

The Austrian Church's measures against abuse and violence

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1) The initial situation

In the year 2010 a shift of perspective and a qualitative leap took place in the way the Austrian Church handled clerical sexual abuse and violence. Triggered by the abuse debate in Germany, which, in January 2010, had been set off by the vigorous efforts of Fr Klaus Mertes SJ, the then headmaster of the “Canisius Kolleg”, a Jesuit school in Berlin, the subject of abuse once again gained momentum in the Austrian Church which had already been confronted with it in the years 1995 and 1998 by the allegations against Cardinal Hans Hermann Groer. A church ombudsman service was founded in the Vienna archdiocese to protect victims. Its first director was the renowned child and adolescent psychiatrist Max Friedrich. Other Austrian dioceses followed Vienna’s example and set up similar ombudsmen services.

Already in 2009, occasioned by the election and consecration of the new Abbot of St Peter’s Monastery in Salzburg, a new crisis emerged in Austria. As a result, triggered by the discovery of cases of abuse and violence at the Canisius College in Berlin, a broad public debate on sexual abuse and violence began in Austria. At the same time, the highest number of Catholics since the Nazi era officially left the Catholic Church. In 2010 alone, 95.960 left. Against this background, in March 2010, the Austrian bishops’ conference decided that the different rulings in the Austrian dioceses should be unified as quickly as possible and should include the religious orders. “The clear and consistent handling of concrete suspected cases and allegations is decisive. Concern for the victims must take first place. Corresponding consequences for the perpetrators must be drawn”, the bishops’ conference’s guidelines and mandate for a special **commission** set up to by the bishops’ conference to work out **Austrianwide abuse guidelines**, reads.

At a **Service of Reconciliation** in Holy Week on **31 March 2010** in St Stephen’s Cathedral in Vienna, celebrated by the president of the Austrian bishops’ conference. Cardinal Christoph Schönborn, a **confession of guilt** was made which attracted a great deal of attention (published in Austrian bishops’ conferences “Framework”). The service was organised together with victims of clerical abuse and violence and representatives of the “We Are Church” reform group.

2) The Independent Victim Protection Commission and Victim Protection Foundation

The number of victims who contacted the diocesan ombudsmen services where they existed, or reported their cases elsewhere, exceeded all expectations – that is all fears. The bishops' conference therefore took a further step: In April 2010, Cardinal Christoph Schönborn, as president of the Austrian bishops' conference, asked the former governor of Styria, Waltraud Klasnic, to set up an **Independent Victim Protection Advocacy (UOA)** so that the allegations that had been made could be independently investigated and evaluated.

As a result, Waltraud Klasnic, on her own and entirely free, founded the Independent Victim Protection Commission made up of the following members:

- Dr. Brigitte Bierlein, President of the Constitutional Court.
- University Prof. Reinhard Haller, psychiatrist and neurologist
- Prof. Udo Jesionek, President of the Victims' Assistance Organisation
- Ulla Konrad M.A, president of the Professional Association of Psychologists from 2006 – 2014, and chairwoman of the Private Concordia Foundation
- Dr Werner Leixenring, former head of the Department of Child- and Adolescent Psychiatry at the Psychiatric Clinic in Linz
- Caroline List M.A, President of the Regional Court for Criminal Matters in Graz, co-founder of the "Forum Against Sexual Abuse"
- Dr Kurt Scholz, President of the Vienna Schools Council from 1992 – 2001, chairman of the Austrian Future Fund
- Dr Hubert Feichtlbauer, publicist and former chairman of the "We Are Church" platform also
- belonged to the commission until his death in 2017

At the same time, an office structure (Independent Victim Protection Advocacy – UOA) was created in order to process the reports that were coming in. Until 31 May 2011, in addition to the diocesan ombudsmen's offices, the UOA was to function as the initial point of contact for victims. In the first three months after the existence of the Independent Victims' Commission (UOK), generally known as the "Klasnic Commission", was announced, 1000 reports came in. The Commission decides upon payments of financial aid and/or therapy sessions. The Commission set up the and unanimously agreed on the rules itself. Financial compensation comes in four categories according to the seriousness of the abuse: (5000 euros – 15,000 euros – 25,000 euros and – in particularly serious cases – more than 25,000 euros). Therapy sessions are financed where applicable.

