one needs full knowledge, full consent and it has to be serious matter.⁸ For delicts or crimes there has to be a significant amount of all three factors. A person needs to know how wrong an act is and what penalty is attached to it. Furthermore, the person must consent to the action relatively freely.⁹ If the offender is insane they cannot receive a penalty.

However, the Church teaches clearly that people are usually free and are responsible for their actions. People are not determined by the fact that they have been sexually abused themselves or that they have suffered some trauma as a child.

For the most part crimes concern clergy,



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although a number of crimes can be committed by religious. A relatively small number of crimes concern lay people. The most common one would be the crime of a woman having an abortion when she is over the age of 16 years, and all those involved in the crime such as doctors and nurses, plus parents and the boyfriend/husband applying pressure on her to have the abortion.¹⁰

Types of Penalties

Canon law has two types of penalties: expiatory and medicinal.

1. Expiatory penalties are to deter offenders, to restore right order and to repair the harm caused to the community. Expiatory penalties include someone being removed from being a parish priest because of sexual abuse.

2. Medicinal penalties are aimed at reforming the offender. They include penalties such as suspension and excommunication. Unless they are automatic penalties, the offender must be warned first and told if he carries out this action then he will be suspended. (c. 1347)

Other penalties can be imposed on people after death, such as a refusal to allow the person to be buried from a Catholic church. This has sometimes happened with IRA bombers or prominent members of the mafia.¹¹

Prescription

Prescription (c. 1362) means that there is a statute of limitation on pursuing a criminal action to impose or declare a penalty after a

certain period of time. All crimes in canon law have a prescription of 3 years except for crimes reserved to the Congregation for the Doctrine of the Faith such as sexual abuse of minors (c.1395). The prescription for this is now 10 years after the victim has reached age 18 years.

In civil law in New Zealand there is no prescription and a person can be prosecuted for an offence no matter how long ago it took place. This can be controversial as it affects the right to defence. *E.g.* It is difficult to remember exactly what we did one day last month let alone what we did one day 10 years ago.

New Testament Origins of Penal Law

The churches in New Testament times developed rules and standards of behaviour for the early Christians. There was an authority structure (Acts 20; Phil 1:1). They had in place processes to resolve disputes as reflected in Mt 18. Furthermore, there were regulations and rules to punish offenders including excommunication as demonstrated by Mt 18:17 and 1 Cor. 5:1-5. Jesus condemned a person who would lead a child astray and warned that their punishment would be worse than being forcibly drowned.¹²

In 1 Cor. 5:1-5, 9-13 Saint Paul attacks the case of incest amongst the Corinthians. Saint Paul also warned the Corinthians and Ephesians (Ephes. 5:5-7) that evildoers such as fornicators, adulterers and male prostitutes would not enter the Kingdom of heaven.¹³ In fact he warns that 'the wrath of God' will come down on them.¹⁴

History of Law on Sexual Abuse

The Church has always been aware of the sexual abuse of children. Sexual abuse of girls or boys was always seen by Christians as being contrary to the 6th commandment in Deut 5:18. Sexual abuse by a priest was considered to be especially evil.

The Didache in the second century com-

manded Christians: 'Do not murder; do not commit adultery; do not practice pederasty, do not fornicate.'¹⁵

Polycarp (c. 69-155), the second bishop of Smyrna, wrote to the Philippians: 'the younger men must be blameless in all things, caring of purity before everything and curbing themselves from every evil...whether whoremongers nor effeminate persons nor defilers of themselves with men and boys shall inherit the Kingdom of God.'¹⁶

Athenagoras of Athens (c. 133-190) was a significant apologist and Christian thinker in the second century. He defended the Christian concept of purity and described pederasts as enemies of the Church.¹⁷

Canon 71 of the Council of Elvira (305-306), in Spain, condemned those who rape little boys.¹⁸

The Council of Nicea (325), in canon 9, ordered that unchaste priests before or after ordination could not exercise ministry.¹⁹

The Books of Penitentials which were common between the 6th and 11th century give us an important insight into how the Church of that time viewed sins, especially homosexual and paedophile sins. In England the Penitential of Bede defined effeminacy and sodomy as capital sins with resulting penalties of 7 years for deacons, 10 years for priests and 12 years for bishops.²⁰

Bishop Burchard of Worms made a 20 book collection of canon law completed in 1012. He wrote:

