



This Framework Regulation was approved by the Permanent Council of the German Bishops' Conference on 18 November 2019 in Würzburg.

Framework Regulation – Prevention of sexualized violence against minors and vulnerable adults within the domain of the German Bishops' Conference

Preamble

The responsibility for the prevention of sexualized violence is incumbent upon the (arch) bishop as part of his pastoral care.

Prevention is an integral part of the Church's work with children and juveniles as well as with vulnerable adults. The aim of the Catholic Church and its Caritas is to offer all children and young people as well as vulnerable adults a safe learning and living environment in the spirit of the Gospel and on the basis of the Christian conception of man.

In this environment, human and spiritual development must be promoted and dignity and integrity have to be respected. The aim is to protect against violence, in particular sexualized violence.

Overstepping psychological and physical boundaries should be avoided as well.

Prevention as a fundamental principle of professional action serves to enable children, juveniles and vulnerable adults to develop to become responsible individuals who are able to believe and to participate within the community. In this context, sexuality is to be acknowledged as an area of human life: "God himself created sexuality, which is a marvelous gift to his creatures."¹

In all educational institutions, sexual pedagogy is to be taught that strengthens self-determination and self-protection.

Differences in needs and risks require to be appropriately taken into account in all prevention measures.

The goal of prevention in dioceses, religious orders, new spiritual communities, ecclesial movements and initiatives as well as in ecclesial and charitable institutions and associations is to practice and further develop a culture of mutual respect and attentiveness.

¹ Pope Francis, Apostolic Exhortation *Amoris laetitia* of 19 March 2016, No. 150.

This Framework Regulation addresses everyone taking responsibility for and ensuring, within the domain of the German Bishops' Conference, the well-being and protection of children, juveniles and vulnerable adults.

The Framework Regulation is to guarantee that a coordinated approach is adopted within the domain of the German Bishops' Conference.

It forms the basis for further diocesan regulations.

Ecclesial institutions which are not subject to episcopal legislative power are only to be recognized by the (arch)diocese as eligible for promotion if they have undertaken to apply the Framework Regulation or the respective diocesan regulations on prevention.

Other institutions are only to be recognized by the (arch)diocese as eligible for promotion if they have undertaken to apply the Framework Regulation or the relevant diocesan implementing provisions.

1. Definitions

1.1 Prevention in the sense of this Regulation means all measures taken preventively (primary), supportingly (secondary) and subsequently (tertiary) against sexualized violence against children, juveniles and vulnerable adults. It is addressed to those affected, to the institutions with their responsible persons in which work is carried out with children, juveniles and vulnerable adults, and also to accused persons/offenders.

1.2 Employees in the service of the Church within the meaning of this Regulation are in particular

- clerics and candidates for the office of consecration,
- religious,
- church officials,
- employees,
- persons engaged in their vocational training,
- persons working according to the Federal Volunteer Service Act or the Youth Volunteer Service Act or in comparable services as well as interns,
- temporary workers and other workers employed by third enterprises.

For employees in the service of the Church, this Framework Regulation, to the extent that it affects the employment relationship, shall have legal effect only if it has been adopted by the competent labour-law commissions within the meaning of Article 7 of the Basic Rules of the church service within the framework of church employment relationships.

This Framework Regulation shall also apply to volunteers and holders of ecclesiastical office.

1.3 The term “sexualized violence” within the meaning of this Framework Regulation shall encompass both criminal and non-criminal sexual acts and instances in which boundaries are overstepped.

The Framework Regulation shall take into account the provisions of ecclesiastical and state law and thus refers to

- acts in accordance with Part 13, as well as to further sexual criminal offences as defined in the German Criminal Code (*StGB*)
- those acts in accordance with canon 1395 § 2 CIC in conjunction with Art. 6 § 1 SST, in accordance with canon 1387 CIC in conjunction with Art. 4 § 1 n. 4 SST, and in accordance with canon 1378 § 1 CIC, insofar as they are committed on minors or individuals who habitually lack the use of reason
- and to acts in accordance with Art. 1 § 1 a) VeL².
- In addition, and taking into account the particularities of the individual case, it shall apply to facts falling below the threshold of punishability which constitute overstepping a line or another sexual attack in pastoral or teaching work, as well as in care, advisory work or nursing when dealing with children, juveniles and vulnerable adults.
- It shall relate to all forms of conduct and to the handling of matters (within or outside the church service) with a sexual connection vis-à-vis children, juveniles and vulnerable adults which take place with alleged consent, without consent or against the expressed will of the charges. This shall include all acts to prepare, implement and keep secret sexualized violence.

1.4 Vulnerable adults are persons subject to protection in the sense of § 225, para. 1 of the German Criminal Code (*StGB*)³.