The Catholic Church's Foundation for Victim Protection was also founded whose task it is to put the recommendations of the Independent Victims' Commission into practice. The head of the Association of Women's Religious Orders in Austria, the head of the Conference of Major Superiors of Male Religious in Austria and one bishop sit on its advisory board. In the same way, representatives of religious orders and diocese have equal representation on the board.

The way the "Klasnic Commission" has proceeded with its task has set a standard for the handling of violence and abuse in Austria and was later used as a **role model** for the **state commissions** that were set up in the Austrian provinces. This model is also considered exemplary internationally. Thus "aid payments" in Austria are a great deal higher than in Germany.

3) “The Truth will set you free”

The determined efforts to handle abuse and violence on the part of the Austrian Catholic Church were inspired by Jesus’ words “The truth will set you free” (Gospel of St John 8:32). In June 2010, the Austrian bishops’ conference decided on a framework which offered measures, regulations and guidance under the same title. Identical decisions were made by the plenaries of the Conference of Major Superiors of Male Religious Orders and of the Association of Major Superiors of the Women’s Religious Orders in Austria.

This thus ensured that the framework pertained to the entire ecclesial sector and was mandatory for all full and voluntary church employees. Thus church employees verifiably have to commit themselves to the contents of the framework in writing. As far as voluntary work is concerned, all the members of parish councils in the Vienna archdiocese, for example, receive the framework. Furthermore, every parish council has to have a commissioner to deal with this issue.

The bishops’ conference’s framework was subsequently **revised**, approved by the Vatican Congregation for the Doctrine of the Faith and has been in force since **2016**. The complete text can be downloaded under: <https://www.ombudstellen.at/rahmenordnung>. Translations in English, French, Spanish, Polish, Croatian, Bosnian Serbian are available so that it can be applied more easily in the foreign language Catholic communities in Austria.

The aim of these church measures is as far as possible to recognise suffered injustice as far as possible and to prescribe consequences for the perpetrators. At the same time, the following applies: abuse and violence, or respectively tolerating them by looking the other way, must be fought by means of broad preventative measures.

4) The further development of the structures and standards

The UOA as the first port of call ended on 31 May 2011. From 1 June 2011 victims report to diocesan ombudsman offices. They can choose which such office they report to but as a rule choose the one nearest to their current residence.

In February 2013 diocesan commissions were established whose task it is - in discussions with the victims and the clergy responsible for clearing up abuse - to check the allegations that have been made and to make suggestions for the measures to be taken.

In 2016 and 2017, order to dovetail the individual offices concerned with the protection of victims, “Common Standards and Procedures of Church Victim Protection Offices in the Preparation and Follow-up of UOK Decisions” was drawn up (last updated on 29 May 2017). A uniform terminology was also decided on.

The current process foresees a multi-stage procedure:

1. The victim turns to an ombudsman office.
2. The diocesan commission checks the allegations, obtains statements from the accused or from the institution and suggests the measures to be taken.
3. The Independent Victims Protection Commission decides on financial aid or therapy.
4. The Victim Protection Foundation commits itself to the decision of the UOK and puts it into practice.

The aim of these measures with a view to the victims is to recognise the injustice that has been suffered and to offer financial and/or therapy. The word “compensation” was avoided from the beginning as it is practically impossible to quantify suffered in justice, particularly as the procedure is geared to furnishing prima facie evidence and not to argumentation. Furthermore, consequences for those accused must be determined and abuse and violence or its passive toleration must be prevented by broad-ranging measures.

