

The truth will set you free (John 8,32)

Framework for the Catholic Church in Austria

Measures, regulations and guidance
against abuse and violence

Third, revised and supplemented edition (2021)

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Introduction

For more than ten years, it has been our upright endeavour to perceive and resolutely work through the wounds inflicted by violence and abuse committed by clergy and employees in pastoral work and in Church institutions.

For decades, these complaints have been ignored; we no longer want to overlook and ignore these painful experiences. This is the purpose of the present Framework titled "The truth will set you free". Since June 2010, it attempts to give all those affected the necessary attention and to create and make possible a path of coming to terms with what happened by independent bodies according to a clear concept. This rapidly created procedural path – born out of the realisation that we need to act very quickly – underwent an initial revision based on the practical experience of a few years of activity in order to take up and further develop the points of criticism that were pointed out. Developments outside the Church's sphere of influence also had an impact, e.g. the introduction of the Care Home Victims' Pensions Act of 2017.

After ten years, the fundamental strength of the Framework and its principles became apparent, as did the need for further adaptations. With practical experience from the committees involved and feedback from those affected, further adjustments were now suggested and decided upon, leading to the creation of the third version of this Framework.

Coming to terms with past injustice in an honest examination of conscience remains our task, and sharpening awareness of the painful issues remains our goal. Thus, for some years now, the important approach of **prevention work** has grown, which is mainly carried out by the staff units for prevention work in the individual dioceses.

It remains the task of all of us, with a clear view of how to deal with the people entrusted to us, especially those in particular need of protection, to urge and demand the perception and obligation to deal with each other in a good and appreciative manner. This must be a basic principle of our Christian action. All measures to protect children, young people and vulnerable adults will have an impact far beyond the Church's sphere of influence and serve the purpose of not only dealing with inexcusable suffering when it has happened, but preventing it if possible. In this context, we also recognise the accusation of spiritual abuse that has occasionally been raised for some time; this issue will also have to remain in focus.

We are united in our view that there should be **no more cover-ups, empty apologies or looking the other way** – the process of coming to terms with the past is consistent. For us, the words of Pope Francis will continue to apply: *"It is a painful process, but also a consolation, to be able to help come to terms with it ..."* (Pope Francis on a flight back from

Dublin, August 2018). Thank you to all who participate in this task!

Thus, I would like to hand over the 3rd version of the Framework in the hope that together we can continue another good step towards coming to terms with what happened and, above all, prevention!

Archbishop Dr Franz Lackner OFM

President of the Salzburg Bishops' Conference - Vienna, June 2021

Prayer

(This confession of guilt was prayed at the Holy Week penitential service on 31 March 2010 in St. Stephen's Cathedral in Vienna)

Triune God, You led our mothers and fathers out of bondage into freedom and taught them the 10 commandments of good living. You became man in Jesus Christ and showed us that love is the basic rule in everything. You are with us as the Holy Spirit to guide us. Yet we become guilty, before You and of each other.

Immense guilt has become apparent in these weeks. It is the guilt of individuals; it is guilt congealed in structures, behaviour and thought patterns; it is guilt from not helping and not daring to contradict.

The responsibility for this affects us as members of the Church very differently. Nevertheless, together we are Your people and we share a common responsibility. So we confess our guilt to You and to each other:

We confess that we have not followed God alone, but the idols of our needs for domination and superiority.

Some of us have abused others and even children for this very purpose.

We confess that we have obscured and betrayed the name of God, which is love.

Some of us have spoken of the good Lord and yet have done evil to those under our protection.

We confess that we have not kept the sacraments and other times and places of special encounter with God holy and protected them well enough.

Some of us have used them as opportunities to assault. We confess that we did not form the relationship between adults and children out of unconditional respect for each other.

Some of us have exploited and destroyed the trust of children.

We confess not to have perceived, not to have understood and to have played down the destruction of life and happiness in life.

Some of us have become guilty of the inner death of other people.

We confess that we have not valued corporeality and have failed in the task of living sexuality well.

Some of us have used sexual violence.

We confess that we wanted the youth, the beauty, the liveliness of other people for

Some of us have stolen the childhood of boys and girls and robbed them of the ability to live successful relationships.

We confess that we did not want to recognise the truth, that we covered up and gave a false testimony.

Some of us were thus able to continue to lie to others and to ourselves and to perpetuate our crimes.

We confess that we wanted to dispose of others and own them. Some of us have therefore seized the bodies of the weakest. We confess to having longed for security, tranquillity, power and prestige.

For some of us, the appearance of the Church's impeccability was more important than anything else. We, God's people, His Church, bear this guilt together.

We confess this guilt to the many to whom we as a Church and some of us have become guilty in a very concrete way.

We confess this guilt to one another, because the Church has become guilty of its members. We confess our guilt to You, God.

We are ready to accept our responsibility for history and the present, individually and together. We are ready to renew our patterns of thinking and acting from the Spirit of Jesus and to participate in the healing of the wounds. We as a Church place ourselves at the judgement of Christ.

You, Christ, say that You have taken our guilt upon Yourself. But today we ask You: Leave it with us a little longer. Help us not to avoid it too quickly, make us ready to accept it - each our own guilt and we together the common one. And then give us hope in the judgement: Hope for the new freedom from the truth and for the forgiveness to which we have no right.

Amen.

Guiding principles

by Pope Francis

Thank God, in recent years, we have noticed a special awareness of these problems (different types of abuse). The culture of abuse, whether sexual or of power and conscience, was first denounced by the victims and their families who, despite their suffering, led their fight for justice, and helped to make society aware of this perversity and to cure it.

I also never tire of speaking with sadness and shame that these abuses were also committed by some members of the Church. In recent years, we have taken important steps to stop abuse and create a culture of care that can respond quickly to allegations. Creating a culture of care will take time, but it is an unavoidable obligation that we must insist on with utmost clarity. There must be no more abuse - of a sexual nature or of power and conscience - either inside or outside the Church.

We have seen the same awareness everywhere in society.

In the context of the #MeToo movement and the many scandals involving powerful politicians, media producers and businessmen - predators among men. A mindset has been exposed: If you can have everything when you want, why not take sexual advantage of young women, women who look up to them and are eager to please? The sins of the powerful are almost always sins of entitlement, committed by people whose shamelessness and brazen arrogance are breathtaking. In the Church, this sense of entitlement is what I call the cancer of clericalism, a perversion of what priests are called to do.

But in all cases, the root of sin is the same. It is the old sin of those who believe they have a right to own others, who know no limits and shamelessly believe they can use others as they please. It is the sin of not respecting a person's worth.

(...) It is right and just that people reclaim their dignity in all forms of abuse. Abuse is a serious violation of human dignity that we cannot allow and must continue to fight against.¹

¹ Pope Francis: Let Us Dream. The Path to a Better Future, 2020; From the chapter: A Time to See, pp. 36-38

Part A – Basics

On understanding abuse and violence towards children, young people and vulnerable persons

A.1 Basic information on sexuality

The development of one's own personality is a lifelong process for every human being. This also includes the discovery and cultivation of one's own sexual identity. The sexuality of the human being, who was created by the Creator "in the image of God (...), as man and woman"², is an inseparable part of being human. Like the other talents, the corporeality of the person grows and develops through different stages and reaches maturity, namely the ability to develop interpersonal personal relationships. Every human being experiences their gender

in the form of their sexual identity as a constitutive part of their personality. Sexuality as a loving and pleasurable experience of the body, one's own and that of one's partner, is thus not an urge that is added to being human from the outside, but belongs to the innermost part of the human person, which according to the Christian view is understood as the unity of body and soul, of body and spirit.

Any reduction to a partial aspect of the person, for example in the negation and rejection of the physical or in its overvaluation, obscures the view of the whole of the human being and thus carries the danger of abusing him, herself or the other for the mere satisfaction of one's needs. But that would be pure egoism, which has nothing to do with love. Sexual abuse is often rooted in a failed integration of sexuality into the overall personality of a person or in a disturbed psychosexual development.

The development process towards an independent and self-responsible personality, especially in childhood and adolescence, requires attentive and appreciative accompaniment and education by those responsible: Parents, families, teachers, educators, those responsible for children and youth work and pastoral workers. In addition to social competence in dealing with young people, this process requires one's own sexual maturity and knowledge of basic peculiarities of gender development and developmental psychology.

Christian accompaniment of young people aims at the development of mature independent personalities: "A young person's experience of the Church should always bear fruit in a personal and life-giving encounter with Jesus Christ within a loving, nourishing community. In this environment, young people should be encouraged to grow to their full human and spiritual stature (...)." ³ Children and young people should be enabled to develop their personhood in such a way that, as adults, they can experience love and holistic acceptance from a partner and pass it on to others.

- 2 Cf. Gen 1:27
- 3 Benedict XVI: Pastoral Letter of the Holy Father Pope Benedict XVI to the Catholics of Ireland, 20 March 2010, No. 12

A.1.1 Sexual orientation and abuse

Sexual orientation is not the decisive factor in determining whether someone becomes an abuser.

A.1.2 Celibacy and abuse

In the public discussion about the cases of sexual violence in the Church that have become known, the question is repeatedly asked whether a change in the practice of the Roman Catholic Church of linking access to ordination to the priesthood with a commitment to celibacy would reduce cases of abuse.

It is often even argued that removing the obligation of celibacy could solve the problem of sexual abuse. Experts emphasise that there is no connection between a celibate lifestyle and sexual abuse.

A large number of acts of abuse are committed by married people or in families. It is not the lack of a sexual partner that is the cause of sexual abuse, but a disturbed or immature psychosexual development.

Every person needs to fundamentally come to terms with their own sexuality and integrate it into their overall personality.

A.1.3 Paedophilia or hebephilia and abuse

Paedophilia is an adult sexual interest in children who have not yet reached puberty and are generally no older than 11 years old. Those affected may find boys' and/or girls' bodies sexually arousing.

People with a hebephilia feel sexually attracted to adolescents (12-17 years) whose physical development already shows signs of puberty.

A.1.4 Vulnerable adults and abuse

People of different ages confide in a pastoral worker, seeking advice, comfort, help, guidance and support. These people need a particularly protected setting in order to feel safe and understood.

These companionship situations are characterised by great closeness: People open up in trust and talk about their relationship with God and their intimate problems. Spiritual accompaniment and pastoral conversations are characterised by the possibility of coming very close to a person. On the one hand, they must allow for intensity, density and closeness, but on the

other hand, they must maintain the necessary internal and external distance.

This can result in a special relationship of dependency on their accompanying persons, their pastoral workers

This dependence must not be exploited and abused under any circumstances.⁴

Another large group of vulnerable people exists where people come into contact (partly not of their own accord) with Church institutions and the people acting in them. These are, for example, patients, people in need of care or people on the run. Likewise, people with impairments or mental illness fall into the group of vulnerable adults.

4 § 212 StGB "Missbrauch eines Autoritätsverhältnisses" para. 2 lit.1 ("Abuse of a relationship of authority"): A person shall be punished who, as a member of a health profession regulated by law or as a pastoral worker [sic!], performs a sexual act with a professionally cared-for person, taking advantage of their position vis-à-vis that person, or allows such a person to perform such an act on them, or induces such a person to perform a sexual act on themselves or on a third person in order to arouse or satisfy themselves sexually.

A.2 Proximity and distance

Work with children and young people⁵ and vulnerable people⁶ is relational work. A balanced relationship between closeness and distance is part of shaping relationships. As a responsible person, you have to look at and reassess this interaction again and again.

The basis of any serious and trusting relationship between an authority figure⁷ and a child or young person is the mutual allowing and building of mental and emotional closeness. The responsibility of the authority figure for a successful relationship also extends to dealing with physicality and physical closeness. Particularly with children and adolescents, it is important to be attentive and to give them the opportunity to determine closeness and distance themselves, and always in such a way that everything that could give rise to misinterpretation or malicious gossip is avoided.

Sexual abuse of children and adolescents is a gross, powerful and violent exploitation of said closeness, even if the authority figure does not consider it to be so. On the other hand, the knowledge of the possibility of abuse of physical closeness must not lead to a situation where healthy and necessary physical contact - for instance while playing - is avoided or observed with suspicion. It is important and necessary on the one hand to raise awareness and on the other hand to have concrete knowledge about what to do in case of suspected assaults of any kind. Adults must not look the other way when they perceive incorrect or in any case thoughtless behaviour on the part of a priest, deacon, religious education teacher, etc. The same is true for religious education teachers. They are obliged to confront the person in the case of minor boundary violations or to contact the Ombudsman's Office in the case of more serious boundary violations.

The meaning of closeness and distance can be completely different from person to person and from situation to situation. Sometimes a lot of closeness is stressful, in other situations we long for restored security and closeness. Proximity is important and interaction should be attentive, respectful and transparent. It is crucial that the pastoral and pedagogical context between the child and the authority figure is respected. For example, if a child does not want to be hugged when being comforted, it must not be. The adult is responsible for ensuring that boundaries of this kind are perceived and respected.

⁵ According to Austrian law, persons up to the age of 7 are referred to as "children", up to the age of 14 as "minors" and up to the age of 18 as "minors of age".

The so-called age of consent for certain offences ends when a person reaches the age of 16. Cf. also can 97 §1f CIC

⁶ "Besonders schutzbedürftige Personen" (Persons in need of special protection) meaning people who need special care and attention due to their age, illness, need for care or for other reasons (e.g. a pastoral dependency) and thus also enjoy special protection.

⁷ These include: Priests, deacons, group leaders, pastoral assistants, youth leaders, - sacristans, ..

Sensitisation in this area takes place on the one hand by raising awareness and dealing with one's own needs, and on the other hand by thinking and empathising with the situation and the needs of the children and young people or by exchanging experiences with other group leaders.

Dealing with the topic in detail makes you safer in delicate situations. To this end, help can also be sought from outside, one's own work can be observed and feedback can be obtained from others (e.g. in the form of group or individual supervision, spiritual guidance, ...).

Despite some difficult questions, it is clear that closeness - and to a certain extent physical closeness - cannot be done without when working with children and young people. After all, it's about sharing certain areas of life with each other. This includes getting involved with each other and allowing closeness.

A.3 Abuse and violence

A.3.1 Degrees according to severity

A.3.1.1 Violating boundaries

Every person has a "perceived" boundary around them that they feel is protective and necessary. This limit is individual and also varies over the course of a day or depending on the environment.

Boundary violations happen when people cross the personal boundary of others with their words, gestures and behaviour. Boundary violations can happen unintentionally. Examples of boundary violations include: exposing children and young people in public, calling them "sweetie" or "honey", allowing children and young people to engage in one-off sexualised behaviour in contact.

The personal experience of the affected person is decisive for the assessment of whether a boundary violation has occurred. For example, if someone feels hurt, humiliated or devalued, a line has been crossed. In order to avoid a "culture of boundary violation", which could be exploited by possible perpetrators to commit targeted assaults, boundary violations must be perceived as such, addressed and corrected.

A.3.1.2 Invasive behaviour

Invasive behaviour is deliberate, intentional behaviour and happens when people do not change and purposefully repeat boundary violating behaviour. Invasive behaviour is not accidental and disregards the defensive reactions of those affected. Behaviour is also called invasive the first time it occurs if it can be described as more than a violation of boundaries. Assaulted persons relativise and trivialise their behaviour, as well as when third parties address and criticise their behaviour.

Examples of invasive behaviour include: Deliberately frightening girls and boys, frequent sexist remarks or deliberate touching of breasts and buttocks, such as an apparently "friendly" pat on the buttocks. Invasive behaviour requires consequences, such as a temporary exclusion.

Invasive behaviour by young people should be addressed, a boundary should be set and professional help should be arranged with specialists (psychologists, psychotherapists, etc.).

A.3.1.3 Criminal offences

Children cannot assess the permissibility of sexual acts with adults and older adolescents and their consequences. Therefore, they cannot agree to such actions. Any sexual act (with or without physical contact) by adults and adolescents over the age of

14 with, on or in front of children who are not yet 14 years old is therefore seen as an act of sexual violence and is punishable.

"Grooming" is when adults gain the trust of children and young people with the aim of - sexualised - violence. This is a criminal offence in Austria.

A.3.2 Differentiation according to the type

A.3.2.1 Neglect

Neglect⁸ refers to inadequate or non-existent care and provision. It is usually given too little attention because of its insidious course.⁹

A.3.2.2 Physical violence

Physical violence is understood to be any physically damaging influence on others: E.g. hitting, slapping, failure to provide assistance in case of injury or illness. Today, physical abuse of children and adolescents is not tabooed as much as the topic of sexual violence. Adults are more of a mouthpiece for those affected. Shame and guilt usually do not imprint themselves in the same way because there is the public and its perception and declared loyalty.

A.3.2.3 Psychological violence

Psychological violence is understood as emotional abuse of others, e.g. behaviour that makes the person feel rejected, unloved, belittled, worthless or overwhelmed and includes isolation, emotional blackmail, imposing unreasonable expectations, instrumentalisation, stalking, derogatory comments about parents or other relatives or national origin.

This also includes acts of peer-to-peer abuse, e.g. bullying and cyber-bullying (harassment with electronic means of communication).

