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Confessional secrets won't be protected under abuse probe recommendations



Recommendations from the abuse royal commission include not allowing confessional secrets as an excuse for failing to report abuse.

John Ferguson
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Secrets of the confessional would no longer be an excuse for failing to report child sexual abuse under royal commission recommendations.

The Royal Commission into Institutional Responses to Child Sex Abuse today released 85 new recommendations to reform the nation's criminal justice systems.

The report recommends making the failure to report child sex abuse in institutions a criminal offence, extending to religious confessions.

It specifically states that clergy should not be able to refuse to report a sex abuse crime detailed in the confessional.

The recommendation will spark an uproar, particularly in the Catholic Church, which treats as strictly confidential matters discussed in the confessional.

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“The report recommends making failure to report child sexual abuse in institutions a criminal offence,” the commission said in a statement.

“This recommendation extends to information given in religious confessions. Clergy should not be able to refuse to report because the information was received during confession.

“Persons in institutions should report if they know, suspect or should have suspected a child is being or has been sexually abused.

“The royal commission heard of cases in religious settings where perpetrators who made a religious confession to sexually abusing children went on to reoffend and seek forgiveness.

“The report recommends there be no exemption, excuse, protection or privilege from the offence granted to clergy for failing to report information disclosed in connection with a religious confession.”

The statement also urged all states and territories to introduce a failure to protect offence.

“Failure to protect a child within an institution from a substantial risk of sexual abuse by an adult associated with the institution should be made a criminal offence,” the statement said.

“The commission heard of many cases where perpetrators were moved between schools and other sites operated by the same institutions when an allegation against them was raised. They continued to abuse children in new locations.

“All states and territories should introduce a failure to protect offence. The legislation already introduced in Victoria provides a useful precedent.”

Catholic priests are bound by the church’s canon law, which forbids the leaking of information from confession.

But relatively few Catholics today take confession compared with the numbers in the 1980s and previously.

Canon law dictates: “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 confessor is prohibited completely from using knowledge acquired from confession to the detriment of the penitent even when any danger of revelation is excluded.”