- The primary aim of all these efforts is help and justice for the victims. For this purpose, the Church has established an **ombudsman office** in every diocese. This is run by independent experts who carry out their work free from directives. The ombudsman offices are responsible for the first contact and the first clarification of suspected cases as also for the legal advice and accompaniment of victims. If required, the ombudsman offices are also the first to take over the cost of therapy if this should be necessary in the course of the survey phase.
- In every diocese there is a **diocesan** commission which discusses the further consequences for the accused with the bishop based on the ombudsman office’s report and its own investigation in addition to the measures foreseen in church law as far as preliminary investigations are concerned (a canonical procedure against the accused if he is a priest) - and which is to a certain extent independent of them. In addition to the measures foreseen in church law – and to a certain extent independent of them – as far as a preliminary canonical investigation (a canonical procedure if the person concerned is a priest) there is a **diocesan commission** in every diocese which discusses the further consequences for the accused with the bishop based on the ombudsman office’s report and its own investigations.
- If there is a justified suspicion, the accused is suspended until the final clarification of the facts. In order to show that the abuse topic concerns the whole Austrian Church, a representative of the Religious orders has been appointed for each diocesan commission.
- If the suspicion is confirmed, the ombudsman’s office advises the accused to report to the authorities. If there is a danger that the accused will continue to harm others, however, their protection takes priority. In such cases, at the initiative of the church leadership, the case is reported to the authorities.
- The accused is, moreover, called upon by the church leadership responsible to report to the police himself.
- The framework clarifies the procedure for criminal proceedings against an accused within the framework of church law, for which, after the diocesan preliminary investigation, the Vatican Congregation for the Doctrine of the Faith, as the responsible office, then decides. Unlike state law, church law criteria is stricter (as far as the age of consent and the statute of limitation are concerned). In cases of proven guilt, clerics can be removed from the priesthood and members of religious orders expelled from their orders, but other punishments can also be imposed. The victim can, for instance, file a case for damages.
- Extensive measures are in force to prevent abuse as far as the selection and admission of candidates for work in church institutions, in training and further education centres. An executive department for the prevention of abuse and violence has also been set up in every diocese.

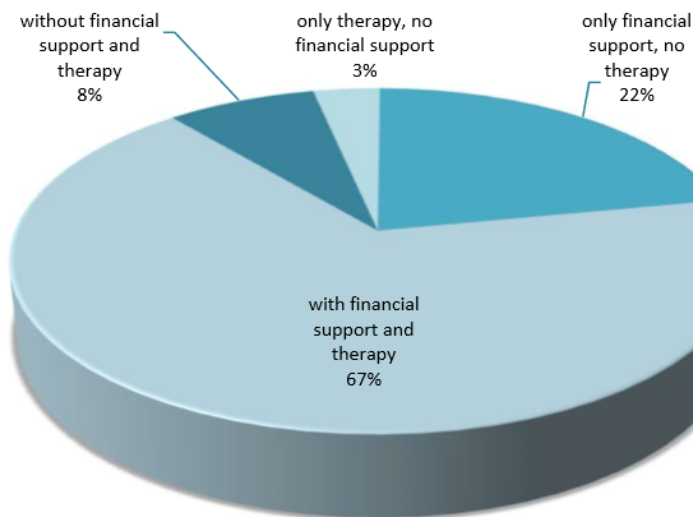
5) Statistics (as of 11.1.2019)

Since 2010, the Independent Victim Protection Commission has decided 2.140 cases, 166 of which were awarded neither financial or therapeutic aid. 194 cases are still being processed.

Decisions

Two types of financial benefits are granted:
 - financial support (one-time payment)
 - assumption of expenses for therapy

without financial support and therapy	166
only therapy, no financial support	74
only financial support, no therapy	468
with financial support and therapy	1.432
Total of decisions	2.140



Summarized result

- 1.506 persons with therapy [or 634 persons without, respectively]
- 1.900 persons with financial support [or 240 persons without, respectively]
- 1.974 persons with financial support and/or therapy [or 166 persons without, respectively]

Up to now the sum of 27.3 m euros has been awarded to victims, 21.7m euros as financial aid and 5.5m euros for therapy (2m euros of the 5.5m awarded for therapy have been paid out to date).

