

**APPENDIX A**

**PROPOSAL FOR AN INQUIRY INTO SEXUAL ABUSE IN THE ROMAN CATHOLIC CHURCH IN  
THE PERIOD FROM 1945 TO THE PRESENT**

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## 1 Introduction

On 9 March 2010 the Conference of Bishops of the Netherlands and the Conference of Religious in the Netherlands (KNR) resolved to commission an independent inquiry into the facts and circumstances of sexual abuse<sup>1</sup> of minors who were entrusted to the care of Roman Catholic Church institutions and parishes.<sup>2</sup> In view of the above, the two principals have sought an independent opinion on the research questions, requesting also that the opinion cover the care to be provided to the victims of sexual abuse, and recommendations for measures to prevent this kind of abuse.

This proposal has three parts. Parts 1 and 2 set out the technical aspects of the inquiry. Part 3 specifically addresses the victims. There then follow several separate sections: recommendations for the subject-matter expertise to be available in the commission that is to be formed, the time schedule for the inquiry and the terms of reference.

### 1.1. General

It is recommended that the inquiry into the nature, scale, circumstances and responsibilities surrounding the sexual abuse of minors extend to the period from 1945 to the present. Due care must be exercised regarding the victims of this abuse, and their past and possibly ongoing distress and suffering because of this abuse. This aspect demands specific attention.

The purpose of the inquiry is to gain an understanding of the precise setting of the sexual abuse (also investigating aspects of opportunity, probability of discovery and risks of sanction). This setting is explicitly deemed to involve broader responsibility structures, which means that individuals and organizations that had responsibility for supervision and inspection, and their respective duty to report, are to be included in the inquiry.

The boundaries of the inquiry are:

- the period from 1945 to the present;
- the following domains of inquiry: the pastoral context and Roman Catholic reform and educational institutions, youth organizations, their umbrella organizations, governance structures and responsibility relationships, and the nature of the arrangements for supervision and inspection;
- the victims: minors who were entrusted to the care of representatives of the Roman Catholic Church, specifically clergy, religious, pastoral workers employed by the Church and laypersons;
- those with responsibility for victims, namely parents, guardians and guardianship agencies;
- the persons accused (and those with responsibility for them: their bishop or major superior): diocesan priests, priests in religious institutes, religious brothers, religious sisters and laypersons employed in the institutions.

### 1.2. Three dimensions

The inquiry has three dimensions:

- First, attention must be given to what happened in the past, which will involve ascertaining the facts and circumstances that were the background to the sexual abuse. It is also relevant to establish who had or has responsibility. Complications may arise in the historical part of the inquiry. The issue of sexual abuse by clergy and religious in Roman Catholic circles is not only a dark page in their history, but also an unwritten one. Relevant archives are not confined to the Netherlands, but also exist elsewhere, in particular in Rome and around the world in generalates of congregations and orders previously or currently active in the Netherlands. The inquiry will discover as it proceeds how readily these archives will be opened for the Commission of Inquiry, and under what conditions. Another factor to be considered is the difficulty of researching source material of relevance to the inquiry that is poorly catalogued, if at all. It is assumed that the organizations concerned in the

Netherlands will cooperate unreservedly with the archive research. Moreover it is currently unknown which files should exist, or once existed but have since disappeared or been destroyed, which may hamper the inquiry. However, clarifying where the gaps are may provide valuable input when making recommendations for the future.

In view of the above, the Commission of Inquiry will have to consider how to deal with these possible constraints, also taking into account the proposed research time frame of approximately one year. In general, unrestricted access to the relevant archives is desirable for the present inquiry, also to files that are privacy sensitive, whether because they refer to living people, or because the files are personal. The above will require the full cooperation of all authorized organizations.

– Next is the *current* situation. Why is there a surge of complaints about past abuse now, but apparently not earlier: or what moves or has moved victims to tell their stories now? What is the appropriate approach to victims' feelings and emotions? What help is currently being provided to the victims? Since 1998 there have been successive waves of media reports of abuse of minors by priests and religious in Canada, the United States, Australia, Britain, Ireland and, very recently, Germany. Whereas early reports tended to focus on pastoral situations, Roman Catholic reform and educational institutions in Canada, Ireland and now also in Germany have been put emphatically in the picture as places where children could be vulnerable to these violations of physical and psychological integrity. In Germany, though, the allegations are concerned not only with Roman Catholic institutions. This attention has facilitated victims to tell their stories. Without wishing to appear to be blaming victims with hindsight for not telling their stories sooner, it is important to establish what or who restrained them from doing so.

– Thirdly, there is the *future*. What lessons can be learned from the past? The following elements at least must be addressed: help given to victims, prosecution of suspects (when possible and expedient), measures concerned with the legal position of the offenders (when possible and expedient), a code of conduct of and for superiors within the Roman Catholic Church (how to prevent misuse and how to respond to alleged abuse), and training requirements and conditions for superiors within the Roman Catholic Church.

### *1.3. Time period*

The background to the request for an independent inquiry was media coverage and the reports submitted to *Hulp & Recht* of personal accounts of sexual abuse. The period spanned by the reports corresponds approximately with the end of the Second World War to the present. It should be noted that there have been several changes within this period of possible relevance to the envisaged inquiry.

The Second Vatican Council from 1962 to 1965, and the Pastoral Council in the Netherlands from 1968 to 1970 had ramifications for the self-concept and functioning of the Roman Catholic Church in the Netherlands. Furthermore, there has been a significant decline in the number of institutions and boarding schools since the mid 1960s, because of closures and the withdrawal of religious orders and congregations from the educational field.<sup>3</sup> Furthermore, the Roman Catholic Church is and was also involved in the lives of minors outside the educational institutions, such as through youth movements, choir boy groups and choirs. For this reason, these organizations are included in the inquiry proposal. Various commentators have also pointed to the possible influence of the 1960s' sexual revolution, which, however, gave rise to an increasing openness among broad layers of the population only from the early 1970s. It is advisable to consider the general relevance of rapidly changing views on sexuality for the phenomenon of sexual abuse within the Roman Catholic Church.

### *1.4. Sexual abuse of minors*

The term 'sexual abuse of minors' requires definition for the purposes of the inquiry. The Commission of Inquiry will have to consider what should and should not be covered by this term, mindful that sexual abuse is not restricted to physical sexual penetration, but also includes indecent

acts, for example. It is moreover impossible to ignore the fact that the assessment standards and conviction for sexual abuse, with the associated severity of sentencing, have changed in recent decades. It is noted finally that experts emphasize that the core of sexual abuse has less to do with sexuality as such as with power and the abuse of power in a relationship of authority.

The inquiry will focus on the sexual abuse of minors. The interpretation of 'minor' as a category will always observe historical definitions. Book 1, Article 233 of the Netherlands Civil Code now defines a minor as someone under the age of eighteen, whereas until 1988 the limit was 21 years of age.

The sexual abuse of minors is an offence under Articles 244 to 249, inclusive, of the Netherlands Penal Code. Article 249 is concerned with indecency in conjunction with abuse of authority, and specifically a person's abuse of pupils, a minor entrusted to their care, education or vigilance, or a minor employee or subordinate. Article 249, second paragraph, gives several categories of people, including teachers, supervisors and employees in the healthcare or social care systems who could also be covered by this article about indecency in combination with abuse of authority.

### *1.5. Organization of the Roman Catholic Church*

The proposed inquiry must list the Roman Catholic organizations, guardianship agencies and other institutions allegedly implicated in the sexual abuse of minors, such as:

- schools and other institutions of religious institutes oriented to education and schooling;
- organizations and institutions of religious institutes oriented to youth work;
- minor seminaries of religious institutes;
- episcopal minor seminaries and colleges;
- parishes and associated youth work;
- shelter and care institutions for specific target groups.

The scale of the inquiry is currently hard to estimate. In 1958 there were about 444 educational institutions in the boarding school category (for various age groups and educational levels), diocesan minor seminaries and minor seminaries of individual orders and congregations, episcopal colleges and 'free colleges'. Some schools were residential, but most were a combination of a boarding school and a day school for nonboarders, who lived at home. These organizations and institutions also bear administrative responsibilities.

Book 2 Article 2 of the Netherlands Civil Code provides that churches reside under the regime of their own constitution. For the Roman Catholic Church in the Netherlands, this is set down in the Codex Iuris Canonici of 1983<sup>4</sup> and the regulations for the Roman Catholic Church, which are known as the Canon of the Roman Catholic Church. The highest level of aggregation in the ecclesiastical province is a diocese, led by a bishop. The Conference of Bishops is responsible for matters that affect the church as a whole, in accordance with the Constitution of the Conference of Bishops.

Article 6 of the regulations for the Roman Catholic Church provides that alongside the diocesan structure there are also communities acknowledged by the ecclesiastical authorities, whose members, in accordance with their own standards, 'professing the evangelical counsels through vows or other sacred bonds recognized and approved by the Church, are consecrated to God in their own special way and promote the salvific mission of the Church' (Can. 207 § 2). These communities have the following types:

- institutes of consecrated life;
- religious institutes;
- secular institutes;
- societies of apostolic life.

In conclusion, there are legal and functional differences between the diocesan responsibilities a) of the bishop in his own diocese for events in the pastoral, parochial context and b) of the major superiors of religious orders with their own constitutions, which are either diocesan in nature, in

joint responsibility with the local bishop, or independent religious communities recognized under canon law through the ecclesiastical authority of Rome, over which the local bishop can assert no influence. In all cases the diocesan bishop has a pastoral duty of care towards the victims (CAN 383).

The organizational differentiation outlined above must be taken into account in determining the scale of the abuse and the corresponding administrative responsibilities.

## 2 The inquiry

### 2.1. Introduction

The starting point for the proposed inquiry is a scientifically substantiated approximate estimate of the number of incidents of sexual abuse that have occurred within the Roman Catholic Church in the period from 1945 to the present. Every single reported incident is deplorable and is unbecoming the Church. The victims in particular must be given a prospect of thorough scientific investigation commensurate with their experience and distress: what happened and how could it have happened? Nonetheless, the Commission of Inquiry cannot avoid specifying in a general sense their view of the plausibility of sexual abuse in particular cases. Furthermore, notwithstanding the phenomenon of underreporting (in which incidents are not reported) in the assessment of past incidents that have only now been revealed, the phenomenon of overreporting cannot be ruled out in advance. The inquiry is divided into phases. First there is quantitative research, which involves listing the data actually available, new data that can be obtained through a survey, and archive research. Supplementary qualitative research of a more sociological and historical nature will then be needed to support the analysis and interpretation of all available data.

### 2.2. Part 1 of the inquiry: empirical research

There are four sources of data that the Commission of Inquiry can gain access to rapidly or within a reasonable time:

- a list of reports submitted to *Hulp & Recht*;
- a list of written and oral responses sent directly to the e-mail address [onderzoekrk@gmail.com](mailto:onderzoekrk@gmail.com) or personally addressed;
- existing lists and reports received by various media;
- archive research.

It goes without saying that the media will not automatically disclose their lists of victims. The Commission of Inquiry will have to explore the media's willingness to make these lists available. The Commission of Inquiry itself will have to collect supplementary data through a survey, together with corresponding archive research. Finally, data can be obtained from the offenders themselves. To this end a carefully prepared appeal can be made, against the background of their ecclesiastical tradition and from a personal need to set matters straight with themselves and the people around them, to testify in a confession to their deeds and thereby admit their guilt towards the victims.

#### 2.2.1. Subdivision of the data already available

The subject of sexual abuse in the Church has prompted many responses. It was not always clear what the intention of the responses was: whether they were reports of abuse as such, complaints to be acted upon, or general reactions. The *Hulp & Recht* organization initially distinguished between reports and complaints. A complaint is a notification submitted by a victim to the Assessment and Advisory Committee. Responses were also received through other channels, some of which were specific reports of cases of abuse. It is possible moreover that the archives of the institutions involved have records of abuse cases that have yet to be reported elsewhere. A clear picture of the nature and scale of the issue will require the compilation of a list of the total number of reports to various organizations, also eliminating any duplicated data. Not every response counts as a complaint. A proposal is given below for a possible subdivision of the reported feelings and opinions.

- Response: comprises all telephone, digital and written responses received by *Hulp & Recht*; at the e-mail address [onderzoekrk@gmail.com](mailto:onderzoekrk@gmail.com) or in writing; to the dioceses; to the member religious organizations of the Conference of Religious in the Netherlands; to the media, to the extent that the Commission of Inquiry is able to gain access.
- Report: a response with specific information about abuse in specific cases and institutions, further subdivided into:



- 1 written and/or oral reports from victims;
  - 2 written and/or oral reports made by persons bearing responsibility;
  - 3 written and/or oral reports made by witnesses;
  - 4 written and/or oral reports (hearsay) made by third parties;
  - 5 reports in archives.
- Complaint: a personal report in which a victim expresses a wish to take legal action and/or use the internal '*Hulp & Recht*' regulation.
  - Other: all responses that constitute neither a report nor a complaint, including offers to cooperate in an inquiry, and expressions of concern or anger.

### *2.2.2. Interpretation of the empirical data*

This phase of the inquiry has a predominantly statistical character, which will yield a series of incidents and institutions involved. This result will be insufficient as it stands to form a basis for statements of a more general nature. To avoid any misunderstanding, no general statement that can be made can detract from the deplorable nature of each incident.

There are two important reasons why general statements cannot be made outright. The first is the lack of certainty in advance as to whether all incidents have been or will be reported (underreporting). The second is the impossibility of verification or falsification of accusations.

The desirability of general statements stems from an underlying question that must be kept clearly in mind in this inquiry. Many people wonder whether the attention currently being given to sexual abuse is either the tip of an iceberg, which manifests itself invisibly and much more broadly in the organizations within the Roman Catholic Church, a differentiated situation (according to time, place, type of institution and individual institution), or simply a series of individual crimes and misconduct. Full answers to these questions will help the victims and the responsible officials who wish to take corrective action, but will also help clear the names of any who are entirely free of blame.

Reliable statements will depend on gaining insight into the number of victims per offender, and the number of probable offenders and probable victims. Furthermore, these findings must also be related to the total size of the populations of minors (at day and boarding schools, youth groups, choir boys, etc.) to which the victims belong or belonged. The same applies by analogy to the offenders. First, comparisons are possible with data obtained elsewhere in earlier research in comparable situations, and other professions and sectors (where there is a relationship of authority) and institutions (e.g. boarding schools) in the Netherlands and elsewhere. It is pointed out that it cannot be assumed in advance that the data directly available will be sufficient, or sufficiently reliable, to substantiate an approximate estimate of the scale of the sexual abuse of minors. It will therefore be necessary for the Commission of Inquiry itself to collect supplementary data, which will involve comparable studies in the Netherlands and other countries. Only then will it be possible to give a scientifically substantiated answer to the question of whether the situation is the tip of an iceberg, a differentiated situation, or a collection of individual crimes and misconduct.

### *2.2.3. Agenda for the empirical research*

The above demands at the outset that the Commission of Inquiry concentrate on determining the precise structure of the empirical research, and on that basis set the research agenda. Arriving at that point will require at least the following:

- literature study: to identify the studies that have already been performed, and the lessons that can be learned from them;
- follow-up interviews with a sample of respondents or victims, where, in connection with the support and counselling, the effects of abuse can also be explored<sup>5</sup>; In determining the research structure, the Commission of Inquiry must take into account the foreseen duration of the inquiry, of approximately one year.

### *2.3. Part 2 of the inquiry: sociological and historical research*

In the light of the multitude of reports and complaints, the question arises as to how all this could have come about. This question has to do with the broad social context: what kind of society allowed these events to occur?

It also has to do with the Roman Catholic community in the Netherlands as an immediate context for the Roman Catholic religious institutions: what is the role of these institutions in the everyday lives of the members of this community? In the end it is about the institutions themselves and their specific culture. The victims are entitled to an answer to this question. Three matters deserve to be addressed in this connection.

#### *2.3.1. Culture of silence*

First it is advisable to perform sociohistorical research into the 'culture of silence' that has been referred to in many places, including the media. If people knew what was happening, how could they remain silent? It is not a matter of making excuses for the culture of silence, but of looking carefully into the causes and conditions that allowed this culture to develop, and of learning lessons for the future. These aspects can be investigated through specific case studies. It will then be necessary to gain an understanding of – the albeit changeable – public opinion regarding paedophilia, and relevant comments in the scientific (e.g. psychiatric) literature in recent decades. Furthermore, the notifications and media reports suggest only that some victims did speak out, and others did not speak out, but silence was imposed on those who did by parents, guardians, or teachers. The inquiry must therefore also analyse the communication culture in the Roman Catholic community, with attention to structural and specific aspects, such as priest-penitent privilege.

#### *2.3.2. Celibacy and chastity*

Secondly, the inquiry must address the relationship between sexual abuse and celibacy for priests and the vow of chastity for religious brothers and sisters. It is important for the inquiry to consider possible differences between the formal definition and interpretations that have arisen in the course of time, and to establish the sources of interpretation. Consideration must certainly also be given to how the definition has been interpreted in the phases of inquiry, aspirancy, and candidacy prior to the diaconate, in preparation for priestly ordination or taking the temporary and perpetual vows that entailed a profession of celibacy or chastity.

#### *2.3.3. Administrative responsibilities*

Thirdly it must be considered how in the course of time organizations and persons in authority have approached their responsibilities for minors and how they acted upon discovering the sexual abuse of minors. The persons principally concerned are rectors, major superiors of religious institutes and bishops, who must be asked at least the following questions: what measures affecting the legal position were taken upon discovering the sexual abuse of minors; what other measures were taken; to what extent were matters reported to the police, and when no report was made, why not?

#### *2.3.4. The victims and their help*

So far, this proposal has referred to victims as a group. This is not to say that the Commission of Inquiry to be formed should not also consider the question of how to explore individual cases and to what extent discussion of individual cases is possible with victims based on their free will. The forms of help given to victims in the past cannot then be disregarded. Attention must also be given to the position of *Hulp & Recht*. In this connection, there must be expertise and experience in the field of social care within the Commission of Inquiry.

#### *2.3.5. Legal and policy frameworks*

Churches have legal personality pursuant to Book 2, Article 2.2 of the Netherlands Civil Code, and are entitled to regulate their internal organization in their own constitution, to the extent compatible

with the law. The internal organization of the Roman Catholic Church is set down in the Codex Iuris Canonici of 1983 and the regulations for the Roman Catholic Church, which are known as the Canon of the Roman Catholic Church.

Articles 244-249 of the Dutch Penal Code have provisions related to the sexual abuse of minors. Book VI, Part V, Can. 1395 § 2 of the Code of Canon Law of 1983 refers to the sexual abuse of minors under the age of sixteen. There were changes to both regulations in the period covered by the inquiry. The Penal Code was amended on this point and the old canon law of 1917 was replaced in 1983 by the current Codex Iuris Canonici.

Outlining a clear legal and policy framework for the period covered by the inquiry requires answers to questions about:

- 1 the legal provisions and opinions that applied and apply pursuant to Dutch law in the period of the inquiry (1945 to the present) with respect to:
  - the protection of minors in, or who were placed in, unequal power relationships;
  - more specifically, the protection of minors against sexual abuse, also in relation to parents, guardians and teachers;
  - changes in protection that have occurred in this period and the reasons for these changes;
- 2 the legal provisions that applied and apply pursuant to canon law in the period of the inquiry (1945 to the present) with respect to:
  - the protection of minors who were entrusted to the care of the Roman Catholic Church in unequal power relationships;
  - more specifically, the protection of minors against sexual abuse;
  - changes in protection that have occurred in this period and the reasons for these changes;
- 3 how the Roman Catholic Church has responded to changes of relevance to the subject in the two legal systems in the survey period (1945 to the present);
  - how policy on the protection of minors and the combat of abuse was applied;
  - how the above relates to the frameworks and guidelines from the Holy See with respect to the abuse of minors; for instance, the role and meaning of the *Crimen Sollicitationis* instruction of 1962, the apostolic letter of Pope John Paul II *Sacramentorum Sanctitatis Tutela* of 30 April 2001, the declaration of the Congregation of the Doctrine of the Faith *De Delictis Gravioribus* of 18 May 2001 and the *Guide to understanding Basic CDF procedures concerning sexual abuse allegations* presented on 12 April 2010 and the attached guidelines;
- 4 the Roman Catholic Church's current position, and more in particular that of the Roman Catholic Church in the Netherlands, on the protection of minors entrusted to its care, and more specifically the prevention and combat of sexual abuse in pastoral relationships;
  - how these matters are handled in the selection, training and formation processes of prospective pastoral workers, deacons, priests and religious in the Netherlands.

#### 2.3.5.1. Official secrecy and confidentiality

What is the role and meaning of official secrecy (Penal Code, Article 272, CIC, Book IV, Can. 983) and confidentiality or the duty to observe secrecy in the present discussion?

- 1 Is there a legal basis in Dutch law or canon law?
- 2 How absolute is official secrecy in the two legal systems?
- 3 If official secrecy is not absolute, what parallels exist in practice with, for example, the right of nondisclosure enjoyed by specific professions?

If there is evidence of various requests for, or duties of, nondisclosure:

- 1 where and when is or was there any duty of nondisclosure, who was it imposed on, and how was it formulated?
- 2 which provisions of canon law or Dutch law were the basis of this duty of nondisclosure?
- 3 how did these duties of nondisclosure operate in practice; what were their consequences for

the parties involved in the procedure?

#### 2.4. Research questions

The following research questions were defined based on the above considerations:

- 1 What are the facts and circumstances of sexual abuse of minors entrusted to the care of the Roman Catholic Church in the period from 1945 to the present?
- 2 Is the problem structural, a differentiated situation according to time, place, type of institution and individual institution, or a series of individual crimes and misconduct?
- 3 Was or is there a culture of silence surrounding the sexual abuse of minors in the Roman Catholic Church?
- 4 Is there a connection, and if so what, between a) the obligation of sexual abstinence implicit in celibacy (priests and male priestly religious) and the vow of purity or chastity (for male and female religious) and b) the alleged sexual abuse of minors?
- 5 Are there other possible causes? What can be said about the opportunities for abuse, the risk of discovery and sanctions associated with the pastoral context and the context of reform and educational institutions, with particular reference to the internal organization and the impact of 24-hour 'enclosed institutions' such as boarding schools.
- 6 Which legal and policy frameworks in Dutch law and canon law are applicable to this issue, and what changes have taken place in them?

*With a view to the victims:*

- 7 How have those with administrative responsibility discharged their responsibilities for minors who are victims? What measures did they take with respect to those accused?
- 8 Was the *Hulp & Recht* procedure satisfactory, and how has it performed so far?
- 9 On what aspect are the abuse victims being provided with most help? What are the relevant role and responsibilities now for the Roman Catholic Church?
- 10 What lessons can be learned? What preventive measures should be taken to avoid repetition?

### **3 Role and responsibilities towards the victims**

#### *3.1. Part 3 of the inquiry: help to the victims*

The above was concerned with the question about the facts and circumstances, with the underlying purpose of acquiring a clear picture of the nature, extent and scale of the abuse in the period from 1945 to the present. The present part of this proposal is concerned with adopting the personal perspective of the victims. What are the role and responsibilities of the Church towards the victims of abuse?

Individuals in concrete circumstances have become victims of abuse. We cannot dismiss this situation lightly. How can justice be done to their stories, distress and pain? In the cases of recent abuse there are obviously two avenues of recourse for the victims: through the courts, or through the *Hulp & Recht* procedure set up by the Roman Catholic Church itself. However, it is a fact that many cases of abuse took place long ago. Many of the accused are no longer alive, or are very old. Many of the institutions have ceased to exist, or were drastically reorganized, long ago, and the responsibility structure and staffing have changed. Similarly many of those in positions of responsibility at the time are no longer alive. What is actually involved is a constellation of organization structure and culture that no longer exists. In that respect, there is no longer anyone who is able to represent this culture satisfactorily. For this reason recourse to criminal law, for example, is also no longer possible in many cases. The other side of the matter is as follows. Whereas certain points of the national and international governance structure of the Roman Catholic Church have changed since the Second Vatican Council, there have been no essential changes in the administrative responsibilities of bishops and major superiors of orders and congregations. Furthermore the reports made since 1980 are evidence at least of a degree continuity in the manner of handling alleged abuse.

It must be determined which contributing factors to this culture have disappeared and which have persisted, so that the inquiry's principals may take this information into account in their future abuse policy. Even the complete absence of legal recourse would not absolve the current Roman Catholic Church of moral responsibility for the victims of this dark page in its recent history. As a church it has a particular obligation to demonstrate its deepest devotion to humanity. The Commission of Inquiry will therefore need to occupy itself with establishing the damage caused to the victims in terms of trauma, distress, suffering and betrayal of trust.

Some victims have stated that their case was serious but they have come to terms with it. However, the fact of coming to terms with abuse makes it no less serious. Some victims say that the damage is increasing; some report that it has had a constant frustrating impact on their lives. Some have a need for pastoral dialogue; either to give an account of the facts and circumstances; or to talk with those responsible at the time. The question in all cases is what form of help is desirable in practice. What opportunities exist for arranging or facilitating this help? In what respects have victims been genuinely helped? These questions, although they are not part of the scientific research as such, cannot be viewed as separate from the inquiry, even if only because the reports made by the victims have put the focus on the victims themselves. It is advisable to give priority to giving specific recommendations for support and help within a few months of starting work, pending the results of the inquiry itself, in order for the Roman Catholic Church to make the necessary arrangements. In this framework the procedure operated by *Hulp & Recht*, the organization set up by the Roman Catholic Church, deserves particular attention.

#### *3.2. Hulp & Recht procedure*

The *Hulp & Recht* organization has been part of the Roman Catholic Church since 1995, when it was founded by the bishops and the major superiors of religious institutes. *Hulp & Recht* sets out to provide assistance and justice to anyone who has become a victim of sexual abuse by priests,

religious and ecclesiastical workers. The *Hulp & Recht* procedure is modelled on disciplinary rules that exist in the medical world and elsewhere. The reporting on the cases that has emerged so far has commented critically on the *Hulp & Recht* procedures and the organization's performance in practice. It is therefore advisable to scrutinize the procedure and performance of *Hulp & Recht* in the light of the following questions and to make any necessary recommendations:

- How does the *Hulp & Recht* procedure for assistance and support compare with corresponding activities of other organizations?
- How does the *Hulp & Recht* legal procedure compare with corresponding procedures (of a disciplinary nature) in the Netherlands?
- What is the relationship between the *Hulp & Recht* procedure and Dutch law?
- What is the relationship between the *Hulp & Recht* procedure and canon law?
- How well does the current procedure perform in practice; what has performed satisfactorily, and what poorly, and what changes and improvements are called for; are the recommendations of *Hulp & Recht* being observed?
- Are there any other legal opportunities, either under Dutch law or canon law, for the bishops and major superiors to prevent sexual abuse, to protect the victims and pursue investigation and prosecution when sexual abuse by representatives of the church is suspected?
- What generally applicable procedures exist in the other organizations to which victims have reported? What are these procedures based on, and how do they accommodate the interests of the victims and the accused?

### *3.3. Lessons for the future*

Finally, the Commission of Inquiry to be formed must be charged in the light of the primary and secondary inquiry and the concrete experience of the victims, with drawing conclusions about the facts and circumstances of the sexual abuse of minors in the Roman Catholic Church in the period from 1945 to the present. Where possible, the Commission of Inquiry should identify any vulnerable places in the organization and governance structure, in conjunction with the responsibilities, fields of work and the human resources and volunteer policy to be adopted in order to prevent new cases of abuse in the future.

### *3.4. Reporting*

To guarantee its independence and transparency the proposed Commission of Inquiry into the sexual abuse of minors in the Roman Catholic Church in the period 1945 to the present must be obliged to publish the inquiry report and the associated reports, along with its recommendations for handling the current complaints of the victims and the lessons for the future.

#### 4 Time schedule

##### WEEKS TENTATIVE PLAN

-12 weeks preparation

-1 year of pure research time

-12 weeks for contingency and finalization

(One 6-month extension possible if there are compelling reasons: see Terms of Reference)

- 1-6** Induction of Commission of Inquiry, organizing infrastructure, distribution of tasks
- 6-12** Development of subquestions into concrete research proposals, listing names of external experts to be consulted or interviewed.  
Consideration of victims; recommendations for assistance to victims; audit of *Hulp & Recht* procedure.
- 13-47** Research
- 48-49** Feedback to full Commission of Inquiry, possible tightening of questions, extension or limitation of certain areas.
- 50** Concise public report of the course of events so far, possibly with tightened questions: no conclusions yet
- 1-12** Research
- 13-24** Finalization of inquiry, drafting conclusions and recommendations
- 25** Presentation of inquiry findings

## 5 Composition of the Commission of Inquiry

The Commission of Inquiry's research has five levels: (a) directly or indirectly interviewing victims, witnesses and accused persons / offenders, and those with administrative responsibility; (b) archive research; (c) perusing studies relevant to the subject; (d) own research (survey, comparisons); (e) consideration of the assistance provided to victims. Proper compliance with the terms of reference therefore demands a multidisciplinary approach that is reflected in the composition of the Commission of Inquiry. Furthermore, external expertise (e.g. on canon law) will be called in on an ad hoc basis. Specialized researchers will be engaged for the field work. The Commission of Inquiry must have support in its complex tasks from a small specially formed organization.

Alongside a chairman and secretary, within the Commission of Inquiry there must be:

- legal expertise (criminal law and/or juvenile law, possibly combined with inquiry and/or investigative experience);
- a psychologist;
- a philosopher (of science) with an empirical background;
- an (ecclesiastical) historian, or a historian specialized in religion;
- an expert in social care.



## 6 Terms of reference

- 1 The Conference of Bishops of the Netherlands and the Conference of Religious in the Netherlands (KNR) are commissioning an independent Commission of Inquiry into the sexual abuse of minors entrusted into the care of the Roman Catholic Church in the period from 1945 to the present. They mandate their appointed chairman of the Commission, who is independent and not bound by any instructions, in respect of the composition of the Commission of Inquiry.
  - 2 The recommendation to set up a Commission of Inquiry together with any supplementary wishes of the principals as set down at a meeting after the presentation of the recommendation, and published, determine the content and dimensions of the inquiry.
  - 3 The Commission of Inquiry has a mandate for 1.5 years that may be extended once for a period of six months. The Commission of Inquiry must notify the principals of any necessary extension three months prior to the end of the mandate, with a statement of the reasons.
  - 4 The chairman of the Commission of Inquiry will produce an estimate and monitor the budget. The costs are to be borne by the Conference of Bishops and the Conference of Religious in the Netherlands. The Conference of Bishops and the Conference of Religious in the Netherlands will agree on their apportionment of the costs.
  - 5 Alongside the chairman and secretary, the various fields of expertise of the members of the Commission of Inquiry must include the following (possibly combined):
    - legal (criminal law and/or juvenile law, inquiry and/or investigative experience);
    - a psychologist;
    - a philosopher of science with an empirical background;
    - an (ecclesiastical) historian and/or a historian specialized in religion;
    - an expert in social care.
- Furthermore, it will be possible to engage external expertise on an ad hoc basis (statistics, archives, canon law, specialized researchers etc.).
- 6 The Commission of Inquiry will manage a research team. The research team will comprise a team leader and researchers with the above-mentioned expertise, including an archivist. In cases where the research team does not possess the necessary expertise, external experts may be requested to provide answers to subquestions of the inquiry. These answers will be included in the inquiry.
  - 7 The Conference of Bishops and the Conference of Religious in the Netherlands will provide the office space and financial facilities needed for the Commission of Inquiry and the research team.
  - 8 The Commission of Inquiry and the research team will jointly define a protocol with respect to the confidentiality of personal details disclosed to them in the course of the inquiry, or that become known to them in any other way. Both will observe strict confidentiality towards third parties, in accordance with common practice in judicial investigations.
  - 9 The principals will endeavour without reservation to ensure that the researchers gain access to all relevant archives.
  - 10 The principals will endeavour without reservation to ensure that persons with responsibility now and in the past can be examined within the framework of the inquiry.
  - 11 All parties and persons involved will refrain from making statements and providing information about the (possible) outcome of the inquiry until the Commission of Inquiry has submitted its final report to the principals. External contacts will be channelled through the chairman. The final report will be placed in the public domain. Thereafter, with observance of generally accepted rules and practice of due care and privacy protection, it will be possible for the researchers independently to publish articles in scientific journals about the historical part of the inquiry,
  - 12 The principals, having studied the final report, will state what action they will take in respect of the conclusions and recommendations. They will publish their full response within six months of receipt of the final report.
  - 13 Five years after publication of the final report the principals will report back to the members of the original Commission of Inquiry on their actions regarding the lessons, responsibilities and

recommendations. This report will be placed in the public domain.

## **NOTES**

1. The concept of sexual abuse is discussed elsewhere in the document.
2. The proposal refers throughout to the Roman Catholic Church, which is also taken to include the member institutes (orders and congregations) of the Conference of Religious in the Netherlands.
3. The above does not directly imply a fall in the number of Roman Catholic educational institutions, but only that the personnel and administrative involvement of priests and members of a religious order or congregation has declined in this period.
4. For this aspect too, it will be important to investigate current canon law in a historical context, such as the law given in the Codex of 1917.
5. See point 2.3.4.