A.3.2.4 Spiritual violence¹⁰

Spiritual violence is a special form of psychological violence that is commonly referred to as "spiritual abuse". Spiritual abuse is committed when pressure and lack of freedom are created and dependency is generated and exploited by means of religious content or by invoking spiritual authority. Although the phenomenon is not new, it has not been sufficiently scientifically recorded and studied. For example, there is no satisfactory definition or clear demarcation from other forms of violence and abuse. As new scientific findings become available, they will be taken into account in future editions of the Framework.

⁸ In literature, the terms "neglect" and "institutional neglect" are used.

⁹ For Chapter 3 cf. the definition of the Vorarlberg Children's Village (www.kinderdorf.cc) and the article by Christine Bodendorfer in "junge_kirche" issue 1/96

¹⁰ This topic is currently being discussed in detail by experts in various study conferences. Cf. e.g. Gefährliche Seelenführer. Geistiger und geistlicher Missbrauch. Edited by Heinrich Timmerevers and Thomas Arnold (Herder Thema), Freiburg 2021

A.3.2.5 Sexual violence/sexual abuse

There are different definitions of sexual abuse. A common definition of sexual abuse is: "Sexual abuse is non-accidental, deliberate, psychological and/or physical harm that results in injury, developmental disabilities or even death, and that affects the welfare and rights of another, in this case the child, young person or vulnerable person"¹¹

In sexual abuse, an adult intentionally induces situations. They plan it and abuse their position of authority and/or trust in order to become sexually aroused.¹² Sexual abuse often begins with fondling, "harmless tickling games", touching and being touched in the genital area, etc. The intensity of the acts may increase over time and, depending on the proximity between the perpetrator and the victim, may increase. The intensity of the acts can increase over time and change depending on the closeness between the perpetrator and the affected person. Apart from clearly defined sexual abuse as regulated by criminal law¹³, there may be more subtle forms such as verbal sexual harassment, a sexualised atmosphere or language, watching the child undressing, bathing, washing or not providing age-appropriate assistance, not providing age-appropriate information about sexuality. Sexual abuse is the coercion of sexual behaviour by taking advantage of a relationship of authority or dependence, such as rape in the worst case. However, this also includes sexual intercourse without threat or use of force if it takes place by taking advantage of a relationship of authority or dependence.

Apart from sexual assaults by adults on children and adolescents, sexual assault happens among children and adolescents (e.g. among siblings, in institutions for children and adolescents, in children's and youth groups, in sports groups, in youth employment projects). Likewise, assault happens among adults.

A.3.2.6 Violence in digital media

The term "media violence" refers to both the passive consumption of violence portrayed in the media (e.g. watching a violent video) and the active perpetration of violence with the help of the media (e.g. publishing an exposing photo). In both forms, sexual violence is one manifestation among several.

In addition to criminal offences in which adults confront children and adolescents with pornographic depictions in the media, there are also situations in which children and adolescents passively consume violence depicted in the media, become victims of media violence or actively perpetrate violence with the help of the media. Sometimes this goes hand in hand: Children and adolescents consume images with pornographic content and shock younger people with them, for example. Violence in digital media in its various forms is of increasing importance.

¹¹ Cf. "junge_kirche" issue 1/96

¹² Other terms for "sexual abuse" are "sexual violence" or "sexualised violence". The term "sexual abuse" is a term

commonly used in society and is therefore also used here. However, the term involves a certain linguistic problem because, as opposed to "sexual abuse", there can be no "sexual use".

- 13 Criminal Code, Section 10: Criminal offences against sexual integrity and self-determination, rape, sexual coercion, sexual abuse of a defenceless or mentally impaired person, serious sexual abuse of minors, sexual abuse of minors; BGBl. No.60/1974 as amended by BGBl. I No.15/2004, §§ 201-207

A.3.2.6.1 Passive media violence: Consumption and watching

Violence in media is consumed by children from a very early age - for example, in cartoons. Children encounter depictions of violence in a variety of ways: "funny violence" (cartoon series, videos, funny games), re-enacted, staged violence (stunts, wrestling, staged fights, violent music videos and song lyrics, horror films and violence in regular films, pornography (either with violent content or used to show violence to younger children) and real, extremely brutal violence (executions, war scenarios, torture, rape, murders - so-called snuff videos).

A.3.2.6.2 Active media violence: Production and practice

Here, too, there are many different forms: Starting with harassment on the Internet (through unwanted advertising, suggestive messages or postings) to cyber-bullying (deliberate insults, threats, exposure or harassment of people on the Internet or via mobile phone, also called cyber-stalking or cyber-bullying), happy slapping (fights, arguments and scuffles between young people are filmed and rapidly disseminated via the internet and mobile phones), sexting (erotic photos or nude recordings are disseminated on social networks against the will of the persons depicted), sexual harassment and sexual advances, seduction or luring on the internet.¹⁴

A.3.3 Cycle of abuse

Effective child protection cannot be achieved without the experience gained from working with perpetrators, since those affected know what happened to them (content knowledge), but perpetrators have knowledge about the beginning, planning, seduction and execution of the abuse (process knowledge).

Through the cooperation of victim protection organisations and the work with perpetrators, the model of the abuse cycle was developed, which has found its way into international perpetrator research and direct work with perpetrators.¹⁵

This is based on the premises that there is a pattern of behaviour that leads from fantasies to criminal acts, that the behaviour is intentional and arises from a wide variety of motives. Five common reasons are anger, power, sex, control and fear.

According to the seminal work of Hilary Eldridge/Faithful Foundation, the cycle of abuse corresponds to a general cycle of dependency. Every person who wants to recognise their dependency patterns (e.g. regarding drinking, smoking, shopping, eating, sexual behaviour) can explore them according to this cycle.

It is not easy to change dependent behaviour. Abusers find it difficult to give up or change their behaviour. They deny it, they treat their abuse as a "lapse".

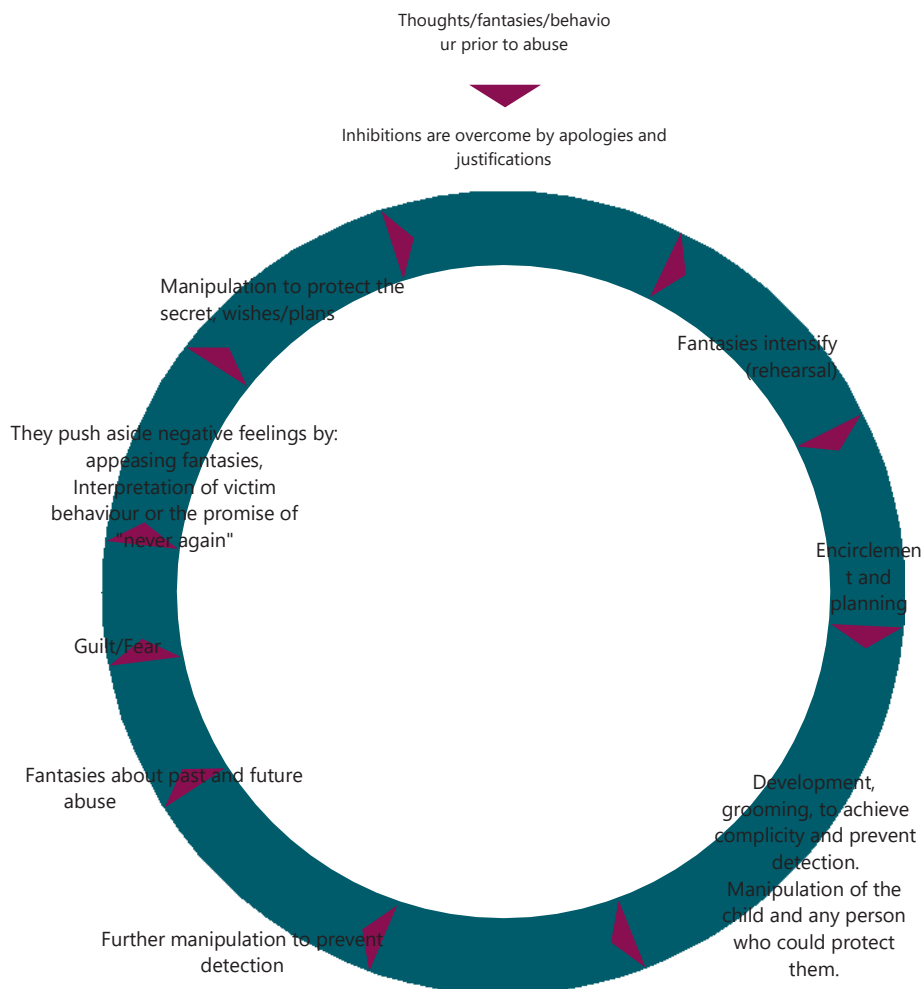
14 Cf. Child Protection Guideline of the Austrian Catholic Children's Movement, p. 20, www.jungschar.at/kinderschutz

15 Eldridge, Hilary, Faithful Foundation; Source: Literature research and analysis on the topic "Working with violent offenders" - final report.

Institute for Conflict Research, Vienna 1998

The following basic assumptions accompany the "cycle of abuse":

- ◆ Once a perpetrator has started sexually abusing children, it is very difficult for them to stop.
- ◆ They suffer from so-called "distorted thinking" that justifies the act: "My children are mine, I can do what I want with them! – Children also experience sexuality, what I'm doing with them is healthy and beneficial! – "I am so caring, they like it!"
- ◆ They regard the victim as a sexual object.
- ◆ They have previously acted out and rehearsed their abusive behaviour in fantasies.
- ◆ They redefine the victim's behaviour: "They didn't fight back!" – "They kept coming to me!" – and interpret that as consent.
- ◆ The act is not unique and did not just happen.



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- ◆ They perceive themselves as passive, the victim as actively reacting.
- ◆ Even if they claim that their behaviour is wrong, they don't actually believe that it is.
- ◆ Their motive for asking for professional help is often "suspicious".
They want to be seen as being reasonable because they fear that they might soon be discovered. The clarification of their motivation must be given priority.

A.3.4 Four factors in violent sexual assaults

David Finkelhor describes four factors that individually, in different combinations or all together are motivating factors in violent sexual assaults:¹⁶

Emotional congruence: Feeling of emotional congruence with child-like and adolescent experience.

Sexual excitability: Describes the physiological response to the presence of children or fantasies about children that lead to sexual activity.

Blocking: Refers to the inability of some to live satisfactorily through sexual contact with adult women or men.

Disinhibition: The gradual removal of all internal and external obstacles, the abuse serves the satisfaction of power and dominance needs.

For sexual violence to occur, four preconditions must also be met:

- ◆ The potential perpetrator has a motive. This can consist of emotional congruence, sexual excitability, blockages.
- ◆ The potential perpetrator overcomes inner inhibitions against acting out. Having a motive is not enough. Inhibitions, such as the incest taboo or the conviction not to be violent to children, are also overcome.
- ◆ External obstacles, such as the supervision of a child, stable social contacts of the child in and outside the family, fear of criminal prosecution or the social ostracism of sexual violence, are overcome in a next step.
- ◆ The last hurdle is possible resistance from the child. Overcoming these does not represent a major obstacle for perpetrators.

What is expressed here is that the perpetrator's actions are not limited to them and the affected person, but that there is an affected environment. It is important to bear this in mind, both in terms of preventive considerations – where control mechanisms could be or be strengthened – as well as in the context of concrete intervention.

¹⁶ More fully described and summarised in: Lehner-Hartmann, Andrea: Wider das Schweigen und Vergessen. Gewalt in der Familie: Sozialwissenschaftliche Erkenntnisse und praktisch-theologische Reflexionen, Vienna 2002, p. 171-176

There is a family, congregation, religious community, school class, school, children's or youth group etc. that are also affected. In order to avoid the roles of perpetrator and victim be reversed, it is not only necessary to work with the victims and perpetrators, but also to offer help to the affected social environment.

A.3.5 How to identify those affected

There are no clear characteristics for detecting experienced sexual violence. Any behavioural abnormality (e.g. sudden withdrawal, sudden aloofness), any change in behaviour, any psychosomatic illness may indicate underlying abuse.

Basically, there is no such thing as a child abuse syndrome, i.e. you cannot group several deviant behaviours together to identify it as child sexual abuse. Rather, it is necessary to observe, identify and find out why a child has changed.

A previously shy child might suddenly become aggressive. A loud, bubbly child might become shy and quiet. A "well-behaved" child might start using obscene language. Yet another child might express it in psychosomatic terms. A child that was already using the bathroom might start wetting themselves again. It might react with a headache, indicating that something is bothering them. It might develop stomach ache and thus indicate that something is on their mind. It might throw up every day in the morning and find the world disgusting. These are all examples of physical symptoms that might indicate sexual abuse and may be a cry for help from the child.

For people in their environment, it is sometimes only a vague assumption, a vague feeling, because rarely does a child directly address the abuse. Talk to colleagues, friends or people who know the child about an assumption or perceptions. Often fears and doubts that something

"inconceivable" has happened surface. One does not want to suspect anyone wrongly, especially if the potential perpetrator is well known ("such a well caring father, he always picks up his daughter"), one is afraid of being labelled "hysterical".

One must never rule out the possibility of abuse when a child behaves in an inexplicable manner. It is essential to follow up on the signs.

A.3.6 Perpetrator typologies¹⁷

As with any typologisation or schematisation, caution must be exercised against overly quick classification and generalisation. Clear classification is not always possible.

¹⁷ Cf. Dreßing, Harald/Salze, Hans Joachim et al: MHG study. Sexueller Missbrauch an Minderjährigen durch katholische Priester, Diakone und männliche Ordensangehörige im Bereich der Deutschen Bischofskonferenz, 2018. p. 281.

Nevertheless, they are helpful. With regard to abuse in the Church, the MHG study distinguishes the following types.

1. **Fixed type:** Sexual abuse happens to one or more children over a period of several months, not long after ordination. There is evidence of a paedophilic preference disorder, so possibly even before ordination to the priesthood.
2. **Narcissistic sociopathic type:** He exercises his power not only in the sexual abuse of children and adolescents, but also inadequately in other contexts. Sexual abuse is only one of several forms of narcissistic abuse of power. There is evidence of a wide range of problematic behaviour and personality traits.
3. **Regressive immature type:** This is characterised by a deficient personal and sexual development that only becomes particularly evident in adulthood. Celibacy or the vow of celibacy is seen as an opportunity not to have to deal with the formation of one's own sexual identity or not to have to enter into an immature partnership. Abuse cases usually occur a long time after ordination.
4. **Frustrated type:** On average, the first act of sexual abuse occurs at the age of 42, which for most priests is about 14 years after their ordination. The trigger could be increasing stress: Psychosocial burdens, excessive demands and problems in the exercise of their office, financial problems, death of relatives, substance use (alcohol, medication, drugs), loneliness.

The following reaction patterns can often be observed in accused persons during exposure or confrontation:

- ♦ Denial of the thing itself: "Nothing happened."
- ♦ Denial of responsibility: "Something happened, but I didn't start it."
- ♦ Denial of the sexual character: "Something happened and I started it, but it wasn't sexual."
- ♦ Denial of guilt: "Something happened, I started it, it was something sexual and it's not okay, but it happened because of special (extenuating) circumstances." (alcohol, sexual or other experiences of frustration, financial problems, fear of women, ...)

A.3.7 Structural conditions of sexual violence

Sexual violence initially originates from individual perpetrators, but it also has structural conditions that make it easier for them to carry out their plans. It is therefore necessary to also look at the structural conditions of sexual violence.

Structures often make it easier for perpetrators to abuse their position of authority or trust against children and young people. Their special position and moral reputation sometimes led to perpetrators being protected more than those affected.

A look at these supporting structures is therefore necessary in order to be able to take appropriate steps in terms of prevention and intervention.

The following lists factors that favour sexual violence assaults and that can accommodate perpetrators.

A.3.7.1 An authoritarian or authority-veiling approach to one's own role

Parents, teachers, educators, group leaders, priests, etc. are persons of reference or authority for children and adolescents, people whom they trust. The relationship between children or adolescents and adults is characterised by differences in power and resources, which are exploited in the case of sexual violence to satisfy the needs of adults. Differences in power must be perceived. Responsibilities must be dealt with in a transparent manner.¹⁸

Certain ideas about upbringing and relations between the sexes and generations work particularly well for perpetrators. Authoritarian educational ideas in the family and at school are primarily aimed at ensuring that children are not allowed to question adults, but have to obey them unconditionally. It's then easy for perpetrators to engage in their manipulative approach and they can exert pressure to keep things secret.

A.3.7.2 Repressive sex education

If children learn to name and accept all their body parts appropriately and to trust their feelings (including unpleasant feelings), they may be able to recognise assault more quickly. It allows them to more easily verbalise what happened to them, defend themselves or get help. If sexual acts are frowned upon, this can, in the worst case, result in any talk about sexuality being tabooed or sexual acts by adolescents being severely punished. The fact that those affected experience themselves as sinful and (partly) guilty makes it easier to maintain and keep the assaults secret and is often deliberately exploited by perpetrators.

Statements that children and adolescents are equal sexual partners of adults promote an exploitative approach to the sexuality of children and adolescents.

A.3.7.3 Abuse of religious motives and practices

Perpetrators from within the Church context sometimes use religious metaphors to consolidate dependencies. Images of the "almighty Father God", the "humble Mother of God" and the "obedient Son of God" can be used to lead believing children and young people into dependency.

