

The Holy See and the Convention on the Rights of the Child in Germany

An NGO Report on how the Holy See's Laws
Impact on Germany's Compliance with the Convention

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Introduction

In May 2002, at the United Nations General Assembly Special Session on Children, Catholics for a Free Choice (CFFC) presented a report to the Committee on the Rights of the Child on the worldwide problem of the sexual abuse of children and adolescents by Catholic clergy and religious. A subsequent and more extensive report was submitted in October 2002 to the Committee in Geneva. The purpose of the reports was to assist the Committee in conducting a comprehensive review of the laws and policies of the Holy See, and an investigation into how it often compromises the laws of other States parties to the Convention on the Rights of the Child.

Because the Holy See has laws that contradict Germany's child protection laws, Germany is in danger of not fulfilling its obligations to the Convention. Consequently, Catholics for a Free Choice (CFFC), *Initiative Kirche von unten* (IKvu) and *Kirchenvolksbewegung Wir sind Kirche* (Wsk) are submitting this report to the German government and to the Committee on the Rights of the Child to expose how the Holy See's laws and practices conflict with Germany's child protection laws, leaving children vulnerable to continued abuse and exploitation by Catholic clergy. It is the hope of the three submitting organisations that this report will assist the Committee and the German government to understand better the implications of the Holy See's laws on child abuse and will thus hold the German Catholic Church accountable to German law and the Convention to which the Holy See is a State party.

Finally, a copy of this report will be submitted to the German Catholic Church and the Holy See's permanent mission in Geneva, asking that they submit reports to the German government and the Committee to respond to our shared concerns.

About This Report

This report provides a review of German law and the law of the Holy See and how the Holy See's laws impact Germany's ability to comply with the Convention on the Rights of the Child. The focus of this report will be the sexual abuse and exploitation of children and adolescents by members of German Catholic clergy and religious, the concealment of the abuse, and how the abuse has been dealt with in a way that violates Germany's child protection laws. The conclusion will be that the Holy See knew that the abuse was occurring, and had the responsibility to comply with German law and the Convention on the Rights of the Child to ensure that German children were protected from such abuse.

The Holy See, the government of the Roman Catholic Church, is a Non-member State that maintains a Permanent Observer Mission to the United Nations. The Holy See was one of the first to accede to the Convention on the Rights of the Child in 1990, making it accountable to the world community for implementation of the Convention. By its accession, the Holy See accepted the responsibilities of the Convention, and agreed to implement its provisions to further the good of children throughout the world.

The hierarchy of the Catholic Church claims over 1 billion adherents worldwide, comprising one-sixth of the world's population. In Germany, some 33% of the population is Roman Catholic, and many of the health care facilities and schools are directly run by the Catholic Church. The Roman Catholic Church is, together with Protestant churches, the second largest employer in the country. The Holy See's compliance with the Convention of the Rights of the Child should be a serious concern to Germany, given the extent of its influence and effect on children in Germany.

Many thousands of cases of child sexual abuse by Catholic clergy worldwide have been reported in the media since 1995, including several cases in Germany. IKvu is uniquely suited to prepare this report on the Holy See's impact on Germany's compliance with the Convention because IKvu and *Kirchenvolksbewegung Wir sind Kirche* (WSK) have been monitoring this issue for some years. IKvu

researches the sexual abuse of minors as it relates to churches in Germany and has formulated many statements on that topic. As IKvu is an ecumenical organisation it does not concentrate solely on the Roman Catholic Church, but also on Protestant churches in Germany. Background information, conclusions and statements by IKvu and other organisations, as well as a chronology of published cases of abuse are available on IKvu's website, www.ikvu.de, in the special essay on sexual abuse.

Last year, WSK began offering emergency assistance for cases of abuse, and victims of abuse can call the organisation "Zypressen" for consultation (+49 180 3000863). In the consultation helpful steps are discussed with the victim, whose claims are taken seriously.

I. Germany and the Sexual Abuse of Children

Germany and the Convention on the Rights of the Child

The UN Convention on the Rights of the Child was ratified on the 20th of January 1990. It came into force in Germany on the 5th of April 1992.