## ACCOMPANYING LETTER

W.J. Deetman

The Hague, 7 May 2010.

To the Conference of Bishops in the Netherlands  
To the Conference of Religious in the Netherlands (KNR)

### **Re: proposal to form an independent Commission of Inquiry**

Dear members of the Conference of Bishops in the Netherlands

Dear members of the Conference of Religious in the Netherlands,

On 9 March 2010 you resolved jointly and unanimously to commission an independent inquiry into sexual abuse of minors within the Roman Catholic Church in the Netherlands (hereinafter referred to as the Roman Catholic Church). It was resolved further that the research questions and their justification were likewise to be formulated independently. I have been requested to formulate these questions in consultation with experts. The resulting proposal, which is attached, will be used as a basis by the Commission of Inquiry to be formed in defining and performing its research agenda.

The importance of knowing the facts and circumstances derives mainly from the importance that victims of abuse attach to independent and scientific investigation of the issues, as has been confirmed in research and through experience. Due time has been given to the careful formulation of appropriate scientific research questions.

I am aware that this approach runs the risk of being viewed by the victims as a technocratic process devoid of emotion. In the interests of expediting assistance and support, the attached proposal has a separate part concerned with the help to be provided to the victims. This help cannot await the outcome of the Inquiry. For this reason, I have scheduled the part that deals with assistance to be provided to the victims at the start of the research process.

I am fully aware that the present Inquiry is concerned not only with a dark page in the recent history of the Roman Catholic Church, but also one that is almost unwritten. I therefore had two constant objectives in mind throughout: establishing the truth, and care for the victims.

Besides care for the victims, the proposal that is attached to this letter addresses the following subjects:

- a precise definition of the subject, objective and domain of inquiry;
- the research questions;
- identifying the fields of research;
- a high-level description of the research method;
- the time schedule;
- the care to be provided to the victims;
- recommendations for the prevention of sexual abuse;
- the composition of the Commission of Inquiry.

The following was added subsequently at your request. The primary aim is to acquire an understanding of the nature and scale of sexual abuse of minors who were in, or were entrusted into, the care of institutions and parishes within the Roman Catholic Church. Nonetheless, this

Inquiry is not concerned only with a historical reconstruction. Mindful that the Inquiry arose because of reports people have made of past abuse by Roman Catholic priests, religious, or lay Brothers, the negative impact of which is ongoing, a part of the Inquiry must focus on the care and help to be provided to these victims. Due attention will be given to the performance of the support agency *Hulp & Recht*, which the Bishops in the Netherlands set up in 1995.

The research proposal will be sent to you separately. Having adopted the research agenda, the proposed Commission will submit a budget to you.

The proposed Inquiry demands thorough scientific human effort. Against this background I therefore propose, alongside the chairman and an official secretary, to appoint as members of the Commission of Inquiry:

**Dr N. Draijer**, Associate Professor of Trauma and Personality, VU University Medical Center (VUmC);

**P. Kalbfleisch**, Chairman of the Board of the Netherlands Competition Authority NMa; former judge;

**Prof. H.L.G.J. Merckelbach**, Professor of Psychology, Maastricht University (UM), member of the Royal Netherlands Academy of Arts and Sciences (KNAW);

**Prof. M.E. Monteiro**, Professor of History of Dutch Catholicism, Radboud University Nijmegen (RU);

**Prof. G.H. de Vries**, member of The Netherlands Scientific Council for Government Policy (WRR), Professor of Philosophy of Science, University of Amsterdam (UvA).

Their curricula vitae are attached as an appendix to this letter. They are in agreement with the attached proposal. I would propose that the official secretary be appointed by the Commission.

I am obliged to you for the confidence placed in me.

Yours sincerely,

**EMPIRICAL RESEARCH METHODOLOGY**

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## Introduction

This section sets down how the Commission of Inquiry approached the empirical part of its research.<sup>1</sup> The following questions of the Commission of Inquiry served as a guide: what is the scale of sexual abuse of minors who were entrusted to the care of institutions and parishes within the Roman Catholic Church in the Netherlands; what was the nature of the abuse; to what extent is the abuse interwoven with the institutional structure of the Church; and how are those who have been affected contending with the situation. The Commission of Inquiry has formulated these questions more extensively elsewhere in this report.

It is worthwhile to contrast the Commission of Inquiry's approach with past and ongoing research in other countries. In the United States the prestigious John Jay College (John Jay College, 2004, 2006) produced an initial report<sup>2</sup> of its inquiry into the nature of sexual abuse by perpetrators employed in the Roman Catholic Church. While informative, this inquiry was not based on the victims' accounts. The American study was restricted to reports submitted to the Church in the period between 1950 and 2002, and which were recorded in files. As a result the American data are somewhat indirect. Furthermore the phenomenon surfaced in the United States mainly in a parish context, whereas in the Netherlands – based on media reports – the abuse occurred also and mainly in the educational system, such as in minor seminaries, and juvenile and other boarding schools.

The approaches taken in Ireland by the Ryan Commission<sup>3</sup> and the Royal College of Surgeons at the request of the Bishops' Committee on Child Protection were likewise found by the Commission of Inquiry to be too limited. The Ryan Commission inquiry was concerned only with reports made by victims, and did not include a survey of the population (Carr, 2006; Carr *et al.*, 2009, 2010). It is consequently unclear how representative these data are. The Royal College of Surgeons inquiry was better on this point, in that three avenues were pursued: 1. a representative survey among the Irish population into the scale of sexual abuse of minors by clergy; 2. in-depth interviews with a selected group of victims and their family members, and with convicted offenders and their family members; 3. a survey among persons with administrative responsibility (Goode *et al.*, 2003). In addition an estimate of the scale was given based on the data from the general population study on 'Sexual Abuse and Violence in Ireland' (SAVI) (McGee *et al.*, 2002). While the Commission of Inquiry views the use of multiple research techniques as a strength of the Royal College inquiry, it nonetheless finds the in-depth interview part too limited, in the sense of not shedding enough light on the nature of the abuse.

Neither did the Commission of Inquiry adopt the approach taken in Belgium, where the 'truth commission' relied only on reports made by victims and various experts' comments on them (Belgian House of Representatives, 2011).<sup>4</sup> Again: an approach that capitalizes on reports made by victims – however important and informative they may be – raises questions as to the representativeness of the information obtained.

German researchers (Pfeiffer & Stadler, 2011) recently adopted an approach that strongly resembles that employed by the Commission of Inquiry. However, it would appear that not only was the scale of the Dutch inquiry larger – with reference mainly to the survey data discussed below – but the execution was also more thorough – with reference mainly to the archive research part. The interested reader is referred for a comprehensive discussion and assessment of the existing scientific literature to the separate Appendix A, which covers the relevant professional literature.

The Commission of Inquiry and the Samson Commission have cooperated, consulted each other and, with the consent of those concerned, exchanged reports received by one commission that were also potentially relevant to the other (see Chapter 1). The research approaches of the Samson

Commission and the Commission of Inquiry have been compared and contrasted, since both are investigating the sexual abuse of children (see Annex).

## **Bias**

The Commission of Inquiry considered it important to devote substantial attention to the group at the centre of the issue: those who have reported as a child being the victim of sexual abuse committed by persons employed in the Roman Catholic Church. However, an inquiry that is based on their accounts alone will encounter several potential problems. The Commission of Inquiry has been able to ascertain that the significance of some potential problems is negligible, while other problems are all the more manifest.

A problem that the Commission of Inquiry considers to have a negligible role is the overreporting of sexual abuse as a result of false reports. Whereas some foreign research in a forensic context has indeed found high rates of false reporting in abuse cases (see Kanin, 1994), it can be derived from Dutch research that the false reporting of sexual offences is a fairly well delineated problem (Van Wijk & Nieuwenhuis, 2011). What is more important is that the vast majority of the reports made by victims to the Commission of Inquiry occurred outside a legal context, which is to say that the reports were not the subject of criminal or civil law action.

A problem that definitely does attach to these reports is that the majority are concerned with episodes and events in the distant past, which may introduce bias into the reports of sexual abuse. The bias may take a variety of forms, most commonly that a description of abuse twenty, thirty or even forty years ago may no longer be complete. The type of bias evident in that case is one of omission. For example, the victim is no longer able to recall important details – such as the name and background of the offender. Otherwise, an incomplete description of abuse certainly does not imply an inaccurate account, which tends to be associated with a different type of bias known as error of commission. In this, false details are added to the account. The relevant literature shows that errors of omission are a greater problem in statements about events in the distant past than errors of commission (Smeets *et al.*, 2004; Candel *et al.*, 2010). In other words, when victims describe abuse that happened long ago, their account generally agrees well with the facts, but seldom covers all the details (see also Alexander *et al.*, 2005).

Besides incomplete reports there is also a more fundamental problem: the reports made to the Commission of Inquiry were at the victims' own initiative, which raises the question as to their representativeness. Research among women with a documented history (medical records or police files) of abuse has shown that between 19% and 38% of them did not report the abuse and between 10% and 12% denied all sexual abuse when directly questioned (Williams, 1994; Widom & Morris, 1997; Goodman *et al.*, 2003). The causes of this underreporting have not been fully explained, but it is clear that shame plays a significant role. The study by Widom & Morris (1997), would also suggest that failing to report documented sexual abuse in youth occurs more often with male victims. Of the 1100 respondents in this study, 58% of the men did not report documented sexual abuse when asked directly about it. The corresponding rate for women was 32%.

Another problem, finally, is what is known as hindsight bias, which is the phenomenon that people make reports with the knowledge of the present about what once happened in their lives. Their reports may be influenced by media publicity and changing attitudes as to what constitutes abuse. The American study conducted by Elliott (1997) among abuse victims who had since reached adulthood showed the most important triggers for bringing memories of abuse back into the foreground to be confrontation with certain radio and television programmes (54%) and events that called the original abuse to mind (37%). Psychotherapy as a trigger was mentioned far less often (14%). These data make clear that media publicity can resonate in reports of abuse (see also Draijer,



1990).

## Research approach

With these considerations in mind, the Commission of Inquiry realized at an early stage that it would be impossible based on the reports made by victims alone – however important and informative they may be – to make statements about the scale and nature of the problem. The Commission of Inquiry therefore decided to explore multiple research paths, to examine the results in their mutual context, and to make statements on that basis about the nature and scale of the problem.

Stated concisely, the Commission of Inquiry set to work as follows:

- they drew up an accurate list of the reports (Source 1)<sup>5</sup>;
- in view of the potential bias in the reports, they executed a large-scale survey (Source 3);
- those in the survey who reported a relevant background (i.e. Roman Catholic and abused as a minor) and a control group were invited for follow-up research (Source 5);
- victims who submitted a report to the Commission of Inquiry, even if extremely brief, were also included in the follow-up research (Source 2).

Each of these steps is explained below, but the Commission of Inquiry emphasizes that its research was not restricted to these steps. The Commission of Inquiry also interviewed those who submitted the reports, the perpetrators, and persons with administrative responsibility. Furthermore the reports helped determine the direction of the Commission of Inquiry's archive research. The archive research was systematic in nature and the approach taken is given in Appendix A. There was a lively exchange of information between the researchers responsible for the various steps.

## Reports (Source 1): Coding

The origins of the 2026 reports available to the Commission of Inquiry are as follows:

- 1279 spontaneous reports to the Commission of Inquiry;
- 634 reports through *Hulp & Recht*;
- 109 reports through *NRC Handelsblad*, *de Volkskrant*, Radio Netherlands Worldwide and IKON;
- 4 reports through the Samson Commission.

Processing of the spontaneous reports pursued the following standard procedure. Reports were categorized and archived, and checked for duplication. A coding scheme<sup>6</sup> was designed with reference to the literature and a list of the first fifty reports. The coding scheme covers the origin of a report (e.g. whether the victim is the notifier or someone else), the relevance for the inquiry (reasons for inclusion or exclusion), characteristics of the victim and perpetrator, the nature of the abuse (duration, frequency, nature of sexual acts, threat, use of force, and location), and the described responses to the abuse (e.g. further legal steps). The information thus obtained was entered into an SPSS file.

The chair of *Hulp & Recht* and the chair of the Commission of Inquiry wrote jointly in September 2010 to all victims who had submitted a report to *Hulp & Recht* to ask for their consent to transfer their data. If and only if victims gave their consent were the *Hulp & Recht* data added to the Commission of Inquiry's database. On 7 November 2010 *Hulp & Recht* gave the Commission of Inquiry access to its reports through the SharePoint data processing system. The *Hulp & Recht* reports were processed by the Commission of Inquiry as described above for the spontaneous reports, recording the origin of these data.

### *Reports through the media*

This category includes all digital reports received in which reference is made to an appeal or report regarding sexual abuse in the Roman Catholic Church in a newspaper, a television or radio programme, on Internet, or a combination of the above. The reports were selected from the Commission of Inquiry's e-mail account based on predetermined search expressions. The selected

reports were inspected for: the type of medium, whether or not the report was concerned with sexual abuse, whether the notifier approached the media, and whether the report was in response to an appeal or interview given by the chair of the Commission of Inquiry, W.J. Deetman.

#### *Reports through the Samson Commission*

Reports received by the Samson Commission that also – or only – satisfied the Commission of Inquiry's research definition were transferred, with the notifier's consent, to the Commission of Inquiry. These reports were then registered, coded and filed.

#### **Reports (Source 1): Checks**

The reports from the various sources were gathered into a single database. The database was checked for coding and input errors. Database integrity was checked in various ways, two of which are outlined below.

First the reports were inspected for the presence of problematic characteristics, using the guidelines of the Exceptional Sex Offences National Expertise Group (LEBZ).<sup>7</sup> The reports concerned have the following ingredients:<sup>8</sup>

- Recovered memories: which are when someone claims to have been sexually abused in the past, to have completely forgotten about it for some considerable time and to have recovered the memories later.<sup>9</sup> Memories may be recovered in the course of therapy, but also in other situations.
- Ritual abuse: which involves descriptions of bizarre and macabre forms of sexual abuse.<sup>10</sup> The macabre aspects relate to a cult (masks, crosses, ceremonies, robes), inflicting injury (cutting or scratching the body) and death (drinking blood, abortion, sacrifice). Reports of this type usually involve multiple offenders and multiple victims.
- Memories of sexual abuse from before three years of age: which are recollections of abuse prior to the third birthday that the notifier remembered only much later.<sup>11</sup> Three years of age is considered to be the lower limit for verbal memories of events from early youth.

The number of reports that conformed with the LEBZ criteria turned out to be very small, at 1.4%. This is an important observation: on substantial grounds the vast majority of the reports give no a priori reason for concern about their authenticity.

A second check was with respect to the severity of the alleged abuse. Twenty reports were evaluated on a five-point scale by several independent appropriately qualified assessors. The resultant interassessor variation coefficients were between 0.61 and 0.69, which, while being far from perfect, suggests that the assessors judged the severity of the abuse in roughly comparable terms.

There are other reasons for taking the reports seriously: a substantial proportion of the reports (66.0%) consist of detailed descriptions covering one or more pages; a small number of notifiers (12.7%) explicitly asked for financial compensation, or reported ever having received compensation, and an appreciable number of notifiers describe details that prompt forensic experts to respond immediately: 'Yes, that's exactly what happens in sex cases.' An example of one of the elements concerned is grooming, which is the practice of winning over a victim with gifts and privileges. This element was mentioned spontaneously in 25.0% of the abuse reports.

Another noteworthy point is that the Commission of Inquiry invited approximately fifty notifiers to provide additional information about their accounts. In this way the Commission of Inquiry has been able to gain an impression of what – in terms of grounds and motives – may have been concealed behind the reports. The question arose in one case about the veracity of the allegation. Another case was concerned with a problem of an entirely different nature (the notifier's anger towards his mother for giving him up at birth and the consequent low esteem in which he held his time in the

children's home). There was also a case of 'abuse' that was covered in the media, although no contact or acts of an involuntary nature had taken place. After the event, and having been sexually abused outside a Roman Catholic context, the person concerned made allegations of several inappropriate incidents with persons employed in the Roman Catholic Church. As stated above, the number of problematic reports of this kind was a negligible part of the total.

All considered, the Commission of Inquiry has seen no evidence to support the views of experts quoted in the media to the effect that reports of abuse made to the Commission of Inquiry had been exaggerated.<sup>12</sup> The onus of proof for this claim resides with these experts. The Commission of Inquiry points out in this connection that the lengthy interval between abuse and victims' reports is not unique. Similarly lengthy time intervals are not unusual in sex cases brought to the attention of the judicial authorities. Research has shown clearly that factors such as shame, discomfort and fear of the offender play a role in these delayed reports (Connolly & Read, 2006). With the above the Commission of Inquiry is pointing out that nothing can be concluded about the authenticity of a report simply from the long interval since the related alleged abuse.

### **Reports (Source 1): Additional results**

The Commission of Inquiry received reports made by or about victims by e-mail and letter. The reports started arriving as soon as the inquiry was announced and continued until the deadline for victim reports on 1 December 2010.<sup>13</sup> The Commission of Inquiry received 2026 reports between early March and 1 December 2010.

The 2026 reports were classified in two assessment rounds, in accordance with whether or not they fell within the research domain (see Chapter 1). In the first round the definition of the research domain was broader than just the experiences of minors with sexual abuse in the period between 1945 and 2010 in the Roman Catholic Church in the Netherlands. The definition also included reports of other types of unpleasant incident in the same reference period and within the Roman Catholic Church in the Netherlands, such as physical and psychological abuse, and reports of favourable experience were also considered.

Of the 2026 received reports, 1795 (88.6%) were within the broad research domain and 231 (11.4%) fell outside. Those that fell outside were reports of sexual abuse of minors or adults before 1945 or of sexual abuse elsewhere, in other words not within the Roman Catholic Church in the Netherlands, or the reports were not about sexual abuse. Details of the classification of the 2026 reports are given in Appendix 1 of this statement of methodology.

In the second round the 1795 reports that were within the broad research domain were divided into reports about sexual abuse of minors after 1945 in the Roman Catholic Church and other reports. The question as to which behaviours or relationships constitute sexual abuse is part of the research. The Commission of Inquiry therefore initially broadened the scope of its research among reporters to include all sexual behaviours deemed by the notifiers themselves to be 'abuse' (the 'broad definition'). In order to gain an impression of the kinds of behaviour that notifiers view as 'sexual abuse', the Commission of Inquiry also included in its research cases in which victims were pressured for sexual contact, or to engage in genital exposure and pornography – which are referred to as 'noncontact' abuse, which does not involve touching the victim. Later the Commission of Inquiry applied its ('strict') definition of sexual abuse to the reported incidents. This definition is derived from relevant articles in the Dutch Penal Code. Because Chapter 3 hardly mentions the descriptive statistics of the first round, they are set out briefly below.

Of the 1795 reports that fell within the broad domain of research, 1197 (66.7%; 59.1% of the total number of received reports) were about the sexual abuse of minors after 1945 within the Roman

Catholic Church in the Netherlands. As stated above, the reports fell under the broad definition of sexual abuse, which is to say both contact and noncontact abuse. More than two-thirds (68.7%) of these 1197 reports – 774 reports – were spontaneous reports by and about victims themselves (victim reports) made to the Commission of Inquiry (40.6% of the total number of received reports); more than one quarter (26.6%) were received through *Hulp & Recht* (15.7 % of the total number of reports); 4.4% were reports through the media (2.6% of the total number of reports) and 0.3% were reports through the Samson Commission (0.2 % of the total number of reports).<sup>14</sup> The information from the 774 spontaneous reports that the Commission of Inquiry itself received from the victims was used in the analyses of the spontaneous reports.

The other 598 reports (33.3%; 29.5% of the total number of received reports) that fell within the broad domain of the inquiry were registered separately. More specifically, these reports were in the following categories:

- 392 reports with too little information:  
in order to generate additional information 109 reports were selected that victims themselves had sent by e-mail to the Commission of Inquiry, but that contained too little or unclear information. The notifiers concerned were requested to complete a supplementary questionnaire. The collected data were important in gaining the most complete possible picture of the nature, circumstances and consequences of sexual abuse within the Roman Catholic Church. The contours of this follow-up research are described below.
- 94 reports of physical and/or psychological abuse of minors:  
these incidents involved other forms of violence against minors in Roman Catholic Church parishes or institutions, such as physical and/or psychological abuse. These 94 reports had no element of sexual abuse. The total number of reports of violence – sexual, physical, or psychological – committed on minors within the research domain was 1291 (71.9%; 63.7% of the total number of received reports). The data from these reports and from interviews with several of the notifiers were taken into consideration in forming an opinion on the prevalence of violence, in particular in Roman Catholic institutions for reform, care and education. These data were also included in the archive research (Chapters 4, 5 and 6).
- 58 reports (not necessarily of sexual abuse) made by family members:  
these were extremely diverse reports made by family members, for example about the alleged sexual abuse of a brother, father or spouse, or a client in a Roman Catholic institution, the suspicious death of a brother or spouse, or alleged abuses or behaviours in a Roman Catholic context that had harmed a sister or female friend. The information from these reports was also included in the archive research (Chapters 4, 5 and 6).
- 26 reports of favourable experience:  
besides incidents of sexual abuse or other kinds of unfavourable experience, reports were also made to the Commission of Inquiry of favourable experience. Most of these 26 reports were statements from men that their time in boarding school had been an extremely positive experience, and that they had seen no signs whatsoever of misconduct. These favourable experiences are not separately reported.
- 26 reports of sexual abuse of an adult after 1945 in the Roman Catholic Church:  
comparable reports of sexual abuse of adults in relationships of dependence were observed among the reports and complaints submitted to *Hulp & Recht*.<sup>15</sup> The reports also include two complaints about *Hulp & Recht*. The Commission of Inquiry included this information in its conclusions and proposals about the performance of this Church organization (Chapter 7).

### **Survey (Source 3): Methodological considerations**

The reports analysed by the Commission of Inquiry yielded a wealth of information, but, as noted above, also had limitations, such as lack of clarity as to whether they could be considered at all representative. The Commission of Inquiry therefore set out to conduct a large-scale survey among a

representative sample of the Dutch population. Before embarking on the survey, the Commission of Inquiry considered several methodological issues as a basis for deriving survey objectives.

One consideration was the possibility of nonresponse when interviewing people about sensitive subjects. The nature of nonresponse is important in both traditional survey methods and on-line surveys. Selective nonresponse clearly leads to bias in the findings. Another possible source of bias is the socially desirable answering of questions about sexual abuse. The use of the randomized response method was considered for data collection<sup>16</sup> (Warner, 1965) as a way of enhancing the honesty of the answers and to help improve the validity of the research. This method was specifically developed to minimize the threatening nature of questions about sensitive subjects by introducing an element of chance into the answering using dice or playing cards, for example. After much deliberation the Commission of Inquiry decided against using the randomized response method. In the first place the answering procedure is more complex, which may be a problem for elderly people in particular. Currently the only research into undesirable sexual incidents (rape) to have used the randomized response technique involved relatively young women (Soeken & Damrosch, 1986). In the second place the randomized response method is mainly suited to researching events for which the respondent bears some degree of responsibility, such as fraud, where for obvious reasons underreporting may be expected in the absence of specific corrective measures. It goes without saying that there is no question of respondents bearing responsibility in the case of sexual abuse. An alternative to the randomized control technique is the computer-administered large-scale survey, in which respondents feel less uncomfortable about reporting embarrassing events. Research has shown that victims prefer being interviewed about unpleasant youth experiences by computer rather than face-to-face (DiLillo *et al.*, 2006). This was the method ultimately chosen by the Commission of Inquiry.

A further methodological consideration was that respondents use widely differing definitions of sexual abuse when reporting their experiences.<sup>17</sup> Some people will consider 'sexual abuse' to be too heavy a term for what they experienced, while incidents that some deem not to be 'abuse' are described by others in exactly that way. The reported answers as they stand cannot be extrapolated to precise prevalence figures. There is therefore a margin of uncertainty in the estimates. This uncertainty can be limited somewhat by asking respondents more specific and less categorical questions. The Commission of Inquiry therefore gave careful consideration to the type of question presented to the sample in the survey.

A question of an entirely different nature is concerned with the characteristics of the sample. The Commission of Inquiry is interested in the scale and the nature of the sexual abuse problem. They could approach a large sample of Dutch people aged forty and over with a Roman Catholic background, but this would necessarily exclude those who had died. The conclusion again was that an approach of this kind would not yield firm prevalence figures. For this reason the Commission of Inquiry combined its data from the survey with data drawn from the Netherlands Interdisciplinary Demographic Institute (NIDI) in The Hague.<sup>18</sup>

A final consideration is the following: the proportions of respondents with a Roman Catholic background who report sexual abuse convey little information unless they can be compared with proportions found in other groups. The Commission of Inquiry therefore also included other groups in its survey.

### **Survey (Source 3): Implementation aspects and checks**

The Commission of Inquiry requested TNS NIPO to perform a large-scale survey of its panel of Dutch people aged over forty. This age group was chosen because of the analysis of the reports and the related time interval (1950-1970). TNS NIPO was selected for the following reasons:

- TNS NIPO pays great attention to the representativeness of its panel;
- TNS NIPO has access to one of the largest panels in the Netherlands;
- TNS NIPO is successful in achieving a high response rate (around 76%);
- TNS NIPO has an ISO 9001 certificate, which implies compliance of the organization with a series of professional quality characteristics.

An extensive TNS NIPO report of the study performed for the Commission of Inquiry is available in digital form on the Commission of Inquiry's website.<sup>19</sup>

The purpose of the TNS NIPO study was to survey a random sample of Dutch people aged forty and over to gain a picture of what is reported in today's Dutch population about the incidence and nature of past sexual abuse within a Roman Catholic context. To this end, the monthly TNS NIPO screening lists for March and April 2011 included the following five questions:

Were you brought up (largely) in the Netherlands and in a religious faith?

This question is about how you were brought up, not whether you are now religious.

As a child or young person (below the age of eighteen) did you attend a children's home, an orphanage, a private school, a boarding school (as a residential or day school pupil) or a seminary in the Netherlands?

Before you were eighteen were you approached in an intimidating way by an adult outside of your family? This means: being sworn at, humiliated, unjustly punished, discriminated against in favour of other children, or blackmailed.

Before you were eighteen were you approached in a physically violent way by an adult outside of your family? This means: being kicked, punched, beaten with an object, or subjected to some other form of physical abuse.

Before you were eighteen were you approached sexually by an adult outside of your family? This means: being touched sexually against your will, or being forced into sexual contact with someone else.

The answer categories are given in Chapter 3 and the TNS NIPO study report. We suffice here with some technical remarks.

First, the three questions (Questions 3, 4 and 5) about child molestation and child abuse were derived from items used in the Netherlands Mental Health Survey and Incidence Study' (NEMESIS; Verdurmen *et al.*, 2007).

Second, a pilot study was executed prior to the study proper, because of the sensitive nature of the questions. The pilot study involved a sample of 75 Dutch people above the age of forty drawn from the TNS NIPO database. The respondents were asked whether they found answering the questions distressing. Of the 75 Dutch people, fifty (67%) opened the questionnaire. Following an explanation of the subject of the questionnaire, five (10%) respondents decided against continuing with the pilot study. The other 45 respondents answered all the questions. This pilot study warranted confidence that the questions were not found to be excessively distressing. The final questions were determined based on these findings.

Third, attention was given to the sequence of, and introduction to, the questions. Research has shown that question sequence is important in surveys (Schwarz, 2003). In order to avoid respondents making a link between the questions about demography and those about abuse, they were presented separately and in two blocks. Between the first (Questions 1 and 2) and the second (Questions 3, 4 and 5) blocks of questions, respondents were set questions about entirely different subjects, such as mobility, politics, travel, healthcare and house ownership. The introduction was oriented to maximizing response, without explicitly stating the background to the survey – the Commission of Inquiry. The introduction to Questions 3, 4 and 5 was as follows:

'The purpose of the following questions is to establish the, possibly disturbing, youth experiences of

Dutch people now aged forty and over with people from outside their family. Although some questions are personal, we would request you to answer the questions as honestly as you can. Your answers will be handled anonymously and your data will be held in strict confidence. The study is being performed on behalf of a socially relevant organization. The questions are about things that happened to you before you were eighteen. For instance, it is about incidents involving people like a teacher, a leader of a sports team or youth group, a nurse, a minister, a priest, a religious brother or nun, a verger, a doctor or other care provider, or some other adult from outside your family. If you find the questions hard to answer, you have the option of skipping the questions by selecting "Unwilling to participate".'

### **Survey (Source 3): Additional results**

TNS NIPO included the five questions in its monthly on-line panel round. The questionnaire was administered in two stages (in March and April; there were two nonoverlapping samples; see the TNS NIPO study report, Chapter 3). These two samples appear to differ little in how the questions were answered. In total more than 30,000 households with more than 65,000 panel members aged forty and over were sent an e-mail invitation to take part in the study. More than one person aged forty and over in each household was permitted to complete the questionnaire.

The respondents were not paid for answering the questions. The response in the first round was high: 85%. After removing superfluous information, the database comprised 65,536 respondents aged forty and over, of which 36,180 primary respondents and 29,356 secondary respondents.

For the final estimate of scale (see below) one respondent per household, being the first person aged forty or over to complete the questionnaire ( $N=36,180$ ), was selected. Of the selected people, 34,234 were willing and able to answer all five questions submitted to them.

The sample may be considered to be representative: it approximated the population proportions satisfactorily on five background variables included in the study. These variables were: gender, age, family size (number of persons in a household), social class (combination of educational level and economic status) and regional spread.

The 'raw' (unweighted) data of the survey were weighted based on the Statistics Netherlands (CBS) Gold Standard.<sup>20</sup> Table 1 shows the proportions from the Gold Standard used for reweighting. The table shows that the group of primary respondents that were reported on generally aligned better with the ratio in the Dutch population than the group of secondary respondents. Equally, the sample of primary respondents appeared to exhibit relative underrepresentation of persons aged seventy and over, persons resident in the three southern provinces (Zeeland, Noord-Brabant and Limburg) and persons with a low educational level. The survey assigned a weighting factor to each respondent based on a combination of the above variables. Using a weighting factor for each respondent rendered the sample representative for the Dutch population aged forty and over in terms of gender, age, family size, social class and regional spread.

**Table 1 Composition of sample (survey) compared with national data<sup>21</sup>**

	Sample			<i>National (source: Gold Standard 40+ SN)</i> %
	UNWEIGHTED %			
	Total	Primary respondent	Secondary respondent	
<b>Gender</b>				
Male	49.0	49.0	49.0	48.6
Female	51.0	51.0	51.0	51.4
<b>Age</b>				
40-49	29.1	31.2	26.4	31.3 <sup>22</sup>
50-59	30.6	29.7	31.6	27.3 <sup>23</sup>
60-69	26.7	25.2	28.5	21.7 <sup>24</sup>
70+	13.7	13.9	13.5	19.7 <sup>25</sup>
<b>Nielsen regions</b>				
3 major cities + bordering municipalities	12.9	13.6	12.1	14.2
Rest West	31.9	31.8	32.0	29.0
North	10.9	10.9	11.0	10.6
East	20.4	20.2	20.7	20.9
South	23.9	23.6	24.3	25.2
<b>Social class</b>				
A (high)	19.6	19.0	20.3	19.6
B1	36.4	36.0	36.9	31.4
B2	18.8	19.2	18.1	15.9
C	21.8	22.0	21.7	27.7
D (low)	3.4	3.7	3.0	5.4

TNS NIPO delivered the results to the Commission of Inquiry in the form of SPSS files. These files were used to obtain an overall estimate of the scale (see also Appendix 2 to this statement of methodology).

The answers to three of the five survey questions described above were used for the overall estimate of the scale. The three questions were:

- 1 Were you brought up (largely) in the Netherlands and in a religious faith?
  - 2 As a child or young person (below the age of eighteen) did you attend a children's home, an orphanage, a private school, a boarding school (as a residential or day school pupil) or a seminary in the Netherlands?
  - 3 Before you were eighteen were you approached sexually by an adult outside of your family?
- Over one-third of the respondents (35.3% with a margin of reliability of 0.5%) stated for Question 1 to have been brought up in the Netherlands in the Roman Catholic faith. There is no significant



difference in this background characteristic between men and women. Neither does the proportion differ significantly from the data given below in Table 2, which show a mean of 36.7%:

**Table 2 Number of Catholics in the Netherlands 1947-2009**

YEAR	1947	1955	1960	1965	1970	1975	1980	1985	1990	1995	2000	2005	2009
<i>Number of Catholics in millions</i>	3.7	4.3	4.7	5.0	5.3	5.5	5.6	5.5	5.6	5.4	5.1	4.4	4.2
<i>Number of non-Catholics in millions</i>	5.9	6.5	6.9	7.4	7.8	8.3	8.6	9.0	9.5	10.1	10.9	11.9	12.4
<i>Number of Catholics as a proportion of the entire population (in %)</i>	38.6	39.8	40.5	40.3	40.5	39.9	39.4	37.9	37.1	34.8	31.9	27.0	25.3

Source: Kaski, 'Ontwikkeling katholieken, parochies en priesters 1945-2009 (Trend of Catholics, parishes and priests 1945-2009)'. Report no. 612, June 2011.