¹⁸ Haker, Hille/Ammicht Quinn, Regina/Junker-Kenny, Maureen: Postscript, in: Concilium 40 (2004), pp. 264-365

If, after abuse has taken place, coercion is used to force the affected person to confess the acts suffered as an "offence" to the perpetrator,¹⁹ this constitutes renewed abuse. This is also true if an affected person is forbidden by another confessional priest to speak about what has happened.

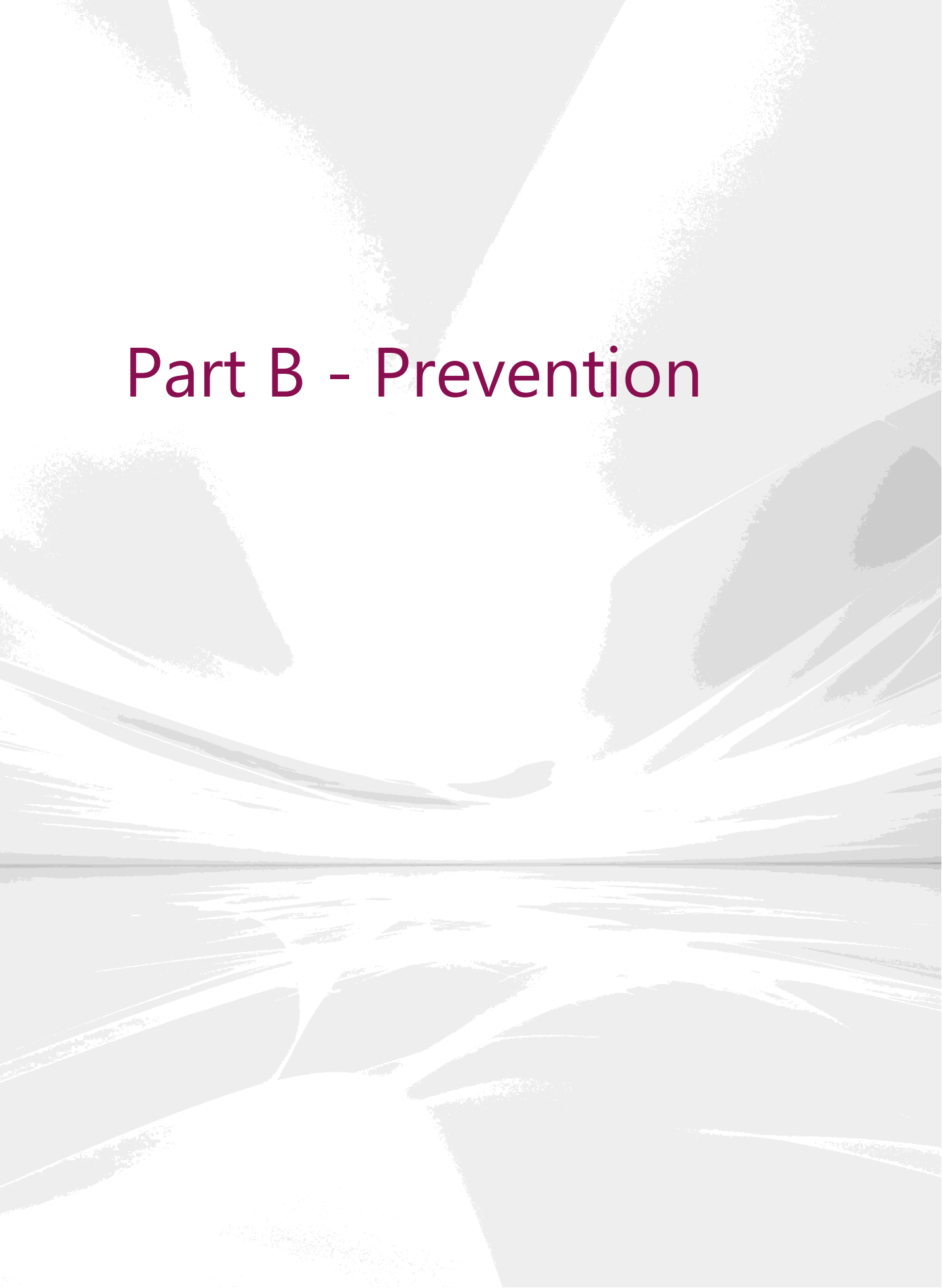
A.3.7.4 Blocking the social context

The social context of abuse and incidents of violence must be taken into account. The social environment requires orientation and support in assessing and dealing with acts of abuse, so that the roles of perpetrator and victim are not reversed and victims suffer violence again. Institutions and communities that deal with children and young people should possess knowledge about sexualised violence and knowledge about appropriate intervention measures, for which this Framework is a guide. Therefore, a supportive environment and culture of discussion should be created in all facilities, in which this taboo can be removed and stressful and violent situations can be addressed.

Therefore, explicit reference is made to the necessity of creating protection concepts (see Section B.3.3).

¹⁹ Cf. *absolutio complicitis*, can 1387 CIC

Part B - Prevention



Pope Francis

From the introductory address to the meeting "Protection of Minors in the Church" by Pope Francis in the new Synod Hall, delivered on Thursday, 21 February 2019.²⁰

In light of the scourge of sexual abuse perpetrated by ecclesiastics to the great harm of minors, I wanted to consult you, Patriarchs, Cardinals, Archbishops, Bishops, and Religious Superiors and Leaders, so that together we might listen to the Holy Spirit and, in docility to his guidance, hear the cry of the little ones who plead for justice. In this meeting, we sense the weight of the pastoral and ecclesial responsibility that obliges us to discuss together, in a synodal, frank and in-depth manner, how to confront this evil afflicting the Church and humanity. The holy People of God looks to us, and expects from us not simple and predictable condemnations, but concrete and effective measures to be undertaken. We need to be concrete.

So we begin this process armed with faith and a spirit of great parrhesia, courage and concreteness.

As a help, I would share with you some important criteria formulated by the various Episcopal Commissions and Conferences – they came from you and I have organised them somewhat. These are guidelines to support our deliberations. They are a simple point of departure that came from you and now return to you. They are not meant to detract from the creativity needed in this meeting.

²⁰ Meeting "The Protection of Minors in the Church", Vatican, 21 February 2019, www.vatican.va

The truth will set you free

In view of the extent of abuse and violence in the Catholic Church, which has become increasingly evident around the world since the 1990s, the Framework for the Catholic Church in Austria, which the Austrian bishops issued for the first time in 2010 under the chairmanship of Christoph Cardinal Schönborn and in agreement with the religious of Austria, was a suitable and successful instrument for jointly coming to terms with this deep wound in the life of the Church.

On this first basis, we were able to help many victims of abuse and violence in a concrete way. However, since there was no previous experience of joint action against abuse and violence, it soon became apparent that this Framework needed to be supplemented and further specified. In 2016, Bishop Klaus Küng, who was responsible at the time, was able to present a second, revised and supplemented edition of this Framework on behalf of the Bishops' Conference and in agreement with the religious of Austria.

Even then, however, it was stated: *"We are aware that efforts to protect against violence and abuse can never be considered complete."*

Today, for the first time, the Bishops' and Religious Conferences of Austria is able to jointly present a third, revised and supplemented Framework to the public after a collective revision process. The practice of the last few years had shown that some specific problems had not been taken into account thus far. This deficit could be particularly remedied in the newly revised "Rules of Procedure for Accusations of Sexual Abuse and Violence". For example, the various terms were standardised and defined more precisely, the form and implementation of prevention measures were specified and the concrete experiences in the procedures of the last ten years were helpfully incorporated. We have also tried to make the Framework more comprehensible and easier to read. With this new edition, we are able to offer a reliable handbook for all those involved in personnel and prevention issues in the Church context.

We consider it a particular gain that we are pulling together on issues of victim protection in Austria's Bishops' and Religious Conferences and that we can jointly present this binding Framework. May it bring more justice to those affected and be an effective instrument against any abuse in the Church context! So that the following may continue to apply: *The truth will set you free!*

Dr. Benno Elbs

Chairman of the Victim Protection
Advisory Board of the Austrian
Bishops' Conference

Dr. Korbinian Birnbacher OSB

Chairman of the Austrian
Conference of Religious Orders

Dr. Hansjörg Hofer

Chairman of the Board of
Trustees of the Victim
Protection Foundation

Sr. Franziska Bruckner

Deputy Chairperson of the
Austrian Conference of Religious
Orders

B.1 Culture of mindful togetherness

Respect for human dignity is the overriding principle of our actions. The protection of children, young people and other vulnerable persons is paramount. If they can be protected in all Church institutions, it will also protect the employees and the institution from general suspicion and loss of trust.

The basic mission of the Church is to be a "healing space" for all people. It is the responsibility of every member of the Church to make this a reality and to allow for all to experience it.

Children bear no responsibility for the assaultive behaviour of adults. The strategic approach and the latent pressure usually exerted by accused persons exceed the children's ability to defend themselves.

Any sexually assaultive, boundary-violating behaviour towards children under the age of 14 is a criminal offence and prohibited. According to Church law, any sexual assaultive, boundary-violating behaviour towards children under 18 years of age is prohibited.

Purely child-centred prevention approaches have certain effects, but quickly reach their limits.

There is a fundamental need for a culture of constructive intervention and debate, a "culture of keeping one's eyes open". The protection of children and young people as well as persons in need of protection can only succeed if everyone sees it as a common concern and shared responsibility.

A corresponding sensitisation and the resulting necessary professionalisation of full-time and voluntary staff as well as the creation of clear rules and structures (protection concepts) are necessary.²¹

²¹ Cf. also prevention suggestions of the Swiss Bishops' Conference, www.sbk-ces-cvs.ch

B.2 Employees

B.2.1 Selection and admission of employees

Particular attention is paid by those responsible in the dioceses and Religious Orders, the regents and senior employees to the maturity of the personality and the handling of sexuality and power and related issues when selecting and accepting clergy, religious and full-time and voluntary staff.

In the admission procedure, the assessment of reference persons (e.g. priestly letter of recommendation or, if applicable, statement of a former religious superior or former vicar general) from the environment of the candidates is also sought.^{22, 23}

If incriminating factors become apparent, a specialist is consulted during an admission or hiring procedure. A psychological evaluation is generally recommended for seminarians, novices and full-time pastoral workers. In addition, the Austrian guidelines for admission and formation ("ratio nationalis") also apply to candidates for ordination. An extended criminal record extract (child and youth welfare) must be obtained each time a staff member is hired, as well as for admission to training for the permanent diaconate and for admission to the seminary.

The recidivism rate of extrafamilial abusers (i.e. victim and perpetrator do not directly come from the same close family environment) is 50 %. With the use of therapy, a reduction of the relapse rate to below 20 % is possible. A reduction to less than 10 % is possible with ongoing therapy (which may mean long-term accompanying therapy). The prognosis can be significantly improved if situational parameters are taken into account in the therapy.

Under no circumstances will abusers be used in pastoral work where they might come into contact with children and young people. About possible assignments in other areas, a decision is made on a case-by-case basis. In doing so, the nature of the offence, the offender's ability to accept guilt and make amends, the risk of relapse and the greatest possible safety for the people in the area of impact are taken into account. A forensic psychiatric report is an essential prerequisite for determining the expected risk. Re-deployment in Church service is also dependent on whether it may cause a justifiable nuisance or endanger confidence in the Church.

²² Cf. also Congregation for Catholic Education, Guidelines for the use of psychology in the admission and formation of candidates for the priesthood, 29.6.2008, in:
http://www.vatican.va/roman_curia/congregations/ccatheduc/documents/rc_con_ccatheduc_doc_20080628_orientamenti_ge.html

²³ Cf. cann 241 and 645 CIC

B.2.2 Education, training and continuing education

In the training, further training and continuing education of clergy, religious members and employees, attention should be paid to qualifying them to deal appropriately with corresponding intimations or statements by children, young people and persons in need of protection and to be available as a person of trust.

Depending on the concrete activity and function, specific measures and topics are to be set.

B.2.2.1 Self-awareness and biography work

In the training, the ability of self-awareness is promoted. Competent psychological support is supposed help to see one's own biography responsibly, to reflect on it and, if necessary, to take therapeutic steps.

B.2.2.2 Dealing with sexuality

A well-founded, externally accompanied examination of the topic of sexuality and the development of human or emotional maturity and relationship skills as well as the virtue of abstinence are necessarily part of the training.²⁴

B.2.2.3 Addressing role, function and power

The training raises awareness of topics such as role responsibility, observance of the necessary rules of conduct, closeness and distance, dealing with authority, power and dependency as well as forms of boundary violating and encroaching behaviour (emotional abuse of power).

B.2.2.4 Responsibility for personal integrity

In the training, it is emphasised that the responsibility for maintaining one's own professionalism and personal and sexual integrity lies with the person being trained.

B.2.2.5 Life in community

The community in the seminary or novitiate is essential. It shows how far a seminarian, or novice can get involved in peer relationships or what problems arise in living together in the group. These problems must be taken seriously, addressed and, if necessary, dealt with therapeutically, in terms of group dynamics or supervision.

For clergy and religious members, the nurturing of spiritual life, community and social skills are to be focused on.

²⁴ For candidates for the priesthood, cf. can 247 CIC, John Paul II, Post-Synodal Apostolic Exhortation "Pastores dabo vobis" on The Formation of Priests in the Circumstances of the Present Day, 25.3.1992, articles 29, 43ff; Congregation for Institutes of Consecrated Life and Communities of Apostolic Life, Guidelines for Formation in Religious institutes, 2.2.1990, article 13, 39ff, in www.vatican.va

B.2.2.6 Regular attendance of further and advanced training courses

In order to ensure professionalism in each of their own activities, further training takes place on a regular basis. Experts are consulted for this purpose.

B.2.2.7 Self-reflection and open discussion

Self-reflection on one's personal life situation, also in the sensitive area of sexuality, can take place in the form of daily review, spiritual accompaniment, confession, supervision, etc.

B.2.2.8 Confession/spiritual accompaniment

Corresponding obligatory training before granting the power of confession is required. The granting of the power of confession solely on the basis of priestly ordination must not be automatic. An analogous approach should be taken with spiritual accompaniment.

B.2.3 Declaration of Commitment

All Church employees²⁵ are to be demonstrably informed about the aspects listed in the Frameworks in the sense of prevention and are to apply the contents of the Framework to the extent appropriate to their function and sign a Declaration of Commitment in this regard (see Part D 4).

B.2.4 Dealing with suspected cases

A crucial preventive measure is the assurance that every suspected case will be seriously investigated without exception, regardless of whether the abuse is severe or less severe.

This requires a transparent and fair procedure for all parties involved. The protection of children and young people and persons in need of protection is paramount.

All Church employees are obliged, without exception, to report suspected cases of abuse or use of violence to the Diocesan Ombudsman's Office, either directly or via the Prevention Unit or the supervisor or their superiors, who in turn are obliged to inform the competent Ombudsman's Office without delay.²⁶

²⁵ The term staff here includes all priests, deacons, religious members as well as service workers or volunteers working in a leading role of a Church institution (i.e. with regard to Church events, the organiser and all other persons involved in the implementation in a leading role on behalf of the organiser).

²⁶ See Part C Rules of Procedure §18.b.

B.3 Abuse and Violence

Prevention Unit

Each Diocesan Bishop shall, after consultation with the competent bodies, establish a staff unit for the prevention of abuse and violence with a prevention officer. A corresponding working group on the protection of children and young people can also be set up under the leadership of the prevention officer.

B.3.1 Main tasks

- ◆ Raising awareness on the issues of power, violence and sexual abuse
- ◆ Professionalisation of employees working with young people
- ◆ Information and advice for all employees
- ◆ Contact person for protection concepts to be created
- ◆ Authority for the authorisation of the protection concepts

The task of the staff unit is to maintain a continuous process of sensitisation and professionalisation among all employees and to propose appropriate measures to promote this.

The staff unit exchanges information with the Ordinary, the Ombudsman's Office and the Diocesan Commission in the respective Diocese in order to evaluate the cooperation annually and to improve it if necessary. Likewise, nationwide coordination and networking between the staff units is necessary. Cooperation with comparable civil society bodies is to be promoted.

Prevention officers of the dioceses are not allowed to accept paid assignments from persons involved (victims, accused persons, institutions) or their relatives whose case is being handled by an Ombudsman's Office, Diocesan Commission or the Victim Protection Foundation, nor may they accept or be promised any other economic benefits.

They receive remuneration for their work exclusively from the Diocese in the course of their full-time work.

The decision on the concrete working method shall be made by the Ordinary after consultation with the competent bodies.

The responsibility of the respective prevention unit follows the principle of locality.

B.3.2 Participation and complaint management for children, young people and vulnerable persons²⁷

For prevention purposes, it is important to create opportunities for children, young people and vulnerable persons to communicate.

Participation

Children, young people and vulnerable persons have access to various low-threshold and higher-threshold services that enable them to express themselves.

In doing so, it is determined in advance and made transparent in which areas co-determination, co-design or self-determination is possible, as there will be areas, for example, in which joint decisions can be made, but in other areas only joint consultation is possible.

Complaint management

A complaints management system is in place to deal with complaints in a structured manner that is also beneficial for the facility.

