



**Guidelines for dealing with sexual abuse of minors
by clergy, religious and other staff in the area of the German Bishops'
Conference**

INTRODUCTION

Fundamental matters

1. The German bishops have agreed the following Guidelines in their responsibility to protect the dignity and integrity of young people. They therefore constitute a continuation of the 2002 Guidelines.

The 2010 Guidelines are to ensure a coordinated approach in the area of the German Bishops' Conference. They form the basis for regulations to be issued by the diocesan bishops for their respective diocese. Catholic legal organisations which are not subject to a diocese are urgently recommended to adopt the Guidelines accordingly.

Victims of sexual abuse require particular attentiveness. They must be protected against further sexual violence. They and their relatives must be offered support and guidance in dealing with experience of abuse.

Sexual abuse above all of children and juveniles is a loathsome act. This applies particularly if it is committed by clergy or religious. Abuse committed by the latter frequently shakes the victims' fundamental trust in God and in their fellow humans, at the same time as having the potential to cause serious psychological damage. The offenders cause serious damage to the credibility of the Church and Her mission. It is Her duty to face up to Her responsibility.

The definition of "sexual abuse" within the meaning of the Guidelines

2. These Guidelines refer to acts in accordance with the Part 13 of the Criminal Code, insofar as they are committed on minors.

3. In addition, they apply accordingly to acts falling below the threshold of punishability which constitute overstepping a line in pastoral or teaching work, as well as in care or nursing, when dealing with children and juveniles.

RESPONSIBILITIES

Nomination of a Commissioner and establishment of a staff of advisers

4. The diocesan bishop shall commission a suitable individual (or several individuals) as a point of contact for cases of suspicion of sexual abuse against minors by clergy, religious or other staff in the service of the Church.

5. The commissioned individual should not be part of the management of the bishopric. If several individuals are commissioned, at least one of them should not be part of the management of the bishopric.

Kaiserstraße 161
53113 Bonn

Postanschrift
Postfach 29 62
53019 Bonn

Ruf: 0228-103-0
Direkt: 0228-103 -214
Fax: 0228-103 -254
E-Mail: pressestelle@dbk.de
Home: <http://www.dbk.de>

Herausgeber
P. Dr. Hans Langendörfer SJ
Sekretär der Deutschen
Bischofskonferenz

6. The name and address of the commissioned individual shall be made public in a suitable manner, in particular in the Official Gazette and on the bishopric's Internet page.

7. The diocesan bishop shall establish a standing staff of advisers to deliberate on questions related to dealing with sexual abuse of minors. This shall include in particular women and men with psychiatric-psychotherapeutic, and where possible also forensic-psychiatric, as well as legal expertise and well-founded specialist experience and skills in working with victims of sexual abuse. The staff of advisers may also include individuals who are employed in the service of the Church. Further individuals with suitable specialist areas may be involved in individual cases.

8. The responsibility of the respective diocesan bishop shall remain unaffected.

9. Several diocesan bishops together may establish a supradiocesan staff of advisers.

Responsibilities of the commissioned individual

10. The commissioned individual shall accept information regarding sexual abuse against minors by clergy, religious or other staff in the Church area, and shall effect an initial evaluation of the reports as to their plausibility.

11. Staff who are in the service of the Church shall be obliged to pass on such facts and reports coming to their notice to the commissioned individual. All and any statutory obligations of confidentiality or obligations to notify with regard to state agencies (e.g. youth welfare office within the meaning of section 8a of Book VIII of the Social Code (*SGB VIII*), school supervision), as well as towards service superiors, shall remain unaffected thereby.

12. The diocesan bishop shall be informed promptly by the commissioned individual. Insofar as religious are concerned, the superior shall also be informed.

Responsibilities with regard to religious

13. The diocesan bishop shall be responsible in cases of religious who act on an episcopal mandate, regardless of the responsibility of the superiors.

14. In other cases, responsibility shall lie with the respective superiors. The latter shall be strongly advised to inform the diocesan bishop with local responsibility of cases of sexual abuse or of suspicion in their area of responsibility, as well as of any steps which have been taken.

