

Confidentiality is necessary in the handling of complaints

From the time at which a complaint is reported and during its handling, also in terms of the recommendation ultimately issued, anonymity and confidentiality are guaranteed throughout the entire complaint handling procedure concerning sexual abuse within the Roman Catholic Church in the Netherlands. This guarantee applies to both victims and alleged perpetrators of sexual abuse prior to, during and following the completion of the complaints handling procedure. For reasons of transparency, however, all recommendations are published in anonymised form on the website of the Reporting Centre for Sexual Abuse within the Roman Catholic Church in the Netherlands.

Confidentiality is necessary for a number of reasons:

- Confidentiality lowers the threshold for victims, alleged perpetrators and church authorities
- The plausibility of the abuse is the principal consideration when handling a complaint
- In most cases, the alleged perpetrators are deceased and can therefore no longer defend themselves

Confidentiality lowers the threshold

Acknowledgement and redress are paramount in the handling of complaints. It is often very difficult and confronting for victims to tell their stories after having remained silent for so long. In addition, a lower threshold makes it easier for alleged perpetrators and church authorities to acknowledge the abuse. Disclosing the details of a case could make matters extremely difficult for both the victims and the alleged perpetrators.

The plausibility of the abuse is the principal consideration when handling a complaint

The complaint handling procedure's principal purpose is to acknowledge what has happened to an individual and serve as a form of redress for the victim. The procedure is not in place to publicly charge or impose punishment on an alleged perpetrator. In contrast with the regular administration of justice, the entire complaint handling procedure is aimed at serving the victim. In addition, assessment of the burden of proof, which is an element in criminal law, does not apply. The abuse must be plausible and certain facts, such as those pertaining to the identity of the alleged perpetrator, the place at which the abuse took place and the year in which the abuse took place, must be accurate. The available evidence would in most cases be insufficient in the context of assessment by a regular court or trial court. Plausibility is deemed sufficient for the purpose of meeting the needs of victims to the greatest extent possible, also in terms of their standard of proof.

In most cases, the alleged perpetrators are deceased

Most complaints about sexual abuse concern events that occurred a few decades ago. Such complaints are legally barred by lapse of time and in many cases the alleged perpetrator is deceased and cannot put up a defence. It is therefore also necessary to take the legitimate interests of alleged perpetrators, especially in the case of deceased alleged perpetrators, and the feelings of fellow members of the order/congregation, fellow priests and family members of alleged perpetrators into account.

Confidentiality is guaranteed in a number of ways:

- No part of the procedure is made public
- All recommendations are published in anonymised form

- Employees of and persons involved with the Reporting Centre are bound to maintain confidentiality

No part of the procedure is made public

The entire procedure (handling the complaint and compensation) takes place behind closed doors in order to provide maximum scope to the parties to effect a settlement. The Complaints Committee and the Compensation Committee independently advise on the plausibility and, if applicable, the amount of the compensation.

All recommendations are published in anonymised form

All of the recommendations of the Complaints Committee and the Compensation Committee are published in anonymised form on the website of the Reporting Centre for Sexual Abuse within the Roman Catholic Church in the Netherlands. This is done to account in a transparent way for the way in which cases are handled, the criteria applied to determine whether a complaint is well-founded or unfounded and the considerations on which the award of financial compensation is based. The abuse is therefore made fully public, but without disclosing the identities of the persons concerned. Due to the potential legal consequences of such publication, all of the persons concerned would be well-advised to indeed respect the anonymity. This is because if a case is made public in non-anonymised form on the basis of a recommendation of the Complaints Committee or the Compensation Committee, alleged perpetrators, surviving relatives or third parties may feel that their good reputation is under attack and contest the matter in court.

Employees of and persons involved with the Reporting Centre in the Netherlands are bound to maintain confidentiality

Employees of and persons involved with the Reporting Centre for Sexual Abuse within the Roman Catholic Church in the Netherlands will never disclose the names of complainants and alleged perpetrators. In addition, the Reporting Centre will never subsequently confirm anything made public by complainants, alleged perpetrators or third parties.

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Management and Monitoring Foundation