Grievance mechanisms are accessible in different ways at different levels. This starts with a culture of openness to complaints (in everyday relationships, encouraging participation) and the use of methods such as complaint letterboxes, complaint walls and the establishment of internal complaints offices. Internal complaints offices are implemented in the Diocesan organisations and services (e.g. Catholic Youth, Young Church, Caritas). At Parish level, the prevention officers fulfil this role. Irrespective of this, the Diocesan Ombudsman or the staff units are in any case internal points of contact; if necessary, it may also make sense to set up a separate complaints office.

Attention is also drawn to external complaint bodies²⁸ and information is exchanged between the Ombudsman's Office and these institutions in order to adequately deal with complaints received.

The complaint options are advertised in different ways so that they are known. The needs of the target groups are taken into account (e.g. child-friendly, easy-to-read form, multilingual). Names, telephone numbers, (e-mail) addresses of internal and external complaint channels are made visible or public in several places.²⁹

Complaints are recorded, documented and dealt with individually, in compliance with the relevant data protection guidelines. Finally, reflection takes place. The procedures for handling complaints are made transparent, and documented

²⁷ Cf. Child Protection Guideline of the Catholic Children's Movement of Austria

²⁸ E.g. Children's and Young Persons' Representatives of the federal provinces (www.kija.at), Rat auf Draht, Frauennotruf (Women's Emergency Number), Ombud for Equal Treatment, Adult Protection Associations, Ombudsman Board

²⁹ E.g. in the Parish or Diocesan

media. Anonymous annual reports, for example, contribute to the transparency of a complaints office. In case of dissatisfaction with the way a complaint is or was handled, one can turn to the next higher instance or to external complaint bodies.

The Diocesan Staff Units advise parishes and institutions on the development of their complaints offices. The Diocesan staff units are in regular contact with the Diocesan complaints offices of the above-mentioned institutions and services. Contact is maintained with other extra-Church children's and youth organisations as well as with external complaints bodies to exchange experiences.

B.3.3 Protection concepts

Protection concepts are understood as "an interplay of analysis, structural changes, agreements and arrangements as well as the attitude and culture of an organisation"³⁰.

This involves the discussion and definition of selection and recruitment criteria (also for volunteers) as well as their training and further education on the topic of "prevention of violence". A code of conduct is needed in the protection concept and complaint procedures must be described.

All responsible persons in parishes, Religious Orders, organisations such as the Catholic Children's Movement or Catholic Youth, Diocesan offices and institutions, Church foundations, educational and care institutions (e.g. Catholic public schools, day care centres, elementary educational institutions, etc.), movements and communities must develop protection concepts for their area, record the developed protection measures in writing and communicate them. The Diocesan staff units for prevention are available for these tasks in an advisory capacity.

For large events³¹, an additional protection concept must be created for each event. (Cf. B.3.4)

The Diocesan prevention unit responsible under Church law is responsible for the joint development and authorisation.³²

Such a protection concept is valid for the entire federal territory after authorisation by the responsible prevention staff unit.³³

³⁰ Cf. <https://beauftragter-missbrauch.de/praevention/schutzkonzepte>

³¹ More than 200 participating people

³² The Prevention Unit of the Diocese in which the organisation (association, community, Religious Order within Austria, ...) has been recognised or approved under Church law is responsible.

³³ In the event of serious conflicts of interest between staff units, individual staff unit heads can turn to the Victim Protection Advisory Board as a clarification/arbitration body.

B.3.4 Prevention of abuse in local, regional or cross-Diocesan children and youth work in the Catholic Church in Austria

Detailed regulations (implementing provisions) applicable throughout Austria will be issued by the Austrian Bishops' Conference and the Austrian Conference of Religious Orders.

B.3.5 Additions to the service regulations

All Church leaders are called upon to develop and put into force guidelines and provisions for prevention and regulations in the service regulations for clergy and laypeople on the subject of "sexual abuse and violence".³⁴

All Church employees receive this Framework, confirm that they have read it and undertake to comply with it.

³⁴ Examples can be found at www.ombudsstellen.at

B.4 Code of Conduct

The aim of the following regulations is to promote a sensitive approach to children, young people and particularly vulnerable persons. The following Framework for the conduct of all staff members is not intended to be a coercive corset that makes relational work impossible, nor does it contain provisions that are only lip service and which no one controls. It attempts to define a meaningful relationship between proximity and distance.

In addition to the basic sensitisation and positive attitudes in shaping relationships with children and young people and persons in need of special protection, which are based on respect and care, there is also a need for basic professional behaviour in a wide range of situations, as is to be demanded of clergy, employees and volunteers who have to deal with children, young people and persons in need of special protection in the course of their work. All full-time and voluntary staff should be guided by the principles set out in the Framework catalogue below. With regard to the respective institution, they can be specifically formulated by the employers.³⁵

B.4.1 Promoting the rights of children and young people

As the Catholic Church promotes the rights of children and young people, all staff are required to do the following in the course of their work with children and young people.³⁶

- ◆ treat children and young people with respect and recognise them as persons and thus legally independent
- ◆ perceive them as individuals worthy of protection with their own needs and rights
- ◆ endeavour to grasp their personality in the context of their respective environment
- ◆ work with them in a cooperative and respectful way, based on mutual trust and appreciation
- ◆ work with them in such a way that their skills and talents are nurtured and they are capable of developing
- ◆ allow their thoughts to be valid and to take their statements seriously

³⁵ Compiled from suggestions from various child protection organisations

³⁶ See also UN Convention on the Rights of the Child, www.kinderrechte.gv.at and UN Convention on the Rights of Persons with Disabilities, <https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=19>

B.4.2 Safeguarding the rights of children and young people

Children and young people have the right:

- ◆ to be heard. Their thoughts and opinions are worthy of careful scrutiny
- ◆ to be encouraged and supported to actively participate in decision-making on their own behalf
- ◆ to well-being and on nurturing and protective development so that they can recognise their own abilities
- ◆ to be seen as agents of their own development, with particular emphasis on their health and safety, well-being and interest
- ◆ to be respected and understood in the context of their own culture, religion and ethnicity; their needs are recognised and, where possible, met within the family context

B.4.3 Contact with children and young people is obligatory:

- ◆ respect the rights of children and young people when dealing with them
- ◆ promote a culture of openness in which their questions and problems are allowed to be voiced and discussed
- ◆ explain to them the difference between acceptable and unacceptable adult behaviour through 'awareness training', taking into account their age (communicating the seven prevention messages: You alone decide about your body! Your feelings are right! There are pleasant and unpleasant ways of touching. You have the right to say NO! There are good secrets and bad secrets! You have the right to talk about it and get help. The responsibility lies with the perpetrator. It's not your fault!)³⁷
- ◆ to avoid delicate situations that can lead to accusations
- ◆ to be aware of whether one's own behaviour, e.g. grabbing a child's hand - even if it is done to reassure them - serves one's own need or the child's need, and whether it can be interpreted as assaultive by third parties or by the child or young person themselves
- ◆ to avoid situations where they are isolated (segregated), e.g. in cars, offices or premises, so that the respective processes cannot be seen by third parties
- ◆ to resist wrong behaviour and be alert to dangers that may lead to acts of violence towards children or young people

37 https://www.erzdioezese-wien.at/dl/osmLJKJMOmMLJqx4KJK/Mein_sicherer_Ort_WEB.PDF

- ♦ to ensure that - whenever possible - other adults are within their sight; where this is not possible, another solution must be sought; this is to be observed as far as possible also in connection with the Sacrament of Penance
- ♦ to ensure that in photographic recordings (photos, videos, etc.) all persons depicted are correctly dressed and sexually suggestive poses are avoided
- ♦ to ensure that they are accompanied by two adults at all times when going out (in the case of mixed-sex groups, the supervisors must also be male and female); if an adult visits the child or young person in their room, the door must be open at all times
- ♦ to ensure that a suitable place is chosen for the administration of the Sacrament of Penance; the required physical distance must always be maintained during confession or the confessional conversation³⁸

B.4.4 The following is prohibited during contact with children and young people:

- ♦ any corporal punishment, such as beatings or other forms of physical violence
- ♦ any form of sexual relationship with children or young people
- ♦ act abusively, organise activities of this kind or promote activities that expose them to the risk of violent acts
- ♦ violent or exploitative relationships with children or young people
- ♦ physically or sexually provocative language, gestures and actions
- ♦ staying overnight alone with a child or young person
- ♦ inviting them to your home alone
- ♦ helping them with personal activities that they can do on their own, E.g. washing, dressing, going to the toilet, etc.
- ♦ tacitly allowing or even participating in activities where the child's or young person's behaviour may lead to violent or illegal acts
- ♦ shaming, humiliating, belittling, degrading or subjecting them to other forms of psychological violence
- ♦ discriminating against other children or young people by giving preferential treatment to an individual, e.g. by means of gifts, allowances, money, etc.
- ♦ spending an excessive amount of time with one child or young person alone, thus separating them from the others

³⁸ Information on the appropriate place of confession can also be found in the guide "Unter 4 Augen" (In private) of the Archdiocese of Vienna https://www.erzdioezese-wien.at/dl/npmNJKJIKNoNJqx4KJK/Unter4Augen-Broschu_re_2019_online_pdf

- ♦ producing or viewing photos, videos, etc. that violate the child's or young person's dignity
- ♦ asking about intimate, sexual behaviour in a confessional conversation or in pastoral accompaniment

Where there are areas in which, due to the specific tasks, it is foreseeable in advance that not all of the areas listed under point 2 can be complied with (e.g. children's hospice, residential communities for unaccompanied minor refugees, mother-child facilities, assignments of family helpers, ...), it may be useful to make supplementary agreements to the service contracts or other clear regulations (e.g. to require contact with superiors before carrying out certain activities).

B.5 Information on dealing with assumptions and observations

Reasonable suspicion, but also rumours, must be investigated. Suspicions must be dispelled or substantiated. Suspicion does not mean proof, but an indication of possible abuse. It takes moral courage to report a suspicion. This reporting person should be dealt with attentively and sensitively. They also need protection.

Doubts are caused by the "pre-conception" that "such a thing" does not happen in a proper Christian family or in the Church. One must not shy away from addressing these doubts, because what is perceived consciously can be dealt with better than suppressed thoughts.

In cases of sexual violence, in addition to the primary harm caused by the act itself, there is often secondary harm that can be caused by hasty, unprofessional exposure. It is therefore essential to inform the Ombudsman's Office.

In addition, children and adolescents are highly vulnerable and any assault is an exploitation of the child and adolescent or young person. In the event of knowledge of even the suspicion of an assault, the following applies in addition to the state authorities (reporting to child and youth welfare) also the Church order as summarised in this Framework. If the suspicion is substantiated, institutional processing begins. It is important to prepare and carry out this process in a timely manner together with various professional groups who have professional contact with those affected.³⁹

B.5.1 What to do in the event of an incident:

- ◆ **Keep calm.**
- ◆ **Do not do anything rash.**
- ◆ In cases of sexual abuse, no one can provide help alone; cooperation between the various help services and institutions is required.
- ◆ Children and adolescents usually need a lot of time to be able to talk about abuse (often years or decades after the fact), and rarely reveal everything at once.
- ◆ Take into account that the children or young people are often dependent on the accused person, can be put under pressure by them and want to be loyal to them.
- ◆ Persons should not be confronted with suspicions hastily in order to avoid pressure to keep quiet being exerted on the affected person and that contact with the caregiver is broken off.

³⁹ E.g. teachers, educators, social workers, professionals of a specific counselling institution, ..

- ◆ **It is essential to contact a Diocesan Ombudsman's Office.**
- ◆ All further steps should only be taken together with professional advice. Under no circumstances should you attempt to take steps towards exposure on your own and without the support of a specialised agency, nor should you attempt to hold talks with the suspected or accused person. The affected person can thus be harmed even more.

B.5.2 Support for the affected environment

Institutions that are confronted with abuse in their field often experience "institutional shock". Relatives, friends, acquaintances, colleagues react with horror, disbelief and perplexity to information about sexual abuse in their environment, in their family, in their community or in their institution. The questions range from a stunned "This simply cannot be true!" to the self-accusing question "Why didn't any of us notice anything?" or "Why wasn't anything done earlier?"

The release from service of an accused person always tears a great rift in a Parish, movement, community or institution. Contempt and solidarity, compassion and doubt create a rollercoaster of emotions that overwhelms many.

The Ordinary or a person appointed by them shall ensure, within the scope of their responsibility, that the affected persons in the environment are offered appropriate support and assistance (e.g. supervision, coaching, legal counselling, community counselling, etc.). Likewise, appropriate public relations work and transparent information of the environment must be ensured.

B.5.3 Support for the accused

The Ordinary or a person appointed by him shall ensure within the scope of their responsibility that

- ◆ the accused person is confronted with the allegations as soon as possible and has an opportunity to comment⁴⁰
- ◆ the accused person is informed of their rights and counselling options (e.g. self-reporting or reporting defamation or slander)
- ◆ the accused person receives an offer of spiritual guidance and therapy
- ◆ the accused person is informed transparently about the next planned steps

⁴⁰ Except official investigations, such as a house search, are hindered by this.

B.6 Provisions for bearers of responsibility

B.6.1 For the Diocese

B.6.1.1 Overall responsibility

The Diocesan Bishop and all responsible persons in the Diocese shall ensure that a comprehensive process is initiated in their Diocese in all Church institutions with regard to the promotion of awareness raising, prevention and the clear and consistent handling of the problem of abuse and violence in the Church. The measures and regulations as described in this Framework are a guideline for their own actions and their personal efforts to give others the necessary impetus in this issue.

Dealing responsibly with abuse and violence concerns past, long-ago and current cases in the same way.

The Diocesan Bishop and his staff must be guided above all by the concern for truth and justice in dealing with abuse and violence in the Church.

B.6.1.2 Respect for responsibilities

It is a matter of course for the Diocesan Bishop and his staff to personally observe the rules and regulations of this Framework and to act in accordance with the recommendations of individual competent bodies⁴¹. At the same time, it should be noted that the Diocesan Bishop must take the steps laid down by Canon Law with regard to the *delicta graviora* in the *Motu Proprio vos estis lux mundi* and in the CIC.

B.6.1.3 Prevention

The Diocesan Bishop and his staff are committed at all levels of their Diocese and are personally involved in preventing abuse and violence. They mandate and encourage those responsible for all educational pathways to implement and continuously evaluate the engagement with this issue in their respective educational field.

B.6.1.4 Care for those affected

The Diocesan Bishop and his employees are ready to listen to the suffering of those affected, to empathise with them and to provide concrete help and support.

It is their concern that everything is done to open up paths of healing for those affected and to give them new hope.

⁴¹ Diocesan Ombudsman's Office, Diocesan Commission and Independent Victim Protection Commission

B.6.1.5 Cooperation between dioceses and religious congregations

Those responsible in the dioceses and religious congregations exercise particular care in welcoming priests and other pastoral workers. The information from the previous spheres of activity is obtained and admission interviews pay particular attention to personal maturity. Participation in the Diocesan accompanying processes for the introduction to pastoral ministry is obligatory.

B.6.2 For the congregation

B.6.2.1 Responsibility

In the congregations, the respective superiors bear special responsibility for their area with regard to dealing with abuse and violence. For them, too, caring for those affected comes first.

B.6.2.2 Prevention

Religious superiors are committed to ensuring that everything possible is done in their area to prevent abuse and violence. The measures of this Framework are obligatory for them. They are aware that they have a special responsibility here both for their community and for the local Church.

B.6.3 For the Parish

Pastors or their legal equals bear special responsibility for their congregation as congregational leaders. They must therefore ensure that all full-time and voluntary employees of the Parish are informed about the provisions, measures and behavioural guidelines for the prevention of abuse. In their function, they must report violations of the regulations and conduct guidelines to the Ombudsman's Office and set appropriate consequences.

Part of the measures to prevent violence and (sexual) abuse is broad internal information. For this reason, the Parish council should deal with this topic at least once per functional period. The latter can and should draw on the suggestions of the staff unit for the prevention of abuse and violence or on specially trained regional contact and information persons on the subject.

It is important to bring the topic of "closeness and distance" into the Parish in an appropriate form and to discuss it with the staff. Especially to the parents, open and regular treatment of the topic sends a clear message that the well-being of the children and young people in the Parish is paramount.

In each Parish council, one person should be specifically assigned to this topic (prevention officer in the parishes). This person supports the priest in charge in keeping the subject on the agenda and in complying with the Framework. The name of this person shall be communicated to the Ordinariate.

B.6.4 For the pastoral care of children and youth

In the context of pastoral care for children and young people, two issues are of particular concern:

The topic of "closeness and distance" and how to deal with the regulations and behavioural guidelines must be worked on among the responsible persons. An intensive examination of this topic is particularly necessary for those responsible for children's and youth work.

When selecting new group leaders, care should be taken to ensure that they are mature and well-balanced personalities according to their age, who are suitable for children's and youth work because of their talents and who are willing to undergo training and further education. All persons working in children's and youth pastoral ministry must complete a basic training course, in which, among other things, the problems of abuse and violence are addressed.⁴²

B.6.5 For religious education and the Catholic school system

School is the place where many contacts between representatives of the Church and children and young people take place in religious education and in private Catholic schools. The school context is characterised by a necessarily very close cooperation between state and Church. In practice, this requires a basis of trust, which is essential especially in cases of suspected abuse or use of force; of course in compliance with the relevant legal regulations.