In its recent report to the Committee on the Rights of the Child (1994–1999), the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth stated that the situation for children in Germany is quite good, while identifying challenges that still exist: "Most children live in good conditions. There are nevertheless children affected by poverty, chronically ill children, mistreated and abused children, neglected children and children living in good material circumstances who are emotionally stunted."¹

Concerning sexual abuse and exploitation of children in Germany, the Federal Ministry reports that there have been improvements in laws and programmes, including a programme to combat child abuse, child pornography and sex tourism. During the reporting period (1994–1999) Germany's penal law was reformed. In June 1994, the statute of limitations for sex crimes was amended, recognising that victims can go to court even if the criminal offence is already statute-barred. Since 1998, victims have been better protected and there is now a better system of supervision and therapeutic care in place. However, despite these improvements in legislation, there remains a deficit in practice.

German Law on Sexual Abuse and Exploitation

As a State party to the UN Convention on the Rights of the Child, Germany has included measures in its penal law which are binding on every German citizen. In cases of the sexual abuse of a child by members of the Catholic clergy or by employees of the Church, Article 174b of the German law is particularly relevant as it states that if a person who holds a public office abuses somebody who is dependent on him or her, the offender is to be punished. However, there is no explicit section addressing abuse committed by ecclesiastical or therapeutic personnel. Furthermore, Article 332c of the German law refers in general to failure to give assistance in cases of the sexual abuse of a minor, with penalties of up to one year in jail. However, there is no specific regulation addressing cases when someone knows about a sexual offence by a third party and does not report such abuse to civil authorities. This has arguably been the case when the hierarchy of the Roman Catholic Church has covered up offences in an attempt to protect its employees and the reputation of the Church before providing for the welfare of the victim.

¹ Federal Ministry for Family Affairs, Senior Citizens, Women and Youth: "Report of the Federal Republic of Germany to the United Nations in accordance with Article 44, paragraph 1, letter (b) of the Convention on the Rights of the Child," p. 8.

The Roman Catholic Church and German Law

The *Staatskirchenrecht* regulates the relationship between German state authorities and churches, religious communities and organisations whose members share a particular philosophy of life. The *Staatskirchenrecht* ensures churches' accountability to the laws of the state, which implies the constitution, laws and decrees, and also treaties ratified between state and church authorities. There are two sets of laws that co-exist in Germany: civil constitutional law and ecclesiastical law, in this case, the *Codex Iuri Canonici*, or Code of Canon Law, which codifies the internal laws of the Roman Catholic Church.

In Germany the government recognises churches, religious communities and organisations with a particular philosophy of life as public institutions.

They are independent from the state and, apart from spiritual matters, they are subject to constitutional law.

The rights of churches and religious organisations include recognition as a public institution, the ability to raise church taxes, ownership of ecclesiastical property and some benefits from the state. Consequently, the churches consider themselves to be an integral part of society. As a result of the experience of the Third Reich, churches, religious communities and organisations with a particular philosophy of life enjoy special protection from control by civil authorities.

German constitutional law upholds

- Freedom of religious belief
- Freedom of denomination
- Freedom of conscience
- Freedom of religious practice

These guarantees do not imply that the members and employees of churches, religious communities or organisations are exempt from civil law. The Weimar Constitution states in Article 136 that civil duties and rights are not limited duties in relation to the religious practice; Article 137 stresses that no state church exists in Germany. Section three of Article 137 states that each religious community orders and administrates its matters independently within the limits of the law which is binding on all German citizens. In conclusion, the Roman Catholic Church as a public institution is subject not only to the rights, but also to the duties of constitutional law, as well as penal law.

In the context of sexual abuse, this means that Articles 174-182 of the German law on sexual abuse, sexual coercion and rape are binding on the Roman Catholic Church and its members, as they are for any other body or person that is part of German society. This applies also to Article 332c, which requires people who know of a criminal assault to assist the victim and to report the assault to police or the prosecutor of criminal assaults. It is a criminal offence if they fail to do so.

II. The Holy See and Germany

Law of the Holy See

As Germany and the Committee members analyse German child protection laws, it is important that they consider also the laws of the Holy See in order to ensure that those laws do not prevent Germany from being in compliance with the Convention. Furthermore, knowledge and understanding of the Holy See's laws will assist Germany in holding the German Catholic Church accountable to its own laws.