Answer options were provided for each of the three questions in the survey. For Question 1 the answers were divided into those who stated to have been brought up in the Roman Catholic faith and those who reported a nonreligious upbringing or a different faith.

This created the eight different groups shown in the table below with the associated proportions in percentages.

**Table 3 Estimate of the scale of sexual abuse (N=34,324, margin 0.2%)**

Group 1	RC upbringing, in institution, reports undesirable sexual approach	0.6
Group 2	RC upbringing, in institution, reports no undesirable sexual approach	2.3
Group 3	RC upbringing, not in institution, reports undesirable sexual approach	3.3
Group 4	RC upbringing, not in institution, reports no undesirable sexual approach	25.1
Group 5	No RC upbringing, in institution, reports undesirable sexual approach	0.4
Group 6	No RC upbringing, in institution, reports no undesirable sexual approach	1.4
Group 7	No RC upbringing, not in institution, reports undesirable sexual approach	5.4
Group 8	No RC upbringing, not in institution, reports no undesirable sexual approach	61.5

Follow-up research, which is discussed below, presented a substantially more extensive questionnaire to samples from Groups 1, 3, 5, 7 and 8. The questionnaire also asked whether the offender in the alleged abuse was 'employed within the Roman Catholic Church'. The findings were inconsistent with the earlier findings on several points. Therefore TNS NIPO again approached the respondents who gave inconsistent answers to seek clarification. Further information about the inconsistency research is given below. Adjustments were applied based on this inconsistency research. The findings are given in the table below. We would add the technical observation that the adjustments for inconsistent answer patterns (see below) means that a precise confidence interval can no longer be given for these proportions. The Commission of Inquiry therefore observes a margin of 0.3%, which may be considered safe in the light of the earlier findings.

**Table 4**

GROUP	Reports 'undesirable sexual approach before age 18, by a person outside the family' in %	Reports 'offender was employed within RC Church' in %
1 RC upbringing, institution, reports abuse	0.6	0.2
3 RC upbringing, not institution, reports abuse	3.3	0.3
5 No RC upbringing, institution, reports abuse	0.4	< 0.1
7 No RC upbringing, not institution, reports abuse	5.4	0.1
Total reported abuse	9.7	0.6

For the right-hand column N=2484.

It may be assumed that between 0.3% and 0.9% of the Dutch population now aged forty and over will have been confronted before the age of eighteen in the period between 1945 and 2010 with an undesirable sexual approach, where the offender was employed within the Roman Catholic Church.

As stated above, this estimate relates to the current cohorts of Dutch people aged forty and over who were willing and able to answer the questions presented to them. With no adjustment for death and emigration in this cohort this rate cannot therefore be viewed as an estimate of the prevalence of child abuse by perpetrators employed in the Roman Catholic Church. In order to narrow down this estimate nonetheless, the statistics from the TNS NIPO study were linked to data from the Dutch Interdisciplinary Demographic Institute (NIDI).

NIDI was requested to extrapolate the information available to the Commission of Inquiry concerned with the group who stated in the survey to have been (1) brought up in the Roman Catholic faith, (2) in one of the institutions named in the second survey question and (3) abused by a person outside their family (i.e. 0.6% of the population) and (4) where the offender was employed in the Roman Catholic Church (0.2%).

NIDI first determined the size of the population at risk. A number of assumptions had to be made to allow the calculation to be performed. First it was assumed that the initial abuse took place between ten and fourteen years of age. The low mortality rate in this age group means that this assumption is fairly insensitive to variation in age. Statistics Netherlands figures allow the numbers of 10-14-year-olds between 1946-1981 to be determined. A second necessary assumption was that the abuse rates reported by TNS NIPO were for the entire population, irrespective of age. This assumption is also justifiable: there is no observable clear difference between the successive cohorts in the age at first abuse. A third assumption was that the probability of abuse was uniformly distributed over the generations. Analysis of TNS NIPO-supplied figures demonstrated clearly that this assumption holds reasonably well for most of the generations. However, there is a conspicuous peak in the generation aged 60-64 years in 2011: the probability of ever being abused for this cohort is five times higher than the mean. There is a corresponding peak in the analysis of the survey figures related to abuse in which respondents stated that the offender was employed in the Roman Catholic Church. However, the increase is less pronounced in this case, at a factor of 2 relative to the mean. The Commission of Inquiry has been unable to explain this conspicuous increase in the generation of 60-64-year-olds. The Commission of Inquiry decided to retain the mean risk of abuse, but notes that this fact again emphasizes the need for caution in interpreting the calculations and the conclusions drawn from them.

Reference is made to Chapter 3 for the results of these calculations.

### **Follow-up research: implementation aspects and checks**

The Commission of Inquiry performed follow-up research among:

A those who reported spontaneously to the Commission of Inquiry, expressly including notifiers whose statements about abuse were cursory (Source 2). The Commission of Inquiry sought in this way to ascertain the degree to which these notifiers – in the nature of their reported abuse – aligned with the stratified sample (B).

B a stratified selection of those who answered the survey questions. The purpose of this follow-up research was to generate more accurate estimates of the scale, to obtain additional information about the nature of the reported sexual abuse, and furthermore to gain an understanding of the current psychological problems and need for support of those who reported having been abused as a child within the context of the Roman Catholic Church. The Commission of Inquiry wished to set the statistics about both issues against those of control groups. TNS NIPO presented questionnaires to both groups (notifiers and a selection from the survey). The starting points were that the questionnaire was to be brief and not distressing, that it must facilitate comparison with databases from the analysis of reports (Source 1) and the large-scale survey (Source 3) and that it must provide insight into the nature of the sexual abuse.

In order to gauge the psychological symptoms and need for help, some use was made of standard instruments and items used in previous research. The underlying idea was that this approach would facilitate checking the results with the other databases. The questionnaires are explained in greater detail below.

Questioning people about their psychological symptoms carries the risk of response bias, one form of which occurs if respondents tend to maximize their symptoms (see Rogler *et al.*, 2001). Four response bias items were included in order to control and adjust for this effect. These items point to atypical and improbable symptoms.

Attention was given in the questions submitted to the two groups to the sequence of items and the style of questioning to obtain the minimum possible answer bias. Questions about psychological problems and symptoms were set before questions about (distressing) youth experiences (see Draijer, 1990; Schwartz, 2003).

More specifically the question structure was as follows:

- 5 questions about current psychological symptoms (18 questions);
- 6 questions about past psychological symptoms (13 questions);
- 7 questions about suicidal tendencies (3 questions);
- 8 questions about improbable symptoms (4 questions);
- 9 questions about (any) period in an institution, the nature of the institution, age and perceptions (9 questions);
- 10 questions about the family of origin (6 questions) and distressing youth experiences, such as parents' psychological problems (7 questions);
- 11 questions about sexual abuse by an adult outside the family, in particular within the context of the Roman Catholic Church (28 questions). Respondents were extensively interviewed about the location and the offender's background. In order to keep the questionnaire manageable, only incidents with up to two different offenders were investigated for each victim. Where there were more than two offenders, respondents were asked to choose what they considered to be the most serious incidents. Nonetheless, the total number of named offenders was registered;
- 12 two questions from the large-scale survey (Source 3) were repeated for control purposes in an

almost identical manner. The questions concerned were:

‘As a child or young person (below the age of eighteen) did you attend an institution or stay in one of the following institutes?’<sup>26</sup> and:

‘Before you were eighteen were you approached sexually by an adult outside of your family?’ The explanation alongside this question was as follows: ‘By “approached sexually” we mean being touched sexually against your will, or being forced into sexual contact with someone else. By “family member” we mean a blood relative or a relative by marriage, including foster or step parents, or a new partner of your father or mother. This question is therefore about people who do not belong in this group’;

13 additional questions presented to the selected notifiers about background characteristics, such as gender, age, educational level and occupation. These characteristics were already known about the respondents from the TNS NIPO panel in the survey. A number (6) of supplementary questions about the possible need for support were also set.

The questions in categories 1-4 are explained in the next section. The questions in categories 1-9 were presented to respondents under the title of ‘youth experiences and mental health’. The series was tested on line with ten TNS NIPO panel members and on paper with six notifiers known to the Commission of Inquiry. Administration of the questionnaire took thirty minutes on average. The questions did not appear to be distressing.

Some changes were made to the questionnaire structure after this pilot study. The questionnaire introductory text was also modified. For the stratified sample (B) it was explained that the questionnaire was about a socially important theme, without identifying the Commission of Inquiry as the client. For the group of notifiers (A) this background was mentioned (see below). In all cases it was emphasized that the data would be treated confidentially and processed anonymously.

The questionnaire was distributed to the group of notifiers (A) between 7 and 26 June, inclusive. A reminder was sent on 15 June. The questionnaire was distributed to the stratified sample (B) between 2 and 23 May 2011, inclusive. A reminder was sent on 17 May to respondents who had yet to respond. The response rate was 70%<sup>27</sup> in the group of notifiers (A) and 91% in the stratified sample (B). Additional details are given in the relevant TNS NIPO report.<sup>28</sup>

### **Follow-up research: questionnaires**

The current psychological symptoms were established with the much-used and often-described Brief Symptom Inventory-18 (BSI-18) (Derogatis & Fitzpatrick, 2004; de Beurs, 2011). BSI-18 is the greatly abbreviated variant of the much-used global Symptom Checklist-90 (SCL-90; Derogatis, 1975) and measures eighteen psychological key issues and symptoms, including anxiety and depression. Respondents are asked to assess the distress they experience from these kinds of symptom. The reference period for the questions is the past week, including the day of completing the questionnaire. The range of answer options is ‘none at all’, ‘rarely’, ‘occasionally’, ‘sometimes’, ‘often’ and ‘extremely often’. The BSI-18 yields four scores, one of which is the global index. The other three scores are calculated by summing the respective scores for the dimensions of anxiety, depression and somatization. The higher the score, the poorer the respondents’ mental health.<sup>29</sup> The global index is a measure of the overall severity of the symptoms. The global index is calculated by adding together the answers to the separate dimensions. Previous research has shown the value of observing a cut-off point of eleven when determining whether someone has extreme symptoms.<sup>30</sup> In other words: a BSI global index above eleven indicates a possible need for professional help.

Based on international professional literature additional questions were included about trauma-related symptoms. The twelve items were insomnia, nightmares, flashbacks, self-harming, problems with concentration, fits of temper, distrust and suspicion, problems in relationships and with

intimacy, feelings of guilt, feelings of shame, problems with sexuality and the body, for which there was no medical explanation. A question about struggling with faith and religion was added based on the outcome of the literature study. The reference period for the questions was 'at some time in your life'.<sup>31</sup> The BSI-18 answer format was adopted in order to minimize ambiguity in the answers to the questions and thereby simplify questionnaire completion.

Three questions were added to ascertain whether a person had ever had suicidal feelings or had attempted suicide. The questions were based on the way suicidal tendencies are approached in a clinical diagnostic interview. The decision to include questions about this theme were based on literature study and an analysis of the spontaneous reports (Source 1).

Finally, as stated above, response bias was measured and results adjusted accordingly, and several control questions were added to the questionnaire, namely about four 'improbable symptoms'. These were derived from the Wildman Symptom Checklist (Wildman & Wildman, 1999). These four symptoms were the ones shown in Dutch research to discriminate best between respondents who were instructed to exaggerate symptoms and controls who were instructed to report honestly (Merckelbach *et al.*, 2008).<sup>32</sup>

### **Follow-up research among notifiers (Source 2): Additional results**

The research focused on two groups of spontaneous reports received by e-mail by the Commission of Inquiry before 1 December 2010: 774 spontaneous reports with some degree of detail and 109 spontaneous reports with too few or unclear details (see Appendix 3 of this statement of methodology).<sup>33</sup> A requirement was that respondents must be approachable on line, since the questionnaire had to be completed on line.

These notifiers were requested to answer questions about 'youth experiences and mental health'. To this end, the inquiry's administrative support team delivered an e-mail address file under strict conditions to TNS NIPO, for use in sending invitations to respondents. It was impossible to deliver the digital invitation to 42 out of the 836 e-mail addresses. It was investigated whether the Commission of Inquiry or the inquiry's administrative support team had any alternative e-mail address for these undeliverable e-mails, which was the case for 19 of the 42 notifiers.

A substantial proportion of the invited notifiers (599 out of the 840) completed the questionnaire. Responses were received by e-mail or phone at TNS NIPO, [reactie@onderzoekrk.nl](mailto:reactie@onderzoekrk.nl), and by the secretary of the Commission of Inquiry. Alongside nineteen refusals ('I absolutely will not get involved. I have had enough of this subject'; 'I am not inclined to rake everything up again') the reactions were:

- doubts about participation (N=11);
- comments on substance (favourable or critical) regarding the questionnaire (N=10);
- practical problems in completing the questionnaire (the Internet connection is too slow, cannot open the questionnaire, the computer crashed) (N=9);
- positive reactions after completing the questionnaire (N=5);
- comments to the effect that respondents missed the deadline, were on holiday, or sick (N=7).

Of the notifiers who initially expressed doubts about participating or had practical problems, some agreed to complete the questionnaire after contact with the inquiry's administrative support team, members of the Commission of Inquiry, or TNS NIPO. It is unknown whether they actually did so, since – as stated – the questionnaires were anonymous. The invitation to take part in this follow-up research pointed to respondents' option of contacting the Korrelatie psychosocial support organization if they found the questions very distressing. This organization received no requests for support.

## Follow-up research with the stratified sample: Additional results

For the purpose of this research 2812 people were selected. The selection was stratified based on the respondents' answers in the survey. More specifically the selection set out to form five groups. Respondents were allocated to the five groups based on religion (Roman Catholic upbringing or otherwise), residence in an institution in youth (resident of an institution or otherwise) and abuse by an adult outside the family before age eighteen (abused or otherwise).

The aim in the follow-up research was a net sample of 2000 respondents:

- 14 a group of people with a Roman Catholic upbringing, who reported having been sexually abused by someone from outside their family, and who lived in an institution (target number 250 or maximal);
- 15 a group of people with a Roman Catholic upbringing, who reported having been sexually abused by someone from outside their family, and who had not lived in an institution (target number 750);
- 16 a group of people with no Roman Catholic upbringing, who reported having been sexually abused by someone from outside their family, and who lived in an institution (target number 200);
- 17 a group of people with no Roman Catholic upbringing, who reported having been sexually abused by someone from outside their family, and who had not lived in an institution (target number 400);
- 18 a group of people with no Roman Catholic upbringing, who reported not having been sexually abused by someone from outside their family, and who had not lived in an institution (target number 400).

This follow-up research had 2551 participants, 2482 of which were the primary respondent in a household for the previous questionnaire in the survey. As stated, the response was again high in this second round: 91%. The respondents were paid for completing the questionnaire.

It having transpired that a relatively large number of respondents ( $N=836$ , 33%)<sup>34</sup> gave different answers to similar questions in the survey (Source 1) and the follow-up research (second round), it was decided to invite these respondents for a supplementary investigation of their inconsistent answers. Examples of what were deemed to be inconsistent answers were a respondent reporting in the survey to have lived in an institution or been sexually abused, but then giving contradictory information in the follow-up research. Or vice versa: people reporting in the survey not having lived in an institution or not having been sexually abused, but then claiming in the follow-up research that this was the case. An e-mail invitation was sent to all 836 inconsistent respondents in the sample. This digital letter included a statement of the theme (the envisaged objectives, set questions, and suchlike). The inconsistent respondents were approached with a brief questionnaire to establish a) which answer they wished to have recorded; and b) the reason for their inconsistency. The response was high, at 90%. The supplementary investigation took place between 7 and 21 June. A reminder was sent on 14 June.

The supplementary investigation revealed that a frequent reason for respondents' inconsistency was confusion about what constituted 'sexual abuse'. In the collection and evaluation of the findings of its research the Commission of Inquiry observed a strict definition of sexual abuse throughout. This definition also played a role in both the survey and the follow-up research in determining how to introduce and explain questions to respondents. What is not counted as sexual abuse are incidents of inappropriate behaviour involving a family member, a friend or acquaintance of the mother, or a peer. Also not counted are sexually tinted acts that were not involuntary or where there was no physical contact (noncontact incidents), and incidents at or after eighteen years of age.

Some respondents – despite the explanation with the question – appeared to have reported noncontact incidents as sexual abuse in the survey, and then to have reported in the follow-up research that they had not been sexually abused. For others, the incidents did appear to meet the

Commission of Inquiry's strict definition, but – either in the survey, or in the follow-up research – they concluded that the incidents were too insignificant to be reported as sexual abuse.

The data of these inconsistent respondents were corrected in the survey or in the follow-up research based on their clarifications given in the supplementary investigation. If inconsistent respondents remained unclear about the reason for their inconsistency, their most consistent answer was taken as the starting point for correction. For instance, if a respondent answered 'yes' in the survey and 'no' at the second opportunity in the questionnaire, but finally – with explanation – answered 'yes' in the supplementary inconsistency investigation, the answer was corrected to 'yes' (and vice versa). The estimates of scale made by the Commission of Inquiry were produced after this adjustment.

### **Theoretical interlude: Inconsistencies with repeated questioning**

Research in other countries in which respondents were asked repeatedly about sexual or other forms of abuse in youth has shown that reports are far from always consistent (e.g. Fry *et al.*, 1996; Martin *et al.*, 1993; Fergusson *et al.*, 2000; Health Council of the Netherlands, 2004). This inconsistency undermines the reliability and ultimately also the validity of abuse reports. On the other hand, the more severe the abuse being reported, the more consistent respondents are in their statements (Martin *et al.*, 1993; Aalsma *et al.*, 2002). Less severe incidents, including those of a noncontact nature, are inconsistently reported more frequently (Martin *et al.*, 1993; Friedrich *et al.*, 1997). When asked, some respondents gave as a reason for their inconsistency that they had deliberately withheld information. Otherwise inconsistencies under repeated questioning are also known to occur in self-reporting of residence in an institution or admission to hospital (see Finlay-Jones *et al.*, 1981), and in research into depression and suicidal tendencies (Kendler *et al.*, 2001). Negative reports ('no, never') are generally more consistent than positive ones (Thompson *et al.*, 2004). Mood also has an influence on reporting: a sombre mood makes a person more susceptible to recalling negative experiences, but also colours the memories (Aneshensel *et al.*, 1987). The practice of reporting averages of large groups of respondents largely evens out bias of this kind (Di Tella & MacCulloch, 2006).

### **Statistical analyses**

Where possible and informative, the usual statistical analyses were performed using SPSS-15. The principal techniques used were chi-square tests, Fisher exact probability tests, Cronbach's alpha, t tests, one-way analysis of variance (ANOVA) and analysis of covariance (ANCOVA). Two-sided testing was usually applied. Where significant differences occurred – where informative – effect sizes were determined. Also – where relevant – confidence intervals were reported.

With the data from the large-scale survey (Source 3) the analyses were executed on 'weighted' data, with the exception of the analyses of the reported psychological issues and symptoms. The weighting involved two steps. In the first part (survey) all respondents were weighted on demography, thereby adjusting for the nonresponse within the sample. The results thus obtained were representative for the Dutch population over the age of forty. In the second part (the follow-up research) weighting was performed by weighing the parameters in the five selected groups with the data drawn from the survey. Besides weighting, the additional information from the inconsistency research was used for adjusting the estimates of scale.

In drafting this part of the final report the Commission of Inquiry took advice from Prof. J.H. Smit and Dr A. Hoogendoorn, both of the VU University Medical Center. The Commission of Inquiry asked Prof. C.C.J.H. Bijleveld, Professor of Research Methods in Criminology at VU University Amsterdam, and Prof. P.G.M. van der Heijden, Professor in Statistics for the Behavioural and Social Sciences at Utrecht University, separately for second opinions about the research results. Prof. Bijleveld is also a senior

researcher at the Netherlands Institute for the Study of Crime and Law Enforcement (NSCR) and a member of the Samson Commission. Finally Prof. L. van Wissen, director of the Netherlands Interdisciplinary Demographic Institute, performed several calculations for the Commission of Inquiry regarding the reasoned estimate of the scale and nature of the sexual abuse of minors. The Commission of Inquiry is most grateful to them for their willingness to advise the Commission of Inquiry and support its research.



## Appendix 1

### Selection of reports for research

Reports received by the Commission of Inquiry (N=2026)

- 1279 spontaneous reports to the Commission of Inquiry (63.1%)
- 634 reports through *Hulp & Recht* (31.3%)
- 109 reports through *NRC Handelsblad*, Radio Netherlands Worldwide, *de Volkskrant* and IKON (5.4%)
- 4 reports through the Samson Commission (0.2%)

Within the inquiry (N=1795; 88.6%)

Under the definition of sexual abuse of a minor after 1945 in the RCC (N=1197 66.7%)

- Commission of Inquiry (N=822; 68.7%)

774 victim

47 other

1 unclear

- *Hulp & Recht* (N=318; 26.6%)

302 victim

15 other

1 unclear

- *NRC Handelsblad*, Radio

Netherlands Worldwide, *de*

*Volkskrant* and IKON

(N=53; 4.4%) 40 victim 13 other

- Samson Commission (N=4; 0.3%)

3 victim

1 other

Reasons for excluding report (N=231; 11.4%)

- 137 non-sexual abuse

- 45 sexual abuse of minor before 1945 (19.5%)

- 27 sexual abuse of minor abroad (11.7%)

- 21 sexual abuse outside RCC (9.1%)

- 1 sexual abuse of adult before 1945 (0.4%)

Reasons for excluding report ( N =598; 11.4; 33.3%)

- 392 insufficient information (65.6%)

- 94 physical and/or psychological violence (15.7%)

- 58 family - not necessarily sexual abuse (9.7%)

- 26 favourable experiences (4.3%)

- 26 sexual abuse of an adult after 1945 in the RCC (4.3%)

- 2 complaints about *Hulp & Recht* (0.3%)

Reports with insufficient information

- Commission of Inquiry (N=168; 42.9%)

109 victim

30 other

29 unclear

- *Hulp & Recht* (N=200; 51.0%)

162 victim

28 other

10 unclear

*NRC*, Radio Netherlands Worldwide, *de Volkskrant* and IKON (N=24; 6.1%)

3 victim

19 other

3 unclear

## Appendix 2 Estimate of the scale

	unweighted selection (absolute)	weighted selection (absolute)	C/33984 weighted selection (%)	unweighted research (before adjustment)	unweighted adjustment	F / E adjustment factor	G * D prevalence after adjustment	V370 proportion employed in RCC	I * J prevalence of abuse by RC people	K * ditto per 10,000 Dutch 40+
<b>only first respondent</b>	269	241	0.71%	265	219	0.87	0.56 (110%)	36.0%	0.20%	20.2
<b>Yes RC, in institution, abused</b>	903	876	2.58%		24		2.35			
<b>Yes RC, in institution, not abused</b>	1765	1479	4.35%	988	789	0.84	3.33	9.5%	0.32%	31.6
<b>Yes RC, not in institution, abused</b>	10086	9381	27.60%		141		25.10			
<b>Not RC, in institution, abused</b>	206	189	0.56%	219	166	0.80	0.40	7.1%	0.03%	2.9
<b>Not RC, in institution, not abused</b>	565	510	1.50%		34		1.36			
<b>Not RC, not in institution, abused</b>	2936	2345	6.90%	531	431	0.86	5.37	2.1%	0.11%	11.3
<b>Not RC, not in institution, not abused</b>	17504	18963	55.80%	479	551	1.21	61.52			
<b>Total selection size</b>	34234	33984		2482	2355		100.00%			
					abuse under RCC people					
					3.89%					
prevalence after adjustment based on inconsistency research: however after adjustment this sums to 110%, therefore a new prevalence is given alongside (divided by 1.10)										
no statement can be made for groups 2, 4 and 6, about which there was no main research, therefore we leave them as they emerged from the screening. The prevalence figures for groups 1, 3, 5, 7 and 8 are subject to this uncertainty.										
prevalence after adjustment (percentages divided by 110%)										

### Appendix 3

#### Selection of reports for research, nature and scale

Notifiers eligible for questionnaire (N=883)

Notifiers with an e-mail address (N=836)  
Added to list by administrative support team (N=4)  
- 3 reports of uncertain nature through media  
- 1 report apparently received through the Samson Commission

Excluding (N=47)  
- 42 reports with no e-mail address  
- 5 reports that appeared eligible for a questionnaire only after the selection

Nonresponse (N=241)

840 notifiers approached through TNS NIPO

Completed questionnaires (N=599)  
Response 71.3%

## **ANNEXE**

Memorandum about similarities and differences in the approach of the Samson Commission and the Deetman Commission (date: 1 April 2011)

The Samson Commission and the Deetman Commission are both conducting inquiries into the sexual abuse of children. The Samson Commission was formed by the Ministry of Security and Justice and the Ministry of Health, Welfare and Sport and is concerned with children in public authority juvenile care institutions. The Deetman Commission's Inquiry is on behalf of the Roman Catholic Church and is concerned with sexual abuse committed by representatives of the Roman Catholic Church. Although there are many similarities in the methods of the two commissions, there are also clear differences. Set out below are the similarities and differences with respect to (1) the research object, (2) the definition of sexual abuse and (3) the research methods, as determined in a meeting between Prof. C.C.J.H. Bijleveld (Samson Commission) and Prof. H.L.J.G. Merckelbach (Deetman Commission) on 18 March 2011. There was liaison on the two professors' findings with the chairs of both commissions, and the findings may be presented in both final reports.

### *Object of research*

The Samson Commission Inquiry is concerned with children placed in public authority juvenile care institutions between 1945 and 2010, and specifically with sexual abuse that occurred in that setting; possibly by care staff, but possibly also by fellow group members. The object of research of the Deetman Commission is the sexual abuse of minors by representatives of the Roman Catholic Church between 1945 and 2010.

### *Definition of sexual abuse*

The Samson Commission is reporting on 'hands-on' sexual abuse, or, in other words, events that involved physical contact between the perpetrator and the child. The Deetman Commission inquiry is also considering 'hands-off' sexual abuse, in which there was no physical contact. The differences in definition have to do with the different terms of reference and the opportunities available to the commissions for making substantiated statements in the inquiry based on scope, location and the backgrounds of children. It was concluded that although the Samson Commission has given some attention to other groups and the Deetman Commission has investigated some other forms of sexual abuse, the same core of identical behaviours and abuse situations are being investigated.

### *Research methods*

Various parallels and differences in research approach are given below.

### *Method of establishing current prevalence*

For the 2008-2010 period the Samson Commission has performed a prevalence study and it is possible to give firm numbers. The method resembles that of the National Prevalence Study for the Abuse of Children and Juveniles. The figures can therefore also be set against the national picture. The majority of the reports received by the Deetman Commission relate to episodes in the relatively distant past. A substantial part of this Commission's analysis will therefore be concerned with matters in the past (but that still have repercussions in the present).

### *Method of establishing past prevalence*

For the period between 1945 and 2007 the Samson Commission is attempting to give a lower limit. The use of this lower limit was prompted by prudence (certainty that it is actually higher, but definitely not lower). It will be stated that the actual prevalence will be higher, but that unambiguous reconstruction is no longer possible because of the limitations of memory, victims being unable or no longer able to report, and the sparse documentation. The Deetman Commission

will attempt to produce a reasoned estimate of the scale of sexual abuse within Roman Catholic institutions. It will do so by means of the integrated study of reports, data from Kaski (a centre of expertise on religion and society at the Radboud University in Nijmegen), data from archive research and the results of a large-scale survey.

#### *Conclusions and recommendations*

The nature of the Samson Commission's inquiry is explorative. Based on the outcome, the Commission will attempt to answer questions about the nature and scale of sexual abuse and the reactions of the persons responsible. The Samson Commission will also adopt a position on the question of improvements that are needed in juvenile care institutions in order to reduce the risk of sexual abuse. The Deetman Commission will also provide an answer based on research data to the question of the nature and scale of the abuse. Furthermore, the Deetman Commission will examine whether the structure of Church organizations has in any way contributed to the problem of sexual abuse within the Roman Catholic Church.

#### *Legal investigation*

A separate investigation is being conducted into criminal law aspects and changes in sexual offences legislation. The output will be used by both commissions.

#### **NOTES**

1. A bibliography is given following the notes.
2. The second report of the John Jay College (Terry *et al.*, 2011) relies on several pre-existing sources of data. This report was published in May 2011 and had no role in the Commission of Inquiry's choice of research design.
3. Commission to Inquire into Child Abuse (CICA).
4. Belgian House of Representatives, *De behandeling van seksueel misbruik en feiten van pedofilie binnen een gezagsrelatie, inzonderheid binnen de Kerk, 31 March 2011*. See also: *Adriaenssens, P., Verslag activiteiten Onderzoekscommissie voor de behandeling van klachten wegen seksueel misbruik in een pastorale relatie, 10 September 2010*.
5. The order in which the steps are given does not correspond with that of the sources in Chapter 3 of the Commission of Inquiry's final report, but reflects the chronological sequence.
6. See: [www.onderzoekrk.nl](http://www.onderzoekrk.nl).
7. The Exceptional Sex Offences National Expertise Group was formed by the Board of Procurators General. See: Nierop, N. & Van den Eshof, P., 'Herinneringen: continu, sluimerend, hervonden of gelogen? Ervaringen van de Landelijke Expertisegroep Bijzondere Zedenzaken', *Tijdschrift voor Psychotherapie*, no. 36, pp 148-170 (2010).
8. Health Council of the Netherlands, *Omstreden herinneringen*, Publication no. 2004/02.
9. Ibid. p 33.
10. Nierop & Van den Eshof, 2010.
11. Ibid.
12. 'Methode-Deetman nodigt uit misbruik aan te dikken', *Trouw* (2 October 2010).
13. In October 2010 the Commission of Inquiry announced that reports would be accepted until 1 December 2010. The reports received by the Commission of Inquiry after 1 December 2010 were recorded in the same way as the spontaneous reports but, unlike the reports made before 1 December, were not included in the statistical analysis. These details were posted on the websites of the Commission of Inquiry and *Hulp & Recht*.

14. Seventy-five (6.3%) of the 1197 reports of sexual abuse of minors after 1945 in the Roman Catholic Church were also relevant for the Samson Commission. This is 3.7% of the total number of received reports. The Commission of Inquiry transferred these reports, with the notifier's consent, to the Samson Commission.
15. See: Commission of Inquiry into sexual abuse in the Roman Catholic Church, *Naar hulp, genoegdoening, openbaarheid en transparantie. Een onderzoek naar en advies over het functioneren van de kerkelijke instelling voor hulp aan en recht voor slachtoffers van seksueel misbruik in de Rooms-Katholieke Kerk in Nederland*, 9 December 2010.
16. See: [www.randomizedresponse.nl](http://www.randomizedresponse.nl). This method focuses on measuring the prevalence of rule breaking, such as social benefit fraud (Lensvelt-Mulders *et al.*, 2006), or other socially undesirable behaviour, such as alcohol or drug usage or criminal behaviour (Lensvelt-Mulders *et al.*, 2005). Lensvelt-Mulders, G.J.L.M., Hox, J.J., van der Heijden, P.G.M., Maas, C.J.M., 'Meta-analysis of randomized response research', *Sociological Methods & Research*, no. 33, pp 319-348 (2005). Lensvelt-Mulders, G.J.L.M., van der Heijden, P.G.M., Laudy, O., van Gils, O., 'A validation of a computer-assisted randomized response survey for measuring fraud in social security', *Journal of the Royal Statistical Society, Series A* no. 169, pp 305-318 (2006).
17. See also Chapter 1 and Chapter 3 of the Commission of Inquiry's final report.
18. See: [www.nidi.nl](http://www.nidi.nl).
19. TNS NIPO, *Onderzoeksverantwoording, 19 July 2011, and: Tabellenrapport. Onderzoek voor de commissie Deetman*, October 2011. Both documents are posted on [www.onderzoekr.nl](http://www.onderzoekr.nl).
20. See: TNS NIPO, *Onderzoeksverantwoording, 19 July 2011*. The TNS NIPO software, known as Diana, was run several times to align the values of background variables that were found as much as possible with the ideal background variable values, by means of the random iterative method. The result is a weight for each respondent.
21. Specific weighting factors for each variable cannot be given because each respondent was assigned a weighting factor based on a combination of variables.
22. 40-44: 15.8%, 45-49 years: 15.5%.
23. 50-54: 14.1%, 55-59 years: 13.2%.
24. 60-64: 12.7%, 65-69 years: 9.1%.
25. 70-99: 19.7%.
26. Answer categories: no, none of these; yes, in a children's home or orphanage; yes, at a day school (external) in a boarding school for primary education; yes, at a private school or boarding school (residential) for primary education; yes, at a boarding school for special needs primary education; yes, at a boarding school for education of a special group (e.g. blind or deaf children); yes, at a private school or boarding school for secondary education; yes, at a seminary.
27. This response rate of 70% was lower because of the 19-day opening period of the questionnaire, which was for planning reasons.
28. See note 18.
29. The values of Cronbach's alpha for bsi-18 were good, varying from 0.92 in the survey to 0.95 in the questionnaire survey of notifiers. These values mean that the instrument can be used reliably on group level.