Employees in the service of the Church have a special responsibility towards these persons, either because they are entrusted to their care and custody or because they are particularly at risk within the meaning of this Framework Regulation solely because of their need for protection or assistance.

It also includes persons who are subject to a special relationship of power and/or dependence.

Said relationship can also exist or arise in a pastoral context.

2. Basic requirements for prevention work

The structures and processes employed in the prevention of sexualized violence must be transparent, comprehensible, verifiable and measurable.

² Pope Francis, Apostolic Letter motu proprio datae *Vos estis lux mundi* (VeL) of 7 May 2019.

³ Whoever tortures or seriously abuses or by maliciously neglecting his duty of care for a person damages the health of a person under eighteen years of age or a person who is defenceless due to frailty or illness and who 1. is in his care or custody; 2. belongs to his household; 3. has been placed under his control by the person obliged to provide care; or 4. is subordinated to him within a relationship of employment,(...). (*StGB* § 225 par. 1)

The development and realization of prevention measures shall be effected in participative cooperation with all relevant individuals and groups. These shall also include the children, juveniles and vulnerable adults themselves.

The experiences of those affected will be particularly taken into account in this context.

3. Institutional protection plan

On the basis of a protection and risk analysis, the legal entity bears responsibility for the development of institutional protection concepts within its area of responsibility. These must be reviewed and further developed on a regular basis – at least every five years.

Protection concepts in facilities and services are developed in consultation with the diocesan coordination office (see no. 4).

All components of an institutional protection concept must be designed in a way that is appropriate for the target group and oriented towards the living environment.

3.1 Selection and development of staff

The competent human resources personnel shall discuss the prevention of sexualized violence in interviews, during familiarization phases and in regular talks with church staff.

3.1.1 Expanded police certificate of good conduct

Church employees must submit an expanded certificate of good conduct in accordance with the statutory and labour law regulations. The submission of an expanded police certificate of good conduct shall be mandatory for persons working on a voluntary basis where this is required by statutory provisions.

The inspection shall be permanently documented.

3.1.2 Self-disclosure statement

Depending on the nature, intensity and duration of the contact with children, juveniles and vulnerable adults and on an individual's tasks and on their deployment in individual cases, those responsible shall examine, whether a self-disclosure statement must be submitted and documented. This statement contains information as to whether the person to be hired has been convicted of a criminal offence pursuant to §72a (1) *SGB* (Social Code) VIII and whether a prosecution investigation has been initiated against that person. In addition, it contains the obligation to inform the legal entity immediately of the initiation of such public prosecution investigation proceedings.

3.1.3 Third parties

When services are provided by external persons or companies or when church rooms are provided to such external persons or companies, these regulations shall be applied analogously.

3.1.4 Education and training

In all cases in which the diocese is responsible itself or jointly for the training and further education of employees in the service of the Church, there is an obligation to regulate the issues of prevention in a binding manner.

3.2 Code of conduct

A code of conduct shall be drawn up in the individual fields of work.

This code shall ensure the appropriate intimate-yet-distant relationship and a respectful tone to be adopted towards the children, juveniles and vulnerable adults.

The respective code of conduct shall be recognized by all church staff by signing it.

The signing of an undertaking as regards the code of conduct shall constitute the binding prerequisite for recruitment and appointment, as well as for taking on an individual to engage in voluntary work.

Moreover, the code of conduct shall be published in a suitable manner by the legal entity.

3.3 Official instructions and internal regulations

In order to be able to ensure the well-being and protection of children, juveniles and vulnerable adults, the legal entity shall issue all necessary norms, instructions and internal regulations in a binding manner.

If the code of conduct is to be binding under labour law, the legal entity has to issue it as an official instruction.

The provisions of the Staff Representation Ordinance (*Mitarbeitervertretungsordnung - MAVO*) have to be taken into account.

3.4 Procedures to be followed in cases of suspicion or complaint⁴

Every legal entity shall describe procedures to be followed in cases of suspicion or complaint. These include internal and external channels for complaints and advice which must be advertised in an appropriate manner.

Within the context of the institutional protection plan, measures have to be described as to what kind of support should be provided in the respective system in cases of suspicion or concrete incidents.

Individuals who are in contact with victims or with accused persons or offenders shall receive ongoing supervision.

3.5 Quality management

The legal entity shall bear responsibility for prevention measures being implemented, controlled, evaluated and developed further as part of the quality management.

For each institution, association or for a union of several smaller institutions, an individual trained in prevention-related issues and being able to advise and support the legal entity in implementing the institutional protection plan must be available.

⁴ The Regulation for dealing with sexual abuse of minors and of vulnerable adults by clergy and other church staff has to be taken into consideration in this case.

As part of sustainable prevention work, the concept of protection must be reviewed for any necessary adjustments in the context of the evaluation of a suspicion or incident.