The “Code of Canon Law” (the “code”) provides the legal underpinning not only for the fundamental legislation of the Vatican City State (Vatican City is the physical or territorial base of the Holy See) but also spells out the constitutive and disciplinary codes of the Roman Catholic Church which is applicable to all Catholics the world over. Canon law has several sections that recognise children’s rights and repugnance for the sexual abuse of children by clergy and religious.

First, the code, like the Convention, recognises that legal majority occurs at age eighteen. The code provides that before the age of majority the child’s exercise of his or her rights is subject to the authority of the child’s parents or guardians (although there are some instances where the rights of the child must take precedence over the parents’ authority, such as in instances of child abuse).

The code makes several assertions of basic rights that are applicable to the protection and defence of children. The code clearly states that Catholics have the right to defend their rights in a competent church forum, in accordance with the law. The code also defines relationships between people in terms of their hierarchical relationship within the Church. The pope holds supreme, full, immediate and universal power in the Catholic Church. He alone approves changes to the law contained in the code, and is the bishops’ immediate superior. The pope is the superior to the bishops of Germany.

The diocesan bishops oversee the conduct and life of the priests subject to them, even, in some cases, legislating where appropriate. These men are obliged to promote the observance of the law and to act in executive and judicial roles in accordance with the law. The code makes specific provision for the competence of diocesan bishops to issue norms and pass judgments on matters relating to the priests’ obligations to their vows of celibacy and sexual continence. The bishop is the executive, legislator and judge for all matters in his diocese. In most cases, responsibility for handling cases of the sexual abuse of children by clerics lies first with the diocesan bishop, and ultimately with the Holy See.

The Holy See’s legal code, in its section on criminal law, states explicitly that sexual activity with minors by clergy is a serious offence, to be dealt with in a serious manner, even including dismissal from the clerical state—considered the most severe penalty for a priest. The code then provides a detailed judicial process to investigate, confirm or repudiate claims, and punish criminal acts. This process includes several mechanisms for protecting the rights of the accused cleric as well as the accusing party, and provisions for due process before the law. The law guarantees the victims of abuse the opportunity to participate in a judicial proceeding and to request and be awarded reparations. It even prescribes a penalty for negligence which can be asserted when a superior has failed to investigate or punish instances of actionable offences brought to his attention. In addition to these codified provisions, the legal system of the Holy See allows a superior to petition, directly to the Holy See in egregious cases, enabling a punishment to be inflicted swiftly, and without due process.

There are special laws for Catholics who are members of institutes of consecrated life, both secular and religious. We know many of these institutes as “religious orders” such as the Dominicans, the Franciscans, the Jesuits, the Christian Brothers, or religious institutes of women. For these people, the code determines that certain offences call for mandatory dismissal from the institute (but the code also provides that in cases of sexual offences, the hierarchical superior need not dismiss the offender if the superior decides that justice can be restored and scandal repaired in another manner). Included in these offences are homicide, kidnapping, and sexual activity that involves force or threats or takes place in public or with a minor. In addition to the code, these organisations also have constitutions and rules of conduct specific to each. The superiors within these institutes are responsible for seeing that the law is followed by the members of the institutes. All laws addressing clergy sexual abuse of a minor, and the local authorities charged with implementing them, are now directly subordinate to one office of the Holy See.

New Law Requires Secrecy and Centralised Review

In 2001, the Holy See issued a document entitled *Sacramentorum sanctitatis tutela*, instituting a little publicised but important change in the law. In this document, which supersedes the code, the Holy See directs all bishops to inform one of its offices, the Congregation for the Doctrine of the Faith, if they receive an allegation of child sexual abuse by a cleric. This same law prohibits bishops or other church authorities from taking any action beyond a preliminary investigation of the allegation without further direction from the Holy See's delegate.

According to the new law, this office of the Holy See may, at its discretion, conduct an inquiry itself, or transmit norms to the local ecclesiastical authority explaining how to proceed. These cases, the law states, are "subject to the pontifical secret". This is the Holy See's highest level of confidentiality—just short of the absolute secrecy required by sacramental confession—and allows the Holy See to punish any party who reveals information about clerical sexual abuse of children. Furthermore, the document mandates that no one but a priest may be involved in the proceedings concerning such abuse. These provisions raise questions about the integrity of the internal processes as well as questions of how this law might conflict with the laws of the geographically defined jurisdictions in which the subjects of the Holy See find themselves.

