

Archbishop supports duty to report child abuse, but not when admissions made in confessional

A new law in Australia will require Catholic priests in Canberra to break the seal of confession to report child abusers, drawing adamant opposition from Church officials.

“Priests are bound by a sacred vow to maintain the seal of confession,” said Archbishop Christopher Prowse of Canberra and Goulburn, adding “without that vow, who would be willing to unburden themselves of their sins?”

On June 7, the Australian Capital Territory (ACT) Legislative Assembly in Canberra passed a law requiring religious organizations to fall under the legal requirements of the mandatory Reporting Conduct Scheme. Religious groups and their “activities, facilities, programs or services” will be required to report any allegations, offences or convictions of child abuse within 30 days. This legislation extends to the seal of confession, making it illegal for priests to fail to report the confession of a child sexual abuse crime. The confession provision will take effect March 31, 2019.

ACT Attorney-General Gordon Ramsay said the situation is “complex” and must be discussed “with community and religious leaders” over the course of the coming months. Ramsay also noted he would be meeting with Archbishop Prowse to discuss the new law.

In a June 6th article for the Canberra Times, Prowse cautioned that “the government threatens religious freedom by appointing itself an expert on religious practices and by attempting to change the sacrament of confession while delivering no improvement in the safety of children.”

“Sadly, breaking the seal of confession won’t prevent abuse and it won’t help our ongoing efforts to improve the safety of children in Catholic institutions,” Prowse continued.

The archbishop said the Catholic Church shares the government’s concern to protect the safety of children and wants to be a part of the solution. “The draft laws are a consequence of the profound failure of the leadership of the Church and the duty of care we owe to children,” he admitted. “It is a failure that will haunt the church for decades, and which has haunted many survivors for even longer. For these failures, the Church is sorry. I am sorry.

“At the same time, we are doing all that we can to make sure our schools and parishes are safe places and our protocols and procedures for responding immediately to such issues are in place. We have heard the Australian

community, including the very concerned Catholic community, we have learned, and responded on a practical level. I am committed to continuing this important work.”

“When the government scheme to report all child abuse allegations to the ACT Ombudsman did not include parishes and communities of faith, I called for that anomaly to be rectified and strengthened. But I cannot support the government’s plan to break the seal on religious confession.”

The *Catechism of the Catholic Church* teaches that “every priest who hears confessions is bound under very severe penalties to keep absolute secrecy regarding the sins that his penitents have confessed to him,” due to the “delicacy and greatness of this ministry and the respect due to persons.”

The *Code of Canon Law* states that “The sacramental seal is inviolable; therefore it is absolutely forbidden for a confessor to betray in any way a penitent in words or in any manner and for any reason.” A priest who intentionally violates the seal incurs an automatic excommunication.

In the Archdiocese of Edmonton, policies aimed at preventing child abuse require church employees and volunteers to report allegations or admission of abuse to civil authorities. “Whenever someone becomes aware that a child is in need of protective services, the obligation to report arises,” states the policy on Intervention – Children. “Any person who has reasonable and probable grounds to believe that a child is in need of intervention, must by law report it to a Child and Family Services Authority under the Child, Youth and Family Enhancement Act without delay.”

The exception is when such an admission is made in the confessional, in which case the priest is to encourage the penitent to confess to outside authorities: “The seal of confession is inviolable regarding information received in the confessional (cc. 983; 984) despite the requirements of civil law, including the Child, Youth and Family Enhancement Act. The penitent is to be strongly encouraged to make disclosure outside of the confessional.” (Allegation Assessment Protocol)

In Canberra, some politicians have already raised concerns over the new measure. Andrew Wall, a member of the ACT Legislative Assembly, said many of the clauses in the new law were “overdue,” but disagreed with its extension to the confessional. Wall told the Canberra Times that forcing priests to break the seal of confession “significantly impinges on an individual’s freedom of association, freedom of expression and freedom of religious rights.”

Vicki Dunne, a member of the assembly who is Catholic, said trying to force priests to break this seal would undermine the “sacred, sacramental and sacrosanct” rite of confession.

Archbishop Prowse, who said he supports the reportable conduct scheme in general, said he looked forward to discussing the legislation with government

officials, saying, "it is vital we get this right."

"We urge the chief minister to allow the Catholic community into this conversation to ensure we are part of the solution," Prowse said.

"Together we can ensure the protection of children's rights and uphold the integrity of our sacraments."