3.6 Prevention training

All employees in the service of the Church who work with children, juveniles or vulnerable adults are trained in issues relating to the prevention of sexualized violence. All other employees in church service must be regularly made aware of the importance of prevention against sexualized violence.

Prevention against sexualized violence requires basic knowledge and advanced competences in particular in questions of

- suitable intimacy and distance,
- communication skills and ability to deal with conflicts,
- own emotional and social skills,
- victims' psychodynamics,
- strategies pursued by offenders,
- (digital) media as protection and danger area/media competence,
- dynamics in institutions with asymmetrical power relations as well as institutional structures facilitating sexualized violence,
- criminal offences and criminological beginnings and other relevant legal provisions,
- necessary and suitable assistance for those concerned, their environment and the institutions concerned,
- sexualized violence by children, juveniles (peer violence) and vulnerable adults against other minors or vulnerable adults,
- interface issues such as sexual pedagogy or sexual education as well as gender- and culture-sensitive education,
- regional professional networking possibilities with the aim of own networking.

Training courses have to be differentiated according to the target group with regard to target formulation, content, methods and scope.

All persons taking managerial responsibility shall be trained in matters relating to the (further) development and implementation of the institutional prevention concept in addition to the assumption of their responsibility.

The training shall focus on the well-being, the rights and the protection of children, juveniles and vulnerable adults. The focus here is on measures that impede or prevent both criminal offences and forms of sexualized violence below the threshold of punishability.

3.7 Further prevention work of the legal entity

Moreover, every legal entity shall develop appropriate measures to strengthen children, juveniles and vulnerable adults. This also includes the involvement of the environment with regard to the prevention of sexualized violence (parents or guardians, relatives and statutory custodians).

4. Coordination unit

4.1 The (Arch)bishop maintains a diocesan coordination unit to support, network and steer activities concerning the prevention of sexualized violence. He shall appoint one or several qualified individuals as prevention commissioners. They report regularly to the diocese administration on the development of prevention work.

4.2 The (Arch)bishop may establish an inter-diocesan coordination unit together with other (Arch)bishops.

4.3 If religious orders under canon law have appointed their own prevention commissioners, the diocesan prevention commissioners shall cooperate with them.

4.4 The diocesan coordination unit shall have the following tasks in particular:

- to integrate affected parties in accordance with no. 2,
- to advise church legal entities in developing, implementing and updating institutional protection plans,
- to provide specialist advice as regards the protection plans of the church legal entities,
- to organize qualification measures (in accordance with no. 3.6),
- to ensure the skill-building and information of the individual trained for prevention-related issues (in accordance with no. 3.5),
- to network the prevention work within and outside the diocese and with the contact persons for suspected cases of sexual abuse in accordance with the Regulation for dealing with the sexual abuse of minors and vulnerable adults by clergy and other church staff,
- to network with church and non-church specialist advisory agencies against sexualized violence,
- to evaluate and refine binding quality standards,
- to advise basic and further training facilities,
- to provide specialist advice in planning and implementing prevention projects,
- to provide specialist speakers,
- to develop material on prevention and prevention projects and provide information on prevention material and prevention projects,

- to carry out public relations work.

5. Data protection

5.1 Insofar as this Framework Regulation as well as legal provisions issued by the Diocesan Bishop to supplement and specify personal data, including their publication, are to be applied, they shall take precedence over the provisions of the Act on the Protection of Data of the Church (Gesetz über den Kirchlichen Datenschutz - KDG) and the Church Archive Directive (Kirchliche Archivordnung - KAO), provided that they do not fall below their level of data protection. In all other respects, the Act on the Protection of Data of the Church (KDG), the regulations issued for its implementation (KDG-DVO) and the Church Archive Directive (KAO) apply.

5.2 The periods for the retention of documents shall depend on the respective regulations on the retention periods for personnel files, preliminary investigation files, etc. For the period of retention, the documents must be protected to a special extent against unauthorized access.

In addition, the proper archiving of documents to be offered and handed over in accordance with § 6 Paragraph 5 Clause 1 of the Church Archive Directive (Kirchliche Archivordnung - KAO) replaces the deletions required under the Act on the Protection of Data of the church (KDG) or other church or state legislation if the archiving is carried out in such a way that the personal rights of the person concerned or of third parties are not impaired.

6. Implementing provisions

The local Ordinary shall issue implementing provisions for this Framework Regulation.

7. Coming into effect

The above Framework Regulation replaces regulations adopted pursuant to the Framework Regulation of 26 August 2013. It shall come into effect on 1 January 2020 and shall be reviewed periodically, not later than every five years, for any need for adaptation.

..... (Place), (Date)

..... (Signature)

Name of (Arch)bishop

(Arch)bishop of