In compliance with the bishops' conference's decision, the funds for the above were not taken out of church tax money but from other church income (e.g. rents, leases, property sales). A total of 5080 cases were reported and statistically recorded by the church "Victim Protection Foundation". **32% of all cases concerned sexual abuse.** All the other cases were concerned with physical violence.

An evaluation by the church "Victim Protection Foundation" shows that many of the assaults occurred in the children's homes and borstals run by the church on behalf of the state. The

closure of these homes and borstals is an important reason why the amount of abuse cases has so clearly decreased since the 1980s.

Most of these cases are legally statute-barred and chiefly occurred in the 1960s (37.4%) and 1970s (31.3%); it proved impossible to assign 4% of the cases, which for the most part, occurred years ago, to a particular time. 14,6% of the incidents occurred in the 1950s or before. Thus 52% of the incidents occurred before 1970, 31.3% occurred in the 1970s, 8.8% in the 1980s, 3.1% in the 1990s and 0.8% since the year 2000.

The church procedure makes it possible for victims – even when cases are statute-barred – to receive help unbureaucratically without having to take legal action, a way that nevertheless remains open to them. If they choose to take legal action, however, the church office responsible reserves the right to claim payments that have already been made.

The approximately 2000 documented cases of violence and abuse are painful and make the Church's failure clear. It must, however, safely be assumed abuse and violence can be found in society as a whole. In the city of Vienna alone (catchword: the Wilhelminenberg children's home) is confronted with twice as many cases as the Catholic Church in the whole of Austria. And to those one must add the victims in other state institutions both in Vienna and in the provinces. Surveys prove that abuse and violence occur in very varied sectors of society as, for instance, sport and in family environment.

6) Reinforcing prevention

The Church's prevention work is based on a sound knowledge of abuse and violence and of the potential hazard in ecclesiastical areas.

“Start noticing instead of looking away” – is the keyword in church prevention measures which are primarily carried out by the diocesan offices for the prevention of abuse and violence. The aim for as many church employees as possible to perceive their responsibility so that abuse and violence no longer have a place in the Church. This is achieved by the following:

- Sensitisation of such issues as the responsible handling of proximity and distance, of power, violence and sexual abuse
- Zero tolerance – attitude: consistent handling of suspected cases
- Professionalising church employees in attentiveness and respectful behaviour when dealing with children and adolescents or people who are in particular need of protection who have been entrusted to their care
- Information, advice for and sensitisation of all church employees so that they are quickly able to recognise border violations in their environment and react correctly
- Compiling precise check lists and rules and regulations (e.g. “eye to eye”, or “my safe place” respectively) for those working with young people
- Cooperation with institutions outside the Church

A decisive aspect in this is the selection, formation and accompaniment of priests and Religious. Thus already in 1992, Pope John Paul II in the document *Pastores Dabo Vobis* demanded that **candidates for the priesthood** must undergo **“psychological screening”**.

7) State ceremony and pensions for abuse victims in state homes

With a state ceremony on 17 November 2016 in the historic hall of the Austrian Parliament entitled “Gesture of Responsibility”, Austria and the Austrian Catholic Church officially set a significant act in order to recognise the injustice which children in state and church homes and institutions had suffered in the past. There was only one way of dealing with abuse, Cardinal Schönborn underlined in his address - with his eyes directed towards the 250 abuse victims present - namely the way of the truth. “We in the Church and in the state looked the other way for far too long. We tried to hush up abuse, when abuse became known we moved the perpetrators instead of dismissing them. It is because of this failure on the Church’s part that I stand before you today and say ‘I beg you for forgiveness’”.

On 26 April 2017, as a sign that the state had accepted its responsibility, the Austrian Parliament unanimously passed the “**Pension Scheme for Abuse Victims in Homes**” which has been in force since July 2017 and was expressly welcomed by the Catholic Church. When they retire, recognised victims of violence and abuse in homes, boarding schools and foster families receive 300 euros monthly, which is valorised annually, from the state in addition to their pensions.