B.6.6 For a Church community, movement or institution

This Framework is binding for all Church communities, movements and institutions in Austria.⁴³ In this sense, it is a matter of course for their leaders to recognise the Austria-wide regulations and standards described in this Framework. They are guided by them and observe the established procedures in their area. The provisions of this Framework shall be enforced in respect of their community or institution and shall be made known to all associated persons. Entry into force is to be confirmed in writing by the respective person in charge or by the respective person in charge of the responsible territorial prevention unit

– the report shall be documented there.

Any incident within the meaning of § 1 in Part C of the Framework shall be reported to the Diocesan Ombudsman's Office without exception.

⁴² E.g. a basic course by the Catholic "Jungschar" or Catholic Youth

⁴³ This includes ecclesiastical associations, order-like communities, recognised movements, convicts, ecclesiastical foundations, ecclesiastical hospitals, etc.



Part C – Rules of Procedure

C.1 Scope of applicability

- §1 These Rules of Procedure apply to acts of sexual abuse and/or violence committed by clerics, religious or full-time and voluntary lay employees of institutions of the Roman Catholic Church (hereinafter referred to as accused/accused person) towards minors or vulnerable adults (hereinafter: affected person).

C.1.1 Definitions

- §2 The scope of application includes physical, psychological or sexual violence, or abuse.

In any case, **sexual abuse** is understood to be those acts that are described in Art. 6 § 1 Normae⁴⁴. In addition, the Rules of Procedure apply accordingly even in the case of actions that are not relevant under criminal law and that occur in the pastoral context, the following paragraphs describe the consequences of a violation of boundaries in educational, caring or nursing interactions. The latter refers to inappropriate, sometimes unintentional behaviour, often as a result of professional or personal inadequacies, which depends not only on objective criteria but also on subjective experience.

Use of force is understood to mean a physical attack, the threat of such or behaviour that significantly impairs mental health.

According to both Austrian state law and Catholic Church law, **minors** are persons who have not yet reached the age of 18.

- § 3 **Scope with regard to service:** With regard to clerics and religious, the Code applies insofar as they are in the service of an Austrian Diocese or Religious Order or the offence was committed in Austria. Members of societies of apostolic life and secular institutes are on an equal footing with secular institutions. The binding nature with regard to the Orders is regulated in more detail in § 79. In the case of lay employees, the Rules of Procedure shall only apply to acts which they have performed in connection with the exercise of an ecclesiastical ministry entrusted to them.
- § 4 **Applicability to other institutions:** The regulations are also binding for all ecclesiastical communities (movements, associations, ...) and institutions in Austria, especially those under the supervision of the Diocesan Bishop.

44 Congregatio pro Doctrina Fidei, Normae de delictis Congregationi pro Doctrina Fidei reservatis seu Normae de delictis contra fidem necnon de gravioribus delictis (21.5.2010), in: AAS 102 (2010) 419-434 (as amended). Hereinafter: "Normae". - Cf. Congregation for the Doctrine of the Faith, VADEMECUM on some questions in the procedures for dealing with cases of sexual abuse of minors by clerics (version of 16.7.2020), in: http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20200716_vademecum-casi-abuso_ge.html

The regulations also apply to all Catholic private schools and elementary educational institutions. Furthermore, to Catholic religion teachers at public and private schools.

§ 5 Competing regulations: The regulations apply without prejudice to other professional regulations, such as those found in Caritas or in the area of hospitals and nursing homes. The application of the provisions of school law in the case of teachers shall remain unaffected.

§ 6 Delimitation facts: Cases of bullying, stalking, sexual or other discrimination in the workplace or other violations of the Equal Treatment Act as well as violations of the duty of supervision or guardianship are not covered by this procedure. There are special counselling and complaints offices for these and they can also be enforced in court. However, when acts of violence occur in a mixed form, this order is very much applicable (e.g. sexual abuse and bullying).

C.2 Institutions

The following institutions create the basis for decision-making or supply votes in the sense of the Framework as a basis for a decision on the granting of financial and/or therapeutic assistance.

§ 7 Responsibilities: Only the Diocesan Ombudsman's Offices act as contact points for affected persons. The affected persons are free to choose the Ombudsman institution within Austria. The work of the Ombudsman offices is based on the principle that no one is turned away for lack of Diocesan competence.

The competent Diocesan Commission is the one in whose area of responsibility the cited location of the incident lies. If an affected person has had incidents in more than one Diocesan area, all the Diocesan Commissions affected shall take action in respect of their own incidents. Multiple interviews with the affected person should be avoided if possible.

The territorial jurisdiction is not limited to the federal territory of Austria.

§ 8 Avoidance of parallel procedures: In order to avoid parallel proceedings, Ombudsman institutions check whether a report has already been filed by a data subject when they contact the Ombudsman. A query compliant with data protection law is carried out.

If a data subject wishes to reopen their case in another Ombudsman's Office - with or without supplementing the information - the case will be transferred entirely from the previously chosen Ombudsman's Office.

C.2.1 The Ombudsman institutions

Assignment:

- ◆ Contact point for those affected
- ◆ Reporting office
- ◆ Documentation of messages
- ◆ Counselling & urgent aid

§ 9 Institution: An Ombudsman's Office has been set up in every Diocese to which cases of abuse and violence can be brought and which offers help for those affected and their relatives.

§ 10 Tasks: The Ombudsman's offices can provide crisis intervention and arrange psychotherapeutic and, if necessary, pastoral help, if needed.

Furthermore, they have the mandate to provide expert advice to Church institutions on questions of preventing sexual abuse and to point out deficits in the prevention and protection of sexual abuse

and deal with allegations of acts of violence and sexual abuse. They also cooperate in this regard with the staff units for the prevention of abuse and violence. A more detailed description of the working method can be found at § 18 ff.

§ 11 Management: The head of the Ombudsman's Office is appointed by the Diocesan Bishop for a period of five years. The head of the Ombudsman's Office is responsible for coordinating the work within the Ombudsman's Office. The head of the Ombudsman's Office represents the Ombudsman's Office in public relations and in legal dealings with the outside world and reports regularly on their activities to the Diocesan Bishop and the vicar general or the responsible personnel officers.

§ 12 Members: The head of the Ombudsman's Office shall propose up to ten further independent experts to the Diocesan Bishop for appointment as members for the same term of office. Preference is given to persons from the fields of psychology, psychotherapy or psychiatry, social work or related fields of work who already have competence in the therapy and accompaniment of affected persons. It is advisable to also appoint a lawyer as a member. The head of the Ombudsman's Office as well as all other members are not employed by the Church. The members of the Ombudsman's Office are not bound by instructions. The new members attend a training session organised throughout Austria as soon as possible after assuming their function. For the purpose of quality assurance, joint professional training and further education is also planned.⁴⁵

Re-appointment is also possible several times in all functions. In case of termination of membership in the Ombudsman's Office before the end of the term of office, the Diocesan Bishop may, if necessary, appoint a new member for the remaining term of office.

§ 13 Remuneration: The members of the Ombudsman's Office may not accept any paid contracts or otherwise receive or be promised any economic benefits from complainants, those accused or their relatives. They receive remuneration for their part-time work exclusively from the Diocese.

§ 14 Equipment: The Diocese shall provide the Ombudsman's Office with the infrastructure required to carry out the administrative work. The seat of the office and the telephone or electronic address shall be published in the Official Gazette and in public. The respective Diocesan legal provisions apply to budgeting and the use of funds. The Diocesan Ombudsman's offices are equipped with a budget for urgent assistance. The counselling provided by the Ombudsman's offices is free of charge for those seeking help.

⁴⁵ Sensitisation and awareness raising to sharpen identity: e.g. aspects of an appraiser's job, credibility criteria, ..

§ 15 Relationship with the institutions and services of the Diocese: Departments and institutions of the Diocese are obliged to provide the Ombudsman's Office with the information necessary for the fulfilment of its tasks, in compliance with data protection regulations.

§ 16 Cooperation: The Diocesan Ombudsman's Offices are obliged to cooperate in a structured manner, especially for the exchange of experience and information. The heads of the Ombudsman institutions meet at least once a year and ensure the uniform collection and presentation of statistical data on the work of the Ombudsman institutions. The heads of the Ombudsman institutions also ensure that new members are trained throughout Austria (cf. § 12). Likewise, the heads shall draw up an Austria-wide uniform, binding catalogue of criteria of minimum requirements for the selection of professionals from the field of psychiatry or psychology for the plausibility check (cf. § 25).

C.2.1.1 Ombudsman institutions – working method

§ 17 Contacting the Ombudsman's Office:

- a. Persons affected by abuse or violence in the Church or persons who have made observations or suspicions in this regard are advised to contact a Diocesan Ombudsman's Office. If incidents have been reported directly to Diocesan bishops or religious superiors, they are obliged to inform the competent Ombudsman's Office without delay.

Anonymous reports are to be documented by the Ombudsman's Office, but can only lead to more detailed investigations by the Diocesan Commission if they contain sufficient concrete indications.

- b. **Reporting obligation:** Church employees and clerics are obliged to report suspected cases, observations and cases of abuse in the ecclesiastical sphere to a Diocesan Ombudsman's Office, taking into account the provisions of labour law and safeguarding professional secrecy and absolute confessional confidentiality. The report can also be made to the Diocesan Bishop or to religious superiors⁴⁶, to the prevention unit or to the immediate superior. The latter shall inform the competent Ombudsman's Office without delay.

⁴⁶ As a rule, i.e. unless otherwise stated in the context or explicitly, this means "Major religious superiors" according to can. 620 CIC: "Major superiors (are) those who govern an entire institute, a province of an institute or part equivalent to a province, or an autonomous house, as well as their vicars. ...". - When speaking of "Ecclesiastical Superiors" this refers to ordinaries of both the Diocese and the of the Diocese as well as of religious institutes.

- c. **Clarification and counselling:** The Ombudsman's Office conducts the clarification and counselling talks necessary for the plausibility check (e.g. with the reporting person, if needed with the accused person's superiors, etc.) and documents each report. Only if those affected also come forward personally do they clarify the facts with them in more detail.
- d. The Ombudsman service is expressly **not responsible** for contacting the **accused**.

§ 18 Confidentiality obligation: The employees of the Diocesan Ombudsman's offices are subject to a strict duty of confidentiality in order to protect victims and their personal rights. This means that there is a protected and discreet Framework for data subjects and that state authorities are therefore in principle (apart from section 19(2)) not informed against the will of a data subject. The possible release of members from professional confidentiality obligations is governed by the relevant state standards. The obligation to maintain confidentiality applies to all members of the Ombudsman's Office, even beyond their term of office, without any time limit.

§ 19 Disclosure of information: The Ombudsman's Office respects the self-determination of the affected persons and, as a matter of principle, only passes on information to the state prosecution authorities and the Ordinary as well as the Diocesan Commission with their express written consent. It must be clarified whether the name of the affected person may be disclosed to the accused (cf. Art. 24 Normae). Only if a written declaration of consent of the affected person to the disclosure of data to the competent ecclesiastical superior (Diocesan Bishop and/or religious superior), to the competent Diocesan Commission, to the Independent Victim Protection Commission and to the Foundation for Victim Protection is available, can the request for financial assistance be processed. However, the Ombudsman's Office also encourages affected persons to report to state authorities themselves (cf. § 21).

If an affected person does not give written consent to forwarding to the Diocesan Commission and, if applicable, to the state law enforcement authorities, the expectations of the affected person must be clarified in more detail. It should be noted that this means that the report will be inconsequential for the Church sector. If there is a risk that other persons could be harmed by the accused, their protection is paramount (cf. § 20). If necessary, the facts will be reported to the state after the reporting person has been informed in advance.

§ 20 Reporting to the Ordinary: In case of imminent danger, the Ombudsman's Office must immediately inform the ecclesiastical superior (Diocesan Bishop and/or religious superior) and the management of the ecclesiastical institution or community so that the necessary measures can be taken by the Ordinary⁴⁷ or the major superior without delay, if necessary including a report to the state authorities.

§ 21 Reporting to the public prosecutor's office: For its part, the Ombudsman's Office advises those affected to file a complaint with the public prosecutor's office. Appropriate accompaniment or support in contact with state authorities is offered.

§ 22 Assistance for affected persons:

- a. Counselling offer: The staff of the Diocesan Ombudsman's Office provide information on statutes of limitations, possible assistance and advice on the necessary documents. The Ombudsman's Office explicitly informs victims of violence and sexual abuse and, if applicable, their legal guardians about the possibilities of counselling by non-clerical institutions. Attention is drawn to the fact that the activities of the Ombudsman's Office and the Diocesan Commission do not replace proceedings before the competent state authorities and courts and that any limitation periods are not suspended.
- b. Acute assistance through the Ombudsman's Office: If necessary, the Ombudsman's Office suggests suitable initial therapeutic measures for those affected, for which it assumes the costs. It can also refer to other appropriate counselling and treatment services.

§ 23 Pastoral accompaniment: At the request of the affected persons, the Ombudsman's Office will put them in contact with a suitable pastoral worker (e.g. for accompanying affected persons).

§ 24 Assistance for the affected person's environment: Depending on the publicity of the incident, the Diocesan Ombudsman's Offices are available not only to care for those affected by the act, but also to provide counselling and support to people in the (abusive) environment and offer professional help in dealing with shock, grief, anger, horror and feelings of loss. To support the wider environment (staff, PGR, Parish, ...), the respective Diocese will provide further support, such as Parish counselling, if necessary.

⁴⁷ Cf. can. 134 § 1 CIC: "by the title of **ordinary** are understood in the law **diocesan bishops** and others who, even if only temporarily, are placed over some particular church or a community equivalent to it according to the norm of can. 368 who possess general ordinary executive power in them, namely, **vicars general** and **episcopal vicars**; likewise, for their own members, **major superiors** of clerical religious institutes of **pontifical right** and of clerical societies of apostolic life of pontifical right who at least possess ordinary executive power."

§ 25 Plausibility check and clearing:

- a. On the basis of the case presentation, the Ombudsman's Office provides an assessment of the plausibility of the allegation brought forward by the affected or reporting person, i.e. whether the act is at least probable with regard to the credibility, coherence and motivation of the report.
- b. If the affected person wishes to apply to the Independent Victim Protection Commission for financial assistance, a further independent clearing in the sense of a credibility opinion by the Diocesan Commission or the ecclesiastical superior can be requested in addition to the case documentation at the initial interview (usually in two to three, but in a maximum of ten units).

The commissioning of this Clearing and the information of the data subject about it is carried out exclusively by the Ombudsman's Office. The clearing is carried out by selected and independent experts from the field of psychiatry or psychology, who can be chosen from a list available at the Ombudsman's Office (cf. § 16). The funding of the clearing is handled by the Foundation for Victim Protection.

- c. The Diocesan Ombudsman's Offices must investigate every suspicion, even if a statute of limitations has occurred.

§ 26 Case documentation: The statements about the allegations made are written down in the form of an Austria-wide standardised case documentation. The correctness and completeness of the case documentation must be confirmed by the affected person by means of a signature. The names of all persons who participated in the interviews shall be listed. Case documentation is a mandatory part of the case file.

§ 27 Closure: The Ombudsman's Office's activities shall be terminated in the following manner:

- a. **Forwarding:** In the event of the reported facts being forwarded to the Diocesan Commission responsible for the location of the incident, the case file is transmitted. In addition, the Ombudsman's Office issues a statement on the case, indicating a vote for or against assistance. The Ombudsman's Office contacted accompanies the affected person even if the Diocesan Commission of another Diocese is responsible.
- b. **Forwarding not consented to:** If a affected person does not consent to forwarding the case to the Diocesan Commission and, if applicable, to the state prosecution authorities, and if there is no obvious danger to other persons, the case file is filed with a corresponding note. The affected person signs a declaration which includes that they explicitly do not wish the case to be forwarded to the Diocesan Commission and/or to the state prosecution authorities.

- c. **Dismissal:** Insofar as it is clearly not a matter of fact within the meaning of § 2 of these Rules of Procedure, this shall be communicated to the person who made the allegations and a note shall be drawn up to that effect. The names of those affected are kept in a specially marked evidence list.

§ 28 Complaints against the Ombudsman's Office: Complaints against the Diocesan Ombudsman's Office or individual members of it may be submitted to the Diocesan Bishop, who decides on the further course of action.

C.2.2 The Diocesan Commissions

Assignment:

- ♦ Contacting the ecclesiastical superior
- ♦ Contacting the accused
- ♦ Overall assessment of all facts
- ♦ Submitting a vote on the request for assistance
- ♦ Recommendation to the ecclesiastical superior

§ 29 Establishment and task: In each Diocese, a Diocesan Commission is set up to make a comprehensive and objective assessment of the facts by means of surveys. It makes recommendations to the Diocesan Bishop and/or the religious superior on how to proceed.

The tasks of the Diocesan Commission are to conduct the investigations (cf. § 41), to pass a resolution (cf. § 42), to write a report (cf. § 43) and, if necessary, to forward it to the Independent Victim Protection Commission.