The new legal requirements make clear two facts: (1) the Holy See has overtly claimed responsibility for managing these cases, and (2) the Holy See does not intend to comply fully with the Convention on the Rights of the Child (by skirting reporting requirements of Article 44 through its secrecy requirements and by frustrating legitimate efforts of other State parties, like Germany, to the Convention by advocating circumvention of their laws in favour of the Holy See's new secret procedures).

Overall, the Holy See's law does provide redress and some protection for children in cases of sexual abuse and also provides for punishment of clergy and religious who sexually abuse children. The existence of a law, however, is of little use if the law is not enforced. The canon laws that touch on this issue are many and have been consistently ignored, inadequately applied, or wrongly applied in favour of the church authorities and its institutional image.

The Holy See and the Roman Catholic Church in Germany

Since the crisis of clerical sexual abuse has become public, the Holy See has rightly issued statements decrying the actions of abusive priests. The Holy See addressed the German bishops directly in a document issued on Holy Thursday 2002.² The document concerned the sacrament of penance and the approach one should take towards that penance—neither too rigorous nor too lax. The clergy confessor ought to be well prepared and should meet personally with and take responsibility for the penitent. The main provision required the confessor to be of good character himself, especially in relationship to certain sins referred to in the address. The Holy See also stated that priests who betrayed the grace of their consecration and created serious scandals in the church, cast suspicion on all priests, even those who were above reproach.

However poignant and emotional, the statements themselves do not demonstrate the commitment required by States parties to the Convention. For evidence of full commitment and compliance with the Convention, one must look to the actions of the party and the processes it has adopted to deal with the abuse.

In September 2002, the German bishops' conference released new guidelines on handling cases of the sexual abuse of minors by clergy.³ In the guidelines they take into account various ecclesiastical poli-

² John Paul II, "Holy Thursday Address to Priests: Ministers of mercy: the Sacrament of Reconciliation," *Origins* 31, no. 42, (April 4, 2002) 694-699.

³ German Catholic Bishops Conference, "Guidelines on the course of events in cases of sexual abuse of minors by clergymen under the auspices of the German Bishops conference," Fulda, 26th September 2002.

cies. They responded to the demand for pontifical secrecy, stated in *Sacramentorum sanctitatis tutela*, and acknowledged the Holy See as full, immediate and universal power in the Catholic Church, acknowledging the requirement that the bishops have to act as instructed. They also took into account the need to protect the image and the credibility of the Catholic Church.

In the introduction to the guidelines, the German bishops' conference stressed its concern for the victims of sexual abuse by clergy. However, in the main text, the protection of its employees and the image of the church in Germany appeared to be more important to the bishops than reconciliation with, reparations to, and therapeutic assistance for the victims. Only in the introduction, chapter five (assistance for victims and offenders) and chapter seven (public relation measures) does the bishops' conference refer to the victims. The remainder of the guidelines concentrate on the offender.

In the guidelines it also appears that the diocesan bishops and the Holy See do not place high priority on the victim's perspective, as there is no instruction to communicate directly with the victim during the investigations. Only if the allegations are supported by the diocesan personnel in charge of inquiries into the case, by the diocesan bishop and then afterwards by the Congregation of Doctrine of the Faith will there be any personal contact between the Church and the victim. The guidelines do not even require it to be the offender himself who has to regret his deed, or the diocesan bishop who is in charge of the spiritual welfare of the members of his diocese, but a delegate of the bishop, mandated to investigate the incident, has to speak with the victim and its family to apologise for the offence.