30. The psychometric characteristics of the Dutch language bsi-18 were investigated on the basis of the available Dutch data, and are provisional. (E. De Beurs, *Brief Symptom Inventory – bsi. Dutch language edition – revised version/second edition*, p 10 (2011).
31. The values of Cronbach's alpha for the specific symptoms experienced throughout life were good, varying from 0.90 in the survey to 0.92 in the questionnaire survey of notifiers.
32. The values of Cronbach's alpha for the four Wildman items varied from 0.56 in the survey to 0.73 in the questionnaire survey of notifiers.
33. The Commission of Inquiry added four notifiers from outside these two groups to the file, bringing the total number approached in the group of notifiers to 840.
34. Both primary and secondary respondents. These 836 were out of the 2551 respondents who completed a questionnaire.



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## ARCHIVE RESEARCH METHODOLOGY

## **1 General**

### **1.1 International comparison of archive research**

This appendix presents the Commission of Inquiry's archive research methodology. The research is concerned with archives held by ecclesiastical organizations and organizations that have no connection with the Roman Catholic Church.

The historical research performed by the Commission of Inquiry sets it apart from other commissions that have been charged with investigating the sexual abuse of minors. These other commissions were either unable to perform historical research (i.e. the Adriaenssens Commission in Belgium)<sup>1</sup> or their research was based mainly on reports of incidents (i.e. the Ryan Report, Murphy Report and Cloyne Report, all of which were concerned with Ireland),<sup>2</sup> or they had to suffice with documents retrieved from archives by the organization under investigation (Zinsmeister about the Jesuits, Aloysius Kolleg in Bad Godesberg).<sup>3</sup>

In the United States the second part of the John Jay College report of its large-scale criminological investigation was published in May 2011. The investigation was based on self-reporting by dioceses and major superiors. The findings immediately drew strong criticism.<sup>4</sup> First because it plainly viewed the sexual abuse of minors as a historical phenomenon and – by implication – a thing of the past. Second because its main explanation of the observed peak in the frequency of this abuse, between the end of the 1960s and 1985, was the general cultural and social blurring of moral standards in the 1960s.

This second investigation report of the John Jay College was not based on actual archive research, but on an analysis of existing socioscientific databases, numerous surveys, interviews with perpetrators, victims, people with administrative responsibility and counsellors, data from and interviews connected with a large-scale study from 1971 into the psychology of American priests, and analyses of perpetrators' and non-perpetrators' clinical files released to the study by three treatment centres. As explained below, the archive research performed under the responsibility of the Commission of Inquiry also drew on other sources.

The historical research performed under the responsibility of the Commission of Inquiry focused on documenting:

the nature and circumstances of the relevant sexual abuse (1945-2010) (what were the scale, nature and circumstances?);

the knowledge of and attitudes toward the sexual abuse of minors among people with administrative responsibility and the policy pursued in the stated research period (how much did church officials know about the sexual abuse and what were the prevailing attitudes between 1945 and 2010?);

the structures of responsibility, supervision and sanction within the Roman Catholic Church in the Netherlands (1945-2010) within which the sexual abuse of minors was raised and handled (what structures were in place?);

the post-war communication culture in Roman Catholic circles and how it has changed. This communication culture has been characterized in the media and elsewhere as a 'culture of silence', with the inference that this culture is specific to the Catholic community and determined by the dominance of the clergy and members of a religious order or community over that community (what were the ins and outs of the post-war communication culture within the Roman Catholic Church in the Netherlands, and how has it changed?).

### **1.2 Constraints**

The archive research methods have been subject to constraints.

It is not possible to make any claim of completeness in respect of the research. The Commission of Inquiry has made choices consistent with the research objective. The archive research was oriented to acquiring qualitative data that illuminate the nature of the investigated abuse, the setting in which it took place, the terms in which this setting of sexual abuse was expressed, the (dissemination and exchange of) knowledge about sexual abuse and the structures of supervision, responsibility and sanction in which action was or was not instituted, and the matters handled. There was no aim for completeness; completeness could have been achieved only by investigating, under the responsibility of the Commission of Inquiry, all the archives of all the orders and congregations. These investigations would have demanded much more comprehensive and long-term research.

Information from archive research in respect of some of the reports is needed in order to check, supplement, or corroborate the factual allegations. This is necessitated by the substantial empirical problems that attach to the reports as a source of research. Memory is an unreliable guide, certainly where events from many years ago are involved. Not everyone is favourably inclined to raking up details of a painful past. Another possibility is that – for whatever reason – some of the people who made reports were not actual victims. There are therefore reasons to suspect both under-reporting and over-reporting.

Another constraint relates to the availability of information and documentation in archives.

On 18 December 2011 *NRC Handelsblad* reported that the Diocese of Den Bosch had ‘caused sex files to vanish’.<sup>5</sup> It was alleged that there were ‘definite signs of purging in the ecclesiastical archives in the Netherlands’. The article quoted former Bishop Bluysen as saying ‘I threw it away. It was over; the cases had been dealt with.’ There was also said to be no point in the Commission of Inquiry interviewing the former bishop, because, ‘I will not comply with a request of that kind. I can’t remember much about it, anyway.’

The former diocesan archivist added ‘Deetman can come, but he will get nothing. And he won’t find anything left in the archive.’ An expert consulted by *NRC Handelsblad* said there was ‘no doubt’ that other Church archives in the Netherlands would have suffered the same fate. *NRC Handelsblad* saw little point in archive research. ‘Historians had given warning earlier that Deetman would find little incriminating material in the archives,’ according to *NRC Handelsblad*.

To leave no room for misunderstanding about the willingness of bishops and religious superiors to cooperate with archive research, the chairman of the Conference of Bishops issued the following statement on 18 December 2010:

‘The bishops promised their full cooperation in the declaration of the Conference of Religious in the Netherlands and the Conference of Bishops of 11 May 2010’. They further promised to endeavour ‘without reservation’ to ensure that the *Commission of Inquiry* ‘gains access to all relevant information’. The bishops and all former bishops duly declare their willingness to talk with the Deetman Commission researchers. Related agreements have been or will be made in the near future.

In line with the declaration of 11 May all archivists and their staff were subsequently instructed

to do all in their power to provide the Deetman Commission with all relevant information. Former employees no longer have an employment relationship with the dioceses, although dioceses are doing all they can to persuade them to cooperate in full.

As is usual with all archives, Church archives also destroy files at certain times, for example because retention periods have lapsed. Upon the formation of the Deetman Commission all archivists were instructed to suspend the routine destruction of sections of archives.

After 1983 any documents of criminal cases concerning moral matters should have been destroyed only in compliance with Canon 489 § 2 of the Code of Canon Law of 1983.

Consequently the full factual summaries and the final judgements of these documents are still on file. Where these files are applicable to the sexual abuse of minors they will be made available to the Deetman Commission as a matter of course.<sup>6</sup>

### **1.3 The importance of archive research**

The data obtained from archive research are important in the empirical determination of the nature and severity of the abuse. The role of historical investigation in this process is to supplement and check other data (in particular the reports made to the Commission of Inquiry and data with the reports from *Hulp & Recht*).

A second function of archive research is to acquire qualitative and other data about administrative responsibility and the handling of sexual abuse cases. These data are needed to put the Commission of Inquiry in a position to answer the research questions about awareness, administrative treatment, handling and internal communication. Furthermore these data enable the Commission of Inquiry to weigh up information obtained in interviews with administrators, (major) superiors and perpetrators, and to place it in the correct context.

The Commission of Inquiry has investigated parts of the archives of all Dutch dioceses, and has also investigated a selected number of archives of orders and congregations. The selection was based on reports made to the Commission of Inquiry, *Hulp & Recht* and various media. Some archived documents led to the consultation of non-ecclesiastical collections: archives of judicial bodies, psychiatric institutions and public authorities.

The exceptional significance of the Commission of Inquiry's archive research resides specifically in the unique opportunity to combine data from the above archives, which are not fully open, if at all, for scientific research.

The dioceses constitute administrative units that functioned in increasing mutual autonomy in the course of the research period. Autonomy was at any rate the guiding governance principle within the Dutch ecclesiastical province, on which every bishop could rely. This governance structure justifies the separate investigation of each diocese.

Bishops also bore and bear responsibility for certain categories of religious members, which is why the dioceses formed archives about religious orders and congregations. These congregations were not restricted to the 'congregations of diocesan right', which fall under the responsibility of the local bishop. A bishop's responsibilities also extend to religious priests of other orders and congregations that operate or operated in a diocese with the mission of the bishop concerned. This entwinement of responsibility and administration between the bishop and the religious community is conspicuous in the individual diocesan archives, all of which the Commission of Inquiry has examined.

The Commission of Inquiry has investigated the archives of two diocesan tribunals: of the Archdiocese of Utrecht and of the Diocese of Den Bosch. This investigation is relevant for establishing whether church officials applied canon criminal law in the administrative handling of the sexual abuse of minors, and the associated results. The archdiocese was selected because it is at the 'heart' of the ecclesiastical province, with a well-trained, relatively strong management, which until the 1970s was also responsible for the training of canonists. The second diocese was selected for the purpose of comparison. It is a large diocese in the south of the Netherlands.

Archive research was also performed under the responsibility of the Commission of Inquiry in orders and congregations, which are also entirely or partially autonomous, of each other and of the bishops in the Dutch ecclesiastical province. The findings, evaluation and conclusions of the historical research rely on the subsidiary investigations specified below.<sup>7</sup>

These subsidiary investigations focused on 'hot spots'. The Commission of Inquiry defines a hot spot to be a community or location about which twenty-five or more spontaneous reports were made to the Commission of Inquiry and received through *Hulp & Recht*. Besides the hot spots the Commission of Inquiry took as the fifteenth order or congregation to be included in the research the institute that came closest to the limit of 25 reports, and one of the many frequently mentioned congregations of sisters.

#### LIST OF HOT SPOTS

Communities with 25 or more reports. The number of reports is shown in brackets.

- 1 Brothers of Tilburg (122)
- 2 Brothers of Maastricht (101)
- 3 Brothers of Charity (92)
- 4 Salesians (86)
- 5 Franciscans (OFM) (54)
- 6 Brothers of Utrecht (45)
- 7 Jesuits (39)
- 8 Priests of the Sacred Heart of Jesus (38)
- 9 Brothers of St. Louis (37)
- 10 Brothers of Huijbergen (35)
- 11 Brothers of the Poor of St. Francis (Bleijerheide) (28)
- 12 Brothers of Dongen (27)
- 13 Brothers of the Christian Schools (25)
- 14 Brothers of Amsterdam (25)
- 15 Congregation of the Blessed Sacrament (19)

List of congregations of sisters about which reports have been made:

- 1 Sisters of Our Lady of Tegelen (10)
- 2 Sisters of Providence (9)
- 3 Sisters of the Poor Child Jesus (PJJ) (8)
- 4 Sisters of Charity of Our Lady, Mother of Mercy (SCMM) (7)



- 5 Sisters of Our Lady of Amersfoort (7)
- 6 Franciscan Sisters of Heythuysen (6)
- 7 Dominican Sisters (OP) (5)
- 8 Sisters of Choorstraat (Daughters of Mary and Joseph) (5)
- 9 Sisters of the Sacred Heart (5)
- 10 Sisters of Mercy (5)

#### **1.4 Access to and accessibility of the archives: some additional remarks**

As also stated in the main text of the final report of the Commission of Inquiry, there was significant initial scepticism about access to and the accessibility of the archives. There were warnings from the media and academic circles of large-scale, possibly systematic, purging of archives.<sup>8</sup> At the start of the Commission of Inquiry's work on 10 August 2010, all the bishops were sent a letter requesting them to refrain from destroying archive material for the duration of the Inquiry. A similar letter was sent on 10 August 2010 to the Minister of Justice requesting the Public Prosecution Service and the judiciary to refrain from the destruction of documentation relevant to the Inquiry. Shortly afterwards a similar request was sent to all orders and congregations about which reports of sexual abuse of minors had been brought to the Commission of Inquiry's attention.

Earlier research in the archives of more than two-hundred orders and congregations that had performed missionary work from a base in the Netherlands had revealed various matters of relevance for the Inquiry into sexual abuse within the Roman Catholic Church.

The archiving provisions in the *Codex Iuris Canonici* and the subsequent Code of Canon Law of 1983 were scarcely observed. However, these codes gave only a limited framework within which church officials were to compile archives. Some matters were not covered by regulations at all. It is striking in this connection that there are no rules for the assessment and selection of documents, with the exception of a few provisions about the secret archive.<sup>9</sup> Therefore, every administrative unit (diocese, order or congregation) could pursue its own policy which, as far as it has been possible to establish, were not set down in regulations or resolutions. Guidelines in rules and constitutions often make no mention of archive management. The resulting enormous diversity in archive policy does not imply that no policy existed, and that people just muddled along. In practice policy developed even in the absence of rules.

An important motive for orders and congregations to form and retain archives is to demonstrate for posterity what had been achieved. The mission is an important part of this. They were and still are proud of the foreign peoples that have been won for the Catholic faith. They are happy to display photos of the churches, chapels, schools and hospitals that have been built. What the leaders, and in their wake the archive controllers, viewed as detrimental to the image of the order or congregation, such as files about failed projects and black sheep, were removed as soon as possible. The impression is that there was no difference in this respect between congregations of priests and brothers, of brothers, or of sisters. However, it would appear that sisters had a greater tendency to keep the archive clean. The drive to keep records and look back with pride also explains why it is common for multiple chronicles and monographs to have been written about the history of one order or congregation.

There was almost no systematic archiving in the pioneering period shortly after an order or congregation was formed. At that time the governance and administrative structures, such as rules and constitutions, had yet to be approved by the ecclesiastical authorities. The authorities concerned would usually be Rome or the bishop of the diocese in which the congregation was founded or based. For example, minutes of administrative meetings and chapters, if any were held, are often absent. The start of the phase of consolidation and growth would coincide with an increasing flow of funds, and the order or congregation would acquire buildings, which create the

need for archiving. This would often be the moment at which sound financial accounts were introduced. It was often only in the twentieth century that proper registries for archiving incoming letters and copies of outgoing letters were created. For example, until 1925 the Franciscans, a large and ancient order, discarded incoming letters once they had been handled.

At any rate in the Netherlands, an awareness that arose somewhere between 1960 and 1975, that a given order or congregation was dying out, boosted the concern for archives, recognizing that soon only the archive would remain. The archive gains even more significance when it is seen as an independent monument that embodies the history of a religious community.

Two different approaches can be seen in dealing with personal files and personal legacies. A minority of the orders and congregations opts to give these files to the family after death, in which case a researcher will find nothing in the archive. However, most archives of orders and congregations contain both personal files and files with bequeathed papers and photos. The first category, which is in fact the real personal files, will have been opened by the congregation or its archivist, whereas the second category will have been compiled by the person concerned and transferred to the archive after his or her death. Sometimes, as the incumbent archivist of the Friars Minor (Franciscans) explained, the two files are combined after death. The personal files mainly comprise formal documents: an extract from the baptismal register, a certificate of good conduct, a record of vows, an admission to ordination, teaching qualifications, certificates, a will, a prayer card, a burial permit, as well as administrative correspondence with and about the person. Both types of personal files are referred to when writing an obituary. Sometimes, as in the case of the Carmelites in Boxmeer, access to the obituary is created and stored in a database. The files may be extremely extensive, as are those of the Society of African Missions, which include both formal and more personal documents, such as memoirs, letters about experiences and problems, and diaries of day-to-day events.

Orders and congregations attach great value to personal files. The motive derives from the above-mentioned desire to create a monument. They want to set down who were their members and what they achieved for the order or congregation. A meticulously managed archive will be clearly organized, with a proper inventory and good material care, but will also have been subject to a strict selection process to remove any stains. However, the selection and destruction of documents in this latter type of archive may easily lead to retouching and embellishing the past.

Despite the purging that has taken place in the archives – sometimes, but not always, in accordance with a documented archive policy – the Commission of Inquiry was surprised by the wealth of information they found in the church archives. The Commission of Inquiry was duly obliged to extend to mid September 2011 the archive research that started in the spring of 2011 and was scheduled to complete in mid August 2011. The extended period also posed problems. The last reports related to the archive research were completed in mid October. However, sporadic research continued in the secret archive of the Archdiocese of Utrecht and the generalate of the congregation of the Salesians of Don Bosco in Rome even after this new ‘deadline’.

At the start of the research the Commission of Inquiry submitted to its principals a protocol for confidentiality and a covenant for the execution of its archive research. The protocol and the covenant are given in an annex to this appendix.

The Commission of Inquiry was able based on this protocol and covenant to photocopy documents of a personal and confidential nature (such as personal files) on the condition that they be returned at the end of the research. This approach expedited the research process. The Commission of Inquiry kept a register of the returned copies stating their nature and number. For the sake of clarity it is observed that archive research at the Public Prosecution Service, for example, was restricted to

making notes. The Commission of Inquiry therefore does not view the approach of subsequently returning copies as in any way restrictive.

Access to the 'secret archives' likewise did not meet with objections. Six of the seven dioceses have a 'secret archive'. The Diocese of Breda has no secret archive. The nature and sizes of the 'secret archives' vary substantially. The 'secret archive' of the Diocese of Groningen-Leeuwarden consists of two cardboard archive boxes. The 'secret archive' of the Diocese of Roermond is kept in a safe and the archive has an inventory. According to the inventory the 'secret archive' is complete. The 'secret archive' has not been purged since 1853.

### ***1.5 Report of the subsidiary investigations***

The reports of the Conference of Bishops and the seven dioceses are presented in sequence below, followed by the investigations of the orders. Finally, the investigations of the congregations are presented. The sequence adheres to that of the Pius Almanak 2011. A statement of the method of handling the archives of other organizations and institutions is given where appropriate. Alongside the extensive research in archives the Commission of Inquiry also performed several – more limited – investigations, mainly to ascertain how well information from archives corroborates the reports.

Finally on 15 July 2011 for the purpose of verification the Commission of Inquiry submitted to the dioceses, orders and congregations the names of perpetrators given in the reports. Also addressed below is research into the archives of *Hulp & Recht* and organizations unconnected with the Roman Catholic Church. This appendix concludes with the Commission of Inquiry's account of its involvement with the inquiry conducted by Dr D.W. Steenhuis.

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## **2 Extensive reports of archive research**

### **2.1 *The Conference of Bishops***

The Commission of Inquiry referred to the agendas and minutes of the meetings of the Conference of Bishops and inspected the underlying documents. No restrictions were imposed on the perusal of the minutes and the underlying documents at the administrative support department of the Roman Catholic Church.

### **2.2 *The Archdiocese of Utrecht***

#### *2.2.1 Archiving authority/archive compiler*

The archive that was the subject of research has been formed by the archbishops of Utrecht since the restoration of the Roman Catholic hierarchy in the Netherlands in 1853. This archive is not to be confused with the archives of the Old Catholic Church of the Netherlands, which date back to the first archbishop appointed without papal mandate after the Reformation in the Netherlands in 1723. Other archives that might be assumed to contain information relevant to the present inquiry are those of the minor seminary in Apeldoorn and the major seminaries in Dijnseburg and Rijsenburg. However, no direct information was found there about sexual abuse in these institutions (about which several reports had been made). These archives accordingly played hardly any role in the research. Likewise, no signs of sexual abuse by clergy within their domain were found in the accessible parts of the archives of the deans that had been deposited in the Utrecht Archive, although other sources refer to the deans' occasional active involvement in the handling of abuse allegations. This tends to suggest that many cases were handled by telephone or some other oral means. In these cases, it is only possible to infer from records of the transfer of parish clergy that there might have been an issue that made the transfer desirable. However, it is impossible to be sure without confirmation from other sources.

The archive of the judicial vicar of the archdiocese was also inspected, at least in respect of the cases involving priests.

#### *2.2.2 Cooperation of the authority concerned*

The cooperation from the diocese was good. All sources were available for inspection. Access to the secret archive was allowed only to the Chairman of the Commission of Inquiry and Prof. J.T.M. Bank, a member of the Commission of Inquiry's archive research team.

#### *2.2.3 General features and particulars of the archive*

##### *Section of the Utrecht Archive*

The oldest section of the archdiocesan archive was relocated in the 1970s to the State Archives in Utrecht. The State Archives and the Municipal Archives of Utrecht were later combined into a new archive service, the Utrecht Archive (UA).

The section held in the UA is arranged in accordance with the filing system in which files are described in alphabetical order of keywords. This section comprises the documents from 1853 until approximately 1967. Access by reference to a container list is convenient, albeit that the system of keywords is sometimes rather arbitrary (see 2.2.4). The UA also holds the archives of the major seminary in Rijsenburg for 1857-1967, which retains some privacy-sensitive sections with information about Dijnseburg students, and of the minor seminary in Apeldoorn, which until 1935 was based in Culemborg, and closed in 1973. It furthermore holds the archive of the deanery of Culemborg/Wijk bij Duurstede, which continues to 1967.

### *Archdiocese Maliebaan 40*

The archive that was formed after 1967 is located on Maliebaan. It is arranged in accordance with a predesigned plan, whereby descriptions did not always lead to an archive folder with any contents. The archive of the judicial vicar is stored separately.

Consultation of the documents was hampered somewhat because the numbering scheme of the arrangement was not indicated on the archive boxes stored in the archive room. It was therefore necessary to hazard a guess as to which would be the right box (which at least are correctly sequenced).

The personal files are also held separately. A distinction is drawn between the files of deceased and living priests and pastoral workers.

The section of the archdiocesan archive with the minutes of the Conference of Bishops is relevant to the entire ecclesiastical province. This body, usually presided over by the archbishop, discusses and defines policy collegially for problems that affect all dioceses. The minutes of the Conference of Bishops are held by the administrative support department of the Roman Catholic Church in Utrecht, and were studied and analysed individually as part of the Commission of Inquiry's research.

The Commission of Inquiry was also allowed to inspect the diocesan secret archive, in which it found one case that it did not find in archives elsewhere, and which probably involved the sexual abuse of at any rate two minors of both sexes. The case concerned was of a religious priest who worked in the archdiocese (but was not incardinated there) whose position was controversial because of his opposition to modernization in the Church. The controversy made the case especially sensitive. The Commission of Inquiry also encountered a few other files that referred to priests who had maintained voluntary or involuntary sexual relations with minors. Two of these cases were concerned with well-known priests, which is probably why they are in the secret archive.

#### *2.2.4 Condition and accessibility of the archive*

The material condition of the archive was such that it imposed no constraints on searching for information.

The accessibility of the diocesan archive was hampered somewhat at the time of the research because there was no access to the old UA site on Alexander Numankade. For a period of one year, services were provided to the researchers at a temporary site elsewhere in the city. While it was possible – to a limited extent – to request documents, most of which were still in the depots, the research was seriously impeded because they could be retrieved only once a day. This situation could be alleviated somewhat in that one of the two researchers had access to the depots when the requested documents were collected or returned.

#### *2.2.5 Destruction policy and practice*

Nowhere was a written document found with guidelines for periodic destruction of certain categories of archived material. Neither were there any direct signs of anything having been destroyed. Nonetheless, the absence of written material in certain known cases of abuse does raise the suspicion that, whether deliberately or inadvertently, the occasional letter or note had been left out of the archive, perhaps because it was personal correspondence. However, there was no evidence of systematic destruction.

#### *2.2.6 Types of material found to be relevant*

No special files of cases of sexual abuse were found, nor of the cases that were brought to court. This means that sexual abuse, if it was revealed, was indeed viewed as a problem, but dealt with in an ad hoc fashion rather than being handled as requiring special attention. Only in the 1950s was the

issue of 'neurotic' or 'psychopathic' priests viewed as a problem of the time and discussed as such within the Conference of Bishops and in dialogue with the religious orders. This is reflected in the archiving. For instance, the archive section before 1967 has a file with documents about 'social and psychological' support given to priests between 1954 and 1966 (inventory no. 1405), including documents about the deliberations on the report made by pastor Bless, albeit that the individual cases of abuse are not mentioned. However, there was no file of this kind for the period after 1967.

The most important information source for specific cases of abuse was the reports made by victims to *Hulp & Recht*, and the archdiocesan personal files. An obvious disadvantage of the *Hulp & Recht* reports is the length of time that has passed since the reported events, but where there are multiple reports about the same offender, an identifiable pattern often emerges, leaving little doubt about the accusations. This is clearly the case with u3, a parish priest in Arnhem and later in Albergen, whose numerous sexual escapades with altar boys follow a clear set pattern in his victims' descriptions.

The personal files provide information about the civil status, education and transfers within the diocese, as well as any 'incardination' or 'excardination' of religious priests into or out of the archdiocese. Preliminary research performed by two former parish priests made it possible to preselect the files of priests about whom suspicion of abuse existed. Although it cannot be ruled out that an occasional case may have been overlooked, we believe this information source to have been fairly exhaustively utilized. The files of everyone who was the subject of a *Hulp & Recht* report were retrieved and inspected. Rarely did it happen that no personal file was found in the archive. One case of this kind was of an oblate who assisted in a parish in Zevenaar in the early 1960s. The only information about him was in a letter from his provincial, which came to light under a different inventory number, in which he requested Cardinal Alfrink to grant the oblate power of governance. Another case was a Salesian brother who was consecrated as, and acted as, an acolyte in Oldenzaal, from which position he was dismissed in 2010.

It might be assumed that there would also be information about sexual abuse in the decanal archives and in correspondence between the deans and Maliebaan. After all, the deans directly supervise the parochial clergy, reporting their findings from annual visitations to the archbishop or his vicar general. However, what these sources had to offer in this respect fell far short of expectations. The correspondence scarcely or never mentions either deviant sexual behaviour or any corrective measures taken. At most there are indirect comments about difficulties encountered by certain priests at certain times. The letters from deans about deviant behaviour of clergy probably ended up in the personal files of the priests concerned. At any rate, traces are evident in the personal files. Other cases will have been handled orally, with no more than a memo at best as documentation. For instance, no record was found on deanery level of one parish priest who was responsible for a conspicuously large number of victims. There are signs nonetheless that Dean Van Rossum of Arnhem must have known something. According to former Vicar General Vermeulen, Dean Wighorst of Raalte, in whose district the church of Albergen is situated, was also aware of this parish priest's conduct with altar boys. There is corroborating evidence in a decanal memo in response to a letter from his housekeeper to archbishop Simonis, yet there is nothing on the subject in the correspondence of the deans.

Consideration was also given to investigating the archives of parishes where reports of abuse have become known, but this action was deemed unworkable because parochial archives are distributed among local archives or in loco. A sample of the archives held in the UA did not yield a satisfactory result.

### 2.2.7 *Supplementary research in other archives, if any*

Reference was made mainly to the archdiocesan archives for the sexual abuse cases that have

come to light. While some research was performed in other archives (of deans and seminaries), they yielded little of relevance. Some incidental supplementary data were provided by other parties, in particular in respect of members of religious congregations who performed spiritual counselling in the Archdiocese of Utrecht.

#### *2.2.8 Interviews related to archive research*

The researchers interviewed the parish priest Dr P.A.G. Rentinck, formerly vicar general of the archdiocese, and Monsignor (Mgr.) A. de Kok, auxiliary bishop from 1982 to 2005. The Commission of Inquiry interviewed the above two persons as well as Cardinal Simonis and the former vicar general Dr A.J. Vermeulen.

### **2.3 The Diocese of Breda**

#### *2.3.1 Archiving authority/archive compiler*

The archive that was the subject of research has been formed by the bishops of Breda since the restoration of the Roman Catholic hierarchy in the Netherlands in 1853. There are also records in the diocesan archive from before 1853, from the time of the Vicariate Apostolic, or of the Diocese of Antwerp, but they played no part in the research. The collections compiled by the personnel officer N.A. Nooren and P.B. Don (1995), who taught at the minor seminary of Ypelaar and was dean of Oosterhout, may be considered to be deposited archives of the diocesan archive.

Besides the archived documents received by and drafted by or on behalf of the bishop, there are also archives of deaneries, the number of which has fallen in the course of time from thirteen to three. Furthermore the archives of the diocesan minor seminary of Ypelaar and the major seminary of Hoeven were also perused. The Ypelaar archive is held in the bishop's residence, and the Hoeven archive in the Breda city archive.

#### *2.3.2 Cooperation of the authority concerned*

The cooperation from the diocese gave no cause for complaint. Mgr. H.C.M. Lommers, chancellor and judicial vicar, provided access to all documents without reservation, including the contents of the secret archive. He personally photocopied all documents as requested without constraint. Full cooperation was also obtained from the city archive on production of the letter of accreditation, albeit that a charge was levied for photocopies.

#### *2.3.3 General features and particulars of the archive*

##### *Breda city archive*

Part of the diocesan archive is held in the Breda city archive and comprises the documents from 1853 until approximately 1965. Access is inconvenient (see 2.2.1.4.). The city archive also holds the archives of the major seminary of Bovendonk 1800-1967, of the deaneries of Geertruidenberg and the Land van Altena prior to 1956 (when they transferred from the Diocese of Den Bosch to the Diocese of Breda) and of Middelburg, which covered the entire province of Zeeland (transferred in 1956 from the Diocese of Haarlem to the Diocese of Breda).

##### *Diocesan Centre Veemarktstraat 48*

The diocesan archive from approximately 1965 is held on this site in two safes. It does not constitute a single entity, but consists of several partial archives, some formed by people or authorities with administrative duties. For the present research the following relevant archives were inspected.

- Archive of the diocesan chancellor.  
This archive can be viewed as the diocesan archive proper.
- Policy memorandums 1962-2000. Container list.  
A mixture of minutes and lists of resolutions. They become more concise as time passes.



- Deceased priests and pastoral workers 1994-2005. An alphabetical list of clergy employed by the diocese and who died after 1994. No files were found of deceased persons from earlier periods, which the current chancellor says is because none were created. However, a card system was retained (and is also kept up-to-date) of all clergy employed by the diocese from 1800 to the present, including religious clergy. The records state the key data about birth, ordinations, appointments and discharge, but without additional explanation.
- Letters of appointment 1967-1998.
- Chapter and decanal meetings 1960-1998. Container list.
- Contacts with religious orders and congregations established in the diocese 1960-1985.

#### *Container list*

This has documents about the dealings of the bishop with the religious communities and houses of the orders and congregations in the diocese. They are mainly about ordinands and pastoral care appointments, as well as departures and, in some cases, dismissals.

- Delegate for religious members of the Diocese of Breda 1969-1988. Container list.
- Minor seminary of Ypelaar.

#### *2.3.4 Condition and accessibility of the archive*

The material condition of the archive was such that it imposed no constraints on searching for information.

The accessibility of the diocesan archive was hampered somewhat because of being split between two locations. The diocese has given custody of the section up to approximately 1965 to the Breda city archive, while the recent section from approximately 1965 is in the bishop's residence on Veemarktstraat. It is divided into multiple subsections, but unfortunately in an ad hoc way rather than in accordance with a general and defined arrangement.

The oldest section, which is held in the city archive, was inventoried in the 1960s in the sequence of chapters of the then current version of the *Corpus Iuris Canonici* (CIC). Whereas the typewritten inventory, occasionally with extensive handwritten additions and changes, does adhere to the sequence of the CIC, therefore with classification numbering, the numbers needed for requesting documents are of the document boxes concerned. As well as causing considerable confusion for the researcher and reading room staff alike, this greatly hampers systematic research. The structure derived from the CIC is modelled on a legal system. However, the archivist uses a different arrangement system based on functionality of administration as viewed by the archiving organization.

The section held in the bishop's residence has no systematically defined arrangement. There is a container list for some sections, but the chancery archive, which is the most extensive section, is a hotchpotch. The records are stored with little system in a large number of suspension files in filing cabinets, some, but not others, with a description of the contents. There is no internal arrangement of the folders. The archivist, who is a retired person, is engaged on documentation, but progress is extremely slow. There is an inventory for one section concerned with the deaneries (i.e. the reports from the deans received by the bishop), but the other records, which are still in the seven filing cabinets, were perused selectively in the time available.

#### *2.3.5 Destruction policy and practice*

There are no written guidelines for the periodic destruction of certain categories of records. There are, however, clear signs that records concerning priests who were involved in sexual abuse have disappeared. These should therefore be taken to include the personal files of diocesan clergy who died before 1994, and several files concerned with individuals (including a marriage case) that were

in the secret archive. Evidence for this conclusion is that during bishop Ernst's period of office the personal files, which according to a statement of the diocese constitute a selective personal archive, were always kept in the bishop's office and that the bishop kept the key to the secret archive, in accordance with canon law. The same statement reports that these files were entered into the existing series of files after his period of office. However, the files concerned must have been of persons who were then still alive, since no files of priests who died before 1994 are to be found there. The only possible explanation is that the files were either all destroyed at the same time at the end of Ernst's period of office, or by Ernst or on his instructions at the time of the death of the priests concerned. There is no direct evidence of the destruction of documents at an earlier stage, or under Ernst's successors. According to the current staff there was never a deliberate destruction strategy for the concealment of incriminating documents.