METHOD TO BE FOLLOWED ON INFORMATION COMING TO NOTICE

Discussion with the putative victim

15. Should a putative victim (where appropriate his/her parents or guardian) wish to provide information regarding suspicion of sexual abuse, the commissioned individual shall arrange a discussion. The diocesan bishop shall determine who is to attend this discussion from the diocese. The putative victim (where appropriate his/her parents or guardian) may bring to the discussion a person enjoying his/her confidence. It shall be indicated at the

beginning of the discussion that the suspicion of abuse may be notified to the criminal prosecution authority (cf. No. 27).

16. Particular account shall be taken of the protection of the putative victim and of protection from the public disclosure of information which is given in confidence.

17. Minutes shall be taken of the talks. The minutes should be signed by the putative victim (where appropriate his/her parents or guardian).

18. The putative victim (where appropriate his/her parents or guardian) shall be informed of the possibility of making his/her own report to the criminal prosecution authorities.

19. The diocesan bishop shall be informed of the outcome of the discussion.

Discussion with the accused person

20. Insofar as the clarification of the facts is not placed at risk and the investigative work of the criminal prosecution authorities is not hindered thereby, a representative of the employer – possibly in the presence of the commissioned individual – shall engage in a discussion with the accused person. The protection of the putative victim must always be ensured before the discussion takes place. In the discussion, the accused person shall be confronted with the accusation or suspicion, and shall be afforded the opportunity to make a statement in this regard.

21. The accused person may bring a person enjoying his/her confidence.

22. The accused person shall be informed of the possibility to refuse to make a statement. He/she shall be urgently advised to report him/herself to the criminal prosecution authorities.

23. Minutes shall be taken of the talks. The minutes should be signed by all present.

24. The diocesan bishop shall be informed of the outcome of the talks by the representative of the employer.

25. The obligation of welfare shall also exist towards the accused person. He/she shall be presumed innocent until proven otherwise – regardless of any preventive measures which are required.

Support for the state criminal prosecution authorities and other responsible authorities

26. As soon as factual indications are available for the suspicion of sexual abuse of minors, a representative of the employer shall forward the information to the state criminal prosecution authority and – insofar as legally required – to other responsible authorities (e.g. youth welfare office within the meaning of section 8a of Book VIII of the Social Code, school supervision). Legal obligations incumbent on other Church bodies shall remain unaffected thereby.

27. The obligation to forward the information to the criminal prosecution authority shall only cease to apply exceptionally if this is the explicit wish of the putative victim (or of his/her parents or guardian) and the waiver of a notification is legally permissible. In each

case, the criminal prosecution authorities shall be involved if further putative victims might have an interest in the criminal prosecution of the offences.

28. The reasons for the waiver of a notification shall require to be precisely documented; such documentation shall be signed by the putative victim (where appropriate his/her parents or guardian).

Investigation within the framework of Church criminal law

29. A “Preliminary Investigation” in accordance with canons 1717 and 1719 of the Code of Canon Law (CIC) shall be carried out with regard to clergy, independently of the state criminal and civil proceedings. This investigation shall avail itself of the results of the state criminal prosecution authorities where available.

30. If the “Preliminary Investigation” confirms the suspicion of sexual abuse, the diocesan bishop shall inform the Apostolic See, which shall decide what further steps are to be taken (in accordance with Motu Proprio “Sacramentorum sanctitatis tutela” of 30 April 2001 in conjunction with Art. 16 of the “Normae de gravioribus delictis” of 21 May 2010).

Measures to clarify the case

31. If there are factual indications of the suspicion of sexual abuse of minors, the diocesan bishop shall decide on the further steps to be taken. Insofar as is required by the facts, the diocesan bishop shall release the accused person from service and keep him/her far from all activities in which minors could be placed at risk (cf. Art. 19 of the “Normae de gravioribus delictis”).

32. The accused person may be instructed to remain away from the place of work.

33. The commissioned individual shall be informed of the measures that have been decided on and of the respective state of implementation. The diocesan bishop shall determine a person who informs the putative victim (or his/her parents or guardian) on the part of the diocese.

34. Insofar as regulations apply beyond this for the state area, those regulations shall apply accordingly.

35. If an accusation or suspicion proves to be unfounded, the necessary steps shall be taken in order to restore the good reputation of the person who has been wrongly accused or suspected.