A Cleric or monk who is a perverter of young boys or adolescents, who has been caught kissing or in another occasion of base behaviour with young boys or adolescents, shall be whipped in public, shall lose his crown (tonsure), and so basely shorn, shall have his face spit on, shall be bound in iron chains, shall waste in prison for six months, and for three days of each week, shall be fed only on barley bread at evening time. After this, for another six months, he is to be kept apart in an enclosure, under the watch of a spiritual elder, intent on manual labour and prayer, subject to vigils and prayers, and he is always to walk under the guard of two

spiritual brothers, not being allowed to engage in private speech or counsel with any young men.²¹

Pope Leo IX, in *The Book of Gomorrah*, described sexual misconduct by clerics and said ‘that those who are addicted to impure practices should be neither promoted to orders nor, if already ordained, should be allowed to continue.’²²

Gratian in his *Concordantia Discordantium Canonum* classifies sexual acts contrary to nature, including paedophile activity, as crimes in canon law.²³

In 1170, Saint Thomas Becket, Archbishop of Canterbury, was murdered by four knights because he had earned the displeasure of the king. Thomas had insisted on the right held by the Church of that time to try a paedophile priest in a Church court, rather than allow him to be tried in the court of King Henry II.

The Third Lateran Council of 1179 taught that:

All those who are caught to be labouring under that incontinence which is against nature and because of which the wrath of God visited the sons of infidelity and burnt down five cities: if they are clerics, they will be dismissed from the clerical state or else be confined to monasteries to do penance; if they are lay people they will be excommunicated and they will be considered as totally estranged from the assembly of the faithful.²⁴

The Fourth Lateran Council of 1215 stated: In order that the behaviour and actions of the clergy may be reformed the better, let all, especially those who are constituted in Holy Orders, strive to live in continence and chastity avoiding every lustful vice especially that vice for which the wrath of God descends from heaven upon the sons of infidelity. May they be able to minister before the almighty God with a pure heart and unblemished body.²⁵

The Fifth Lateran Council in 1514 taught: If anyone indeed, whether a lay person or cleric were to be convicted of the crime for which the wrath of God descends upon the sons of infidelity, let him be punished by the penalties respectively imposed by the sacred canons or the civil law.²⁶

The Council of Trent forbade priests to be sexually active and required bishops to deprive them of office and punish them.²⁷ Later, the Sacred Congregation for the Council was more specific about crimes and penalties as it sentenced a priest to the galleys and forbade him from celebrating mass again for sodomising boys.²⁸

1917 Code

Canon 2359§2 of the 1917 Code stated:

If they engage in a delict against the sixth precept of the Decalogue with a minor below the age of sixteen, or engage in adultery, debauchery, bestiality, sodomy, pandering, incest with blood-relatives or affines in the first degree, they are suspended, declared infamous, and are deprived of any office, benefice, dignity, responsibility, if they have such, whatsoever, and in more serious cases they are to be deposed.²⁹

More specific norms were issued about 50 years later when the Holy Office on March 16, 1962, promulgated an instruction *Crimen sollicitationis* dealing primarily with the crime of solicitation but also homosexual acts by clergy with adults and boys.³⁰ Competence to deal with cases administratively or in a judicial process was given to the Holy Office.

1983 Code

The 1983 Code was promulgated by Pope John Paul II. Canon 277 of the 1983 Code legislated that clerics be celibates *i.e.* not marry, and that they be continent *i.e.* they abstain from sexual activity.³¹ Paedophilia was defined as a crime along with some other sexual offences in canon 1395 §2:

A cleric who in another way has committed an offence against the sixth commandment of the Decalogue, if the delict was committed by force or threats or publicly or with a minor below the age of sixteen years, is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants.³²

There was a time limit of five years for laying a

complaint about an offence until the law was changed in 2001.³³

It was soon after the promulgation of the Code that there was a wave of public revelations of cases of clergy and sexual abuse in North America. The law was inadequate to deal with the new scenario. Many bishops thought that using the canonical law and process was too complicated and difficult, and so they simply made no attempt to use the provisions of penal law that existed.

Thomas Doyle who, while working at the Papal Nunciature in Washington had become aware of cases in Lafayette, produced with others a *Manual for Bishops* that in 1985 was sent to each American Bishop.³⁴ Most bishops did not act upon the manual. But many bishops did see the need for changes to be made in the canon law. The American Bishops Conference proposed to the Apostolic See a number of changes to the Code of Canon Law. However, they were not immediately accepted and in 1993 Cardinal Bernardin complained that the curia did not appreciate the situation in America and the difficulties that American bishops faced.³⁵ Some key curia personnel came from countries such as Poland where false allegations were common and regimes said and did everything possible to discredit the Catholic Church and its clergy.