The Commission of Inquiry made enquiries on this point, to which the diocese responded as follows: 'Bishop Ernst indeed had a selective personal archive in his office. After 1994 (when he left) I – in consultation with my successor Mgr. M. Muskens – entered the records into the ordinary personnel file in the personnel department. Files containing highly personal matters are in the archive in my office. The [Commission of Inquiry] has inspected these. The personal files of living persons are present fairly in full – but there are no files of priests who died before 1994 (except for personal index cards). I think they were never created.'<sup>10</sup>

### *2.3.6 Types of material found to be relevant*

No special files were formed of sexual abuse cases, even of the cases that led to court proceedings. Any material that was found was in the personal files, which, as noted above, were retained only in respect of priests who died after 1994. This situation substantially hampered the research, since this material frequently provides the most direct information about the specific abuse and the perpetrators and victims. It was therefore necessary to base the actual abuse on the *Hulp & Recht* reports and the responses to them by the diocese itself in the complaints procedure. There are also data in the archive sections listed below, which, often indirectly, corroborate a reported case, or might refer to a new, hitherto unknown, sexual abuse case.

Furthermore, these sources also provide data about the context of the phenomenon of abuse in the Roman Catholic Church (e.g. the role of Rome, prevention, handling, and concern for victims).

The contacts with organizations in Rome were particularly fruitful for the research for the period up to approximately 1966, the relevant documents for which are in the Breda city archive (referred to below as Diocesan Archive [DA I]). For the subsequent period, the documents for which are in the bishop's residence (referred to below as DA II), the harvest was less plentiful, which is also attributable to the records from this time onward being spread across folders with many subjects.

### *2.3.7 Supplementary research in other archives, if any*

Almost all the sources used for data about Breda were local to Breda, i.e. the diocesan archives in the city archives and the bishop's residence on Veemarktstraat. Data from other sources were provided either by third parties or were found by chance in the process of research elsewhere. No documents about sexual abuse were found in the archives of the major and minor seminary that were also consulted.

### *2.3.8 Interviews, if any, as part of archive research*

Interviews were conducted with Mgr. H.C.M. Lommers, vicar and diocesan judicial vicar and N.A. Noorden, personnel officer of the diocese between 1968 and 1988. There was also regular contact with W.J.P.M. Brand O.M., who was diocesan archivist for a lengthy period. His main area of knowledge is the historical archives, in particular those prior to the investigated period. He was also able to provide some information about the archive arrangement, to the extent that there was any.

Father Brand is retired and currently engaged on documenting and arranging the chancery archive from approximately 1965, which may be considered to be the actual Episcopal archive.

#### ***2.4 The Diocese of Groningen-Leeuwarden***

The Diocese of Groningen-Leeuwarden has had a secret archive for several years, in the form of two cardboard boxes in the bishop's study. There was no secret archive in the time of Bishop Eijk. The two cardboard boxes contain eight plastic folders with information about the sexual abuse of minors.

The Diocese of Groningen-Leeuwarden has no personal files of priests practising before 1980. There are likewise no reports or documents of the appointments committee before 1970.<sup>11</sup>

The Commission of Inquiry made inquiries about the destruction of the personal files with the current secretary-diocesan chancellor, who in turn made inquiries with his predecessor. His response is given below.

'Is it known whether in the past files of individuals were purged?

Yes.

If so, when? In the event of death?

The files of all student priests in the Diocese of Groningen were purged in the early 1990s.

If so, by whom? The bishop? The chancellor?

The bishop and chancellor together.

If so, were entire files removed, or segregated into documents for removal and documents for next of kin?

Entire files.<sup>12</sup>

#### ***2.5 The Diocese of Haarlem-Amsterdam and the Diocese of Rotterdam***

##### *2.5.1 Archiving authorities*

The archives investigated were of the dioceses of Haarlem-Amsterdam and Rotterdam. The archive of the Diocese of Rotterdam is in the bishop's residence. A section of the Haarlem diocesan archive is retained in the Noord Holland Archive. The archive sections concerned are mainly the older ones, except for the personal files, which were retained with the rest of the archive in the bishop's residence.

##### *2.5.2 Access*

Both dioceses cooperated with the research in full. The main people concerned day-to-day were the archivists of the two dioceses, F. Twisk of the Diocese of Haarlem and P.D. Hoffman of the Diocese of Rotterdam.

##### *2.5.3 Content of the archives*

The archive of the Diocese of Haarlem in particular is extensive, which is understandable in that the Diocese of Rotterdam was formed only in 1956. A significant part of the Haarlem diocesan archive is the chronologically ordered correspondence with and of the bishops. The diocesan archives also contain the personal files of past and present priests connected with the diocese. A special part of the archives is what is known as the secret archive, which is kept in a locked room normally accessible only to the bishop.

##### *2.5.4 Accessibility*

Both archivists, one employed by the diocese part time (Haarlem) and the other full time (Rotterdam) are responsible for archive management. It is to their credit that the archives are very reasonably accessible. It is very important that the former archivist of the Diocese of Haarlem (parish

priest B. Voets) concisely summarized the contents of the long and extensive series of correspondence with and of the bishops in the 1970s and 1980s. He used the summaries for his life's work 'Bewaar het toevertrouwde pand (Keep that which is committed to thy trust)': his history of the Diocese of Haarlem.<sup>13</sup> These resources also facilitated access to these archive sections for research.

#### *2.5.5 Destruction policy and practice*

It was impossible in some cases to locate files or individual documents. The extent of any deliberate policy to destroy sensitive material cannot be estimated. I saw no evidence of this in the Diocese of Haarlem.

In the Diocese of Rotterdam it proved conspicuously impossible to find the investigation report of sexual abuse by one curate. It had probably been destroyed in the early 1990s by the then vicar general.<sup>14</sup> The report of the abuse investigation into a parish priest conducted by the Diocese of Rotterdam in 1994 was likewise not found. After standing down, vicars general seldom or never transferred confidential files to the diocese, and some files were probably purged.<sup>15</sup> In addition the then appointment advisor purged files in the Rotterdam diocesan archive, but the nature of the documents concerned and the underlying policy are unclear.<sup>16</sup>

#### *2.5.6 Other archive sections*

Primarily the secret archives of the two dioceses were relevant for the research, and they brought several hitherto unknown issues to light. A section of the Haarlem secret archive contained the diaries of Bishop Zwartkruis, which at any rate were useful in illuminating his policy on sexual abuse matters. This too was attributable to the means of access provided by parish priest Voets to the correspondence from and with the bishops of Haarlem. The correspondence of the bishops with the congregations was especially important in this regard, and numerous abuse cases came to light as a result.

When names of abusers were known, their personal files would often yield supplementary information. All files of departed priests of the Diocese of Haarlem were investigated. Most of these files were of priests in the late 1960s and early 1970s who wished to be released from their vows in order to marry. Only exceptionally did these files produce information about the abuse of minors.

Also important were the archives of the various committees that looked into personnel policy. These were:

- the incardination committee of the Diocese of Haarlem (1970);
- the incardination committee of the Dioceses of Haarlem and Rotterdam (1971-1986);
- the selection committee of the Dioceses of Haarlem and Rotterdam (1972-1979);
- the Advisory Board for Candidates for the Ministry of the Diocese of Rotterdam (1979-1989).

The archive of the diocesan committee for the support of victims of sexual abuse that was formed by Bishop Punt in 2010 was of great importance. This archive brought several new cases to light.

#### *2.5.7 Other archives*

It was possible to perform supplementary research in the archives of the Mental Health Service for the northern region of the province of Noord Holland based on the names of perpetrators who attended the St Willibrordusstichting psychiatric hospital in Heiloo for treatment or observation. The Board of this organization granted access under conditions of anonymous publication for the purpose of historical research.

#### *2.5.8 Interviews*

The following interviews were conducted as part of the archive research.

For the Diocese of Haarlem:

- 1 Mgr. G. Geukers (former vicar general);
- 2 Mgr. M.J. de Groot (vicar general);
- 3 NN (former student of the minor seminary of Hageveld and the seminary of Warmond).  
For the Diocese of Rotterdam:
- 4 Mgr. A.H. van Luyn (bishop);
- 5 Mgr. W.M.I. van den Ende (former vicar general);
- 6 Mgr. W.J.M. van Paassen (former vicar general);
- 7 Mgr. J.G.M. Zuidgeest (former vicar general).

## **2.6 The Diocese of Den Bosch**

### *2.6.1 General features and particulars of the archive*

The static archive of the diocese from 1945 is in the archive of the bishop's palace on Parade in Den Bosch. The building is a fairly modern extension at the rear of the palace that was purpose-built for archive management. The dynamic section is held by the administrative support department itself. The chancellor, V.J.A.W.A. Peters, controls the more confidential documents and the personal files of living persons. The personal files of all deceased priests are held in the static archive.

There is a large walk-in safe in the bishop's study containing the secret archive as well as liturgical paraments. The documents stored there were inspected in the presence of the bishop, the archivist and the chancellor.

In the course of this visit the chancellor produced a list of names of perpetrators based on a. ongoing *Hulp & Recht* cases, b. earlier issues and c. reports from February 2010 onwards. With the exception of NN3, this list omits all the names submitted by the Commission of Inquiry (e-mail 25 March 2011), but does include the names that bishop Hurkmans mentioned in his interview with the Commission of Inquiry: NN4, NN5, NN6, NN7, NN8 and NN9. Another name mentioned was NN10.

Two large boxes of papers in the safe are marked secret. The boxes contain a miscellany of information including chapter meetings, reorganizations, conflicts with pastors and staff, proposals from the diocesan appointments committee, among which are the documents concerned with sexual abuse.

The safe also contains the personal archive of J.G. ter Schure, which was deposited there posthumously. Alongside personal details such as photos, passports and a personal notebook, it contains a biography that was drafted in 1972, before his appointment as auxiliary bishop in Roermond.

### *2.6.2 Condition and accessibility of the archive*

The static archive is in two overcrowded storerooms. The entire archives have recently been repacked, in full and unselectively, in new boxes, which, however, are often overfilled. Accessibility is poor. There is no inventory and navigation through the archive has to be based on the descriptions on the box files. The arrangement is based on the deprecated 'principle of pertinence', which is to say in terms of their subject. This system renders it impossible to ascertain the original archive arrangement used by the diocesan authorities, because the documents have now been scattered among the various subjects.

Furthermore, the archive has many duplicates, since individual members of staff each submitted their documents to the archivist, who then filed them away in the boxes concerned. The archive also has much, sometimes high-level, documentation, which the personal files in particular are full of. There is little or nothing among the documents in the personal files that might shed light on the interaction between the diocese and a given priest. The poor accessibility made research extremely

time consuming, which was out of proportion to the ultimate output.

What made matters worse was that help had to be called in from the former archivist alongside the current archivist.

### *2.6.3 Destruction policy and practice*

The more confidential documents have probably been removed from the archive. This was certainly the case with the secret archive, since Mgr. Bluysen admitted in his interview with the Commission of Inquiry having destroyed certain documents. Having transpired to be true, the intriguing comment made by the former archivist Peijnenburg and reported in *NRC Handelsblad*, to the effect that the Commission would find nothing in the archives, now appears in a suspicious light. Suspicions are aroused all the more in that the few documents about sexual abuse are concerned with cases from the past ten years. This is in stark contrast to the other secret documents, many of which date back further.

### *2.6.4 Types of material found to be relevant*

Alongside notes and staff meetings about pastoral clergy, the administrative section of the archive proper contained data about sexual abuse in orders and congregations, in particular in the boxes concerned with the orders and congregations, the visitation reports, the indulgences of secularization and the staff minutes, regarding serious abuses where the bishop had a supervisory role. In this connection a distinction must be made between diocesan congregations and papal congregations. The bishop had a supervisory role with respect to diocesan congregations, and these duties were meticulously performed, certainly in the time of Bishop Mutsaerts (1942-1960), and yielded a quantity of data.

### *2.6.5 Supplementary research in other archives*

The paucity of information about perpetrators in the archive proper led to further research in the archive of the diocesan tribunal. This archive has no record of criminal cases against priests, but does have many requests for laicization, mainly regarding the 1960s and 1970s, and where the intention was to be able to marry within the church. The data in this archive provide an interesting glimpse of how the clergy grapple with celibacy.

The diocesan archive also holds the archive of the minor seminary of Beekvliet and Mgr. Bekkers' personal archive. Both were inspected as part of this research.

Nothing was found in the archive of the minor seminary of immediate relevance for the research. It is striking that the minor seminary also had a secret archive, albeit that all the documents there are from before 1945.

The archive of Mgr. Bekkers, about which the diocese is rather secretive, contains no important material for the research, perhaps with the exception of a file about the Terruwe case. Most of the archive of Mgr. W.M. Bekkers comprises documentation and letters with expressions of support from believers throughout the country. Mgr. Bekkers' administrative archive is in neither the diocesan archive proper nor his personal archive.

The research into the perpetrators referred to information from other archives, such as that of the St Willibrordstichting psychiatric hospital in Heiloo and those of other dioceses.

### *2.6.6 Interviews*

Interviews were held with Bishop Bluysen, Bishop Hurkmans and the two current auxiliary bishops. There was extensive and lengthy discussion with the former archivist Dr Jan Peijnenburg, who held the position between 1970 and 2004, and was also chancellor under Mgr. Ter Schure.

Furthermore, in the process of research information was provided on request by the current chancellor and head of legal affairs, V.J.A.W.A. Peters.

## **2.7 The Diocese of Roermond**

### *2.7.1 General features and particulars of the archive*

The diocesan static archive from 1945 is in the archive store in the bishop's palace on Paredisstraat in Roermond. The dynamic section is located in the administrative support department. The vicar general controls the more confidential documents and personal files. The chancellor controls the secret archive. The secret archive comprises one hundred envelopes containing data of a confidential nature, concerning both individual people and matters such as appointments and possible miracles and revelations. Most of the documents are concerned with the period between 1952 and 1968, but the secret archive also holds the more recent documents in response to *Hulp & Recht* reports.

### *2.7.2 Condition and accessibility of the archive*

The archive is in a reasonable and fairly complete state. The material care could be better: the boxes are old, often filled too full, and much iron is still present. The archive from 1945 has an extensive file inventory by subject, which was found to be extremely useful. In February 2011 the archivist made an inventory for the bishop of the people involved together with descriptions of the cases in the secret archive. This inventory facilitated the research. A copy was made of both these means of access as part of the research. Otherwise, the distinction between the secret archive and the series of personal files was not always clear. Documents were found in the series of personal files that relate to data in the secret archive.

### *2.7.3 Destruction policy and practice*

Little from the archive had been destroyed until 1972, when Mgr. Gijsen was appointed. Until then, the secret archive was probably even completely intact, since, remarkably, this archive had hardly been consulted after the time of Bishop Moors and Bishop Van Odijk. Both Gijsen and Wiertz said they knew of its existence, but had never inspected it. The archive is in a large safe in the archive store on Paredisstraat.

After 1972 all sensitive documents are missing. Mgr. Gijsen stated in an interview that his vicar general, Castermans, had destroyed everything, thereby continuing the policy of his predecessor Van Odijk. The comment about Van Odijk was therefore incorrect.

Only in 1995 when *Hulp & Recht* was founded were the items carefully archived under Bishop Wiertz. A part is therefore missing between 1972 and 1995, with the exception of the file of the major seminary of Rolduc.

### *2.7.4 Types of material found to be relevant*

The secret archive was a treasure trove for the research into sexual abuse of minors until 1972. All the documents are concerned with priests with pastoral duties in the diocese. Alongside notes and staff meetings about pastoral clergy, the administrative section of the archive proper contained data about sexual abuse in orders and congregations, in particular in the boxes concerned with the orders and congregations, the visitation reports, the indulgences of secularization and the staff minutes regarding serious abuses, where the bishop had a supervisory role. In this connection a distinction must be made between diocesan congregations and papal congregations. The bishop had a supervisory role with respect to diocesan congregations, and these duties were meticulously performed, certainly in the time of Bishop Lemmens and Bishop Moors, and yielded a quantity of data.

### *2.7.5 Supplementary research in other archives*

There was insufficient time to inspect the archive of the diocesan tribunal further. According to the former judicial vicar H. van der Meer and the current judicial vicar Mgr J.G.M. Vries this archive has no record of criminal cases against priests, but does have many requests for laicization, mainly regarding the 1960s and 1970s, and where the intention was to be able to marry within the church. The files would probably yield the same as those in the Diocese of Den Bosch, which were studied.

The research into the perpetrators referred to information from other archives, such as the judicial archives and the archives of Heiloo and of other dioceses.

### *2.7.6 Interviews*

The Commission of Inquiry interviewed Bishop Gijsen, Bishop Wiertz and auxiliary bishop De Jong. Interviews were also conducted with P.J. Moonen, who was secretary under Bishop Moors, and with H.J. van der Meer S.J., vicar under Bishop Gijsen, president of Rolduc, and judicial vicar. Furthermore, in the process of research information was provided on request by the vicar general, Dr H.J.G.M. Schnackers, the chancellor G.H. Smulders, the head of legal affairs J.P. Rutten and the current judicial vicar and rector of Rolduc Mgr. J.G.M. Vries.

## **2.8 Franciscans (OFM)**

### *2.8.1 Archiving and archive management*

Serious archiving started only after 1920 when the mother house in Weert was developed into an administrative centre. Until then incoming correspondence was discarded once dealt with, and no copy was retained of the answers.<sup>17</sup> A provincial archivist was appointed in 1964 after concerted complaints from the historians of the order. One of the more recent archivists was Mgr. J.A. de Kok, an ecclesiastical historian with a doctoral degree who was also auxiliary bishop of Utrecht. In 2007 he published a historical summary of the order in the Netherlands. Article 287 of the constitutions of the order established in Rome in 1947 provide that: 'An archive of the entire Order shall be established in the General Curia; an expert priest shall be appointed archivist by the General Definitorium. The archive of the province will be located in the monastery where the Minister Provincial resides, and a house archive shall be formed in every monastery. These archives will hold all important manuscripts and documents arranged in an orderly and careful manner by those to whom the care is entrusted.'<sup>18</sup> The generalate, provincialate and houses must therefore maintain an archive and appoint an archivist. Anything that is 'important' must be archived and retained, but the rule gives no other criteria, which means that the superiors were able to decide for themselves what to retain and what to discard. What the rule does not prescribe, unlike canon law in both the Codex of 1917 and new Code of 1983, is a secret archive. We have encountered no evidence of the existence, now or in the past, of a secret archive.

The provincial secretary produces the minutes of the meeting of the Definitorium and he determines the documents that are to be archived. A more passive role was given to another member of staff: the archivist. He stored the documents, and the constitutions and other rules say no more about his work.<sup>19</sup>

Around 1980 much of the extensive archive was loaned to the State Archives in Utrecht (later included in the Utrecht Archive).<sup>20</sup> This section was divided into three blocks: the administrative archive, the archives of the houses and the mission archive. The section that was not transferred, but remained at the provincialate, includes minutes of the board, minutes of the staff (later the managing board), and all personal files of members of the order dated after 1967. The archive has never been affected by disasters such as fire or war. We found no guidelines for assessment and selection, but records would appear to have been purged nonetheless. It transpired in the course of the research, as was also the case with the Brothers of Utrecht, that some documents that should



have been in personal files were no longer present. There would appear to be no documents in periods in which the reports and unexpected transfers would suggest something must have happened, which is an extremely improbable state of affairs. We are therefore led to suspect that delicate matters were handled by phone and orally in order to leave no trace in the archive.

The archive is arranged and inventoried in accordance with best practice, which facilitated the research. The administrative archive has sections that also appear in other archives of orders and congregations: rules and constitutions, minutes and reports of the board, contacts with higher ecclesiastical authorities, such as the episcopate, Rome and other orders and congregations, financial documents, thematic files and, finally, the house archives, which have largely the same structure as the provincial archive.

In 1964 the provincial wrote to Father Hilarion Goossens, the *magister clericorum* in Venray, stating that he kept much in the archive and regularly referred to the assessments: 'And I have often found it extremely important when setting out to learn a little more about one of our brethren, to reread the *relationes* of the *magisters* from the period prior to ordination. Much is often yielded by this source.'<sup>21</sup> The provincial concludes by assuring Father Goossens that all his writing about the novices is not for nothing. In other words, he must persevere in this effort.

### 2.8.2 *The research*

The research took place in August 2011. The main investigation was of the period between 1945 and 1975 in archives loaned to the Utrecht Archive (UA) and archives that were not loaned, which are located at the provincialate on Deken Roesstraat in Utrecht. Full cooperation was received from both the UA, which was actually busy with an extensive relocation, and the provincialate, and all requested documents were provided. At Deken Roesstraat an introductory visit was first made to the provincial superior, J. van den Eijnden, and to the archivist, Ton Peters. The archive there is extremely well arranged, whereby the requested files could be supplied rapidly.

## 2.9 *Jesuits (SJ)*

### 2.9.1 *Archiving authority*

The archiving authority and archive owner is the Dutch Province of the Society of Jesus (Jesuits), which is based at Amaliastraat 13 in The Hague. In a general sense, the provincial superior is responsible for the current, static and historical archives. Management of the static and current archives in The Hague is the responsibility of the socius (general secretary) of the province. The provincial historical archive is located in Nijmegen and is controlled by the provincial archivist.

### 2.9.2 *Cooperation of the authority concerned*

The Dutch Province of the Society of Jesus gave full cooperation to the research. It was possible in The Hague to work unsupervised in the archive room with direct access to all, including very recent, documents. As an exception there was no direct access to the personal files, which the socius retrieved on request. Incidentally, these files were not kept in locked cupboards in the archive room. Likewise in Nijmegen, the archivists were extremely helpful. A digital version was provided of the inventory of the most important subsidiary archive (the 'Provincial's Archive') and the Commission of Inquiry had unhindered access to the personal files and the other archives. There were no restrictions on photocopying at either location.

### 2.9.3 *General features and particulars of the archive*

The archives of the Dutch province are distributed between two locations, The Hague and Nijmegen. The total extent of the material is several hundreds of metres.

### *Provincialate of The Hague*

The section of the archive in The Hague has no clear separation between static and current archives. However, some components were already serial-numbered to prepare for transfer to the historical archive (with the prefix letters PA = Provincial's Archive). The chronology of the material varies: some parts date back to the 1930s, but most are from the 1970s and later. The size is hard to estimate, but will not be less than fifty linear metres. The main sections and series are:

- correspondence between the provincial and the general superior/the General Curia of the Jesuits in Rome from 1938 onwards;
- circulars and announcements of the generalate from the 1980s onwards;
- minutes of the meetings of the Provincial Consult and (since 1965) of the provincial staff with related documents from 1948 onwards;
- files of the provincial concerned with individual houses, institutions and activities of the Dutch province, mainly from the 1970s, but sometimes earlier;
- files of the provincial concerned with external relations: with other provinces, with church and other organizations in the Netherlands and abroad (usually correspondence plus documentation), mainly from the 1970s onwards, but sometimes earlier;
- files of subjects of concern to the provincial (correspondence and documentation), mainly from the 1970s onwards, but sometimes earlier (correspondence and documentation);
- files of sundry documentation;
- personal files of living members of the order and of members who died less than ten years ago (transfer to the historical archive usually follows after ten years).

Some observations must be made regarding this summary. From the 1970s the subject-related and personal files often have copies of relevant documents from the series of correspondence and minutes. The extensive static and current economate archives are held elsewhere and were not inspected.

### *Historical archive in Nijmegen*

The historical archive has various subsidiary archives and collections. The core is the Provincial's Archive since 1849 and the separate archives of houses, institutions, boards and organizations. The collection of personal files is held separately from these. There is also an important collection of legacies of deceased Jesuits, where the sizes of sections vary greatly. Finally, the archive also controls an impressive collection of 'historical manuscripts', which are extremely wide-ranging in nature, and mainly concerned with the history of the order in the Netherlands and the missionary activities in the Dutch East Indies. This collection was not examined. Until the early 1960s significant parts of the archive were in Latin.

#### *2.9.4 Condition and accessibility of the archive*

The historical archive collection of the Jesuits, or *Archivum Neerlandicum Societatis Iesu* (ANSI) in Nijmegen was originally to be rearranged by the Stichting Kloosterarchieven in Nederland (KAN), but work stopped at some point and arrangement and description have been subsequently performed by the archive itself. Only the archive of Ignatius College in Amsterdam retains the inventory numbering given by KAN. A systematically arranged inventory of the Provincial's Archive was made available, and it provided a good means of access, albeit that it had not been renumbered. The same was true of the collection of bequeathed papers of deceased Jesuits and the archives of individual houses, boards, institutes and organizations. The personal files in Nijmegen are arranged alphabetically and are therefore easy to locate. These files were placed in the historical archive ten years after death or departure.

Significant parts of the most important subsidiary archive (the 'Provincial's Archive') date back no further than 1940-1950. This is true in particular of the correspondence with the generalate (until 1948), the correspondence of the provincial (until 1940) and the minutes of the Provincial Consult (until 1948). The corresponding archive documents are still in the provincialate, but sometimes in a

different sequence there.

The archive material in The Hague may be considered to constitute the continuation of the Provincial's Archive in Nijmegen. Few means of access, if any, are available, but the arrangement is such as to allow parts to be located quickly. In the more extensive thematic arrangement of some files and the documentation, the more recent archives sometimes do not correspond entirely with the arrangement of the historical archive in Nijmegen.

The archive of the provincial board as a whole has no serious gaps. The archives of the individual locations, with the exception of Stanislas College in Delft, which can be accessed by means of its own inventories, sometimes appear less complete.

#### *2.9.5 Destruction policy and practice*

No organization keeps every document it generates. Within the Order of Jesuits too there is therefore a partly informal general purging and destruction policy for records, based mainly on practical considerations. This is true in particular for documents of an administrative and financial nature as soon as they no longer serve any practical purpose. Once the material has been transferred to the historical archive it is again reviewed critically. This is a normal course of events.

Additionally, it appears from the archive research that there has been targeted purging and destruction in certain cases in connection with problems of a sexual nature, such as the abuse of minors (the same may well have happened in other areas, but no statement can be made on this because of the limited nature of the archive research). The following examples illustrate the situation.

- Rome would appear to assume, in a letter from the general superior to the provincial superior about an older deviant, that earlier documents 'have doubtless been destroyed'.<sup>22</sup> It is possible that instructions for destruction were given in the Second World War to prevent the Germans discovering scandals in the archive.
- Hardly any documentation remains about the scandal at the Katwijk de Breul boarding school in 1956, which is discussed elsewhere in this report. Much material about De Breul prior to 1957 is missing from the Provincial's Archive in the ANSI, in particular the correspondence between the rector and the provincial,<sup>23</sup> which is also not present in The Hague, while the corresponding archive of Katwijk de Breul likewise has no documents.
- The occasional letter is missing from the otherwise almost complete set of correspondence between the general superior and provincial superior, where references to these letters exist. One example is the letter of 27 June 1959 in which the provincial sets out the case of a priest.<sup>24</sup> A confidential letter of 1962 from the provincial to the general superior (which is included in the list of contents) concerned with a case 'x' is also no longer present.<sup>25</sup>

Where persons are concerned, the order operates a more specific purging policy, in particular for the personal files. Files of deceased or departed persons are retained at the provincialate for ten years after death or departure. The files are screened by the provincial and purged if necessary on two occasions: in the year of death or departure, and ten years later on transfer to the historical archive. More recent personal files also have annotations of this screening. Documents about sexual problems are then probably invariably destroyed. This at any rate would explain the total lack of further reference in most files of individuals who were mentioned in a relevant context in the minutes or correspondence. In many cases there are no documents about the departure. A good example is the twice-screened personal file of a priest who was abruptly transferred in 1952 to the mission in Indonesia and subsequently returned to the Netherlands in 1963. This file lacks all the documents between 1946 and 1963. The same is observed in the file of another priest, whose case can be reconstructed reasonably well from the minutes and correspondence of 1953. The file of yet another priest shows that access to material of this kind was blocked even before destruction. The documents about his court case and other relevant material were in a sealed envelope marked:

'Personal. To be opened only by the provincial in an urgent situation. After death this envelope may be destroyed unopened.' It appeared not to have been destroyed yet. An extensive file was kept on this priest fourteen years after his death. In this case too, several relevant documents were placed in an envelope, which was marked: 'only for PPN [= provincial]. Destroy after 2020'.

In the 1970s the order also became more cautious with the data outside the personal files. Until then wide-ranging personal matters were discussed and minuted by the provincial board, with little restraint. Greater confidentiality was urged in 1977: henceforth matters of this kind were no longer to be minuted and archived.<sup>26</sup> They then vanished from the minutes of the Consult and were summarized only briefly in those of the provincial staff. In 1983 the provincial sent a circular to the local superiors with guidelines for dealing with the deaths of brethren. The bequeathed papers included 'papers that must not be retained and must therefore be destroyed'; the circular did not mention the nature of the material concerned.<sup>27</sup> The inventory of legacies shows that the papers of one of the priests mentioned above were destroyed by a fellow house member after his death.

### 2.9.6 *Relevant archive sections*

#### *Provincial's Archive (ANSI Nijmegen and The Hague)*

The Provincial's Archive (administrative archive) was the most fruitful source for this research, and in particular two formal series that, when combined, yielded the most concrete information for the archive research: the correspondence with Rome and the minutes of the Provincial Consult.

– The correspondence with the generalate in Rome, and more particularly the general superior and the regional assistant, were present almost in full. The order's strictly hierarchical organization guaranteed, at least until the 1960s, that most cases of sexual abuse were reported to the central leaders in Rome or submitted for final decision. Those concerned were not named, but were usually referred to in such a way as to render it impossible to identify the persons concerned. Also in cases involving demission or dismissal, Rome decided on the basis of submitted opinions. The exchange of letters with the assistant often included explanation and background. However, towards the end of the 1960s the tight-knit relationship of authority between Rome and The Hague relaxed somewhat and the extent and information content of the correspondence declined. For instance, there were no signs that Rome was informed of the problems surrounding a priest (1967) and another priest (1988, 2000-2001). A relevant detail is that originally both the general superior (J.B. Janssens from Flanders, 1946-1964) and the regional assistant (until 1964 P. van Gestel) both spoke Dutch, which simplified communication. The correspondence with the general superior was perused from 1945-2005, partly based on available lists of contents. The container for 2006-2009 had hardly any more documents of interest. The correspondence with the assistant covered 1947-2004, but then has no relevant information about the departure of Van Gestel in 1964.

– The other internal and external correspondence of the provincial up to 1940 is held in the historical archive as a formal series. For the subsequent years these documents were only retained distributed over geographical and subject-related files, and naturally also in the personal files.

– The extensive minutes of the Provincial Consult (originally in Latin) mention the most relevant cases up to the 1960s, albeit not always in a recognizable manner. Those between 1935 and 1977 were perused; after which they no longer mention personal details. Of the later period, the years 1988-1996, 2000-2001 and 2010-2011 were at least partially perused.

– In 1965 a support organization was made available to the provincial board, and its members coordinated the order's most important activities. The most significant aspect of the series of staff minutes is the handling of appointments. Furthermore, meeting documents were added. However, most personal details are extremely concise. The years 1965-1971, 1976-1979, 1988-1990 and 1996 were perused. The later years yielded hardly any relevant information.

– The minutes of and documents concerned with other provincial consultative bodies were found not to be informative. These were concerned with the rectors' meeting (1958-1970) and the superiors' meeting (1959-1988), which were perused on a sample basis.

- Circulars. The containers with circulars from the general superior (1946-1988) yielded some interesting documents with standards and regulations, albeit only for the first years. The four packages of circulars from the provincial (1937-1988) yielded almost nothing.
- Visitations. There are more extensive visitation reports in the correspondence with the general superior. Briefer and less informative reports (1941-1960) were retained separately in the archive, in the form actually presented to the visited colleges and institutions. These sometimes make veiled references to abuse problems. The same documents can be found in the archives of the separate locations. The addresses made by the provincial on the occasion of the visitations (1942-1970) were archived separately, but include no relevant information.
- Selection and training. While a folder with information obtained about novitiate candidates (1958-1966) illuminates the established standards and selection criteria well, it yielded no useful information in some specific cases.
- Colleges, boarding schools and other locations. The general documents about the boarding school system contain little relevant information. Usually the same also appeared to true of the individual files of houses and boards with respect to the *historiae domus*, the minutes of house meetings and other meetings of the local communities. Scattered around the files are the occasional interesting documents. The containers about the 'Achterhuis' of the Canisius and the community of Pater Brugmanstraat in Nijmegen offer some context for the cases included in Chapter 6, and the (incomplete) Katwijk de Breul file and that of the retreat in Spaubeek about several other cases.
- Other subjects-related files. A fairly extensive container about the 'homosexuality issue' (1969-2005) comprises a number of documents related to policy. In this context the abuse of minors also receives a passing reference on several occasions. The container for the central advisory agency for priests and members of religious orders or congregations (CAPER) (1967-2004) mainly holds documents of an administrative or formal nature.

#### *Personal files (Nijmegen and The Hague)*

It will be clear from the above that most personal files were thoroughly purged prior to the transfer to ANSI. They now therefore contain hardly any direct information about the reported perpetrators, but inevitably they frequently have indirect information that may be relevant in combination with other data, such as the judgments given. Conversely, some of the personal files that are yet to be transferred are extremely informative, in particular those of two priests mentioned above. A total of forty files were inspected.