§ 30 Members: The Diocesan Bishop shall appoint a minimum of four and a maximum of seven committee members. The term of office of the Diocesan Commission shall be five years. The reappointment of members in all functions is also possible several times. The new members attend a training session organised throughout Austria as soon as possible after assuming their function. For the purpose of quality assurance, joint professional training and further education is also carried out. In the event of termination of membership in the Diocesan Commission before the expiry of the person's term of office, the Diocesan Bishop shall appoint a new commission member for the remaining term of office of the Diocesan Commission, taking into account the relevant professional expertise. In order to deal with individual cases, further members may be co-opted by the Diocesan Commission for the duration of these proceedings or be called in as experts, but they shall only have the right to vote in an advisory capacity.

§ 31 Qualifications of the members: When appointing members, care shall be taken to appoint a sufficient number of experts on the various aspects of acts of violence and sexual abuse. As far as possible

- a. a psychologist, a psychotherapist or a specialist in psychiatry, whereby forensic psychiatric competence is also necessary
- b. a lawyer
- c. a pedagogue or a qualified social worker with relevant experience in child and youth work
- d. a priest and
- e. one member of a religious congregation shall be members of the Diocesan Commission on the proposal of the Regional Religious Conference

Men and women are appointed in a balanced ratio.

§ 32 Chairperson: The members shall elect a chairperson from among their number who shall be independent of the Diocese in terms of service and who shall be confirmed by the Diocesan Bishop. The chairperson ensures that the procedure runs according to the agreed standards and, with the support of the secretariat, coordinates the appointments, leads the votes and ensures that the procedures progress quickly. The chairperson shall represent the Diocesan Commission in public and in legal dealings with the outside world and shall regularly report on its activities to the Diocesan Bishop, the vicar general or the responsible personnel officers.

§ 33 Mode of operation: The Diocesan Commission acts independently and without instructions. In its activities, it observes the principle of objectivity and takes into account - as far as possible - all circumstances relevant to the assessment of the facts. In the event circumstances affecting their impartiality, the commission member concerned shall inform the commission chairperson and the Diocesan Bishop thereof and shall be excluded from handling the case.

If the chairperson of the Diocesan Commission declares themselves to be biased in a case, they shall inform the members, who shall elect a spokesperson from among themselves for this case.

A Diocesan Commission may, by majority vote, declare itself to be biased in the handling of a case and assign it to another Diocesan Commission for handling.

§ 34 Remuneration: The members of the Diocesan Commission shall not accept any paid assignments from the persons involved in a case or their relatives, nor shall they allow themselves to be given or promised any other economic advantages. They receive remuneration for their generally part-time work exclusively from the Diocese.

§ 35 Relationship with the institutions and services of the Diocese: Departments and institutions of the Diocese are obliged to provide the Diocesan Commission with the information necessary for the fulfilment of its tasks, in compliance with data protection regulations.

§ 36 Cooperation: The Diocesan Commissions commit themselves to structured cooperation, especially for the exchange of experience and information. The chairpersons of the Diocesan Commissions shall also ensure that new members are trained throughout Austria (cf. § 30). The chairpersons of the Diocesan Commissions meet at least once a year and ensure uniform standards of procedure.

C.2.2.1 Diocesan Commissions – working method

§ 37 Receipt of a case: The Diocesan Commission becomes active after receiving information about a suspicious case from the Ombudsman's Office chosen by the affected person and receives the documents required for this case from the Ombudsman's Office. If the Diocesan Commission becomes aware of a case independently of this, it always involves the Diocesan Ombudsman's Office.

§ 38 Procedure in case of serious incidents: In the case of serious incidents, the Diocesan Bishop and/or the religious superior must be immediately informed in full about the state of knowledge so far, so that appropriate measures can be taken. In all cases, the Ordinary responsible for the accused person or the religious superior may request information from the presiding person at any time until the report is received.

§ 39 Cooperation with the Ombudsman's Office: The Diocesan Commission shall regularly inform the accompanying Ombudsman's Office about the status of the investigations and consult it if necessary. If the facts are unclear or incomplete, the case can be referred back to the Ombudsman's Office for review, provided that the unclear facts can be clarified with the affected person.

The Diocesan Commission may request the Ombudsman's Office to conduct an independent clearing (cf. § 25). The procedure will continue when this is available.

§ 40 Confidentiality: When examining suspicious circumstances, absolute confidentiality and official secrecy are to be applied according to can. 1455 CIC. The obligation to maintain confidentiality applies to all members of the Diocesan Commission, even beyond their term of office, without any time limit.

§ 41 Investigations: The task of the Diocesan Commission is to conduct investigations in order to arrive at the most comprehensive and objective assessment of the facts.

a. Interview with the competent ecclesiastical superior: The Diocesan Commission contacts the competent ecclesiastical superior in writing with the allegations and asks them for a written statement on the incidents as well as for a vote with regard to assistance to be granted.

It is the duty of the Church superiors to cooperate in the investigation through conscientious research, especially with regard to information on possible (unnamed) accused persons.

b. Questioning the accused:

The Diocesan Commission shall inform the accused - unless otherwise agreed with the ecclesiastical superior - of the accusation made against them. They shall be informed of their rights and given the opportunity to comment (cf. §§ 57-61).

c. The aim is, on the basis of the results, to make recommendations to the Ordinary or the religious superior on the further course of action with regard to the accused, insofar as it is possible within the Framework of preliminary examinations

. This is especially true if the state prosecution authorities have discontinued or not even begun investigations due to the statute of limitations or the death of the accused.

d. Furthermore, respondents are heard and the necessary facts, evidence and information are documented in an appropriate manner. Necessary files, in particular personal files and personnel files of ecclesiastical bodies, shall be handed over to the Diocesan Commission upon request or (in compliance with can. 490 § 3 CIC) to be transmitted in copy.

e. The Diocesan offices or the heads of the Religious Orders shall provide the requested information within two months at the latest.

f. All information gathered and opinions expressed are included in the overall assessment by the Diocesan Commission.

§ 42 Decision-making: The Diocesan Commission shall unanimously decide how to proceed with the case or, in the case of majority decisions, submit a report with a minority vote. The Diocesan Commission has a quorum if at least half of the appointed members are present.

a. **Forwarding to the Independent Victim Protection Commission:** If the accusations are substantiated after a synopsis of all the facts and available information, i.e. there are no sufficient reasons to doubt the plausibility of the accusation, and there is a desire for financial and/or therapeutic

assistance, the case file is forwarded to the Independent Victim Protection Commission for it to make a decision with a vote by the Diocesan Commission.

- b. If the synopsis of all the facts and available information, as well as the thorough examination of the allegations by the Diocesan Commission, on the basis of the credibility criteria, does not substantiate the accusations, i.e. there are sufficient reasons to doubt the plausibility of the accusation, the case file is forwarded to the Independent Victim Protection Commission with a vote of the Diocesan Commission. A rejection of the case is decided in the Independent Victim Protection Commission.

If the Independent Victim Protection Commission comes to a different conclusion in its deliberations than in the vote of the Diocesan Commission submitted, the case file is referred back to the Diocesan Commission for a new referral with a written statement by the Independent Victim Protection Commission on the further documents requested.

After a new investigation by the Diocesan Commission and the resulting new vote of the Diocesan Commission, the case file must be forwarded again to the Independent Victim Protection Commission, which then makes the final decision. If the final decision of the Independent Victim Protection Commission differs from the vote of the Diocesan Commission, the decision of the Independent Victim Protection Commission is accompanied by a written statement of reasons⁴⁸ by the Independent Victim Protection Commission to the Victim Protection Foundation.

c. Diocesan case closure:

The case file is closed by the Diocesan Commission and not forwarded to the Independent Victim Protection Commission if at least one of the cases listed below is present:

- ♦ No financial or therapeutic assistance is desired by the affected person.
- ♦ The facts of the case before the Diocesan Commission do not fall within the scope of this Framework (cf. § 1). In particular, this is the case if
 - ♦ the incident to be reviewed has no connection with a Church sponsorship or area of responsibility, or
 - ♦ if the affected persons are not minors or adults in need of protection (i.e. not affected persons in the sense of § 1)

The Diocesan Commission informs the Ombudsman's Office of the Diocesan case closure. The Ombudsman's Office will inform the affected person accordingly.

⁴⁸ "Reasoning" in the sense of an explanation for the comprehensibility of the decision of the Independent Victim Protection Commission in the Diocesan Commission and in the Victim Protection Foundation

§ 43 Report:

- a. The Diocesan Commission shall provide the Diocesan Bishop with a written recommendation for action (with regard to the accused) and, where appropriate, provide one to the Major Superior of the religious community concerned. This provides a clear recommendation for immediate action. (e.g. suspension, release from duty, report of the facts to the public prosecutor's office, ...)
- b. At the end of its activities, the Diocesan Commission shall give a summary of its findings with a report on the decision-making process as well as a vote on assistance and a clear recommendation on a possible further assignment (unrestricted/restricted/no further assignment) of the accused person or the measures to be taken (conditions, disciplinary measures, report to Rome, ecclesiastical proceedings, ...).

§ 44 Recommendation to the accused to report themselves: The accused is recommended to report their offence to the state prosecution authorities if they admit to the offence and have not already been reported by another party.

§ 45 Reporting to the public prosecutor's office: If there are sufficient indications of a criminal offence, the Diocesan Commission shall recommend to the Ordinary or the competent religious superior that the facts of the case be reported to the competent public prosecutor's office. Prosecutorial investigations take priority. The activities of the Diocesan Commission can be suspended during ongoing judicial or administrative proceedings for the specific case; if necessary, the case will only be forwarded to the Independent Victim Protection Commission after a judicial or administrative decision has been made. Other accompanying measures may be recommended depending on the file situation.

§ 46 Involvement of affected persons: The involvement of affected persons for personal participation in talks before or with the Diocesan Commission is only envisaged in agreement with the Ombudsman's Office and only as far as necessary and possible.

§ 47 Meeting of the parties involved: The Diocesan Commission can - if desired by the parties involved - also be a forum and organisational platform for an expertly accompanied and prepared meeting of victims with accused and convicted perpetrators or their institutional representatives (religious congregations, Diocese, Caritas, school authorities, etc.).

§ 48 Feedback on the recommendations: As a rule, the Diocesan Bishop sends the Diocesan Commission a statement with a brief report on the measures taken. The competent religious superior shall report in this regard to both the Diocesan

Commission and the Diocesan Bishop. The Ombudsman's Office is - where possible
- informed of the result by the Diocesan Commission and forwards the result in an
appropriate form to the affected persons.

C.2.3 Other advisers

§ 49 Commissioned lawyer: For the preparation and transmission of a statement of facts to the public prosecutor's office as well as the necessary contact with the latter, it is recommended to commission a Diocesan lawyer. The latter may not subsequently represent accused persons in criminal proceedings before the courts. Neither are they allowed to provide legal assistance to the affected persons.

§ 50 Crisis team: For the assessment of the urgency as well as the evaluation of any immediate measures that may be necessary (possible immediate measures under service law, involvement of authorities, initiation of steps under canon law, communication measures, ...), a Diocesan crisis team is put together which works together with the ordinaries or religious superiors as well as the institutions affected.

The Parishes, Deaneries and institutions concerned are also taken into account in the communication. They can also receive support to cope with the stress associated with the procedure and the processing (cf. § 24).

C.2.4 Independent Victim Protection Advocate

Assignment:

- ◆ Appointment of the members of the Independent Victim Protection Commission
- ◆ Chair of the Independent Victim Protection Commission without having voting rights
- ◆ Contact person for the media on the topic of victim protection measures

§ 51 Victim Protection Advocate: The Independent Victim Protection Advocate shall be appointed by the President of the Austrian Bishops' Conference in agreement with the President of the Austrian Conference of Religious Orders for five years at a time. Re-appointment is possible.

The Independent Victim Protection Advocate works free of instructions.

The Independent Victim Protection Advocate appoints members to the Independent Victim Protection Commission and chairs the meetings.

The Independent Victim Protection Advocate freely and independently selects a maximum of eight other persons from the fields of justice, medicine, psychology, education, social work and the media who are willing to work in the Independent Victim Protection Commission on an honorary basis.

The secretariat assigned to the Independent Victim Advocate prepares the case files for the meetings of the

Independent Victim Protection Commission. The Austrian Bishops' Conference and the Austrian Conference of Religious Orders shall provide the Independent Victim Protection Advocate or the Independent Victim Protection Commission, which shall work free of charge, with the necessary funds for this purpose.

C.2.5 Independent Victim Protection Commission

Assignment:

- ♦ Recommendation to the Foundation for Victim Protection on the basis of the three votes given (by the Ombudsman's Office, the Diocesan Commission and the ecclesiastical superior) as to whether and to what extent assistance should be given to victims.

§ 52 Independent Victim Protection Commission (UOK): The Independent Victim Protection Commission is a civil society committee independent of the Roman Catholic Church that makes a decision based on its expertise and gives recommendations to the Victim Protection Foundation for assistance to victims.

§ 53 The members of the Independent Victim Protection Commission shall be appointed for five years.

§ 54 Rules of Procedure: The Independent Victim Protection Commission shall adopt rules of procedure that transparently and comprehensibly reflect its working method, which are not bound by instructions and are to be freely structured, as well as the schematic decision-making process. The Rules of Procedure shall be brought to the attention of the Austrian Conference of Religious Orders and the Austrian Bishops' Conference.

C.2.6 Victim Protection Foundation

§ 55 Victim Protection Foundation: The Victim Protection Foundation is an institution of the Catholic Church in Austria. It implements the recommendations of the Independent Victim Protection Commission regarding assistance to victims.

On the one hand, voluntary financial aid is paid directly to those affected and, on the other hand, their therapy costs are covered. All payments made will be reclaimed by the Foundation from the ecclesiastical superior (Diocese, order) that is responsible for the respective incident.

The other tasks of the Victim Protection Foundation and its working methods are regulated in its statutes and rules of procedure. The statutes are adopted by the Austrian Conference of Religious Orders and the Austrian Bishops' Conference.

The Austrian Bishops' Conference and the Austrian Conference of Religious Orders

provide the necessary funds to ensure the liquidity of the Victim Protection Foundation.

The Foundation for Victim Protection works in close cooperation with the Advisory Council for Victim Protection.

C.3 Victim Protection Advisory Board

Assignment:

- ◆ Ensures strategic planning and further development of the victim protection activities of the Catholic Church in Austria
- ◆ Contact with and overall coordination of the Ombudsman's offices, Diocesan Commissions, victim protection foundation and other similar Church institutions
- ◆ Monitors the implementation of the Framework
- ◆ Duty to report to the Bishops' Conference and the Conference of Religious Orders

§ 56 Advisory Council for Victim Protection: The Austrian Bishops' Conference and the Austrian Conference of Religious Orders jointly establish a Victim Protection Advisory Board.

Official members: Two representatives of the Austrian Bishops' Conference; the chairperson and the deputy chairperson of the Austrian Conference of Religious Orders. The official members shall unanimously elect a chairperson.

Expert advisers: The decision on a further maximum of six expert advisers and one secretary shall be taken by unanimous decision of the four official members. The expert advisers ideally have expertise in the fields of psychiatry/psychotherapy, education/psychology, organisational development/strategy and law. In the composition of the Advisory Board, attention is paid to a balanced ratio of women and men.

The term of office of the expert advisers on the Advisory Board is five years in each case. Re-appointment is possible. There are at least two meetings per year.

The Advisory Board coordinates the interests of the Dioceses and the Religious Orders on the topic of victim protection. Furthermore, the Advisory Board advises the Austrian Bishops' Conference and the Austrian Conference of Religious Orders on issues of prevention and measures and regulations against abuse and violence.

The task of the Advisory Board is the strategic planning and further development of victim protection activities in the Catholic Church in Austria as well as the overall coordination of all Church institutions entrusted with tasks in the field of victim protection in close cooperation with the Foundation for Victim Protection.

It is the task of the Bishop commissioned by the Bishops' Conference, together with the Advisory Board on victim protection, to monitor the implementation of the Framework throughout Austria and, if necessary, to suggest an update or further development.

C.4 The accused

C.4.1 Position of the accused

§ 57 Presumption of innocence: Until proven otherwise, the presumption of innocence applies to any case. A leave of absence does not imply a criminal conviction. Likewise, the investigations and the report of the Diocesan Commission do not already constitute a conviction, but are at best a basis for assistance by the Victim Protection Foundation.

§ 58 Reputation protection: In every form of communication, the personal rights of the accused, in particular the right to maintain good reputation (can. 220 CIC) are to be respected.

§ 59 Right to be heard: Provided that this does not jeopardise the clarification of the facts and does not impede the investigative work of the state prosecution authorities, accused persons shall be given the opportunity to comment. If necessary, measures must be taken to protect those affected. The accused person is confronted with the accusation or suspicion and given the opportunity to respond. The hearing may be conducted in person/orally by representatives of the Diocesan Commission or in writing by registered mail. In any case, the accused person has the possibility to submit a written statement within two months.

§ 60 Right to defence: The accused may consult a person they trust. They are informed about their right to refuse to testify.

§ 61 Right to review files: The Diocesan Commission shall bring all relevant facts to the attention of the accused so that they can also exercise their right to defence. The accused has the right to review the files. The presiding person of the Diocesan Commission may restrict the review of files if the affected person can credibly show that they are thereby threatened with harm (cf. Art. 24 Normae), or if other persons may be endangered.

C.4.2 Immediate measures regarding the accused

§ 62 Zero contact: If possible, accused persons are prevented from continuing to have contact with those who are bringing forward the accusations or are affected by the reported offence.