Process of Investigation into Abuses by the German Catholic Bishops

As head of the diocese, the bishop designates a person who is already integrated in the ecclesiastical structure of the diocese to form an investigative team, which may or may not include experts such as lawyers, doctors, or psychotherapists. They can be part of the ecclesiastical hierarchy or they can be independent of the diocesan structures. The names and capacities of these team members are to be published in an appropriate manner.⁴

Any person who is employed by the Roman Catholic Church in a particular diocese is obligated to report cases of abuse to the bishop, or to the delegated investigator. The investigative team does not accept allegations reported anonymously. The team initiates an investigation by contacting the offender, not with the victim. A record is made of the conversation which is witnessed by an independent jurist. After the diocesan bishop is briefed, he decides the assistance that will be given to the offender how it will be published. In making his decisions, the bishop has to protect the reputation of the priest, care for the victim and protect the reputation of the church. If the allegation is substantiated, a preliminary investigation, following ecclesial laws, is to be opened. This preliminary investigation follows the conditions of canon 1717 and in the course of such an investigation, a decision has to be made whether the offender is to be suspended from his ministries during the investigations or if he only will be placed on leave. If the preliminary investigation confirms the allegation, the case is placed in the hands of the Holy See, under the auspices of the Congregation for the Doctrine of Faith.

This process implies that the investigation succumbs to the pontifical secret, stated in *Sacramentorum sanctitatis tutela*. This means that in Germany the Roman Catholic Church is not obligated by its own laws to report cases of abuse to civil authorities for them to investigate. This is a direct violation of the German law, particularly Article 332c.

A case of abuse in the Roman Catholic Church in Germany will only be reported to the police or the civil authorities if it is not statute-barred already. It is only in these cases that the guidelines mention the victim. The investigator designated by the diocesan bishop must advise the victim where he or she can find therapeutic and pastoral assistance and the offender must apologise to the victim for the abuse. Only in isolated cases, which the guidelines do not define, might there be financial aid for counselling for the victim. The diocese must provide assistance to "remove irritations" for both the

⁴ Ibid. Chapter 1, Area of Responsibility.

victim and the offender.⁵ If the evidence shows that there was a criminal assault by a clergyman, this person is to be punished with an ecclesial penalty. This might be a form of expiation or another form of ecclesial punishment, pronounced by the diocesan bishop or the Congregation for the Doctrine of the Faith. Only in certain cases is it necessary to suspend the clergyman.

After the offender serves his sentence he may no longer be given any tasks dealing with minors. He must stay in contact with the bishop's investigator and obtain counselling. The public is to be informed in an appropriate way, while protecting the privacy of the offender and the victim.

III. The Roman Catholic Church in Germany and Germany's Ability to Comply with the Convention

Internal Contradictions

There are obvious contradictions to the claim by the Holy See to have implemented the Convention on the Rights of the Child when one takes into account its policies and practices on sexual abuse by priests and clergy in countries like Germany.

In its report to the Committee on the Rights of the Child of 1994, the Holy See did not make any reference to clergy sexual abuse of children, which was already a scandal in the Catholic Church. Given the evidence of a long-standing problem of clergy and religious physical and sexual abuse around the world, it is troubling that the Holy See omitted any mention of the crisis in its 1994 report to the Committee. The only conclusion to be drawn is that the Holy See has been at least wilfully ignorant, if not culpably negligent, in regard to the sexual abuse of children by its representatives, preferring instead to maintain an institutional silence at the peril of those very children it purports to protect. There is no indication that church authorities utilised the provisions of secular or ecclesiastical law, nor that the Holy See encouraged compliance with its own law or with the Convention even though officials of the Holy See were acutely aware of the problem.

In Germany, bishops failed to fulfil their claim to care for the victims of sexual abuse and to implement the Convention. There are some obvious contradictions and deficits in the earlier policies of the German bishops. In an interview, Bishop Holst of the diocese of Hildesheim admitted: "For sure, the Church did little to react on cases of sexual abuse. We should have called on the prosecutor in cases of sexual abuse directly, which we did not. Additionally, we should have prescribed priests to attend therapy and unfortunately we did not. It is true; we took care of the victims. But it was also my fault to think, if the offender was sent to a monastery to serve expiation, this will be sufficient."⁶

It is doubtful that the German bishops' conference has learned much out of recent incidents. There are some striking contradictions in the bishops' guidelines. And, with the exception of Bishop Holst, few recognise the necessity to report cases immediately to civil authorities so that they can investigate cases independently and objectively. The policy on sexual abuse is subject to the pontifical secret and long ecclesial investigations are undertaken by people other than civil authorities. This makes it impossible to lead effective, independent and transparent investigations. The composition of the investigation teams that deal with cases of sexual abuse are more than questionable. In most dioceses the personnel manager of the diocese is delegated by the bishop to investigate cases of sexual abuse.