A year later in 1994, the Apostolic See recognised the seriousness of the American problem. Many more cases of sexual abuse and cover-ups had been reported from Boston and around the world. There was often a pattern of cover-ups and abusive priests being moved from parish to parish.

Pope John Paul II made several derogations or changes to the law for a period of five years for the United States of America. Canon 1395 §2, 2^o was modified so that the age limit for crimes of sexual abuse was raised from age 16 to age 18 years. The statute of limitation in canon 1362 was changed so that a victim had until age 23 years to lay a complaint about sexual abuse while the victim was a child or a minor.³⁶ Some American bishops

continued to cover up and would still not use the full weight of the law against paedophiles. Cardinal Law resigned as Archbishop of Boston on 11 April 2002. He admitted that he had been reassigning paedophile priests to new parishes despite knowing how wrong this was.³⁷ Cover-ups in many dioceses and countries had caused incredible damage to the universal Church.

Sacramentorum Sanctitatis Tutela

Following the revelation of the extent of the problem of clerical sexual abuse in North America and in many other countries, Pope John Paul II issued *motu proprio* the apostolic letter, '*Sacramentorum Sanctitatis Tutela*,' on April 30, 2001.³⁸ This document specified that a sin against the sixth commandment with a minor is a grave crime. Sexual abuse causes grave damage to the normal development of the victim, and causes grave damage to the Church and its credibility. Furthermore, it betrays the trust that people have in priests. He said that this crime deserves the strictest punishments. This document raised the age a person was considered a minor to age 18 years, and changed the time limit for laying a complaint until 10 years after the minor had reached the age of 18 years. Pope John Paul II was conscious that a priest who sexually abused a child had not only harmed the victim but the whole Church.

The Pope also appointed the Congregation for the Doctrine of the Faith to supervise investigations into credible complaints of sexual abuse of children and how they were handled. The Congregation was authorised to order penal trials for accused priests. Effectively the Apostolic See established a system of accountability. Now when a diocesan bishop receives a complaint of sexual abuse of a minor he must notify the Congregation for the Doctrine of the Faith that he has received a complaint. The Congregation will then instruct the bishop about how the complaint is to be handled and will appoint a tribunal of its own or appoint a

local tribunal to carry out a penal trial.

The Regional tribunals in Australia and New Zealand deal with marriage annulment applications, but they are also able to conduct penal trials (criminal trials in the Catholic Church) when it is believed that crimes have been committed under canon law. Penal law exists not only to protect individuals from a violation of their rights, but it also has a role in protecting the integrity of the Church community by punishing serious crimes. A penal trial may result in remedial and if necessary punitive action against an abusive priest. The most serious penalty is dismissal from the clerical state. No penal trials have yet been held in Australia or New Zealand, but hundreds are being processed in North America.

* * * *

Conclusion

The sin of sexual abuse of boys and girls is a grave or mortal sin. The extent of the problem has been a major scandal for the Catholic Church in recent years. While it has often not been dealt with by bishops and religious superiors as severely as the law allowed, it has been regarded as a grave crime in canon law from earliest times. This underlies the realisation that the crime has always been seen to have had serious effects on the victim and the Church in general. Therefore, as Pope John Paul II stated in an address to the American Cardinals on 23 April 2002, 'People need to know that there is no place in the priesthood and religious life for those who would harm the young.'³⁹ There is no doubt that the Pope considered that one conviction of sexual abuse was sufficient to have a priest dismissed from the clerical state.

NOTES

1 Grainne Cunningham, *The Independent*, accessed 5 June 2009.

2 <http://www.peterellis.org.nz/Institutions/Marylands/2005/index.htm> accessed 9 June 2009.

3 *Irish Independent*, 26 July 2009.

4 Margaret Arms, 'When Forgiveness is the not the Issue in Forgiveness: Religious Complicity in Abuse and Privatized Forgiveness,' in Marie Fortune and Joretta Marshall (eds.), *Forgiveness and Abuse*, (The Haworth Pastoral Press, 2002), 116-117.

5 *Communicationes*, 2(1970), 101. Penalties to be a last resort, merciful and respects rights of accused. This is reflected in canon 1319.

6 Council of Trent, session 24, canon 8, in Norman Tanner (ed.), *Decrees of the Ecumenical Councils*, (London: Sheed and Ward: 1990) 764.