§ 63 Measures concerning service:

a. Clerics:

If the suspicion is substantiated in the course of the investigations or an investigation has been initiated by the state prosecution authorities, the accused will be advised to take a leave of absence or, if the matter is urgent, a leave of absence will be imposed by the Ordinary. In this context, it may be necessary to issue an instruction regarding their whereabouts and to impose a ban on contact with affected persons, as well as to keep them away from all activities in which minors, vulnerable adults or persons in a dependent relationship could be endangered. Under can. 1722 CIC and Art. 19 Normae preventive measures of a penal nature are reserved for the canonical preliminary examination procedure.

b. Lay employees:

If lay employees are affected by a concrete suspicion, the competent Ordinary or the competent religious superior shall inform the respective personnel officer immediately. The latter shall initiate the necessary steps under labour law after the affected person has made a statement.

If there is a confession or if there is a criminal conviction, dismissal is not excluded.

c. Volunteers:

If the suspicion is substantiated in the course of the investigations or an investigation has been initiated by the state prosecution authorities, further exercise of the voluntary activity shall be prevented until the facts of the case have been clarified.

d. Teachers:

When Church-appointed teachers of religious education, teachers of religious education

in federal or provincial service or teachers at private Catholic schools are affected, the competent Ordinary or the competent religious superior shall inform the competent school authorities immediately.

e. For members of Religious Orders,

who do not fall under lit. a-d, the competent religious superior shall take appropriate measures so that minors, vulnerable adults and persons in a relationship of dependency cannot be endangered by their activity or their place of residence.

§ 64 Support of the accused: It must be the concern of the ecclesiastical superior that both the accused and the perpetrators are accompanied pastorally and, if necessary, take advantage of legal and therapeutic help, above all in order to prevent new incidents as far as possible.

§ 65 Feedback: The competent ecclesiastical superior shall inform the Diocesan Commission and the Diocesan Ombudsman's Office and the Prevention Unit of the consequences drawn for the accused.

C.4.3 Possible consequences for the accused

§ 66 Restrictions and conditions: Without prejudice to the consequences resulting from the ecclesiastical or state criminal proceedings, the Diocesan Commission may propose to the Ordinary responsible for the accused or to the competent religious superior restrictions and conditions for the possible further exercise of their ministry.

The conditions include supervision, therapy, a stay in a suitable, specialised "Recollectio House" or a work of penance.

§ 67 No assignments involving minors and vulnerable persons: In cases of serious boundary violations or proven abuse of minors, the perpetrator will no longer be employed in pastoral care where contact with minors, vulnerable adults and persons in a dependent relationship (such as in hospital and nursing home chaplaincy) is part of their tasks.

§ 68 Prerequisites for continued Church employment: If the person in question remains in Church service, a forensic psychiatric report is obtained which should contain concrete information on whether and, if so, how the offender can be deployed in such a way that minors or other persons in need of protection are not endangered. Remaining in Church service is also dependent on whether this can cause a justified nuisance or endanger trust in the Church.

The decision on possible areas of work, measures to be imposed and restrictions is incumbent on the Diocesan Bishop or the competent major religious superior, taking into account recommendations of the Diocesan Commission.

It is the responsibility of the Ordinary to ensure that any restrictions or requirements imposed by them are complied with. In the case of clerics, this also applies to the period of official retirement.

§ 69 Information obligation: If a cleric or religious is transferred within the Diocese, the new supervisor shall be informed of

the special problems and possible conditions in compliance with the legal regulations. In case of transfer or relocation to another Diocese, the Diocesan Bishop or the religious superior in whose jurisdiction an offender will be staying in the future shall also be informed.

C.4.4 Rehabilitation

§ 70 Rehabilitation measures: If an accusation or suspicion proves to be unfounded, the necessary steps will be taken to restore the good reputation of the person falsely accused or suspected. This includes, among other things, the immediate lifting of the suspension and other disciplinary measures and appropriate information of the public and the accused's official surroundings.

C.5 Connection to other procedures

C.5.1 Ecclesiastical criminal proceedings

§ 71 Procedural requirements: In the case of clerics, their Ordinary must examine the necessity of a canonical preliminary investigation procedure with regard to the facts of Art. 6 of the Normae in the current version. For the examination of the likelihood of a criminal offence under can. 1717 § 1 CIC, they may refer to the result of the plausibility check of the Ombudsman's Office, the vote on the corroboration of a suspicion by the Diocesan Commission and any available results of the state prosecution authorities. In urgent cases with clear suspicion of a crime and imminent danger, the canonical preliminary investigation is to be initiated immediately. Proceedings under the Framework shall be continued and concluded irrespective of the progress or outcome of any ecclesiastical criminal proceedings.

§ 72 Initiation of the canonical preliminary investigation: If there is even the likelihood of a criminal offence, the Ordinary must order a preliminary investigation to be carried out, in which the facts of the offence, the circumstances and the criminal accountability are examined, unless this appears to be entirely superfluous (can. 1717 § 1 CIC). In doing so, he may use suitable persons or appoint a preliminary investigator who has the relevant experience. The preliminary investigation shall be initiated by a decree and concluded by a decree. Afterwards the Ordinary must forward the entire case file, accompanied by his personal vote, to the Congregation for the Doctrine of the Faith, which confirms or corrects the measures already taken and determines the further course of action (e.g. whether and by whom administrative criminal proceedings or an ecclesiastical criminal trial are to be conducted, as well as whether the statute of limitations for the offence is to be asserted or whether it is to be disregarded).

§ 73 Precautionary measures: If, in the course of the canonical preliminary investigation, precautionary or disciplinary measures are imposed by the Ordinary which do not yet constitute penalties, the accused is to be heard (cf. can. 1722 CIC and Art. 19 Normae).

§ 74 Different facts and limitation periods: In connection with the consideration of the time of the offence and the legal situation applicable in this respect, the limitation periods for the respective offences must also be taken into account. In ecclesiastical law, the statute of limitations for the criminal prosecution of sexual abuse offences committed by clerics is 20 years, which, however, does not begin to run for minors until they reach the age of 18. The Congregation for the Doctrine of the Faith also has the authority to waive this limitation

period in justified individual cases (cf. Art. 7 Normae).

§ 75 Possibility of appeal: If the competent Ordinary does not act or does not act in the desired manner, a affected person may send their complaint directly to the Congregation for the Doctrine of the Faith (cf. Art. 17 Normae).

C.5.2 State criminal and civil proceedings

§ 76 No substitute for state proceedings: The Diocesan Commission shall act independently of any proceedings conducted before state authorities and courts on the same facts. Its work cannot and should not replace proceedings before the state authorities and courts, nor should it give the impression that binding verdicts of guilty or not guilty are passed by the Diocesan Commission. The activity of the Diocesan Commission does not replace any - possibly initiated - state or canonical investigation procedure. Ecclesiastical courts cannot create state-enforceable execution titles for monetary claims.

§ 77 Disclosure obligation: According to the provisions of the Austrian Code of Criminal Procedure, anyone who becomes aware of a criminal offence is entitled to report it to the criminal police or the public prosecutor's office. However, with exceptions, only authorities or public services and, in certain cases, psychologists, psychotherapists and other health professionals are obliged to do so.

§ 78 Limitation periods: A distinction must be made between the criminal statute of limitations, the cessation of criminal liability after a certain period of time after the offence, and the civil statute of limitations, the cessation of judicial enforceability of claims for damages due to the passage of time. When affected parties file civil claims for damages, they can invoke the civil statute of limitations, which is three or thirty years, depending on against whom the claim is directed and on what legal ground it is based. In the case of criminal offences punishable by more than one year's imprisonment, the 30-year limitation period applies. The maximum limitation period of three years is applicable against institutions that can be accused of organisational culpability, e.g. lack of controls.

C.5.3 Relationship between Religious Orders and Dioceses

§ 79 Responsibilities: Orders under Diocesan law - §§ 79-82 refer analogously to societies of apostolic life and secular institutes - are subject to the pastoral care of the Diocesan Bishop (can. 594 CIC). In any case, the Diocesan Bishop has the powers of can. 678-683 CIC, especially with regard to the apostolate works.

On these bases, the provisions of these Rules of Procedure shall also be applied to members of Religious Orders. In other cases, the responsibility lies solely with the respective Major Superior, who shall also put the Rules of Procedure into effect for their area.

What these Rules of Procedure define about the cooperation between the Ombudsman's Offices and Diocesan Commissions on the one hand, and the ordinaries on the other hand

applies *mutatis mutandis* to the cooperation with higher superiors of the order, even if they are not ordinaries,
acc. to can. 134 §1 CIC.

§ 80 Exchange of information: The offices and institutions assigned to the Diocesan Bishop are obliged to provide open information about relevant circumstances in the event of a transfer of an employee to an institution belonging to the Order, unless labour law provisions conflict with this. The religious congregations also pass on this information in the event of a reverse change.

§ 81 Cooperation in suspected cases: In the event of suspected cases and allegations of abuse and violence in their area, the superiors of Religious Orders shall make use of the competent Diocesan institutions (Ombudsman's Office and Diocesan Commission) and inform the respective Diocesan Bishop.

§ 82 Dismissal of members of an Order from their institute: The results of the investigations and of any criminal proceedings may also be used in proceedings for dismissal from the religious institute to be conducted in accordance with its own law (cf. can. 694-704 CIC).

C.6 Working method

The detailed working method is laid down in the implementing regulations (common standards of the agencies active in the protection of victims in the Church in the preparation and follow-up of decisions by the Independent Office for the Protection of Victims).

C.7 Entry into force

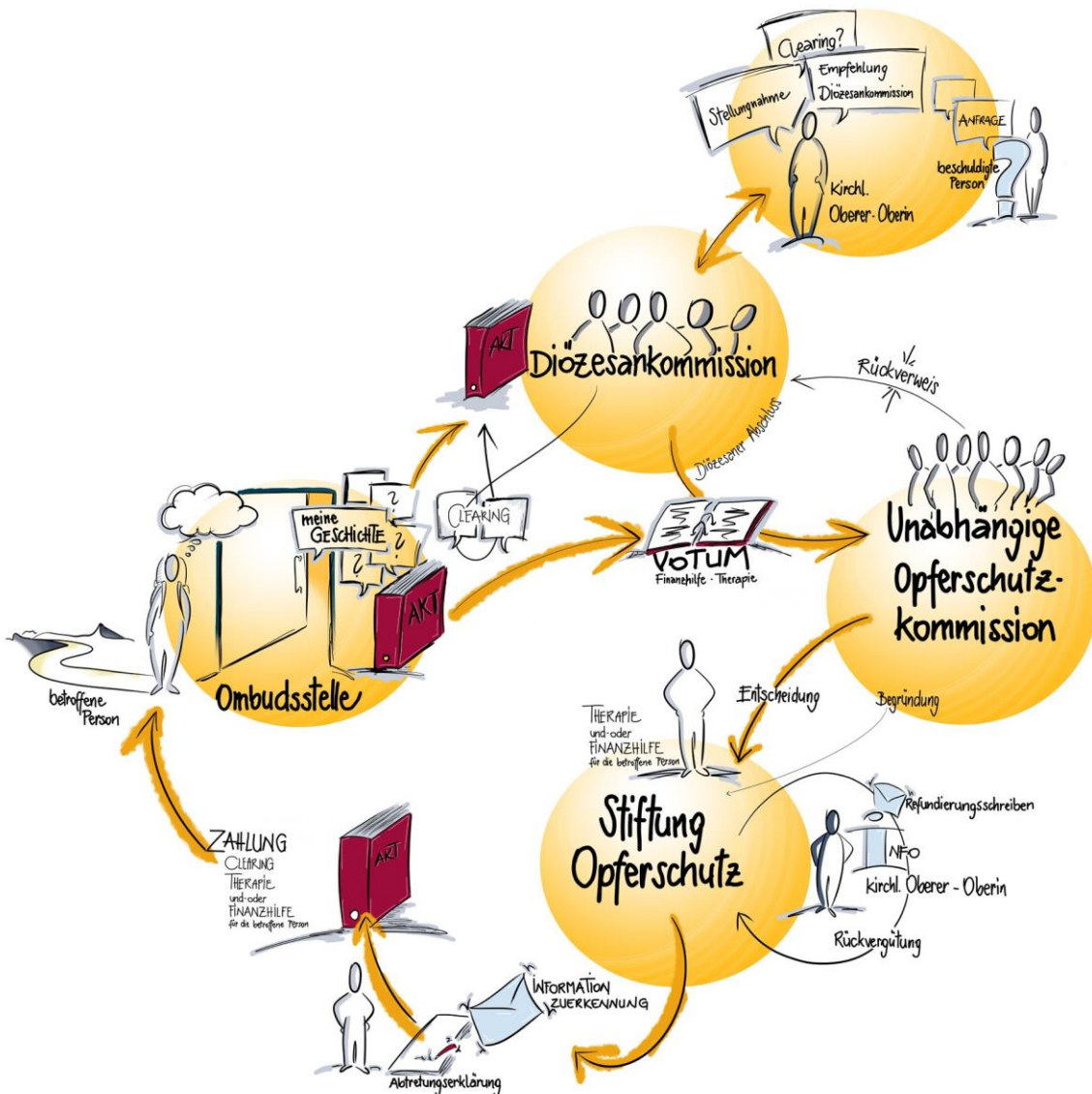
The Framework was adopted on 10 May 2021 in the Plenary Assembly of the Austrian Conference of Religious Orders and on 15 June 2021 in the Plenary Assembly of the Austrian Bishops' Conference and will enter into force on 1 September 2021.

Part D - Annex



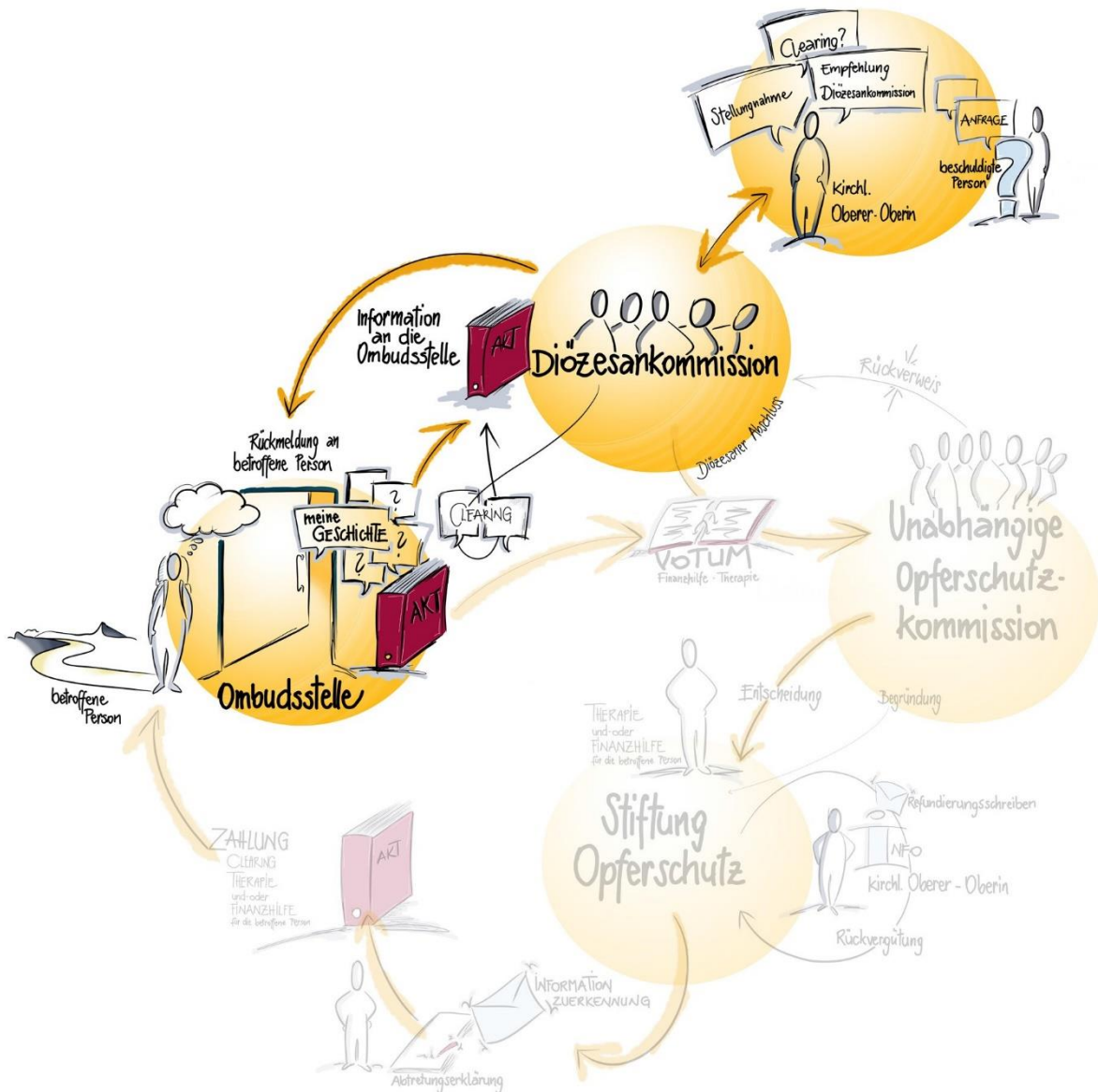
D.1 Schematic representation of the procedure

D.1.1 Procedure if the affected person wishes to receive assistance (therapeutic/financial)



Clearing?	Clearing?
Statement	Statement
Recommendation by the Diocesan Commission	Recommendation by the Diocesan Commission
Request	Request
Accused person	Accused person
Religious Superior	Religious Superior
Diocesan Commission	Diocesan Commission
Diocesan closure	Diocesan closure
File	File
Information to the Ombudsman's Office	Information to the Ombudsman's Office
Feedback to the affected person	Feedback to the affected person
My story	My story
Ombudsman's Office	Ombudsman's Office
Affected person	Affected person
Referral back	Referral back
Independent Victim Protection Commission	Independent Victim Protection Commission
Vote	Vote
Financial aid	Financial aid
Therapy	Therapy
Reason	Reason
Decision	Decision
Refund letter	Refund letter
Info to Religious Superior	Info to Religious Superior
Refund	Refund
Decision	Decision
Therapy and/or financial assistance for the affected person	Therapy and/or financial assistance for the affected person
Victim Protection Foundation	Victim Protection Foundation
Information	Information
Awarding	Awarding
Assignment declaration	Assignment declaration
Payment	Payment
Clearing	Clearing
Therapy and/or financial assistance for the affected person	Therapy and/or financial assistance for the affected person

D.1.2 Procedure if no desire for assistance (therapeutic/financial)



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Protection Foundation	D.5.5
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D.3 Obligation to report to the Congregation for the Doctrine of the Faith

If the preliminary investigation reveals the credibility of a fact reported to the (Arch)Bishop (with regard to facts, circumstances, imputability), according to which an offence of sexual abuse was committed by a cleric against a minor under the age of 18, the case must always be forwarded to the Congregation for the Doctrine of the Faith.⁴⁹ The latter - and only the latter - decides on the further procedure for the inner-Church area (in addition to the criminal law assessment by state authorities).⁵⁰

After examining the files, the Congregation for the Doctrine of the Faith determines which procedural path is to be taken further within the Church and who is to carry it out. If the guilt of the accused is established without doubt and well documented, in very serious cases (where, for example, a longer prison sentence has already been imposed), the decision to pronounce an ex officio dismissal can be submitted directly to the Pope, provided that the affected person has not already requested reassignment to lay status himself.