Contradictions in German Law

As described above, there is clearly a legal obligation under German penal law to report sexual abuse to civil authorities, as well as to assist victims of criminal assault when one learns of such abuse. The practice of the bishops' conference in Germany with regard to the sexual abuse of minors does not

⁵ Ibid. Chapter V. Assistance for Victims and Offenders.

⁶ Press Office of the diocese of Hildesheim: Interview with Bishop Holst, published on the diocesan website.

correlate with German law, because there is a long-standing process within the Roman Catholic Church before there is a communication with the victim, if there is any at all. This implies that the Roman Catholic Church knows for some time about a suspected criminal assault before it informs civil authorities. The Church is required by church guidelines that they follow canon law and the Holy See's new law of secrecy. The canon law specifies that the Congregation for the Doctrine of the Faith has total authority over the investigation and resolution of allegations of sexual abuse of children by clergy members. This should be a matter of grave concern to Germany, as the Holy See's laws and practices inhibit Germany's ability to comply with the Convention on the Rights of the Child.

Recommendations

To the German Government

- When reporting to the Committee, Germany should include information about the scope of clergy sexual abuse in Germany, and what measures the German government has taken to protect children from future clergy sexual abuse and exploitation.
- German authorities should carry out an analysis of the Holy See's laws and the laws of Germany and determine areas where the German Catholic church may not be in compliance with Germany's child protection laws.
- To implement the Convention on the Rights of the Child in Germany the government should determine to enshrine the Convention in German basic law, as demanded by many organisations and lobbyists, not least the German parliament and the Commission for the Rights of the Child.

To the UN Committee on the Rights of the Child

- When Germany reports to the Committee during the pre-sessional meeting in October 2003 and in January 2004, the Committee should inquire about instances of clergy sexual abuse in Germany, and ask that the German government explain how German law holds German Catholic Church officials and other religious leaders accountable in cases of clergy sexual abuse and the exploitation of minors. The German government should be asked what measures it has taken to investigate the magnitude of such cases and to prevent it from happening in the future.
- The Committee should urge the German government to seek ways to hold the German Catholic Church accountable to its laws, especially those that seek to protect children from abuse, over and above the secrecy law of the Holy See.

To the Holy See

- The Holy See, a State party to the Convention on the Rights of the Child, is delinquent in its obligations, as it has not yet submitted its 1997 and 2002 reports to the Committee. It should do so immediately, and include a full report on the magnitude of child abuse by clergy and religious with a concrete plan for ensuring that future abuse does not occur. It should also submit a report to the German government to reveal the magnitude of cases of abuse in Germany, and measures the Holy See is taking to prevent future abuses.
- In addition, the Holy See should reveal to other States parties what measures it has taken to eliminate the sexual abuse of children and adolescents by Catholic clergy and religious in those countries, and what measures it proposes to take to secure justice for these children.
- The Holy See should commit to cooperating with local civil authorities by providing evidence and assisting with the prosecution of Catholic church officials involved in the abuse of children and adolescents.
- The Holy See must furthermore commit to rescinding its requirements of secrecy in these cases, and should comply with its own law in creating accessible opportunities for children

and adolescents, or their representatives, to vindicate and defend their rights, and must guarantee procedural integrity in internal judicial and non-judicial processes.

- The Holy See must also prohibit those clerics who have abused children from affiliation with activities and organisations which would allow them access to children, including, but not limited to: parishes, schools, day care facilities, leisure groups and activities (such as Catholic Youth Organisations or those affiliated with World Youth Day), hospitals, mentoring groups, missionary activities to children and youth, seminaries, and convents.
- To assist in fulfilling these ends, the Holy See should create and maintain a publicly accessible database of proven child-abusing clergy and religious so that these people cannot merely relocate to avoid the consequences of their crimes.