7 1858 Grave matter is specified by the Ten Commandments, corresponding to the answer of Jesus to the rich young man: 'Do not kill, Do not commit adultery, Do not steal, Do not bear false witness, Do not defraud, Honour your father and your mother.' The gravity of sins is more or less great: murder is graver than theft. One must also

take into account who is wronged: violence against parents is in itself graver than violence against a stranger.

8 *Catechism of the Catholic Church* 1857: 'For a sin to be mortal, three conditions must together be met: 'Mortal sin is sin whose object is grave matter and which is also committed with full knowledge and deliberate consent.'

9 *Catechism of the Catholic Church*, 1859 Mortal sin requires full knowledge and complete consent. It presupposes knowledge of the sinful character of the act, of its opposition to God's law. It also implies a consent sufficiently deliberate to be a personal choice. Feigned ignorance and hardness of heart do not diminish, but rather increase, the voluntary character of a sin.

10 Can. 1329 §1. If *ferendae sententiae* penalties are established for the principal perpetrator, those who conspire together to commit a delict and are not expressly named in a law or precept are subject to the same penalties or to others of the same or lesser gravity.

§2. Accomplices who are not named in a law or precept incur a *latae sententiae* penalty attached

to a delict if without their assistance the delict would not have been committed, and the penalty is of such a nature that it can affect them; otherwise, they can be punished by *ferendae sententiae* penalties.

11 Can. 1184 §1. Unless they gave some signs of repentance before death, the following must be deprived of ecclesiastical funerals:

1/ notorious apostates, heretics, and schismatics;

2/ those who chose the cremation of their bodies for reasons contrary to Christian faith;

3/ other manifest sinners who cannot be granted ecclesiastical funerals without public scandal of the faithful.

§2. If any doubt occurs, the local ordinary is to be consulted, and his judgment must be followed. Can. 1185 Any funeral Mass must also be denied a person who is excluded from ecclesiastical funerals.

12 Mt. 18:6-7

13 1 Cor. 6:9-10; Ephes. 5:5-7.

14 Ephes. 5:7.

15 'The Didache,' 6, translation in Nicholas Cafardi, *Before Dallas*, (New York: Paulist Press, 2008), 1.

16 Polycarp 'Letter to the Philippians', quoted in Charles Scicluna, 'Sexual Abuse of Children and Young People by Catholic Priests and Religious: Description of the Problem from a Church Perspective', in *Sexual Abuse in the Catholic Church: Scientific and Legal Perspectives*, ed. R. Hanson, F. Pfafflin, and M. Lutz, (Vatican City: Libreria Editrice Vaticana, 2004), 14.

17 Athenagoras of Athens, 'A Plea for Christians,' chapter XXXIV, 'The Vast Differences in Morals between Christians and their Accusers,' trans. B. Pratten, <http://www.earlychristianwritings.com/athenagoras.html>, accessed May 28, 2009. 'For those who have set up a market for fornication and established infamous resorts for the young for every kind of vile pleasure,—who do not abstain even from males, males with males committing shocking abominations, outraging all the noblest and comeliest bodies in all sorts of ways, so dishonouring the fair workmanship of God.'

18 Nicholas Cafardi, *Before Dallas*, (New York: Paulist Press, 2008), 2.

19 Canon 9, Council of Nicea, in Christian Cochini SJ, *The Apostolic Origins of Priestly Celibacy*, (San Francisco: Ignatius Press: 1981), 336.

20 J. McNeil and Helena Gamer, *Medieval handbooks of Penance: A Translation of the Principal 'Libri Poenitentiales' and Selections from Related Documents*, (New York: Columbia University, 1990) 226; quoted in Cafardi, *Before Dallas*, 3.

21 Nicholas Cafardi, *Before Dallas*, (New York: Paulist Press, 2008), 3.

22 Peter Damian, 'Letter 13, chapter 10', quoted in Cafardi, *Before Dallas*, 3.

23 Gratian, *Concordantia Discordantium Canonum*, Pars II, C. 32, q. 7, c. 11, translation in Cafardi, *Before Dallas*, 159.

24 Translation by and quoted in Charles Scicluna, 'Sexual Abuse of Children and Young People by Catholic Priests and Religious: Description of the Problem from a Church Perspective,' in *Sexual Abuse in the Catholic Church: Scientific and Legal Perspectives*, ed. R. Hanson, F. Pfafflin, and M. Lutz, (Vatican City: Libreria Editrice Vaticana, 2004), 14.