However, the Congregation for the Doctrine of the Faith may also decide that an (Arch)Bishop be authorised to conduct administrative penal proceedings himself or through a delegate together with two assessors.⁵¹ If the Ordinary considers dismissal from the clergy to be appropriate as a penalty, he must notify the Congregation for the Doctrine of the Faith, which is responsible for granting the Ordinary the necessary authorisation to do so.

It is equally conceivable that the Congregation for the Doctrine of the Faith gives the Ordinary the authority to have a criminal trial conducted by his Diocesan court, although the decision on appeal is always reserved for the Congregation. The files of the first instance must therefore always be forwarded to the latter, so that the Church lawyer responsible there can possibly challenge the criminal judgement.

Should no further penalties appear necessary, the Congregation for the Doctrine of the Faith may propose or confirm appropriate (disciplinary) measures (e.g. restrictions in the exercise of ministry, removal from direct pastoral ministry, no Masses with the faithful).

If the clerics affected are members of a religious order, the results of the preliminary investigation, together with a statement by the accused, are to be sent to the supreme head of the institute, who then sends them, together with his vote and that of his council, to the Supreme Tribunal of the Congregation for the Doctrine of the Faith. If dismissal from the institute is deemed necessary in administrative penal proceedings of the supreme director (with his council body), this decree is to be confirmed by the Congregation for the Doctrine of the Faith, whereby it also

49 Art. 6 § 1 line 1 Normae

50 For information on limitation periods in state law, see § 78 Rules of Procedure

51 According to c. 1720 CIC, the accused must be informed of the charge and evidence and given the opportunity to defend themselves, unless they miss the summons without excuse. The evidence and justifications are to be carefully weighed with two assessors in order to issue a penal decree, provided that the offence has been established with certainty and the criminal charge is not yet time-barred.

decides whether a dismissal from the clergy is to be ordered at the same time. In the case of institutes under Diocesan law, any application by the supreme director to the Congregation for the Doctrine of the Faith must be approved by the Diocesan Bishop of the (secondary) place of residence.

D.3.1. Documents

The authoritative ecclesiastical documents in this context are *Sacramentorum sanctitatis tutela* and *Normae de gravioribus delictis*. These can be found under: *Congregatio pro Doctrina Fidei, Normae de delictis Congregationi pro Doctrina Fidei reservatis seu Normae de delictis contra fidem necnon de gravioribus delictis* (21.5.2010), in: AAS 102 (2010) 419-434.

German translation at http://www.vatican.va/resources/resources_norme_ge.html

Furthermore, the Apostolic Exhortation in the form of a "Motu proprio" by Pope Francis "Vos estis lux mundi" (7 May 2019) should also be noted
https://www.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio-20190507_vos-estis-lux-mundi.html

Reference is also made to the *Vademecum*: "On some issues in the procedures for dealing with cases of sexual abuse of minors by clerics" (Ver 1.0 of 16.7.2020)

In German language at https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20200716_vademecum-casi-abuso_ge.html

D.4 Declaration of Commitment to the Framework for Employees

"The truth will set you free"

The Framework "The truth will set you free - measures, regulations and guidance against abuse and violence in the Church" of the Austrian Bishops' Conference is a binding document for all employees in the Catholic Church.

I,, undertake to act in my Church ministry in accordance with the rules and regulations and to apply and comply with them in my field of work. I will pay particular attention

- ♦ that my work with people in all areas of the Church is based on respect and appreciation
- ♦ that I observe and respect the individual sense of boundaries of the respective counterpart
- ♦ that I deal responsibly with employees and do not exploit given relationships of authority and trust
- ♦ that I follow and act in accordance with the Code of Conduct (see Part B 2) in my ministry
- ♦ that in case of suspicion of psychological, physical, spiritual and sexual assault, I contact a Diocesan Ombudsman's Office in order to discuss the further procedure with them
- ♦ that I make use of the training and further education offers

Name:

Date of birth:

Church institution:

I confirm that the person(s) responsible have made me aware of the Framework "The truth will set you free" as a binding orientation for my work.

....., on the

Signature of employee Supervisor or person responsible

.....

A copy of the signed Declaration of Commitment must be given to the employee.

D.5 Addresses

www.ombudsstellen.at

D.5.1 Diocesan Ombudsman's Offices

Diocese of Eisenstadt (Burgenland)

Ombudsman's Office of the Diocese of Eisenstadt
for Victims of Violence and Sexual Abuse in the
Church

Tel.: +43/(0)676/880 70 10 24

E-Mail: g.kindshofer@gmx.at

Web: <https://www.martinus.at/institution/5033>

Diocese of Feldkirch (Vorarlberg)

Ombudsman's Office for Victims of Violence
and Sexual Abuse in the Diocese of Feldkirch
Bahnhofstraße 13, 6800 Feldkirch

Tel.: +43/(0)800/84 80 08

E-Mail: ombudsstelle@kath-kirche-vorarlberg.at

Web: <http://www.kath-kirche-vorarlberg.at/ombudsstelle>

Diocese of Graz-Seckau (Styria)

Ombudsman's Office for Victims of Violence
and Sexual Abuse in the Catholic Church
Janneckweg 20A, 8042 Graz

Tel.: +43/(0)676/87 42 68 99

E-Mail: birgit.posch@graz-seckau.at

Web <https://praevention.graz-seckau.at>

Diocese of Gurk-Klagenfurt (Carinthia)

Ombudsman's Office of the Diocese of Gurk
for Victims of Violence and Sexual Abuse in the Church
Mariannengasse 2, 9020 Klagenfurt am Wörthersee

Tel.: +43/(0)676/87 72 64 88

E-Mail: ombudsstelle@kath-kirche-kaernten.at

Web: <https://www.kath-kirche-kaernten.at/dioezese/organisation/C2442>

Diocese of Innsbruck (Tyrol)

Ombudsman's Office for Victims of Violence and
Sexual Abuse in the Diocese of Innsbruck
Schöpfstraße 39/III, 6020 Innsbruck

Tel.: +43/(0)676/87 30 27 00

E-Mail: ombudsstelle@dibk.at

Web: <http://www.dibk.at/ombudsstelle>

Diocese of Linz (Upper Austria) Ombudsman's
Office and Diocesan Commission against Abuse and
Violence of the Diocese of Linz Harrachstr. 7, 4020
Linz

Tel.: +43/(0)676/87 76 55 25 (Ombudsman

phone) E-Mail: ombudsstelle@dioezese-linz.at

Web: <http://www.dioezese-linz.at/ombudsstelle>

Archdiocese of Salzburg

Ombudsman's Office for Victims of Violence and
Sexual Abuse in the Catholic Church
Insight International

Lieferinger Hauptstr. 140, 5020 Salzburg

Tel.: +43/(0)676/87 46 69 20

E-Mail: karin.roth@insight-international.at

Web: <https://www.eds.at/themen/missbrauch-praevention/ombudsstelle-fuer-opfer/>

Diocese of St. Pölten (Lower Austria)

Ombudsman's Office for Victims of Violence and
Sexual Abuse in the Catholic Church

Tel.: +43/(0)676/826 68 83 83

E-Mail: ombudsstelle@kirche.at

Web: <http://www.dsp.at/ombudsstelle>

Archdiocese of Vienna

Ombudsman's Office for Victims of Violence and
Sexual Abuse in the Catholic Church
Untere Viaduktg. 53/2B, 1030 Vienna

Tel.: +43/(0)1/319 66 45

Fax: +43/(0)1/515 52 27 77

E-Mail: ombudsstelle@edw.or.at

Web: <http://www.erzdioezese-wien.at/ombudsstelle>

Military Diocese

Ombudsman's Office for Victims of Violence and Sexual Abuse in the
Catholic Church - Military Ordinariate Stranzenberggasse 9b, 1130 Vienna

Tel: +43/(0)1/512 32 57 20

E-Mail: nadja.wessely@mildioz.at Web

<http://www.mildioz.at/>

D.5.2 Diocesan Commissions

Diocese of Eisenstadt (Burgenland)

Contact: Univ.-Prof. Dr. Lothar C. Fuith St.-Rochus-
Straße 21, 7000 Eisenstadt

Tel.: +43/(0)676/880 70 12 06

E-Mail: lothar.fuith@gmail.com / E-Mail lieselotte.vinczencz@martinus.at

Diocese of Feldkirch (Vorarlberg) Contact: Mag.

Gabriele Strele Bahnhofstr. 13, 6800 Feldkirch

E-Mail: kommission@kath-kirche-vorarlberg.at

Diocese of Graz-Seckau (Styria) Contact: Dr.

Andreas Haidacher Bischofplatz 4, 8010 Graz

Office of the Vicar General / Monika Weber E-Mail:

monika.weber@graz-seckau.at

Diocese of Gurk-Klagenfurt (Carinthia) Contact: HR

Prof. Mag. Kurt Haber Mariannengasse 2, 9020 Klagenfurt

E-Mail: kurt.haber@kath-kirche-kaernten.at

Diocese of Innsbruck (Tyrol) Contact: Dr.

Eckart Rainer Riedgasse 11, 6020 Innsbruck

E-Mail: eckart.rainer@chello.at

Diocese of Linz (Upper Austria)

Contact: Dr. Josef Gruber

Harrachstraße 7, 4020 Linz

E-Mail: gruber.jo@gmx.net

Archdiocese of Salzburg

Contact: Dr. Walter Grafinger / Dr. Elisabeth Kandler-
Mayr Kapitelplatz 2, 5020 Salzburg

E-Mail: walter.grafinger@sbg.at / E-Mail kanzler@eds.at

Diocese of St. Pölten (Lower Austria)

Contact: Elisabeth Wieser-Hörmann
Domplatz 1, 3100 St. Pölten

E-Mail: e.wieser-hoermann@opferschutz.or.at

Archdiocese of Vienna

Contact: Dr. Patrick Frottier / Matthias Theil
Wollzeile 2/331, 1010 Vienna

E-Mail: rahmenordnung@edw.or.at

Military Ordinariate

Contact: Priv.-Doz. Dr. Wolfgang Wessely
Stranzenberggasse 9b, 1130 Vienna

E-Mail: wolfgang.wessely@mildioz.at

D.5.3 Staff Units for the Prevention of Abuse and Violence

Staff Unit for the Prevention of Abuse and Violence of the Diocese of Eisenstadt

Tel.: +43/(0)2682/77 72 89

E-Mail: rebecca.gerdenitsch@martinus.at

Web <http://www.martinus.at/gewaltschutz>

Staff Unit for the Prevention of Abuse and Violence of the Diocese of Feldkirch

Tel.: +43/(0)5522/34 85-308

E-Mail: gewalt.praevention@kath-kirche-vorarlberg.at

Web www.kath-kirche-vorarlberg.at/gewaltschutz

Staff Unit for the Prevention of Abuse and Violence of the Diocese of Graz-Seckau

Tel.: +43/(0)676/87 42 23 83

E-Mail: ingrid.lackner@graz-seckau.at

Web <https://praevention.graz-seckau.at>

Staff Unit for the Prevention of Abuse and Violence of the Diocese of Gurk-Klagenfurt

Tel.: +43/(0)676/87 72 64 87

E-Mail: kinder-jugend-schutz@kath-kirche-kaernten.at

Web www.kath-kirche-kaernten.at/praevention

Staff Unit for the Prevention of Abuse and Violence of the Diocese of Innsbruck

Tel.: +43/(0)676/87 30 27 10

E-Mail: kinder-jugend-schutz@dibk.at / E-Mail

schutzundsicher@dibk.at Web www.dibk.at/schutzundsicher

Staff Unit for the Prevention of Abuse and Violence of the Diocese of Linz

Tel.: +43/(0)676/87 76 11 26

E-Mail: dagmar.hoermandering@dioezese-linz.at

Web <http://www.ansprechen.at/>

Staff Unit for the Prevention of Abuse and Violence of the Archdiocese of Salzburg

Tel.: +43/(0)662/80 47 75 80

E-Mail: praevention@eds.at

Web: <http://www.eds.at/praevention>

Office for the Prevention of Violence, Protection of Children and Young People of the Diocese of St. Pölten

Tel.: +43/(0)2742/32 42 30 or +43/(0)664/252 32 26

E-Mail: r.pichler@kirche.at or e-mail praeventionsstelle@kirche.at

Web: <https://missbrauchspraevention.at/>

Staff Unit for the Prevention of Abuse and Violence of the Archdiocese of Vienna

Tel.: +43/(0)1/515 52 38 79 or +43/(0)664/515 52 43

E-Mail: s.ruppert@edw.or.at or e-mail hinsehen@edw.or.at

Web www.hinsehen.at

D.5.4 Independent Victim Protection Commission

Independent Victim Protection Commission

Bösendorferstraße 4/3/ Door 18, 1010 Vienna

Telephone: +43/(0)664/980

78 17 E-Mail: [office@opfer-](mailto:office@opfer-schutz.at)

schutz.at Web [\[schutz.at\]\(http://www.opfer-schutz.at\)](http://www.opfer-</p></div><div data-bbox=)

D.5.5 Victim Protection Foundation of the Catholic Church in Austria

Victim Protection Foundation

Wollzeile 2, 1010 Vienna

Telephone: +43/(0)664/824 37 03

E-Mail: stiftung@opferschutz.or.at

What to do in the event of an incident:

- ◆ **Keep calm.**
- ◆ **Do not do anything rash.**
- ◆ In cases of sexual abuse, no one can provide help alone; cooperation between the various help services and institutions is required.
- ◆ Children and adolescents usually need a lot of time to be able to talk about abuse (often years or decades after the fact), and rarely reveal everything at once.
- ◆ It must be taken into account that the children or young people are often dependent on the accused person, can be put under pressure by them and want to be loyal to them.
- ◆ Persons should not be confronted with suspicions hastily in order to avoid pressure to keep quiet being exerted on the affected person and that contact with the caregiver is broken off.
- ◆ **It is essential to contact a Diocesan Ombudsman's Office.**
- ◆ All further steps should only be taken together with professional advice. Under no circumstances should you attempt to take steps towards exposure on your own and without the support of a specialised agency, nor should you attempt to hold talks with the suspected or accused person. The affected person can thus be harmed even more.


Legal notice

Editor: Austrian Bishops' Conference, Wollzeile 2, 1010 Vienna Third,
revised and supplemented edition
Vienna 2021

Layout and design: Sigma Tau Stummvoll KG, 1090 Vienna,
www.sigmatau.at Illustrations on pages 70 and 71: Anna Egger, www.anna-egger.com Cover photo and chapter photos: Adobe Stock Photo / Zffoto
Print: Druckerei Gerin, 2120 Wolkersdorf

All materials used meet the requirements of the Austrian Eco-label, and the brochure was also produced in a climate-neutral way. The paper used comes from controlled sustainable forestry and is PEFC certified.





Austrian Bishops' Conference, Wollzeile 2, 1010
Vienna Third, revised and supplemented edition
Vienna 2021