#### *Archives of colleges and houses*

The archive collections from individual colleges and houses are held in the Nijmegen archive. This research was concerned with Canisius College in Nijmegen (a community and boarding school), Willibrordus College in Zeist (also known as 'Katwijk de Breul'), Aloysius College in The Hague, Ignatius College in Amsterdam, Stanislas College in Delft, Maartens College in Haren and the retreat in Spaubeek.

- Canisius College. The archive of the house and boarding school is readily accessible, but the parts consulted yielded very little. The same was true of the *historia domus* and the house consult books, and likewise of the correspondence with the provincial and the subject-related files. The recollections of an ex-pupil about the boarding school shortly after the war make interesting reading, but are irrelevant. The diaries of the boarding school prefect and the circulars were equally unimportant. One exception was the report about alleged sexual misconduct among boarders in the mid 1950s and how the matter was dealt with. It is appropriate to comment that the archive of the day school was not examined. This extensive archive is held in the Nijmegen municipal archive and is poorly accessible. The reports related to the day school are all concerned with the cases described in Chapter 6.
- Katwijk de Breul. The minutes with annexes of the house meeting, the minutes of community meetings and other bodies, and the diaries of the prefect provide some context here and there. The correspondence of the rector with the provincial has no information on the crucial years between

1954 and 1956, and also yielded nothing else. A surprise in the papers of the prefect was that some information did emerge about the events at the college in 1956.

- Aloysius College, Ignatius College and Maartens College. The inventory numbers that were examined had very little relevant information that was not also found elsewhere.
- Stanislas College: the records have yet to be arranged and documented.
- Spaubeek retreat: the parts examined had no relevant information.

#### *Collection of legacies of deceased Jesuits*

The legacies of the reported perpetrators were perused but yielded nothing. The papers of some other Jesuits occasionally yielded interesting documents, which were mainly of use in establishing the context. For instance, the papers of the psychologist Paul Ellerbeck (1908-1987) include manuscripts about boarding school education and the father confessor's handling of 'neurotics'. The papers of brother Ton de Waart (1936-2006) include a 'handbook' for surveillance in the boarding school. In total the papers of eighteen persons were examined.

#### *2.9.7 Supplementary research in other archives*

No other archives were consulted for the research except for one inventory number in the archive of the Sisters of St. Juliana Falconieri.

#### *2.9.8 Interviews related to archive research*

Interviews were conducted with the provincial, Jan Bentvelzen, the socius, Chris Swüste, and the archivist, Paul Begheyn. Ms M. Smulders, a PhD student at Radboud University Nijmegen, provided access to relevant documents about Canisius College.

### **2.10 Salesians of Don Bosco (SDB)**

#### *2.10.1 Archiving authority*

The archiving authority until 1 August 2011 was the Dutch Delegation of the Congregation of Salesians of Don Bosco, which is part of the Province of North Belgium and the Netherlands and based in Soest. The provincialate is located in Belgium. The contact person until his suspension in May 2011 was the delegate, Father Herman Spronck S.D.B., and thereafter the provincial of North Belgium and the Netherlands, Father Jos Claes S.D.B.

#### *2.10.2 Cooperation in the archive research*

At first the cooperation in the archive research left nothing to be desired. The delegate, Father Herman Spronck, provided almost unrestricted access to the archives and facilitated the research. Access to the historical and static archive was likewise completely free, in the sense that it was even possible to select the files in storage. For the current archive free access did not apply to the personal files of living Salesians, which the delegate submitted on request, and were perused in his presence. In St. Agatha, pursuant to the agreements, free access to the archive store was also provided, and the staff were helpful to the research in many ways. However, doubts arose in May 2011 as to the completeness of the files that had been provided of living congregation members. An internal report of the province about a brother cited documents that were not found earlier in his personal file (see the case in Chapter 6). In view of the delegate's suspension in the meantime in connection with the very case that was the subject of the report, the files of other living Salesians were re-examined, with the cooperation of the provincial. The only new material this operation yielded was concerned with the case of a recently deceased person.

The delegate Herman Spronck allowed photocopies to be made on condition that the researcher provided a list of copies made from personal files, and that they were returned when the research was complete.

### 2.10.3 *General features and particulars of the archive*

The archives of the former Dutch province, since 2005 the delegation of the Netherlands, are held in two locations:

- The heritage centre 'Erfgoedcentrum Nederlands Kloosterleven' in St. Agatha (Cuijk) holds the historical archive, some of the files of which date back to 2001. This archive extends for approximately 65 metres, distributed across 3284 inventory numbers.
- There is a supplementary archive in Soest of approximately ten metres, some already inventoried and ready to be transferred to the heritage centre (inventory nos. 3285-3526), with documents up to 2007. The Soest archive also holds three series of personal files: 'Deceased Salesians', 'Departed Salesians' and '*Religiosi Dimissi*', occupying approximately five metres in total. The delegate's office holds the current delegation archive, largely arranged by subject, and the series of personal files of living Salesians. The entire extent is approximately five metres.

A particular of the archive is that many documents until approximately 1965 are in Italian.

### 2.10.4 *Condition and accessibility of the archive*

The historical archive of the Dutch province of Salesians was originally arranged and maintained by internal congregation staff. The last arrangement was in 1985. In 2001 and 2002 the organization 'Klooster Archieven in Nederland' (KAN) reclassified the material after the transfer in 1999 to the heritage centre in St. Agatha. The lists in inventory nos. 2764-2765 enable comparison of the state before and after this rearrangement. Thereafter, files have regularly been added to the archive. The KAN inventory is available in digital form on the web site of the heritage centre in St. Agatha, but does not include inventory numbers from 3000 onwards. A digital printout and a container list of nos. 3000-3526 were available for the purpose of research. The termination of the Dutch province in 2005 meant in principle the closing of the historical archive, but the supplementary inventory suggests that it too has records formed by the delegation. It was evidently the intention for this material to be added until the termination of the delegation in August 2011, when North Belgium and the Netherlands merge into a single province to be based in Belgium.

The archive arrangement adheres to the general structure applied by KAN for archives of religious organizations. This structure is partly formal and organizational, and partly thematic in nature. However, no new inventory was made of the archive, but instead the existing files and documents, which were from an earlier arrangement in 1985, were rearranged based on the container list, without renumbering. The size of the inventory numbers tends to vary substantially. The contents of some containers show that over time there has been some mixing of material originating from multiple archiving authorities (provincialate and houses).

The inventory first has fifteen sections concerned with the organization, administration and activities of the Dutch province, followed by sections with records from the individual locations (Sections 16-30), and further subdivided by location. Despite the introduction to the inventory on the web site proclaiming that there are no significant gaps in the archive, it soon becomes clear that they do exist (cf. also the 'destruction policy' below). The clarity of the arrangement of the records is variable. Next are various personal archives (sections 31-33), which were of no interest for the purpose of research, a large quantity of documents concerned with the formal contacts with ex-pupils (section 34) and documents concerned with the history of the congregation in general (Section 35). The archives regarding the Foundation for Priestly Religious in the Netherlands (SNPR) and its successor the Conference of Religious in the Netherlands KNR have been placed in an as yet unnumbered section 'vvv'.

It will be clear from the historical archive's size and history, the inventory methods and the gaps in the material, that accessibility imposes constraints on analytic research. As will be evident from the

following, there are definite constraints when dealing with a subject that is not directly accessible through an inventory.

The four series of personal files in Soest were not processed by KAN and were not transferred to the heritage centre in St. Agatha. A concise inventory of the first three series was available from the administrative support department of the delegation.

- The ‘Deceased Salesians’ series comprises 136 containers (usually one per person, with some exceptions). The containers are not always restricted to the personal file in a strict sense, but also include bequeathed papers.
- The ‘Departed Salesians’ series comprises the personal files of 126 departed priests and brothers.
- The ‘*Religiosi Dimissi*’ series comprises the personal files of Salesians who departed or were dismissed prior to priestly ordination or taking the perpetual vows. The series covers a total of 135 persons.
- The size of the series of personal files of living Salesians present in the current archive of the delegation is modest, covering probably less than fifty persons.

#### *2.10.5 Destruction policy and practice*

There is no official destruction policy for the archives of the Salesians. Needless to say, this does not mean that nothing has been destroyed, but the absence of a policy does make it hard to discover what happened and when, by whom and on what grounds. When we observe gaps in some series of correspondence, the reason could be coincidence. Incompleteness of personal files does not imply deliberate intent. Nonetheless, there are some conspicuous examples that raise concern.

There are many gaps in the series of correspondence with the general leadership of the congregation, and with the superiors general in particular, in the historical archive (inventory nos. 39-58); it is interrupted in the early 1970s, and regarding the general superior as early as 1965. The correspondence with the governing board resumes in the current archive of the delegate from the late 1970s, but the extent is not large. In the containers with correspondence between the provincialate and the principals of Salesian houses for years between 1945 and 1975,<sup>28</sup> subdivided by person, the folder for the priest SDB3, the principal of ‘Don Rua’ in the 1960s, is almost empty, whereas his colleague’s containers are substantial. We found in the records of Don Rua ‘s-Heerenberg only his correspondence of a formal and financial nature. There is hardly any material prior to 1964 present in the location in Assel, where several painful issues occurred between the late 1950s and 1963. The same is true of Rijswijk. The documentation of Huize Don Rua in ‘s-Heerenberg is comparatively modest, brittle and unbalanced, while the archive of the Leusden location gives a much more complete impression. In the list of contents included with a file of documents concerned with the St. Martinus parish in Hoogland (1979-1995),<sup>29</sup> where there was a scandal in 1994, no. 18 (correspondence between the provincial and the superior of the community) has been crossed out and the documents are no longer present. In the otherwise complete series of minutes of the provincial board, the minutes of one meeting are unexpectedly absent,<sup>30</sup> where the proposed visit of the regional superior Ter Schure was on the agenda.

The sizes of the personal files are very variable. The necessary procedural documents are missing in various cases of departure, such as those giving the reason for a request for dispensation or dismissal, and the associated opinion of the provincial. There are often incomplete correspondence and personal data in other files too. It appears in many cases that documents from the relevant period are missing from precisely the files of persons against whom complaints or reports had been received, or whose deviant behaviour had been observed internally. Striking examples include that of a priest, who was almost certainly the subject of an internal inquiry in 1967, and who admitted the abuse anonymously in the media in 2010, and of a priest who was the subject of many reports, but whose file had no documents between 1958 and 1969, which was precisely the period the reports referred to. The same was true of the files of living persons, with the exception of two



members who were prosecuted. In contrast, these files contained detailed documentation.

The archive has a confidential letter of 20 March 1968 from provincial Quirinus Muth,<sup>31</sup> which possibly sheds some light on this question. He instructs the principals to send 'confidential' documents from their archives regarding current and former brethren, 'however long ago the period of limitation may have ended', to the provincialate. 'If necessary they will be stored in the secret archive of the province. I am confident that you will understand the correctness of this decision, and I may accordingly count on your discretion in handling this delicate matter.' The words 'if necessary' imply that destruction was the norm in cases of this kind. According to delegate Spronck, however, there was no 'secret archive' and moreover no collection of this nature was found, unless the reference was to the various series of personal files. However, the files that were inspected do not give the impression that they contained documents that were sent to the provincialate. In July 1990, at the time of the case in Terneuzen, board member Heeren asked for 'appropriate attention to be given to the right of privacy of current and former brethren with respect to papers and data in files and archives'.<sup>32</sup> A meeting of the provincial board had already referred to this aspect, observing that the minutes of the board contained too much sensitive information ('We fear the privacy of the individuals may be in jeopardy').<sup>33</sup> It was resolved to add these data separately to the copy of the minutes held by the provincial. The question is whether this system was applied. No separate documents about individuals were found in the series of minutes from 1984 onwards. Needless to say, it is possible that they were destroyed. Viewed from the other side we see personal matters being discussed again in the minutes of a later date. And in particular the file of the priest in Terneuzen was kept intact.

In view of the above, we may assume that where sexual abuse was involved, some information was not archived, or, if it was, it was removed from the archive and probably destroyed.

#### *2.10.6 Relevant archive sections*

Anyone conducting research in the archive of a religious congregation into the sexual abuse of minors by members of the congregation, will not readily unearth subject-related files specifically for this purpose. It is equally unlikely that documents related to abuse will mention the name concerned. Furthermore, when relevant material has plausibly been destroyed, research depends on following the 'footprints' left by the material. It is therefore important to have a search strategy that clarifies as quickly as possible the type of source and the parts of the archive that are most likely to contain information. The research in the archives of the Salesians used three coordinates, to the extent possible in the time available: the structure and the administration of the organization, any direct or indirect indications from the inventory, and finally the names and other data from the reports received. Based on the above, a number of series and files were selected from the archive. The yield of the research was reasonable with respect to the standards and rules, but insubstantial regarding information about specific abuse cases.

- Constitutions, rules and regulations. Sources of this nature in the archive of the provincial and the separate locations yielded a clear, albeit incomplete, picture of the standards with respect to sexual abuse and how they have changed since 1945.
- Circulars from the central leadership and the provincial superiors. This source yielded a few strikingly sharp reminders from Turin about the existing regulations, which in some specific cases illuminate how the brethren were informed about events.
- Minutes of administrative and consultative bodies. This source could answer the question of whether, based on the standards and regulations, there was any explicit or implicit policy, and how it was applied in practice. The output was disappointing.
- The minutes of the provincial board until the late 1970s made only guarded references. Nonetheless, the development of two affairs after this period can be followed readily, but actually only with prior knowledge of what happened. A few brief annotations by a councillor (inventory no. 118) show that relevant problems in the early 1960s were sometimes discussed, but not minuted.

- The nature of the minutes of house chapters/house boards/community meetings of the individual locations tend to differ greatly depending on place and time. Those of Don Rua in the Bergen years make no reference whatsoever, but some specific cases were discussed in Leusden in 1950s and 1960s. The others provide little more than guarded insinuations.
- The minutes of the principals' meetings yielded only a little (veiled) background information.
- While the correspondence of the provincials, which has gaps, and is spread among more than twenty containers, does produce a few chance hits and references, it is still not a substantial source, including in respect of the correspondence with the local superiors; surprisingly enough, the corresponding files in the individual locations do sometimes include something significant. The (chronologically incomplete) correspondence with the generalate has almost no relevant documents in almost thirty containers.
- Visitations. The containers with documents and reports of visitations (in total approximately twenty) yield few concrete data about abuse cases, whereas there are several reminders about the regulations. Here too, the corresponding documents in the individual locations sometimes yield supplementary information.
- Chapters. There was no relevant information in the documents concerned with the provincial chapters.
- Personal data (index cards etc.) and aggregated data concerned with members of the congregation. In some cases they support the reconstruction of the aftermath of abuse cases, and also illuminate the context.
- Documents concerned with education. Most interesting are the criteria for admission and how they have developed.
- Documents concerned with boarding schools in general. There are some interesting documents, but they have no direct relevance.
- The documents concerned with the central advisory agency for priests and members of religious orders or congregations (CAPER) are irrelevant, except for the mention of two medical counsellors.
- Documents concerned with separate houses and communities:
  - 8 correspondence of the principals: some chance hits;
  - 9 chronicles: seldom contain any directly relevant information; but can be useful in checking specific cases;
  - 10 minutes of internal meetings: sometimes the occasional indication;
  - 11 data about pupils and congregation members, registers, personal index cards: no direct information, but they can provide corroborative material for specific cases;
  - 12 circulars from boarding schools, e.g. to parents: the occasional veiled indication.
- Personal files. These were among the few direct sources, via the constituent judgements and correspondence with and about the person concerned. However, they often appear to have been purged (see above).

It transpired in the course of the research into the Salesians of Don Bosco that the documentation in the archives of the Dutch province in the heritage centre in St. Agatha (historical archive) and Soest (personal files and other documents) had many gaps. The Commission of Inquiry therefore requested the leadership of the Salesian province of North Belgium and the Netherlands to obtain access to the central archive of the congregation in Rome. The Commission of Inquiry specified the particular documents they wished to inspect. This request was accepted, albeit under very restrictive conditions: the congregation itself would select the documents and the researcher would not be able to view the documents directly, but the relevant passages would be read out to him, possibly translated. Moreover, no copies were made available.

These constraints notwithstanding, the Commission of Inquiry accepted this offer, in view of the possible opportunity of obtaining answers to the outstanding questions. A Commission of Inquiry researcher visited the generalate of the congregation in Rome from 7 to 9 November 2011, inclusive.

He was received by the procurator general of the congregation, Father Francesco Maraccani, and the secretary of the province of North Belgium and the Netherlands, Father Eric Haelvoet.

The Commission of Inquiry's questions were about:

the correspondence between the central leadership of the congregation and the Dutch province up to approximately 1980;

the visitations of the Dutch province performed by the generalate and the related reports, in particular for the 1945-1985 period;

the clarifications provided by the provincial superiors that accompanied fifteen applications for dispensation from vows, laicization, or secularization, and which were missing from the personal files in the Netherlands;

documents concerned with any extraordinary visitation by the generalate to minor seminary Don Rua in 1967, or other documents about an inquiry into abuse cases in 's-Heerenberg around that time.

The archive material selected by the congregation consisted of:

the general correspondence with the Dutch province up to approximately 1970 (in so far as they are on file); in the subsequent period, a different, non-geographical, system of archiving was adopted, while the archive had yet to be arranged and documented. There were a few separate containers from later years;

documents concerned with visitations in the years 1945-2004, and the general reports submitted by the province;

personal index cards of and documents concerned with several Dutch Salesians; documents concerned with departures;

files concerned with two special cases.

Perusal of the content of the archive material took place under the conditions set by the congregation board. However, it was possible to verify the authenticity of the documents. Don Maraccani also pointed out that many of the matters of concern to the Commission of Inquiry's research were handled orally.

## 1 DATA ABOUT INDIVIDUAL PERPETRATORS

The data in the archive in Rome about four reported perpetrators shows that they had indeed committed abuse of minors, or were internally suspected of doing so. There was no information about these cases in the provincial archives. The cases concerned are: SDB28, SDB29 (both of Don Rua Ugchelen, late 1940s), SDB19 (Don Rua 's-Heerenberg, 1960s), SDB33 (Huize Savio Rotterdam, mid 1960s).

Abuse on the part of three other perpetrators was clearly confirmed by new data: SDB22 (Leusden, mid 1950s), SDB13 (Rijswijk, 1960s), SDB1 (Don Rua Ugchelen, mid 1940s; see below). SDB13 would appear to have been a particularly intransigent case.

Finally, the documents also mentioned a coadjutor in training in Leusden who maintained a sexual relationship ('pasticci amorosi') with a boy (1961), and a prefect in Leusden who had to be removed in 1962 because of a 'painful immoral case', the nature of which was not stated, however.

The data present in Rome about the education and careers of individual members sometimes deviate from those in the personal files and archives in the Netherlands. These discrepancies could be the result of administrative deficiencies.

## 2 VISITATIONS AND REPORTS

The annual reports from the Netherlands (1945-1970) make some insinuations about cases already known to the Commission of Inquiry. The retrospective report for 1945 also refers to a scandal in the

Lauradorp location, which led in 1943, after the intervention of the bishop of Roermond, to the removal of three priests. No corresponding data were found in the investigated Dutch archives. Although the nature of the scandal mentioned in this document and the other correspondence is not fully clear, there are elements that raise suspicion that at least in one case (SDB28) there was abuse of male minors. It was observed regarding another person concerned, SDB34, that the president of the major seminary in Haarlem, who removed him after the subdiaconal ordination, was unable to understand how the Salesians could have admitted him into the priesthood.

The archive includes extensive correspondence and other documents about the extraordinary visitation to the Dutch Salesians ordered by the central leadership in 1945-1946 and conducted by Don Giacomo Simonetti, master of novices in England. The documents show the main reason for the visitation to have been an abuse scandal in Don Rua sometime in the 1940s. The main figure in this scandal was SDB1, who suddenly departed in 1945 and left the congregation and the clergy in 1952, despite attempts by the leadership to keep him on board. The documents named two victims.

The archive also has reports of visitations from Turin and Rome in 1948, 1960, 1967, 1974, 1980, 1986, 1992, 1998 and 2004. In only a few cases was there an oblique reference to specific cases of abuse or measures to prevent 'inappropriate contact'. The reports from years after 1960 tend to concentrate on internal ecclesiastical polarization, the related position of the Salesian province and the structural problems of concern to the congregation in the Netherlands caused by departures and insufficient new members.

### 3 DON RUA 'S-HEERENBERG

There is a firm conviction in victims' circles that the central leadership of the congregation in Turin must have known about the abuse cases that occurred mainly in the second half of the 1960s at the Don Rua minor seminary. Reference is then made to an extraordinary visitation in 1967 by a special committee of inquiry led by Provincial Quirinus Muth. An instruction is also said to have been given to the principal (H. Prein) to give an account of the matter in Turin. The principal is also said to have informed the community in early 1967 about forty brethren who had been reported for abuse.

The annual reports of the Dutch provincials Bortoluzzi, Ter Schure, Muth and Raaijmakers (1960-1970) provide no reference point whatsoever for these assumptions. There is no word in the comprehensive report of the visitation in October 1967 by governing board member Don Albino Fedrigotti about problems of this nature at Don Rua. Fedrigotti states in general that 'Salesian life in the Netherlands' has no element of '*abusi o seri pericoli*' (abuses or serious hazards). No documents were found in the submitted correspondence that refer to a visit by principal Prein to Turin in or around 1967. Neither is there any evidence in these documents that the governing board knew from any other source about structural abuse at Don Rua, nor that forty brethren had been accused. The file of the principal of Don Rua, H. Prein, in Rome comprises only the usual data.

### 4 THE CASES SDB7 AND SDB11

The procurator general individually raised discussion of the cases of SDB7 (1974, 1990) and SDB11 (1994-2011) and examined these two files with the researcher. It appeared in both cases that the governing board of the congregation had been informed by the Dutch provincial leadership or delegation board either too late, insufficiently, or not at all.

The issue concerning SDB7 became known in Rome only very recently. The meagre and incomplete file includes the request from 1984 for permission to stay outside the community (SDB7 was appointed parish priest in Terneuzen in that year). The explanation given was 'health reasons': for some years SDB7 had been suffering psychological and physical symptoms and living together with brethren was extremely difficult for him 'because of facts from the past'. On the basis of the file the governing board was unaware of the events in Rijswijk and Terneuzen and the conviction in 1990.

The 2004 visitation report has an occasional remark about the problems with SDB11: he has a tendency to exhibitionism, is in therapy, and has good contact with delegate Spronck. According to the file the case became clear in Rome in May 2011 when RTL television news revealed his membership of the pro-paedophilia association Martijn. The Congregation for the Doctrine of the Faith then asked the congregation for more detailed information about SDB11 and the related interview with Spronck on RTL television news. Since a member of the governing board was in Belgium for a visitation, a committee of inquiry was immediately appointed, and reported shortly thereafter. At the same time the province distanced itself firmly from SDB11's opinions, and he received *suspensio a divinis* (deprivation of office), while delegate Spronck was suspended. In accordance with ecclesiastical proceedings, the case was subsequently submitted to the Congregation of the Doctrine of the Faith, where it is still being handled. It is to be expected that SDB11 will be expelled from the congregation and the ministry.

#### *2.10.7 Supplementary research in other archives*

Supplementary research was performed in the archives of the dioceses of Rotterdam and Haarlem, and of the Archdiocese of Utrecht. The report of an internal committee of inquiry of the Salesian province of North Belgium and the Netherlands in response to the case of a priest (May 2011) was also available.

#### *2.10.8 Interviews conducted*

- Herman Spronck S.D.B., former delegate (7 March 2011);
- F.A.M. Schaars, an ex-pupil of Don Rua 's-Heerenberg (21 March 2011);
- J. Wolters, an ex-pupil of Don Rua 's-Heerenberg (4 April 2011);
- NN, an ex-pupil of Don Rua Ugchelen (7 April 2011);
- N. Meijer, a former provincial (8 April 2011);
- F. Vergeer and x58, ex-pupils of Don Rua 's-Heerenberg (19 May 2011);
- W. Flapper S.D.B., a former provincial (19 May 2011);
- Mgr. A.H. van Luyn S.D.B., former bishop of Rotterdam and former provincial (20 June 2011).

Other informative interviews were conducted with:

- Herman Spronck S.D.B., delegate (on the occasion of various visits to the archive in Soest);
- Dr A.H.M. van Schaik of Utrecht (church historian and an ex-pupil of Huize 'Don Rua' in Ugchelen (11 April 2011);
- Dr M.A. Willemsen of Breda, who was working on the history of the Salesian province (6 April 2011);
- Father Jan Bentvelzen S.J., moderator of several parishes in Amsterdam around 2005 (3 May 2011);

### **2.11 Brothers of Charity (FC)**

#### *2.11.1 Archiving authority*

Provincial board of the Brothers of Charity, St. Maria Region the Netherlands (formerly St. Maria Province), Huize Eikenburg, Aalsterweg, Eindhoven.

The provincial superior is Brother Jos Matthijssen. The archivist is Ms T. Huijs-Haenen.

#### *2.11.2 Cooperation of the authority concerned*

The provincial board (superior Jos Matthijssen) provided full cooperation with the research in the archives. No constraints were imposed and all questions were answered as fully as possible. The researcher was also able to use all the facilities, such as for photocopying, Internet access, and the

canteen.

### *2.11.3 General features and particulars of the archive*

The administrative support department holds the personal files of all brethren and the folders for settlement of *Hulp & Recht* (three). The basement of the main building houses the static archive (approximately fifty metres) of the Dutch province, consisting of the archive of the provincial board (the superior) and the archives of the various houses.

### *2.11.4 Condition and accessibility of the archive*

The personal files are neatly arranged in filing drawers, by last name of the brother. The static archive was repacked several years ago in lever-arch files, which are not very convenient. An overall container list was produced for the archive. The current archivist and several brother-volunteers are in the process of inventorying the archive in accordance with the rules. The uninventoried part has to be accessed on the basis of the description on the outside of the folder. The title often fails to represent the contents, effectively necessitating the opening of all relevant folders one by one.

### *2.11.5 Destruction policy and practice*

The constitution of the congregation requires the provincial-superior to keep records of the minutes of provincial board sessions, records documenting all significant events in the provincialate, records of placements of the brothers, records of admissions and departures, a correspondence register, and a travel register (documenting leave of absence and the travels of the brothers).<sup>34</sup> The last four registers were also to be maintained for each individual house and retained by the local superior.<sup>35</sup> None of these documents were found. No-one could say where these documents might be, nor where the confidential information about a person could be found.

After transfer hardly anything was destroyed in the folders in the static archive. There are many duplicates, but also many gaps, suggesting that much material never arrived in the static archive, but went astray earlier. The minutes of the board meetings of the various houses are also missing.

### *2.11.6 Types of material found to be relevant*

The personal files have hardly any confidential information, such as reasons for transfer, or warnings given. Personal files are limited to a master card and various documents about the person, and conclude with a prayer card!

The main contents of the folders in the static archive are the correspondence between the provincial superior and the superior general in Ghent (later Rome), the correspondence of the provincial superior with the superiors of the various houses in the Netherlands, and the correspondence with the diocese (until 1959), and the generalate (with a gap between 1959 and 1967) about such matters as indults, also with gaps. Various indications of sexual abuse and how the congregation dealt with it were found in this correspondence.

The constitution has no provisions for maintaining a secret archive, as was prescribed for the dioceses in the *Codex Iuris Canonici* (CIC). No archive of this kind was found.

It was also possible, but difficult, indirectly to trace cases of sexual abuse in the archives by following the various folders of correspondence.

### *2.11.7 Supplementary research in other archives*

The archive of the Diocese of Den Bosch has two boxes concerned with the Brothers of Charity. The boxes contain indults, visitation reports, approvals for church building and alterations, consecrations of churches and help in the parishes (churches and schools). Some material was found with indications of sexual abuse.

The reports received by *Hulp & Recht* and the Commission of Inquiry yielded much research material.

It was impossible to research the archive of the Generalate in Rome (formerly in Ghent). Pursuant to the Constitution of 1956 the secretary general of the congregation is responsible for properly updating the generalate archives. He is also the secretary of the general board.<sup>36</sup>

#### *2.11.8 Interviews*

Interviews were conducted with three members of the victims' group known as the 'Lotgenotengroep Eikenburg'. Much information was also received from the archivist, Ms. T. Huijs-Haenen, and the provincial superior Brother Jos Matthijssen.

The Commission of Inquiry conducted an interview on 7 June 2011 with the general superior Brother R. Stockman and the provincial superior, Jos Matthijssen.

### **2.12 Brothers of Maastricht (FIC)**

#### *2.12.1 Archiving authority*

The archives of the Congregation of the Brothers of Maastricht are held in the heritage centre 'Erfgoedcentrum Nederlands Kloosterleven' in St. Agatha near Cuijk. The archives cover:

- the archive of the general board from 1840 to 1994. The archive of the general board from 1994 onwards is held in the generalate in Maastricht;
- the archive of the Dutch province of the congregation from 1966 to 1994. More recent documents are held in the provincialate in Rotterdam;
- the archives of the various (former) religious communities.

#### *2.12.2 Cooperation of the authority concerned*

The board of the congregation gave unlimited access for the purpose of this research.

#### *2.12.3 General features and particulars*

The various rearrangements of the archives over the years mean that it is no longer clear how the archive was originally formed. In their present form the archives largely constitute series, mostly by correspondent, and seldom by subject. The archives of the general and provincial boards and the religious communities are more or less separate, but not consistently so. For example, documents about departures may be held in various different places.

The large size of the archive precluded a systematic examination of the correspondence for data about sexual abuse. The reports formed the starting point for research. The data (place and time) were checked for accuracy. The career concerned was then reviewed, and the documents of the location concerned were inspected for relevant information. The more general documents about regulations and periodic reporting regarding the entire congregation were examined more systematically.

#### *2.12.4 Condition and accessibility of the archive*

The inventory/container list is posted on Internet.<sup>37</sup>

#### *2.12.5 Destruction policy and practice*

There was evidently no formal destruction policy. The report about the 1940-1946 administrative period states that a part of the archive was destroyed at the time of the German invasion in May 1940.<sup>38</sup>

Within the framework of the prosecution in 1959, it was noted in the annals of St. Louis in Amersfoort that: '1959 was dominated by the unhappy case of FIC9. We will give no details. If all ends well, we will destroy the data.'<sup>39</sup>

It may be assumed that the same happened with other prosecutions. There are no specific documents about this subject in the archive. The day after the death of brother FIC13 in 1995, a former superior sent several documents about the withdrawal of FIC13's teaching certificate following his conviction for sexual abuse. He added that he had been unwilling to place the documents in the house archive at the time of the incident (1968), but that they had always been in his possession. He requested that they now be placed somewhere in the congregation archive. They are held in the personal file of FIC13.<sup>40</sup>

#### 2.12.6 *Types of material found to be relevant*

The successive constitutions and directoria are present, together with documents about any revisions.

Minutes of general chapters, with associated documents. The chapters are held every six years (1940, 1946, 1952, 1958, 1964, 1970, etc.).

Pursuant to Article 356 of the constitution the superiors and their assistants (two elected councillors) of the separate houses are each required to submit separate biannual reports to the superior general. There are therefore three separate reports every six months. The reports cover the application of the rules, if necessary with reference to individual brothers. There is also information about teaching practice. They contain few particulars about adherence to chastity, more about poverty and obedience, and mainly mention failures to observe silence in the prescribed hours. Some of these reports (until 1965) had details of the conduct of individual brothers, but conspicuously little surrounding significant events, such as a transfer, or judicial intervention. There is more data on this, but far from always, in the series of correspondence between the general board and superiors, which is retained for each religious community, but not in accordance with any specific registration system. It would appear that matters surrounding transfers and abuse were often discussed by telephone. There is a series of letters with individual brothers, occasionally with particulars. An example would be a letter from a brother from prison.

The superior was required to perform an annual visitation of all religious communities. Visitations could sometimes occupy several days. He would then speak with all the brothers. Visitation reports sometimes have data about the conduct of individual brothers. In 1952 there was discussion in general terms about sexual abuse.

There are annals and chronicles of individual religious communities, with the occasional indirect reference.

There is an annual meeting of the chapter, consisting of the governing board and the superiors. The minutes (until 1965) contain few details of this area of sexual abuse, but much information about having as little contact as possible with the outside world, and the use of media. For instance, the illustrated Catholic weekly *Katholieke Illustratie* was forbidden in 1932, and the ban was upheld in 1952, it being considered unsuitable for celibates. The minutes also mention discussion of how very few films are appropriate, and about limited television viewing.

The annual reports (in some parts until 1956) that were read out in the annual chapters, sometimes mentioned observance of the virtues. In particular in 1952: there are grave concerns; there is apparently great sexual affliction. The list of departed brothers sometimes (vaguely) mentions a lapse of chastity.



There are minutes of the meetings of the governing board (the general superior who was elected in the six-yearly chapters or his vicar and annually elected councillors). There is seldom anything about sexual abuse.