To the Roman Catholic Church in Germany

- The Catholic Church in Germany should cooperate with government officials to ensure that in handling cases of clergy sexual abuse, the German Catholic Church complies with the national laws of Germany.
- The German Catholic Church should work in conjunction with the German government to ensure both Germany's and the Holy See's compliance with the Convention on the Rights of the Child.
- The Catholic Church in Germany should not evade financial responsibility, but should, like the Catholic Church in Ireland, accept financial responsibility for any obligations arising from claims or judgments for child abuse by members of Catholic clergy or religious.
- The Catholic Church in Germany should assist claimants who are trying to locate clergy members whom they allege have abused them.
- The current guidelines centre on the offender, which concerns organisations, such as youth associations, that work in the area of preventing sexual violence. Not only for the associations, but also for parishes and servers' and ecclesial schools, the prevention of sexual violence must become a defining issue. All claims to be dealing with clergy sexual abuse must be supported not only with financial resources, but must also become integral to future work programmes.
- Diocesan investigative teams of the sexual abuse and exploitation of minors by Catholic clergy and employees must be composed of independent people to ensure adequate protection for victims. The team should also include victims of assault and their family members.
- A record should be published of all cases of sexual abuse—respecting the privacy of victims and offenders—that includes criminal cases and those reported to the Holy See.

ANNEX

An overview of reported cases of sexual abuse of children in Germany by Roman Catholic priests, 1993–2002

In an official letter to every diocese in Germany, *Kirchenvolksbewegung Wir sind Kirche* solicited information to determine the extent of cases of sexual abuse by employees of the Roman Catholic Church. Thirteen out of twenty-seven dioceses did not respond, others responded by sending almost identical press releases. Even in response to precise questions about the number of cases known in that particular diocese there was a standard response. The common answer was that there were isolated cases. Some dioceses stated that around one percent of all clergy men and women in the diocese are known as offenders. This figure, compared to the cases reported to civil authorities, raises the question of whether the Roman Catholic Church in Germany truly complies with its duty to report to the public prosecutor all cases of sexual abuse of children by members of the clergy.

While the Holy See's internal and confidential processes prevent the presentation of a comprehensive or cumulative assessment of the scope and gravity of child sexual abuse by Catholic clergy and religious in Germany, this annex provides a sample of cases:

- **1993:** A 44-year-old priest of the Bergstraße district in Hessen is found guilty of two cases of sexual coercion and receives a two year suspended sentence. He confessed to having abused two sisters aged 14 and 16 on several occasions.
- **1994:** A priest from Krefeld is sentenced to four years jail, after he abused a nine-year-old boy.
- **1995:** A priest near Munich is suspended for possession of child pornography.
- **1995:** A 67-year-old priest from Hildesheim is forced to retire after he confessed to assaulting several minors. There was no church investigation as the incidents were statute-barred.
- **1996:** A 47-year-old priest from Bavaria is defrocked after accusations that he abused minors. After this action, the penal process was stopped.
- **1998:** A 67-year-old priest from Baden-Württemberg is jailed for nine months and fined 5000DM. On several occasions he abused girls during religious education.
- **1999:** A 39-year-old priest from Baden-Württemberg is jailed for three years after being found guilty of abusing two girls and one boy in fifty-nine cases.
- **2000:** A Catholic priest from Bavaria receives a two year suspended sentence for abusing three boys. The accusation was made by a father during a Christmas service.
- **2000:** A 45-year-old priest from Baden-Württemberg and member of a conservative order are jailed for two years in a severe case of sexual abuse. The two boys were forced to have sexual relations on several occasions and one of the boys had to perform oral sex on the priest.
- **2002:** A 40-year-old priest from Bavaria confesses to abusing a boy. He is jailed for 10 months and fined €2000. The Church suspended him from all ministries and reported the case to the Holy See. This was the first time such a report became public.
- **2002:** A priest from the diocese of Mainz is suspended, after accusations of sexual abuse over several years. The president of the Catholic Bishops' conference, Cardinal Lehmann of Mainz, announces that he will examine the allegations promptly and intensively. No news has been released by the diocese of Mainz (as of the 24th of August 2003). The last update of the diocesan homepage was on the 30th of August 2002, showing the diocese's interest in dealing with this case and in public communication.
- **Latest cases:** Two new cases have recently been made public. In the diocese of Münster/Westphalia a priest was suspended after a summer camp on suspicion of sexually abusing children and in the diocese of Paderborn a civil investigation has started relating to a 38-year-old priest accused of abusing a 13-year-old boy. The main court investigation has not yet started.