Steps to be taken in unsolved cases

36. If the suspicion of sexual abuse is clarified neither in accordance with state law nor under Church law, for instance because they have become statute-barred, but factual indications exist justifying the presumption of sexual abuse of minors, Nos. 31, 32 and 34 shall apply accordingly. At the same time, it shall be examined to what degree the responsible Church agencies themselves can have the facts clarified. In doing so, a forensic-psychiatric expert report to assess the risk, and where appropriate also a plausibility report, should also be commissioned on the statement of the putative victim.

ASSISTANCE

Assistance for the victim

37. Assistance shall be offered or arranged for the victim and his/her relatives. The offers of assistance shall be orientated in line with the respective individual case. The offers of assistance shall include pastoral and therapeutic assistance. The victim may avail him/herself of the assistance of non-Church facilities.

This possibility shall also exist if the case has become statute-barred or the accused is deceased.

38. The diocesan bishop shall be responsible for the decision on the granting of concrete assistance.

39. When granting assistance for a victim of abuse, there should where appropriate be close cooperation with the competent youth welfare office or with other specialist agencies.

Assistance for Church institutions, deaneries and parishes concerned

40. The management of the Church institutions, deaneries and parishes concerned shall be informed by the representative of the employer regarding the state of any ongoing proceedings. They and their institutions and/or deaneries and parishes may receive support in order to be able to cope with the strains connected with the proceedings and their management.

CONSEQUENCES FOR THE OFFENDER

41. Action shall be taken against those acting in the service of the Church who have sexually abused minors, in accordance with the respective state and Church service or labour law provisions.

42. The person in question shall not be deployed in work with children and juveniles in the Church area.

43. Insofar as the person in question remains in the service of the Church, a forensic-psychiatric expert report shall be commissioned which shall contain concrete information on whether and if so how the offender can be deployed in such a way that no endangerment is caused to minors. Offenders who have a treatable psychological disturbance should undergo therapy.

44. The forensic-psychiatric assessment shall serve the decision-making of the diocesan bishop.

45. It shall be incumbent on the diocesan bishop to ensure that the restrictions or conditions ordered by him/her are adhered to. With regard to clergy, this shall also apply for the period of retirement.

46. If a member of the clergy or a religious who has sexually abused a minor is transferred within the diocese, and if he/she is appointed a new service superior, the latter shall be

informed in writing of the special problems and of any instructions, whereby the statutory provisions shall be complied with.

In the event of a transfer or move of place of residence to another diocese, the diocesan bishop or superior of the order in whose jurisdiction the offender is to be in future shall be informed in accordance with the above regulation.

The same shall apply towards a new Church employer, even if the sexual abuse becomes known after the transfer or move of place of residence, as well as after retirement.

With staff in the service of the Church who change their workplace within Church facilities, the new superior shall be informed in writing, taking the statutory provisions into account.

PUBLICITY

47. Suitable information of the public, respecting the protection of the privacy of those concerned, shall be guaranteed.

PREVENTION

Selection of members of the clergy, of religious, as well as staff in the service of the Church

48. An extended police certificate of good conduct is to be obtained in accordance with the statutory regulations with regard to persons who are to be deployed to work with children and juveniles on a full- or part-time basis.

49. If there is reason for concern that a person has tendencies towards sexual deviance, a forensic-psychiatric assessment shall be ordered.

Basic and further training

50. In the context of the general formation of personality, basic and further training shall encompass an open debate on questions of sexuality, shall impart knowledge of sexual disturbances and shall provide assistance for dealing with an individual's own sexuality.

51. Those who are responsible for basic and further training, as well as those responsible for personnel management, shall be attentive to persons working in their area of competence who show conspicuous conduct in order to discuss personal difficulties at an early stage and to point towards assistance for coping.

52. Those responsible for personnel in the Church area, as well as the commissioned individuals of the dioceses, shall undergo regular further training on abuse-related problems.

**STEPS TO BE TAKEN IN CASE OF SEXUAL ABUSE OF MINORS BY PERSONS
WORKING ON A VOLUNTEER BASIS**

53. Persons who have been guilty of sexual abuse of minors shall also not be deployed in voluntary work with children and juveniles in the Church area.

54. These Guidelines shall apply accordingly to the sexual abuse of minors by persons working on a voluntary basis in the service of the Church with regard to the necessary procedural steps and offers of assistance.

ENTRY INTO FORCE

55. The above Guidelines shall enter into force ad experimentum on 1st September 2010 for three years and shall be subject to an assessment prior to extending the duration of their application.

Würzburg, 23 August 2010