There is a series of correspondence with individual dioceses including requests for departure. Some have only the accompanying letter, without the actual document (in French) that gives the reason for departure. The answers are missing. The Congregation of the Brothers of the Immaculate Conception (FIC) was a congregation under papal law. Decisions about departures were therefore taken in Rome. There are some documents about departures also elsewhere in the archive.

The circulars of the superiors general are arranged by superior. These circulars do mention avoidance of worldly contacts. There is nothing about abuse in the period after 1945.

Data about the whereabouts of individual brothers can be found in the following.

- A register<sup>41</sup> giving for each community the time a brother joined and left, and where he went. The register runs to 1959. The normal transfer dates are in August.
- Yearbooks<sup>42</sup> from 1940: the brothers of each community are named, mentioning the school they work at and (sometimes) which class; from approximately 1960 there is also an alphabetic register, also by last name, with years of birth and profession.
- The provincialate in Rotterdam has a card file (by last name), giving for each brother the date of birth, date of profession, teaching certificates and places of residence.
- In Rotterdam there are also two documents with annotations about departed or dismissed brothers, with concise reasons.<sup>43</sup> Fifteen of these had signs of a connection with abuse. The file runs to 1965 and was then opened. It is unknown how the alleged facts were obtained, but there is no supporting evidence in the archives.
- Personal files. These generally have only legal documents about profession, certificates, appointment to a school, honourable discharge, salaries and pension. No file is present if a brother departed. On departure, the documents concerned were probably either given to the brother or destroyed.

The web site of the Brothers of Maastricht, [www.brother-fic.org](http://www.brother-fic.org), has obituaries from 1998 onwards.

#### *2.12.7 Supplementary research in other archives*

It quickly emerged from a chance find that conviction under Article 247 or Article 249 of the Dutch Penal Code would, in the period between 1920 and 1974, entail withdrawal of the teaching certificate by the Provincial Executive. The National Archive (archive of the Ministry of Education, department of primary education) appeared to have relevant material.<sup>44</sup> The material includes lists of people whose teaching certificate was withdrawn between 1920 and 1974. One of the lists, concerned with the 1947-1956 period, was drawn up for a ministry investigation that was assigned to the criminologists Baars, Buytendijk and Plompe, and ultimately executed by Kempe. It was required to investigate to what extent teachers whose teaching certificate had been withdrawn permanently could under the existing regulations be rehabilitated without damaging the interests of the victims and their parents. A report was produced in 1963.

#### *2.12.8 Interviews*

An interview was conducted in May with several members of the victims' group. An interview was conducted in June with the superior general from the period between 1958 and 1970, Avellinus Janssens.

### **3 More concise reports of limited archive research**

#### ***3.1 The Priests of the Sacred Heart of Jesus (SCJ)***

##### *3.1.1 Relevant archives*

The archives investigated were those of the Congregation of Priests of the Sacred Heart of Jesus (SCJ). The administrative archive consists of static and dynamic sections. The dynamic section is held in the provincialate in Breda. The static section has two parts, one with the archives up to 1987 and the other with supplements covering the 1987-1994 period. The archive up to 1985 was inventoried in 1991 by the 'Stichting Dienstencentrum Kloosterarchieven' (KAN). It is located in the basement of the Breda community at Duivelsbruglaan 54. A container list was produced by the same organization for records from the 1984-1994 period. This archive was not found, and its whereabouts are now being investigated.

In addition the economate of the congregation formed an archive of its own, which was also made available, but was less relevant for the inquiry.

Finally the house archives were inventoried separately. They too are located at Duivelsbruglaan.

##### *3.1.2 Access*

The congregation gave unlimited access to its archives. The Commission of Inquiry was allowed to inspect the archive unsupervised.

##### *3.1.3 Personal files and secret archive*

An essential part of the static archive holds the personal files of all deceased or departed brethren. The 'yellow card' is annotated with the places where they worked and/or lived, and the positions they held. The files of living congregation members remain in the provincialate.

Unlike the dioceses, the congregation did not maintain a secret archive, accessible only by the provincial superior. However, the files about issues of sexual abuse have been stored separately in recent years.

##### *3.1.4 Accessibility*

The archives were inventoried in accordance with the applicable archiving rules and are reasonably accessible through the inventories. A keyword index has been created for the dynamic archive, making it relatively easy to find the required records. The conditions in which the archives are stored are very reasonable. The archive basement at Duivelsbruglaan has a fire-resistant door.

##### *3.1.5 Destruction policy*

Since transferring the archives to KAN for to be inventoried, great restraint has been exercised in destruction. Only duplicates, general documentation and suchlike are shredded. Nonetheless, there were conspicuous gaps in the archives, and the constituent personal files in particular. These files had two strikingly different faces: sometimes substantially complete and well documented, for example about sexual abuse, but equally often with large gaps, and with every reason to assume they had been purged thoroughly. It looks as if the files of deceased priests and brothers were stripped of documents bearing any negative personal information, with 'speak no ill of the dead' in mind.

The internal archives are also conspicuously incomplete, and it was particularly noticeable that the archive of Huize St. Jozef in Heer/Cadier en Keer was missing altogether. It may have been left behind after this institution passed into different hands.

### 3.1.6 *Other sources*

The following sources and archives were particularly relevant for the research. First were the reports known to the Commission of Inquiry, which were the basis for targeted searches in the congregation's personal files. The files in the dynamic archive under the keyword 'sexual abuse' were also significant. Most of these files were of correspondence between the congregation and *Hulp & Recht*, but it came to our notice that evidently not all *Hulp & Recht* reports had been forwarded to the Commission of Inquiry.

A third important source was the internet forum about St. Jozef on the web site [www.klokk.nl](http://www.klokk.nl). This forum mainly comprises discussion between ex-residents of Huize St. Jozef. This source yielded more new names, or provided supplementary information about persons who were already known.

A fourth source was the book *nr. 21* by an ex-pupil of Huize St. Jozef, Frans Houben, who published his recollections of this institute in 1996.<sup>45</sup> Houben attended the school as a ward of court between 1952 and 1964. The book describes his fellow sufferers in those years in an extremely bitter and resentful tone. And even if some scepticism is raised by some memories,<sup>46</sup> there is little doubt that they bear a kernel of truth.

The fifth and final relevant source was the minutes of the provincial board, which, sometimes more extensively than others, at least hinted at sexual abuse by brothers and priests.

### 3.1.7 *Other archives*

One perpetrator was admitted to the then St Willibrordusstichting psychiatric hospital in Heiloo. His file was made available by the Mental Health Service for the northern region of the province of Noord Holland.

### 3.1.8 *Interviews*

An extensive interview was conducted with the provincial superior Father H.H. Peels. At an earlier stage, as part of the research into the Diocese of Rotterdam, an interview was conducted with Mgr. W.J.M. van Paassen, who then also recounted his experiences as provincial superior of the Priests of the Sacred Heart of Jesus (1979-1986).

## **3.2 *Brothers of Our Lady of the Seven Sorrows (CSD)***

### 3.2.1 *3.2.1. Archiving authorities*

The archive of the Congregation of the Brothers of Our Lady of the Seven Sorrows, also known as the Brothers of Amsterdam, is held in the house of the brothers, which is part of New Schoonoord in Voorhout. The files are inventoried in accordance with guidelines from the heritage centre 'Erfgoedcentrum Nederlands Kloosterleven' in Sint Agatha near Cuijk. The most recent documents and the personal files of the living brothers are controlled by the superior general, Brother Amatus, in the same house.

The archivist, Brother Dalmatius van Heel, gave unlimited access to the files. It was even possible to remove the box files from cupboards. It was also possible if necessary to peruse files of living brothers. The Commission of Inquiry concentrated on the minutes of the general council of the congregation, the personal files and various documents concerned with the various mental homes, houses and residential institutions.

A rule that applied in the past was that the archives of the brothers were to be destroyed fifteen years after their death. Brother Dalmatius overturned this rule in 1962 after being elected superior general. Therefore, starting with year of death 1947, a fairly complete base of personal files of brothers has been retained. There are some gaps in these personal files. However, the researchers

did not gain the impression that these gaps arose through systematic purging.

### **3.3 Brothers of Huijbergen (CFH)**

#### *3.3.1 Archiving authority/archive compiler*

The Congregation of the Brothers of Huijbergen (in full: the Congregation of the Christian Brothers of the Immaculate Conception of the Blessed Virgin Mary Mother of God under the Protection of St. Francis) was founded in 1854 by the first bishop of Breda, Mgr. J. van Hooydonk. The foundation was a result of a conflict between Van Hooydonk and the congregation founded fourteen years previously, of the Brothers of St. Aloysius of Oudenbosch, and in particular with its founder, the parish priest W. Hellemons. The bishop had acquired the buildings of the Wilhelmiëten community in Huijbergen and intended to start an orphanage and school there. In 1849 he invited the new congregation of brothers of Oudenbosch to run the orphanage, which the brothers were willing to accept with some reservation. However, a disagreement arose between Van Hooydonk and Hellemons regarding the influence of the bishop. The brothers left Huijbergen again in 1852. Van Hooydonk found three other people willing to continue the work. He provided them in 1854 with a rule in Franciscan style, and this has since been the accepted date of the start of the congregation. As with most other congregations of brothers or sisters founded around this time, the main objectives of the Brothers of Huijbergen were to care for and elevate the needy and orphans, many of whom were then in the care of orphanages or foster families.

In the same year a boarding school was added to the orphanage in Huijbergen, the income from which could be used to promote the main objectives: to improve the fate of the poor and orphans through education and evangelization. In the space of four years the number of boarders increased to almost one hundred.

After an initial experience in Breda, which lasted only ten years (1866-1876), starting in 1890 the brothers expanded their activities to other locations, originally within the boundaries of the diocese, and in 1927 also beyond. They concentrated on education, often at the invitation of a parish priest, a school board, or a lay organization. The expansion necessitated the training of increasing numbers of brothers as teachers. In order to control this process themselves they founded their own training college in Breda (1892), which was open to brothers and others. The brother-teachers were employed in the subsidiary houses and in the schools for which the brothers were requested to supply teachers. The types of school concerned were elementary, higher elementary and denominational elementary. There were few Catholic schools in the nineteenth-century education system. Maintaining them depended on the financial support of the wealthy fellow faithful, since privately-run denominational schools were not then subsidized by the State. The introduction of the brothers greatly eased this problem: brothers were less expensive than lay teachers and furthermore, it was assumed, religious people would be of a higher moral quality.

The St. Vincent association, the nationally operating Catholic lay organization for the poor, requested the congregation to take over several of its schools, believing this to be beneficial to educational quality. In 1929 the congregation took over the administration of the Vincent schools from the association, and renamed them to erase the link with the association's schools for the poor.

Besides schools, the brothers were also responsible for several orphanages in Huijbergen itself and elsewhere. Improvements in healthcare and the greater number of placements in foster families rendered these institutions obsolete. Most had been closed even before the war. In their place the brothers moved their attention to the care for wards of court: children who had been removed from parental authority to be placed in a guardianship institution run by one of the religious groups according to the child's background. However, this branch of care was also affected by changing

attitudes towards guardianship, and declining numbers of wards of court obliged the brothers to suspend their involvement. The St Willibrordusstichting ('institution' had been dropped from the name after the war in favour of the less stigmatizing 'house') was closed in 1960. What remained were the several denominational elementary schools that the congregation had acquired or founded.

The educational congregations expanded substantially in the period between 1920 and 1940. The number of brothers increased rapidly, with correspondingly higher income from the salaries of the brother-teachers. These had been paid by the State since 1920, and accrued to the congregation's funds. Both these factors encouraged further expansion, which duly happened. Often at the invitation of incumbent church boards or priest-builders, new locations arose in Breda, Bergen op Zoom and Hulst (where the brothers had firmly established themselves in education in 1907), but also outside the diocesan boundaries: Amsterdam (1926), Haaren (Noord-Brabant) (1927), Amstelveen (1954), Nijmegen (1961), Hellevoetsluis (1964), and Ouderkerk aan de Amstel (1980). 1953 marked the first step towards the secondary school type, with the foundation of the Mgr. Frencken College in Oosterhout. Brothers were also employed in denominational boarding schools: for mentally handicapped young people in Breda (1950), physically disabled in Groesbeek (1961), and lower vocational technical education in Ossendrecht (1958).

Alongside the day and boarding schools inside and outside the diocese, the congregation also established the juvenate. This was a school specifically for the advanced elementary education of their own younger generation. It was based in the Huijbergen mother complex, which had been vacated on the order of the Germans during the war. It returned there after the war. The same fate befell the novitiate, which after the war was housed in a specially designed building near the mother house known as Alverno. For the first year the novices were taught at the St. Francis Training College in Breda with the other external pupils, returned to Huijbergen for the novitiate up to their first (temporary) profession, and eventually completed their training at the Training College. In the 1960s there was so little interest in becoming a religious brother that the institute closed.

In the 1970s the changing spirit of the times also started to infiltrate into the communities of the brothers. Encouraged by the chapter, brothers with daytime employment in education started to form communal living units known as 'open communities'. The brotherly community of residents arranged their communal interests by mutual agreement under the supervision of the general board. Another type of community formation that occurred jointly with the congregations of Utrecht, Maastricht and Oudenbosch was referred to by the acronym HUMO.

These experiments coincided with the rise of the culture of discussion. It became increasingly clear that the educational congregations were losing significance. This trend was clearly reflected in the sharp fall in the number of members and the related rise in the average age of the congregation. Whereas in the 1950s there were still over three-hundred brothers, there are now about one hundred (including the Indonesian members). The 161 teachers in 1961 had become 31 in 1981, and then nine another six years later.

From the 1980s the brothers were obliged to withdraw gradually from education. The handful of brothers, then still employed as teachers, were often appointed after making an open job application (which became possible in the 1970s) to a school with no links to the Brothers of Huijbergen. One by one these schools were closed or transferred to a lay organization. Gradually the brother houses or communities closed, sometimes after a period of experimental community structures, which turned out to be of only a temporary nature.

The organization known as '*Opvoedings- and Onderwijsstichting Ste.-Marie*', which had governed

most schools, started in the 1970s to transfer administration to newly established school boards, which were no longer dominated by the brothers or the parish priest, but also gave parents a voice alongside the lay governors.

The *Opvoedings- and Onderwijsstichting* reorganized in 1980 and changed its name to '*Scholenstichting Ste. Marie*'. Unlike its predecessor, it no longer had a personnel link with the congregation board, but was fully independent. Whereas originally the link with the congregation was reflected somewhat in the membership of a few brothers on the board, this practice also ended after 1992.

Within two decades the educational role of the brothers of Huijbergen had evaporated. Huijbergen, the last of the eight boarding schools where sexual abuse could easily occur, was finally closed in 1989.

### *3.3.2 Cooperation of the authority concerned*

The cooperation given by the congregation, in particular the current general superior Brother Bram Hommel, was very satisfactory. Use could be made for the research of a desk in the archive room, and access was given to all the documents stored there in box files. There was also an unconstrained opportunity to photocopy documents.

### *3.3.3 General features and particulars of the archive*

The administrative archive of the Brothers of Huijbergen is held in the current mother house St. Marie at Boomlaan 7, Huijbergen. The archive covers the years from foundation to approximately 2000. Alongside the documents from the central congregation board, the archive also includes the archives of the communities that were closed. However, these community archives appeared to be incomplete.

The archives of the school boards are not present in the central administrative archive. The archives were transferred to the new school boards, and again to the boards formed in the wave of mergers.

The archive sections regarding the mission areas in Indonesia and Brazil have no direct relevance for the present research.

### *3.3.4 Condition and accessibility of the archive*

The archive is in a good material condition and is largely inventoried in accordance with the KAN method. A paper printout was used because the inventory was not yet complete. While the archive descriptions are sequenced in accordance with the archive arrangement, there is as yet no internal arrangement of the chapters or sections, and the numbering of the individual descriptions has yet to be adapted. For this reason the numbering within the various series do not correspond with each other.

### *3.3.5 Destruction policy and practice*

Although there is no doubt that over time records have been mislaid, discarded and destroyed, there are no signs of the systematic destruction of records regarding sexual abuse. On the contrary, the existence of a separate folder of copies of court documents regarding the prosecutions of several brothers suggests that the congregation has deliberately retained records of this kind.

We found no guidelines, either for archiving in general, or criteria for destruction in particular.

### *3.3.6 Types of material found to be relevant*

Some series of possibly relevant archive material were examined, up to the mid 1970s. The first that are worthy of mention are the minutes of the general board from 1939 (inventory nos. 1726, 1428

and 1434). Particularly informative are the comments about transfers and departures, usually in connection with the misconduct of a brother.

The correspondence of the general board with brothers and outsiders includes similar information. The correspondence is spread across multiple series, not all of which can be perused. The most important are the incoming letters from brothers and outsiders from 1950 (inventory nos. 61, 28, 26, 30, 32, 34 and 36) and the outgoing correspondence from 1939; these have been compiled only until 1953 (inventory nos. 48 and 50).

The large quantity of archived correspondence, compiled and described in various different series, made it impossible to examine all the folders of correspondence. For instance, the correspondence with individual brothers, house superiors and the diocese was examined on a sample basis. They were found to contain less information than the general series referred to above.

A clearly important file was that of prosecutions for indecency from 1949 to 1970 in which a number of brothers were involved (inventory no. 1928). Unfortunately, the individual files were incomplete. Some did not mention the charge and/or the judgement.

The personal files were of great importance (various inventory numbers) in reconstructing the teaching careers of the brothers alleged to have been offenders. It is striking that this includes the files of the departed brothers (but not all of them). The congregation actually maintains fairly tight-knit relations with its departed members, with a certain regularity.

### *3.3.7 Supplementary research in other archives, if any*

Earlier research in the diocesan archive of Breda revealed letters and endorsements in the folder bearing Codex no. 2.202.14, containing the correspondence between the bishop and the superior general, about departures and brothers who had committed sexual abuse. Documents about sexual abuse were likewise found in the part of the diocesan archive section relating to members of a religious order or congregation 1960-1985, which are still in the bishop's residence.

### *3.3.8 Interviews related to archive research*

Interviews were conducted with the current general superior Bram Hommel and his predecessors Reginald Poelstra (1969-1981) and Eduard Quint (1987-1999). They explained the administrative practice and how brothers were dealt with when information was received regarding sexual abuse.

## **3.4 Brothers of St. Aloysius Gonzaga (CSA)**

### *3.4.1 Archiving authority/archive compiler*

The Congregation of the Brothers of St. Aloysius Gonzaga was founded in 1840 by Willem Hellemons (1810-1884), curate of Oudenbosch in Noord Brabant.

### *3.4.2 Cooperation of the authority concerned*

The Commission of Inquiry received full cooperation from the board of the congregation. Full cooperation was also given by the staff of the West Brabant regional archive, where the archive has been held since 1993.

### *3.4.3 General features and particulars of the archive*

The archive of the congregation is held in the West Brabant regional archive, which is a stone's throw from the former St. Louis institute at Bosschedijk 2. The archive covers the period up to the 1990s, which includes the years of interest to the research.

The archive is not entirely intact. Many nineteenth-century documents in particular have been lost,

which is of no serious consequence for the research. The enactment of the new Schools' Act in 1920 created a need for proper archiving, but there are also gaps to be found in later years.

For instance, the actual school archives are missing. These were held by the school boards and were left behind after the brothers withdrew from the schools. They have accrued to the boards formed in the later mergers. The documents concerned with the schools, which were submitted for approval or information to the congregation board, such as financial reports and building reports, have been retained, but contain little information of relevance for the present research.

Conversely, the archives of the various brother communities after the houses were closed were transferred to the central archive, but became mixed. In the process of inventorying they were reconstructed as well as possible.

#### *3.4.4 Condition and accessibility of the archive*

The archive is in a good material condition and was inventoried in 1997. The inventory is posted on Internet, and can be downloaded ([www.regionaalarchiefwestbrabant.nl](http://www.regionaalarchiefwestbrabant.nl)).

#### *3.4.5 Destruction policy and practice*

It is clear that archive sections have been destroyed over the years as part of normal archive purging. For instance, the personal files of many departed brothers are missing. They were evidently considered to be no longer relevant (while others were retained, for unclear reasons).

There are signs that some documents concerned with sexual matters (but also regarding several brothers with a German background) were deliberately destroyed at the start of the war, for fear of confiscation by the occupier. There were concerns that this category of documents would be sought out for use in *Schandprozesse* with a view to discrediting the Catholic Church (letter from brother Robertus to the archivist Christoffor of 1952, inventory no. 1408).

Although the archive appears to have been handed over in a reasonable way, the impression is given that some archive sections or documents have been lost. The most likely reason is not deliberate action, but the usual carelessness of administrations with archive documents that have lost administrative or legal importance. This probably also happened with the archives of the communities or houses in the locations where the brothers were involved in education. We may conclude from the observed gaps that the houses did not always take good care of the archives.

#### *3.4.6 Types of material found to be relevant*

Aside from the *Hulp & Recht* reports, the most important source of information for specific cases of sexual abuse was the series of minutes of the central board, also known as the board meeting (inventory nos. 179 ff). Although matters of this kind were generally dealt with by the general superior, it was customary for the board to vote on decisions for expulsion from the congregation (albeit that this did not always happen). The exchanges about transfers that became acutely necessary because of an emerging scandal are also to be found in the minutes. When cases of this kind were raised, the discussion was conducted in a rather neutral tone, with no explicit reference to the nature of the incident ('Brother x has been careless'), but if the police or judicial authorities became involved, this was clearly stated.

The series of personal files (inventory nos. 547-882) are relevant for the research into personal details. But the files in the religious brothers' archive are disappointing, often including only data about the teaching career (certificates, letters of appointment and termination, pension statements, long-service anniversaries, and funeral). Nothing is stated about any lapses: not trivial slip-ups, and certainly not sexual offences. Even the documentation about departures in the archived files of departed brothers is missing. Educational data were also found relevant for the research as a means



of identifying individuals. This information is also found in the lists of teaching staff for each school (inventory no. 931). However, the processing of this information is time consuming.

Important information can be found in the yearbooks that were published between 1935 and 1992. The staffing of all houses and schools was systematically and clearly presented in these. Unfortunately there is a twenty-year gap in the series held in the archive (inventory nos. 263-285), for the period 1954-1973, which happens to be a crucial period in our research. Some of the information could be found in the lists of the brother-teachers archived for 1946 to 1960 (inventory no. 931).

The annual transfers were published in the journal *Ons Leven*, the bulletin for the brothers of the congregation (inventory nos. 20-65). However, it appeared that transfers, which were announced prior to the new school year and always awaited with apprehension by the brothers, gave the changes for the entire year. Therefore, a transfer in March of a brother to another school by reason of *peccatum horribile* would be announced in the published list only in August, with no indication that it had occurred six months previously.

Another obvious source was the house chronicles. However, in retrospect these appeared to yield few secrets. Nevertheless, they might state that a brother was 'overworked' or, in the middle of the year, had moved to a different community. These might be clues, but could equally be false ones. They were examined at various locations where information about abuse was already available from other sources, but having been found to yield little or nothing they were then disregarded.

Other than the chronicles the house archives have little relevant material. The content of the archived correspondence with the communities concerned yields little. The house superior evidently avoided committing sexual scandals and the related circumstances to paper whenever possible.

We find indications in the constitutions, the rule, the circulars of the general board (inventory nos. 312-324 and 338) and the minutes of the general board about the culture of abuse within the congregation. That is to say, how the sometimes sudden manifestation of this phenomenon, which was painfully embarrassing for the congregation, was handled within the closed community. Beyond that there are also indications about how the board both responded to incidents and attempted to prevent recurrence. In the last source we see how the board responded to reports of abuse.

The diocesan archive has traces of the discussion between the general superior and bishop about these issues. On the other hand, none were found in the correspondence of the general superior with the bishop of Breda (inventory no. 1287) or the bishop of Den Bosch (inventory no. 1289). They evidently found their way into different files, possibly in the Black Folder (see below).

Finally the current general superior (since 1993), C.J.H.M. van Dam, pointed to the existence of a Black Folder, adding, however, that he himself had never found it. At any rate it is not now in the archive. Otherwise, his statement means that it is unlikely that this material was destroyed recently.

#### *3.4.7 Supplementary research in other archives, if any*

There was discussion about some cases of abuse between the general superior and the bishop of Breda. Relevant documents, such as letters and endorsements of the bishop, were found in the diocesan archive, in particular in the older section that is held in the Breda city archive. Two visitation reports were found in this section (inventory no. 2.202.15), one of which was performed by F. Koppendraijer s.j. on behalf of the bishop of Breda in January 1953. One section is devoted to the vow of chastity, about which Koppendraijer confronted several superiors and school principals. He had heard nothing 'about which I am obliged to report'. This leads us to wonder whether he asked the right questions, or perhaps he was led up the garden path, in view of the ongoing court

cases for violations of decency against several brothers. The visitation report of Mgr. W. Koenraadt of 1958 likewise makes no mention of cases of sexual abuse. On the contrary, he tells the bishop that he found nothing untoward in the relationships with St. Louis boarding school boys, for example.

No other archives were involved in research. However, the lists of withdrawn teaching certificates that are retained in the archive of the Ministry of Education were part of the research.

#### *3.4.8 Interviews related to archive research*

Interviews were conducted with the current general superior, C.J.H.M. van Dam. He provided details of the organization, the governance structure and the allocation of duties within the organization. Furthermore he mentioned two further cases of abuse that appeared neither in the *Hulp & Recht* reports nor in the archives.

### **3.5 Brothers of Tilburg (CMM)**

#### *3.5.1 Archiving authority*

The archives of the Congregation of the Brothers of Tilburg (archive CMM) are held in the generalate of the congregation in Tilburg, at Gasthuisring 54.

#### *3.5.2 Cooperation of the authority concerned*

The leaders of the congregation cooperated in full with the research into the archives.

#### *3.5.3 General features and particulars of the archive*

The total size of the archives is seven-hundred metres. One section, consisting of personal files of brothers and documentation about their work, is controlled by Mr R. Visser, who has a library background. The administrative archive is controlled by a member of the board and was rearranged several years ago.

#### *3.5.4 Condition and accessibility of the archive*

The material condition of the archive is excellent. Accessibility may be described as a problem, certainly for the purposes of this research. There is no inventory or container list. It is possible to examine the archive contents only on site. The personal files are currently being renumbered and some can therefore be examined only with the intervention and in the presence of the controller.

The administrative archive is in filing cabinets, in which it is arranged; the filing cabinets have detailed descriptions, but it is difficult to fathom out what kind of documents are inside. The underlying arrangement system is unclear.

#### *3.5.5 Destruction policy and practice*

There is no written destruction policy. The practices during the formation and rearrangement of the archive are unclear. According to an elderly religious brother who happened to be present, the brother who performed the rearrangement destroyed many records. Correspondence of this kind was not found. Six prosecutions of Brothers of Tilburg were found through the Kempe archive. No documents about this subject can be found in the archive.

#### *3.5.6 Types of material found to be relevant*

##### *Yearbooks*

There appeared to be a series of the yearbooks outside the archive, stating for each year which brothers were present in which community, which schools, and the numbers of members and pupils. No register was found of how brothers transferred.

### *Personal files*

It is unclear when, how and for what purpose these were formed. They also include documentation of the activities of the brother concerned and some fine photographic material. It was relevant for this research that they included curricula vitae with locations and lists of duties at the locations. In some cases there was also correspondence, which might contain clues.

### *Periodic reports from the religious communities*

The boards of the religious communities were required to report periodically about various matters: the superiors every three months, and the councillors every six months. The superiors were required to report on the general state, which is to say observance of the rules for spiritual exercises, silence, brotherly love and cleanliness and details of the conduct of the religious brothers, charitable works, house sacraments and dispensations. The councillors reported on whether the charitable works were being neglected and whether the superior ensured that the children were treated in a meek, patient, friendly and equable way.

### *Correspondence with the communities*

The correspondence was actually concerned only with announcements of transfers, with no reasons given.

### *Regulations*

The leaders of the congregation provided several copies of fragments from circulars and regulations. There was no systematic research of constitutions and directoria, because they were not present in full in the administrative archive, which had only recent items. A copy of the constitution applicable in the 1945-1967 period was available for perusal.

### *Minutes of the governing board*

The minutes sometimes discussed individual religious brothers, in particular in connection with departures. They also contain brief impressions of visitations to individual religious communities.

### *Letters*

Several folders were found of correspondence with individual brothers.

### *Documents concerned with general chapters*

These chapters were held every six years. The documents do not suggest that sexual abuse was discussed in these chapters.

#### *3.5.7 Supplementary research in other archives*

The Kempe archive yielded the names of six brothers whose teaching certificate was withdrawn by the Provincial Executive (in all cases of Noord Brabant) in the 1947-1956 period, following prosecution under Article 247 or 249 of the Dutch Penal Code. The relevant case files were examined. In some cases only the judgements were present.

Alongside the above more extensive reports, the Commission of Inquiry investigated some archives of congregations to reconcile the information in reports with that in the corresponding archives. These were therefore limited reports.

## **3.6 Brothers of Utrecht**

### *3.6.1 Archiving authority and cooperation with the research*

The archiving authority and archive owner is the Congregation of the Brothers of Our Lady of the Sacred Heart, known as the 'Brothers of Utrecht'. The general board of the congregation has been located in Indonesia since 2004, and the Dutch provincialate is in De Bilt. The provincial superior

Brother Wilfried van de Poll and the provincial archivist Brother Kees Perdon gave full cooperation to the research. The provincial superior granted unlimited access to the historical archive in St. Agatha. The archivist gave access in De Bilt to all requested personal files, also of living members of the congregation. The provincial furthermore provided a recently updated list of reports of abuse by members of the congregation, which were either submitted to *Hulp & Recht*, or had come to his attention through some other channel, together with concise data about the complaint. Eleven of these reports were not in the Commission of Inquiry's file.

### *3.6.2 Archive formation, arrangement and inventory*

The historical archive of the Brothers of Utrecht for 1873-1994 and the archive of the board of the province of the Netherlands from 1994 were retained until mid 2005 in a location in Utrecht, where it was controlled and arranged by their own archivists. Thereafter most of the archive was deposited with the heritage centre 'Erfgoedcentrum Nederlands Kloosterleven' in St. Agatha. There have been additional deposits since 2007, so that the documents now extend to 2000. In 2008 the archive in St. Agatha was rearranged and documented, however without changing the order within the original files. After the new arrangement – in accordance with the usual structure applied by the organization Kloosterarchieven in Nederland (KAN) – the parts have not been renumbered.<sup>47</sup> The administrative personal files of deceased brothers have yet to be transferred to St. Agatha, but are in the provincialate of the congregation in De Bilt.<sup>48</sup> Here also are the data of departed and living religious brothers. The substantial quantity of containers described as 'personal files' in the historical archive in St. Agatha are actually bequeathed papers of deceased brothers. There is no evidence of the presence of a 'secret archive'.

In other respects the congregation archive is well arranged with detailed references. Access to many files is also possible through a list of contents. The structure is clear. The material is subdivided into three main sections: administrative archive, house archives and general board from 1994. There are many gaps in the house archives in terms of number and content. This does not apply to the first section on which the research focused – in view of the available time on a sample basis – although certain documents and series are missing.

### *3.6.3 Records examined and their relevance for the research*

The following parts were examined of the historical archive in the heritage centre 'Erfgoedcentrum Nederlands Kloosterleven' in St. Agatha and the archive in De Bilt, in thematic sequence. (Unless stated otherwise they are in the archive in St. Agatha; the description of these documents is taken from the inventory.)

#### *Rules, constitutions and customs*

Inventory nos. 60, 63 and 64. In conjunction, these files provide a good view of the attitudes, general standards and rules within the congregation regarding sexuality and sexual abuse.

#### *Board*

Inventory no. 9 (documents concerned with the general superiors 1873-1994), 336 (documents concerned with the archbishops of Utrecht). The documents concerned with the superiors include documents of indirect interest from the 1950s. The box concerned with the archbishops (the highest authority over the congregation until 2004) mainly has documentation of no relevance to this research.

#### *Board meetings*

Inventory nos. 26-27 (chapters 1954-1963), 344-346 (minutes of board meetings, 1943-1971), 369-372 (appendices to board meetings, 1942-1970). Informative documents among those concerned with the chapters are reports 'about the spirit and religious discipline' (1954, 1960 and 1963) and the notes about the discussion in 1954. There is no information about cases of abuse in the minutes

of the board meetings; if they were discussed, they were not minuted. The announcements about persons are usually limited to appointments and transfers. The appendices to the board meetings yielded only contextual data.

#### *Correspondence*

Inventory no. 8 (correspondence general superior 1942-1948, with appendices), 338339 (correspondence with the Archdiocese of Utrecht and the dioceses of Groningen and Haarlem, 1942-1972), 394-401 (letters from and to brothers, 1949-1987). The correspondence of the general superior had only prescriptive documents. The correspondence with the archdiocese has letters about requests for departure for which dispensation from the archbishop is required. It is striking that precisely those letters of the superior that relate to cases of abuse (some of which were found in the archdiocesan archive) are missing in this series. There was also correspondence about standards and rules, such as about brothers indulging in swimming. The series of letters from and to brothers was inspected for any correspondence with the persons identified as perpetrators in the reports and elsewhere. In some cases this search yielded documents of indirect interest, but no direct reference whatsoever.