25 Translation by and quoted in Charles Scicluna, 'Sexual Abuse of Children and Young People by Catholic Priests and Religious: Description of the Problem from a Church Perspective,' in *Sexual Abuse in the Catholic Church: Scientific and Legal Perspectives*, ed. R. Hanson, F. Pfafflin, and M. Lutz, (Vatican City: Libreria Editrice Vaticana, 2004), 15.

26 Translation by and quoted in Charles Scicluna, 'Sexual Abuse of Children and Young People by Catholic Priests and Religious: Description of the Problem from a Church Perspective,' in *Sexual Abuse in the Catholic Church: Scientific and Legal Perspectives*, ed. R. Hanson, F. Pfafflin, and M. Lutz, (Vatican City: Libreria Editrice Vaticana, 2004), 15.

27 Council of Trent 13th session, Decree on Reformation, chapter IV, H.J. Schroeder, O.P., *Canons and decrees of the Council of Trent*, (London: B. Herder Book Co), 1950, 83: 'Since ecclesiastics are sometimes guilty of crimes do grave that on account of their shocking wickedness they have to be deposed from sacred orders and handed over to the secular court...it is ordained and decreed that it shall be lawful for a bishop by himself...even without the presence of other bishops, to proceed against a cleric.'

28 Sacred Congregation for the Council, June 8 and July 6, 1726, Gasparri, *Fontes*, V: 763-764. C.f. James Provost, 'Offences against the Sixth Commandment,' 632-663.

29 1917 Code, Trans. Edward Peters, *The 1917 Pio-Benedictine Code of Canon Law*, (San Francisco: Ignatius Press, 2001).

30 C.f. Thomas Green, 'Clerical Sexual Abuse of Minors: Some Canonical Reflections,' *The Jurist*, 63(2003), 373.

31 Can. 277 §1. Clerics are obliged to observe perfect and perpetual continence for the sake of the kingdom of heaven and therefore are bound to celibacy which is a special gift of God by which sacred ministers can adhere more easily to Christ with an undivided heart and are able to dedicate themselves more freely to the service of God and humanity.

§2. Clerics are to behave with due prudence towards persons whose company can endanger their obligation to observe continence or give rise to scandal among the faithful.

§3. The diocesan bishop is competent to establish more specific norms concerning this matter and to pass judgment in particular cases concerning the observance of this obligation. http://www.vatican.va/archive/ENG1104/___PY.HTM

32 http://www.vatican.va/archive/ENG1104/___P56.HTM

33 Can. 1362 §1. Prescription extinguishes a criminal action after three years unless it concerns:

1/ delicts reserved to the Congregation for the Doctrine of the Faith;

2/ an action arising from the delicts mentioned in canons 1394, 1395, 1397, and 1398, which have a prescription of five years;

3/ delicts which are not punished in the common law if particular law has established another period for prescription.

§2. Prescription runs from the day on which the delict was committed or, if the delict is continuous or habitual, from the day on which it ceased.

34 Nicholas Cafardi, *Before Dallas*, (New York: Paulist Press, 2008), 50.

35 Cardinal Bernardin, quoted in Nicholas Cafardi, *Before Dallas*, (New York: Paulist Press, 2008), 66.

36 Pope John Paul II, Rescript, 25 April 1994, in *Roman Replies and CLSA Advisory Opinions 1994*, (Washington: Canon Law Society of America, 1994), 20-21.

37 http://www.boston.com/globe/spotlight/abuse/stories3/110402_cardinal.htm, accessed 27 July 2009.

38 AAS, 93(2001), 737-739.

39 Pope John Paul II, 'Address to the Cardinals of the United States,' *Origins*, 31(2002), 759.

Clergy and religious are in a special position of trust and authority in relation to those who are in their pastoral care, *e.g.* those in their parish, people seeking advice, students at a Catholic school. Any attempt to sexualise a pastoral relationship is a breach of trust, an abuse of authority and professional misconduct. Such sexualisation may take the form not only of sexual relations, but also harassment, molestation, and any other conduct of a sexual nature which is inconsistent with the integrity of a pastoral relationship.

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Any form of sexual behaviour with a minor, whether child or adolescent, is always sexual abuse. It is both immoral and criminal.

Sexual abuse by clergy, religious, or other Church personnel of adults in their pastoral care may be subject to provisions of civil or criminal law. Even when there are no grounds for legal action, we recognise that serious harm can be caused.

—**Australian Catholic Bishop's Conference and the Australian Conference of Leaders of Religious Institutes, *Towards Healing*.**