#### *The Leo foundation*

Inventory no. 152 (documents concerned with the Leo foundation in Borculo, 1907-1999, and correspondence of the General Board – Superior, 1907-1974), 158 (documents concerned with the Leo foundation including annual reports and other reports, 1899-1993). The two inventory numbers, in particular the correspondence with the superior, include a number of documents that are important in establishing the context, but not a single document that directly refers to the abuse of pupils.

#### *Personal data*

The personal files are held in the archive of the Brothers of Utrecht in De Bilt. The files of deceased brothers usually have the personal index cards and sometimes a more detailed CV, formal documents about religious status, certificates, photos, obituaries, documents concerned with illness and funeral, publications about the person concerned, etc. Other documents, such as correspondence and any bequeathed papers, are rarely included. The files of all the reported deceased brothers were examined. The content of files of living brothers largely corresponds with that of the deceased brothers. The files of all reported living brothers were examined. One box had personal index cards of brothers who had departed the congregation. A check showed that these were incomplete. The archivist said that the associated personal files had been destroyed. The personal index cards of all reported members who had departed the congregation were examined. The containers in the historical archive in St. Agatha marked as 'personal files' are not administrative files, and include bequeathed documents.

The files in De Bilt constitute the most important source for biographical data and in some cases yielded indirect clues (e.g. the circumstances of transfers, or state of health). However, there is a complete absence of documents directly related to abuse cases. The main contents of the 'personal files' in St. Agatha are photos, albums and memorabilia, mostly of an innocent nature. A sample was taken of the extensive series based on the names of three reported perpetrators (a total of nine boxes). In one case this yielded some contextual material. Time pressure prevented the examination of all files of reported perpetrators in this series, also in view of the descriptions of the material in the inventory. Other items of interest in ascertaining specific data about individuals included the yearbook with the title *Congregation of the Brothers Our Lady of the Sacred Heart. Yearbook*.

#### *3.6.4 Purging and destruction*

There were no official regulations within the congregation for the selection and destruction of records. It became clear in the course of the research that there had been widespread purging in the

past to remove 'awkward' documents. It appeared from information from the provincial that the general superior Brother Camillus Heikens (1982-1988) had destroyed all internal biannual reports about the individual communities, thereby removing an important source for this research. The personal files were also purged; those of departed brothers were even completely destroyed except for the personal index cards. Elsewhere too, documents have been selectively removed, as is evident from the correspondence with the archbishops of Utrecht. The archive of the Archdiocese of Utrecht (in the Utrecht Archive), inventory nos. 1508-1509, retains some of the documents that are missing from the congregation archive. These files produced the few documents with direct reference to the abuse of minors by religious brothers. The archive of the brothers itself yielded absolutely nothing about specific cases.

### *3.6.5 The archive of the Leo foundation in Borculo*

The heritage centre 'Erfgoedcentrum Achterhoek and Liemers' in Doetinchem had documents under no. 0900 concerned with the Leo foundation in Borculo (1892-2008). This archive was not consulted in the research in view of a message posted on the section of the web site [www.klokk.nl](http://www.klokk.nl) devoted to the victims' group of the Brothers of Utrecht. The message stated that on 27 June 2011 two members of the group had examined the archive material 'page by page', evidently with no result. Five inventory numbers were not readily accessible, but the digital inventory indicated that the documents concerned were for after 1990, and therefore outside the scope of this research (the brothers had transferred control of the institution in 1982). Moreover, the introductory text on the web site of the *Regionaal Historisch Centrum* (Regional History Centre) points out that the part of the collection concerned with the period under the control of the Brothers of Utrecht is more of a compilation of documentation than the archive of an institution.

## **4 Limited reports of limited archive research**

### **4.1 Sacramentines (SSS)**

#### *4.1.1 Archiving authority*

Based on the reports about brothers and priests of the Congregation of the Blessed Sacrament (SSS), research was carried out in the heritage centre 'Erfgoedcentrum Nederlands Kloosterleven' (ENK) in Sint Agatha and the archives of the houses in Kerkrade and Nijmegen (Brakkenstein).

#### *4.1.2 Cooperation of the authority concerned*

Having obtained permission from the congregation board to inspect the archive held by ENK research proceeded with no problem. The congregation likewise gave its consent and cooperation for the archives in Nijmegen and Kerkrade. The files in both houses are in locked archive cabinets. Father superior Fons Kuster (Kerkrade) and superior Louis Zaat (Nijmegen) opened all the archive cabinets to allow the Commission of Inquiry researcher to retrieve the necessary files. I was able to carry out research unsupervised in both archives.

The research in both Kerkrade and Nijmegen was carried out in the presence of Father Eugène van Heyst. Father Van Heyst is known to the Commission of Inquiry as the archivist of the congregation and he was the contact for agreements about examining the personal files.

#### *4.1.3 General features and particulars of the archive*

The historical archive collection of the congregation has been retained since 2008 in the heritage centre 'Erfgoedcentrum Nederlands Kloosterleven' (ENK) in Sint Agatha. The archive was compiled by the archivists Father Swaans (1949-1984) and Father Piet Roestenberg (1986). Father Roestenberg arranged the archive.<sup>49</sup> The archive was closed when the Dutch province was disbanded in 2005. The archive was inventoried on the basis of his arrangements by the KAN in the same year. The congregation deposited the historical archive with the heritage centre, but has retained title to the material.

Most of the historical collection in the ENK is taken up with the Sacramentines' administrative archive. Until 1931 the congregation had no provincial boards and all contact ran directly from the general board to the house superiors. From the 1930s minutes of meetings and correspondence between the provincial superior and the father general appear in the archive. The various house archives are also included in the collection. Being based on the reports, the archive research focused on the records concerned with Stevensbeek.

The congregation itself retains the personal files, chronicles and other sources of the houses. The files of deceased (and departed) members are in the archive in Kerkrade and those of living fathers and brothers are in the house archive in Nijmegen (Brakkenstein).

#### *4.1.4 Condition and accessibility of the archive*

The archive material that was inspected was in a good condition. The clear archive structure helped provide a satisfactory overall view, and also helped identify archive material of possible relevance. The personal files in Nijmegen and Kerkrade are arranged alphabetically, allowing the files to be located conveniently. Most personal files have an overview (typed, one A4 sheet) with a list of the file contents and a short biographical outline of the father or brother. These lists are undated and the author is unknown. The lists were probably drawn up by the provincial archivist.

#### *4.1.5 Destruction policy and practice*

Gaps were observed in the administrative correspondence for the years about which reports had

been made. The father provincial and father general correspond monthly (or more frequently). Sometimes months of correspondence are missing in the 1950s and 1960s. In 1955 and 1956 the father provincial and the father superior of Brakkenstein corresponded about a father who had come into conflict with the judicial authorities because of homosexual contacts with minors.<sup>50</sup> The archive was closed in 2005 and transferred to the ENK. Until that time Father Swaans, Father Roestenberg and Father Wouters controlled the congregation archives.

In 1959 and 1960 Father Roestenberg personally reported three cases of sexual abuse to Father General Spiekman.<sup>51</sup> Later as provincial archivist he arranged these letters and indexed them. The letters remain in the archive. It is plausible that as the author he was aware of the content of the correspondence. This observation makes the presence of cases of sexual abuse a less obvious reason for the missing correspondence. Furthermore the research was limited to certain archive sections, which precludes statements about the congregation's destruction policy. The transfer of the historical archive to the ENK also led to further arrangement and purging of the archive. No documents were found that indicate a deliberate or explicit destruction policy.

The lack of a clear line in the content of the personal files makes it hard to establish whether documents are missing in this type of source. All files contain 'forms' for assessing the progress of the congregation members.

#### *4.1.6 Types of material found to be relevant*

In particular the correspondence between the house superiors of Stevensbeek, the father provincial and the father general were found relevant for information directly related to sexual abuse. Matters of this kind are raised in the correspondence between the father general and the provincial in particular.

### **4.2 Brothers of the Christian Schools (FSC)**

The research into the Brothers of the Christian Schools used the archive of the Brothers of the Christian Schools that is controlled by the heritage centre 'Erfgoedcentrum Nederlands Kloosterleven' in St. Agatha. The relevant inventory numbers are 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 30, 31, 32, 33, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 262, 274, 275, 311, 362, 366, 387, 402, 405, 558, 564, 578, 582, 585, 608, 623, 662, 663, 676, 677, 679, 680, 681, 682, 683, 684, 729, 792, 962, 974, 982, 986, 988, 999, 1005 and 1112. Supplementary research was also carried out in the current archive of the Brothers in Voorhout.

Minutes of the chapters and the correspondence with Rome were examined in the supplementary archive research. No information that points to sexual abuse was found in the documents concerned with the chapters. The decline in the number of callings and the insecure state of spiritual life within the congregation were seen as the greatest – overarching – problems, but these sources yielded no relevant information that related directly to sexual abuse. The correspondence between the brother visitor and the vicar general in Rome were a relevant source in this respect: this correspondence allowed a few more cases to be established. The current archive in Voorhout has yet to be inventoried on the basis of the KAN system. The archive is less than half a metre long and is therefore relatively manageable and accessible. It consists mainly of policy documents (minutes of meetings of the board and later of the sector council) and correspondence.

### **4.3 Brothers of Our Lady of Lourdes**

Two archives of the congregation itself were examined for this limited research. One was at the provincialate in Eindhoven, where the section of the provincial administrative archive that was not transferred to St. Agatha was examined. The other archive section that was transferred was examined in St. Agatha based on an inventory. The congregation provided full cooperation to this research. Nothing is known about any destruction policy.



Documents in Eindhoven that were found to be relevant were:

- minutes of the Provincial Board (PB), correspondence with the Provincial Superior 1958-1976 and personal index cards (PK)

The relevant documents in St. Agatha were: those concerned with regulations, inventory nos. 47-52, circulars, inventory nos. 104-111; conferences of brother superiors, 1933-1970, inventory no. 123; visitation reports, 1941-1966, inventory no. 102; circulars, containing summaries of meetings, day-to-day management, 1970-1974, correspondence of the brother superior of the juvenate in Vught, 1953-1966, inventory no. 378; correspondence about departures (has no details, only names and dates), 1956-1975, inventory no. 414; register of members of the community St. Jozefhuis Den Bosch, 1897-1991, inventory no. 891.

#### **4.4 Brothers of the Poor of St. Francis**

##### *Archive*

When the brothers left the buildings in Bleijerheide, the archives on the site were destroyed on a large scale. It is unclear how much of the provincial's archives were transferred to the congregation's administrative centre in Aachen. After the event an ex-pupil, Jos Schmidt of Ospel, chanced upon remnants of the archive that had been formed in Bleijerheide in a corridor of the surviving chapel. He kept them at home until March 2011 when the board of the congregation transferred them to the heritage centre 'Erfgoedcentrum Nederlands Kloosterleven' in St. Agatha. They were examined in St. Agatha on 19 August 2011. They were found to consist of a large quantity of photos and a few isolated fragments about the boarding school, the '*Vereniging school van de H. Franciscus* (The St. Francis School Association)', the teaching location in 1979, and the provincial, from the 1939-1958 period and the 1982-2003 period. Very little was found of relevance to this research. The following are of some significance:

- fragments of periodic reports from the superior of the community, 1945-1948, as found in other congregations;
- a fragment of the report of the provincial 1951, with mention of a brother in Boekel who had been in conflict with the judicial authorities;
- preparatory documents for the general chapter in 1954, with questions about possible changes, and with evidence of the tensions between community life in accordance with the traditional rules and the new professional challenges that were also present in the congregation;
- curricula vitae, drawn up by themselves in the early 1990s of 13 brothers in Bleijerheide, about nine of which reports had been made;
- fragments of the directorium, undated.

#### **4.5 Sisters of Charity (SCMM)**

The archive of the Sisters of Charity (SCMM) is retained in the heritage centre 'Erfgoedcentrum Nederlands Kloosterleven' in St. Agatha.

The relevant archive documents are:

- 2.12.21 House at Budel
- 2.12.22 House at Budel
- 3200
- 6031
- 3184
- 3009 De Wijnberg institute for the blind, Grave
- 6042 De Wijnberg institute for the blind, Grave
- 2135 Nazareth, Venlo
- 3075 Nazareth, Venlo
- 1425 De Wijnberg institute for the blind, Grave

## **5 Other**

### **5.1 Verification of the number of offenders**

On 15 July 2011 the Commission of Inquiry submitted the names of priests and members of religious orders and congregations alleged in reports to have been perpetrators, to all dioceses and all orders and congregations mentioned in the reports. There were some one thousand names in total in the first instance. Some duplicates, or suspected duplicates where almost identical names were found, arose while producing the list of names.

Three congregations of sisters did not respond. Two orders of sisters (the Franciscans of Oirschot and the Sisters of Choorstraat) stated that they were unable to cooperate in the absence of additional information from the Commission of Inquiry. It was impossible to provide additional information in view of the confidentiality promised to the notifiers. The names of three perpetrators were involved. One congregation of sisters (the Sisters of the Providence of God) failed to respond at all – even after a reminder. The name of one perpetrator was involved.

### **5.2 Public Prosecution Service**

With the consent of the Board of Procurators General the Commission of Inquiry was able under conditions to peruse the judicial documents used where charges of sexual abuse of minors by priests and members of religious orders and congregations were prosecuted or dropped. The conditions imposed were those that are customary when inspecting judicial archives. No copies may be made, the privacy of living persons must be respected and the information collected must not be used to make contact with victims or their next of kin.

### **5.3 Military ordinarate and the Ministry of Defence**

With the consent of the person concerned, the Commission of Inquiry was allowed to peruse a large part of the personal file of the person concerned held at the Ministry of Defence. The person concerned was employed in the military ordinarate. The documents involved were in the Van Lieverloo collection, named after the former superior of the person concerned.

### **5.4 The Hulp & Recht archive**

The Commission of Inquiry was given access to the *Hulp & Recht* archive for its interim report of 9 December 2010. This access was unlimited, on the understanding that the privacy of those concerned was to be respected. The sections of the *Hulp & Recht* archives that were not examined at the time included the reports. All notifiers to *Hulp & Recht* were requested on 9 September 2010 to provide consent for their report to be forwarded to the Commission of Inquiry. In August and September 2011 the Commission of Inquiry appealed to *Hulp & Recht*'s legal successor to verify certain factual data. The conditions under which this was allowed were considerably stricter than in 2010. The explanation given was the new, independent status of the new organization. In a material sense the more stringent approach made no difference, and the Commission of Inquiry's questions were answered satisfactorily.

### **5.5 Inquiry conducted by Dr D.W. Steenhuis**

Dr D.W. Steenhuis contacted the chairman of the Commission of Inquiry on 8 March 2011.<sup>52</sup> He stated in this e-mail that he had been requested by the Board of Procurators General 'in consultation with the Minister of Security and Justice' to investigate the manner in which the Public Prosecution Service had dealt with reports of sexual abuse 'committed by employees of the Roman Catholic Church'.

Dr D.W. Steenhuis further stated that he had already established at that time that the archives of the Public Prosecution Service and the legal system would 'not yield a complete picture'. He expressed

interest in the reports made to the Commission of Inquiry: ‘people [...] who have filed reports, when they did so, where, and to whom’.

At 12:11 on 9 March 2011 the chairman of the Commission of Inquiry replied that agreements had been made regarding exchange of information between the Commission of Inquiry, the Samson Commission and the Board of Procurators General. The chairman of the Commission of Inquiry stated that he had requested the secretary of the Commission of Inquiry to contact Dr D.W. Steenhuis to discuss a further exchange of information.

At 15:00 on 18 March 2011 there was a discussion at the administrative support department of the Commission of Inquiry between Mr Steenhuis and the secretary of the Commission of Inquiry. One week previously, on 11 March 2011, the secretary of the Commission of Inquiry had asked Mr Steenhuis to prepare supplementary information for the purpose of the discussion. The information to be prepared was concerned with terms of reference, and the time period covered by Mr Steenhuis’ inquiry. The secretary also inquired as to the correctness of the report in *NRC Handelsblad* to the effect that the inquiry was to complete on or before 15 May.<sup>53</sup> The secretary asked further whether the inquiry would be made public and whether prior to publication the Commission of Inquiry would still have an opportunity to provide factual comments in the interests of hearing both sides of the argument.<sup>54</sup>

Without delay Mr Steenhuis answered that he did not yet have a written research design ‘but I have an idea of the approach I would like to take’. The period concerned was ‘from 1980 to the present’. According to Mr Steenhuis the intention was indeed for the inquiry to complete on 15 May 2011. He would, finally, discuss the opportunity to comment on his inquiry, and stated that the inquiry ‘would be made public at some point’.<sup>55</sup>

In the discussion that took place on 18 March Mr Steenhuis requested that questions be submitted by e-mail to all (over 2,000) notifiers of the Commission of Inquiry. This request coincided with the Commission of Inquiry’s preparations to send many notifiers a questionnaire as part of its own inquiry. One of the questions in this questionnaire was about any contacts with the police and judicial authorities. The Commission of Inquiry judged that the submission of two almost identical questions to the same population would not be in the notifiers’ interests. They would then be burdened with completing two questionnaires.

It also appeared from the discussion of 18 March that Mr Steenhuis’ inquiry was concerned exclusively with criminal offences committed after 1980. Only a few dozen of the reports submitted to the Commission of Inquiry related to criminal offences committed after 1980, and the number did not justify asking over 2,000 notifiers questions that would be irrelevant for most of them.<sup>56</sup> Moreover the Commission of Inquiry drew Mr Steenhuis’ attention in this discussion to several – anonymized – decisions to drop charges, which had emerged by that point in its inquiry.

Two weeks later, on 6 April, Mr Steenhuis stated that he indeed wished to review only the reports of abuse after 1980.<sup>57</sup> There was thereby no longer any need to distribute a questionnaire to all notifiers.

In early June 2011 the Commission of Inquiry had still heard nothing about the opportunity to respond to the facts as presented in Mr Steenhuis’ draft report. The Commission of Inquiry approached Mr Steenhuis on this point in view of relevant information that had become available in the meantime for Mr Steenhuis’ inquiry. Mr Steenhuis was also requested to provide a postal address. Mr Steenhuis left a voicemail for the secretary of the Commission of Inquiry to the effect that the data could be sent to a holiday address in Austria. In view of the confidential nature of the,

albeit anonymized, data, the secretary decided to await Mr Steenhuis' return to the Netherlands, and not to send the confidential data to a foreign holiday address.<sup>58</sup>

In the week of 13 June 2011 Mr Steenhuis phoned to provide his postal address in the Netherlands. He was unable to provide an answer as to when his inquiry report would be submitted to parliament. It was agreed that the information to be made available by the Commission would be sent to Mr Steenhuis by registered mail on 22 June 2011. Mr Steenhuis was informed by e-mail on 21 June 2011 that the registered letter would be sent on 22 June 2011, and would accordingly be delivered to him on 23 June.<sup>59</sup> On 29 June Mr Steenhuis appeared on the *Nieuwsuur* television programme, where he claimed to have received the promised information only the previous day.<sup>60</sup> The Commission of Inquiry is unable to reconcile this statement with the actual course of events.

## **ANNEX**

### ***Protocol regarding the confidentiality of personal details***

#### *Background*

'The Commission of Inquiry and the research team will jointly define a protocol with respect to the confidentiality of personal details disclosed to them in the course of the Inquiry, or that become known to them in any other way. Both will observe strict confidentiality towards third parties, in accordance with common practice in judicial investigations.' See Research Design, p 22.

It was decided for practical reasons to have only one rather than two protocols.

#### *Protocol*

##### *General*

- The chairman, members of the Commission, the secretary, staff of the administrative support department and members of the research team will refrain from making any statements to third parties about the inquiry report until its publication, except as stated below.
  - a. The chairman will maintain all external contacts, in connection with which he will be represented by Mr G.J. Verhoog. Mr Verhoog will act in respect of external contacts as the Commission's official contact.
  - b. The chairman, W.J. Deetman, may be contacted by the principals directly. Both the Conference of Bishops and the Conference of Religious in the Netherlands have duly appointed a contact person.

##### *The Commission*

- The Commission will report in accordance with the provisions of the Personal Data Protection Act. The dioceses, orders and congregations will agree to the attached covenant.
- At least two months before publication of the final report the Commission will submit the sections of text regarding the factual reconstruction to the contact persons specified under 1b, or by submitting factual sections to the principals in order to hear both sides of the argument, as soon as the Commission considers it appropriate to send them to the principals. On behalf of the principals these contact persons will respond within four weeks with factual corrections and additions to the texts submitted to them.
- The chairman and members are authorized after the presentation of the final report to provide explanation and clarification within their mandate.

##### *The administrative support department and the research team*

- The secretary will inform the principals of the composition of the administrative support department and the research team.
- The staff of the administrative support department and the research team will sign a confidentiality agreement. This confidentiality is permanent.
- The administrative support department and the research team are authorized to make copies and take minutes for the inquiry. Copies of documents of a confidential nature will be returned after the end of the inquiry to the archive of the relevant diocese, order, or congregation. The Commission will state in its final report the number and the nature of the copies returned.
- The members of the administrative support department and research team will each bear a letter signed by the secretary or chairman stating that they are employed by the Commission. These letters will be shown on request when visiting archives and the employee concerned must provide proof of identity with a valid identity card. The secretary is to be contacted in the event

of doubt: [mobile telephone number deleted] and e-mail [b.kreemers@onderzoekrk.nl](mailto:b.kreemers@onderzoekrk.nl).

*Other*

- The archive of the Commission will be transferred to the National Archive. The Commission will include a proposal in its final report for access to this archive.

The Hague,

Rotterdam,

Nijmegen,

W.J. Deetman

Mgr. A.H. van Luyn

Br. C.J.H.M. van Dam c.s.a.

## COVENANT

The undersigned:

- 

and

- 

referred to jointly hereafter as Parties

Pursuant to the decision of the Conference of Bishops and the Conference of Religious in the Netherlands (KNR) of 11 May 2010, concerning the formation of the Commission of Inquiry into the Sexual Abuse of Minors in the Roman Catholic Church;

Having regard to the Personal Data Protection Act;

Whereas:

the Deetman Commission has been charged with conducting an inquiry into:

- a. the nature, scale and consequences of the sexual abuse of minors by persons who fall or fell under the responsibility of organizations that are part of the Roman Catholic Church in the Netherlands;
- b. the awareness within the said organizations of the nature, scale and consequences as referred to under a;
- c. the responses of the said organization to the nature, scale and consequences as referred to under a.;
- d. the mechanisms for detection, punishment and prevention of sexual abuse of minors as referred to under a. and the associated responsibility and supervision;

the Deetman Commission will be unable to perform the above-mentioned inquiry satisfactorily without access to archives of the institutions concerned and the personal files of any persons involved that the Commission deems necessary to peruse;

the (scientific) inquiry serves a public interest;

the covenant is applicable to the Commission, the administrative support department and the research group;

the covenant does not affect the agreements include in the Research Design of 7 May 2010.

The Parties have agreed as follows:

the Deetman Commission, and the (scientific) researchers acting on its instructions, will be allowed to inspect the archives of the organization concerned and personal files in the name of any persons involved belonging to or falling under the responsibility of the organization;

they will process (exceptional) personal data;

they will process data only if and to the extent necessary to achieve the above-mentioned research objectives;

they will process no more data than necessary to achieve the research objectives;

the data processed will be adequate, relevant and not excessive for the purposes for which they are processed;

they will not use data for purposes other than described above, nor make them available to others without permission from the institution concerned;

they have an obligation of secrecy regarding the (exceptional) personal data that they become aware of;

the data in the final report with appendices will be anonymized in accordance with generally accepted methods in this connection, with the possible exception of cases in which a person's name is already in the public domain, or in cases in which the public interest compels deviation from anonymization;

the researchers will arrange for organizational and technical measures to be effected for the security of the processing of (personal) data, taking into consideration the state of the art, the costs, and the nature of the data to be protected.

Drawn up in duplicate and signed,

Deetman Commission

The Hague

date:

date:

Dr H.P.M. Kreemers

secretary and research manager

## NOTES

1. Peter Adriaenssens, *Verslag activiteiten Commissie voor de behandeling van klachten wegens seksueel misbruik in een pastorale relatie* (Report of the activities of the Commission of Inquiry into the handling of complaints of sexual abuse in a pastoral relationship), 10 September 2010.
2. The Commission to Inquire into Child Abuse, *Final Report*, May 20, 2009. Commission of Investigation, *Report into the Catholic Archdiocese of Dublin*, July 2009. Commission of Investigation, *Report into the Catholic Diocese of Cloyne*, December 2010.
3. Julia Zinsmeister, *Schwere Grenzverletzungen zum Nachteil von Kindern und Jugendlichen im Aloisiuskolleg Bonn-Bad Godesberg*, 15 February 2011.
4. Karen J. Terry et al., *The Causes and Context of Sexual Abuse of Minors by Catholic Priests in the United States, 1950-2010. A Report Presented to the United States Conference of Catholic Bishops by the John Jay College Research Team*. Washington DC, 2011, pp 2-3.
5. Joep Dohmen, 'Bisdom liet seksdossiers verdwijnen: Geheim archief over misbruik (Diocese caused sex files to vanish: Secret abuse archive)', *NRC Handelsblad*, 18 December 2010.
6. Press release RCC, 'Bisschoppen bereid tot "volledige medewerking" tot commissie-Deetman (Bishops willing to "cooperate in full" with Deetman Commission)', 18 December 2010.
7. The Commission of Inquiry makes the following observation regarding the figures presented below about reports of sexual abuse that were made about congregations of sisters. There would appear to be general confusion or lack of clarity among the notifiers regarding the precise names of the congregations, in particular of sisters. This is attributable to the similarities in the names of many congregations of sisters, which have identical or similar components (e.g. of Mercy, of Providence, and of the Holy Spirit). The Commission of Inquiry has attempted to ascertain the names of congregations of sisters as precisely as possible.
8. Joep Dohmen, 'Het geheime archief in de kast van de bisschop (The secret archive in the bishop's cupboard)', *NRC Handelsblad*, 18 December 2010 and Peter Nissen, 'Doofpot is bij kerkelijke wet voorgeschreven (Cover-up prescribed in canon law)', *NRC Handelsblad*, 20 December 2010.
9. R. Naz, *Dictionnaire de Droit Canonique dl. I*, 1935, pp 1025-1036; Klaus Mörsdorf, *Lehrbuch des Kirchenrechts auf Grunddes Codex Iuris Canonici*, 1964 (11th edition) pp. 433-436, and James A. Coriden, Thomas J. Green and Donald E. Heintschel, *The Code of Canon Law. A Text and Commentary*, 1985, Canons 486-491.



10. E-mail from the vicar general of the diocese of Breda at 14:02 on 7 October 2011. See also the appendix about the diocese of Breda.
11. E-mail from P.A.G.M. Pot, secretary-chancellor/personnel officer of the diocese of Groningen-Leeuwarden at 9:50 on 21 June 2011.
12. E-mail from secretary-chancellor at 9:52 on 21 June.
13. B. Voets, *Bewaar het toevertrouwde pand. Het verhaal van het bisdom Haarlem* (Keep that which is committed to thy trust. The story of the diocese of Haarlem), 1981.
14. As transpired from a telephone inquiry by the diocese to the now retired Mgr. Zuidgeest.
15. Statement from vicar general Dr H.A. Verbakel to Dr H.P.M. Kreemers, 28 February 2011. He reiterated this information in an interview with P.C.M. Koedijk and Dr G. Valk on 10 March 2011.
16. Statement by D. Hoffman, 2 May 2011.
17. Jan de Kok O.F.M., *Acht eeuwen minderbroeders in Nederland: een oriëntatie* (Eight centuries of Friars Minor in the Netherlands: an orientation), 2008, p 367.
18. UA, Administrative archive, inventory no. 40.
19. M.A. Baan, *De Nederlandse Minderbroedersprovincie sinds 1853. Sociologische verkenning van een religieuze groepering in verandering* (The Dutch province of Friars Minor since 1853. A sociological study of a changing religious group), 1965.
20. Jan de Kok O.F.M., *Acht eeuwen minderbroeders in Nederland: een oriëntatie* (Eight centuries of Friars Minor in the Netherlands: an orientation), 2008, p 539.
21. UA, Administrative archive, inventory no. 1711.
22. Letter of 26 October 1950 (archive of the Dutch Province of Jesuits, Amaliastraat The Hague [hereafter cited as: archive SJ The Hague], PA 1652).
23. The first files present in the historical archive of the Dutch Province in Nijmegen [hereafter cited as: ANSI Nijmegen] are inventory nos. 394-395 (Correspondence of the provincial father with the rector concerned with the community and college 1959-1988).
24. There is a reference to this letter in a letter from the provincial to the general superior of 9 December 1959 (Archive SJ The Hague, PA 1663).
25. 28 February 1962 (Archive SJ The Hague, 'Letters from and to ARP General 1962-1964').
26. Minutes of the Provincial Consult of 15 January 1977 (Archive SJ The Hague, Minutes of consult and staff 1977).
27. Circular 19 April 1983 (ANSI Nijmegen, Provincial's Archive inventory no. 263).
28. Historical archive of the Congregation of Salesians of St. Agatha, partly Soest (hereafter referred to as: Archive SDB), inventory nos. 746-747.
29. Archive SDB, inventory no. 3113.
30. Archive SDB, inventory no. 108/1, 22 June 1967.
31. Archive SDB, inventory no. 78.
32. Archive SDB, inventory no. 3322.
33. Meeting held on 14 June 1984, Archive SDB, inventory no. 111/4.
34. Constitution 1956, Article 136
35. Constitution 1956, Article 142.
36. Constitution 1956, Chapter IX.
37. [www.erfgoedkloosterleven.nl](http://www.erfgoedkloosterleven.nl).
38. Archive FIC, inventory no. 17. 'Mindful of the dangers presented by the German occupation, the 'Governing Board' has taken the painful decision to destroy a part of the archive of the Congregation – specifically the correspondence between the houses and the General Superior for the years 1914-1940, which was held in The Hague.' The reference to 'Governing Board' calls for explanation. The general superior was in The Hague at the time of the German invasion, and found himself completely isolated from his board. There were grounds to assume that the situation would persist for some considerable time. In order to arrive nonetheless at a sound decision regarding the archive, he requested the two superiors

of the houses in the Hague and their first councillors for their opinion. After also hearing the opinion of authorized persons, this collegial body resolved unanimously to abandon the entire archive, which was then burned.

39. Archive FIC, inventory no. 767.
40. Archive FIC, inventory no. 3155.
41. Archive FIC, inventory no. 4474.
42. Archive FIC, inventory nos. 131-135.
43. Archive FIC, inventory no. 242.
44. National Archives, archive 2.14.39, inventory nos. 122-126.
45. Frans Houben, *NR*, 21, 1996.
46. For instance (pp. 8, 37) he claims that brothers would untie the cords around their waists before thrashing him, yet cords were not worn in this congregation.
47. Cf. the introduction to the digital inventory on the web site of the heritage centre in St. Agatha. Cited as: 'Archive Brothers of Utrecht'.
48. Cited as 'Archive Brothers of Utrecht, De Bilt'.
49. For example, Father Roestenberg produced indexes based on the correspondence, which refer to items such as dates, places and correspondents, rather than the content. Information exposed in the Sacramentines' archive inventory (AR-P011) and the explanatory notes to the archive produced by archivist Olga Minkema (ENK).
50. ENK, Archive Congregation of the Blessed Sacrament (AR-P011), inventory no. 454: correspondence from house superior Voss of the Brakkenstein community, mainly with the provincial, 1954-1957.
51. ENK, AR-P011, inventory no. 88: correspondence between General Superior Spiekman with Provincial Superior Roestenberg, 1959; inventory no. 89: correspondence between General Superior Spiekman with Provincial Superior Roestenberg, 1960.
52. E-mail from Dr D.W. Steenhuis to W.J. Deetman, at 16:36 on 8 March 2011.
53. Joep Dohmen, '*Zedenzaken waren toen geen issue bij justitie* (Sex cases were a non-issue for the judicial authorities at the time)', *NRC Handelsblad*, 11 March 2011.
54. E-mail from Dr H.P.M. Kreemers to Dr D.W. Steenhuis, at 23:18 on 11 March 2011.
55. E-mail from Dr D.W. Steenhuis to Dr H.P.M. Kreemers, at 23:30 on 11 March 2011.
56. E-mail from Dr H.P.M. Kreemers to Dr D.W. Steenhuis, at 00:16 on 24 March 2011.
57. E-mail from Dr D.W. Steenhuis to Dr H.P.M. Kreemers, at 22:24 on 6 April 2011.
58. E-mail from Dr H.P.M. Kreemers to Dr D.W. Steenhuis, at 10:36 on 1 June 2011.
59. E-mail from Dr H.P.M. Kreemers to Dr D.W. Steenhuis, at 15:28 on 21 June 2011.
60. <http://nieuwsuur.nl/onderwerp/252175-om-liet-misbruikzaken-kerk-verjaren.html>