



*In the current version of 25 June 2019!*

## **FRAMEWORK REGULATION**

### **Prevention of sexualised violence against minors and adult charges within the domain of the German Bishops' Conference**

#### **A. INTRODUCTION**

##### **I. Policy issues**

The prevention of sexualised violence is an integral part of the Church's work with children and juveniles, as well as with adult charges. In the spirit of the Gospel, the Catholic Church wishes to offer to all children and juveniles, as well as to adult charges, a secure space in which to learn and live. In this space, their human and spiritual development will be promoted and their dignity and integrity respected. This objective should be achieved without overstepping psychological and physical boundaries.

Prevention as a fundamental principle of education with girls and boys, young women and men serves to enable them to develop to become responsible individuals who are able to believe and to participate within the community. Differences in their needs and risks require to be appropriately taken into account in all prevention measures.

The goal of prevention in dioceses, religious orders, ecclesial institutions and associations is to develop a new culture of mutual respect and attentiveness. To this end, we need to have structures and processes for the prevention of sexualised violence which are transparent, comprehensible, verifiable and measurable.

This Framework Regulation addresses everyone taking responsibility for and ensuring, within the domain of the German Bishops' Conference, the well-being and protection of children and juveniles, as well as of adult charges. The Framework Regulation is to guarantee that a coordinated approach is adopted within the domain of the German Bishops' Conference. It forms the basis for the regulations which the diocesan bishops are to issue for their own dioceses. Catholic institutions for which no diocese is responsible are only to be recognised by the (arch)diocese as eligible for promotion if they have

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undertaken to apply the Framework Regulation or the respective diocesan regulations on prevention. Where they have their own regulations, these must be recognised as equivalent regulations by the competent agency.

## II. DEFINITIONS

1. This Framework Regulation takes account of the provisions of both ecclesial and secular law.

2. The term “sexualised violence” within the meaning of this Framework Regulation shall encompass criminal sexual acts, instances in which boundaries are overstepped, as well as other sexual attacks.

The Framework Regulation shall hence be deemed to refer

- both to acts in accordance with Part 13, as well as to further sexual criminal offences as defined in the German Criminal Code (*StGB*),
- as well as to those in accordance with canon 1395 § 2 CIC in conjunction with Art. 6 § 1 SST<sup>1</sup>, in accordance with canon 1387 CIC in conjunction with Art. 4 § 1 n.4 SST, and in accordance with canon 1378 § 1 CIC in conjunction with Art. 4 § 1 n.1 SST, insofar as they are committed on minors or individuals who habitually lack the use of reason (Art. 6 § 1 n.1 SST).
- In addition, and taking account of the particularities of the individual case, it shall apply to acts falling below the threshold of punishability which constitute overstepping a line or another sexual attack in pastoral or teaching work, as well as in care or nursing, when dealing with children and juveniles and adult charges.

It shall relate to all forms of conduct and to the handling of matters with a sexual connection vis-à-vis minors and adult charges which take place with alleged consent, without consent or against the expressed will of the charges. This shall include all acts to prepare, implement and keep secret sexualised violence.

3. Adult charges within the meaning of this Framework Regulation shall be deemed to be persons with a disability, or individuals who are frail or ill, vis-à-vis whom clergy, religious and other staff have a special duty of care because they have been entrusted to their care or custody and are particularly vulnerable within the meaning of No. 2 because they are in need of protection and assistance.

4. Staff, as well as persons working on a voluntary basis within the meaning of this Regulation, shall be deemed to be all individuals who within their full-time, part-time or

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<sup>1</sup> Pope John Paul II, Apostolic Letter *motu proprio datae Sacramentorum sanctitatis tutela* [SST] of 30 April 2001. The substantive part announced in this letter exists in its valid form as *Normae de gravioribus delictis* of 21 May 2010. [These provisions are cited, referring to the applicable Article, adding the abbreviation for the reference document: SST.]

volunteer work supervise, care for, educate or train children, juveniles or other charges or who have similar contact with them.

## **B. Content and structural requirements of dioceses, religious orders, ecclesial institutions and associations**

The structures and processes employed in the prevention of sexualised violence in the dioceses, religious orders, ecclesial institutions and associations must be transparent, comprehensible, verifiable and measurable. The development and realisation of prevention measures shall be effected in participative cooperation with all relevant individuals and groups. These shall also include the children and juveniles and adult charges themselves. The funding agency of institutions and services shall draw up an institutional protection plan with regard to the respective domain of work. The structuring of such a protection plan shall be effected in coordination with the diocesan coordination unit (see II.).

### **I. Institutional protection plan**

#### **1. Selection and development of staff**

The competent human resources personnel shall discuss the prevention of sexualised violence in interviews, during familiarisation phases and in further talks with staff. It is an obligatory topic in basic and further training. Staff members must submit an expanded police certificate of good conduct in accordance with the statutory and labour law regulations. The submission of an expanded police certificate of good conduct shall be mandatory for persons working on a voluntary basis where this is required by the statutory provisions of the respective Federal *Land*. Depending on the nature, intensity and duration of the contact with children and juveniles, and on an individual's tasks and on their deployment in individual cases, those responsible shall examine whether an expanded disclosure statement must be submitted.

#### **2. Code of conduct and undertaking**

Clear rules of conduct relating to individual fields of work shall ensure the appropriate intimate-yet-distant relationship, an open communication culture and a respectful tone to be adopted towards the children and juveniles, as well as vis-à-vis the adult charges. A code of conduct shall be drawn up in the respective domain on a participational basis. Children, juveniles and adult charges are to be appropriately involved in the development of the code of conduct. The code of conduct shall be recognised by staff and persons working on a voluntary basis by signing it. The signing of the code of conduct or of an undertaking shall constitute the binding prerequisite for recruitment and appointment, for continued employment, as well as for taking on an individual to engage in voluntary work. All staff shall be made aware of the sanctions incurred in case of non-compliance. Moreover, the code of conduct shall be published in a suitable manner by the funding agency.

### **3. Official instructions and internal regulations**

In order to be able to ensure the well-being and protection of children and juveniles, as well as of adult charges, the funding agency may issue official instructions and internal regulations which are also binding under labour law over and above the code of conduct; the provisions of the Staff Representation Ordinance (*MAVO*) shall remain unaffected.

### **4. Channels for complaints and advice**

Within the context of the institutional protection plan, the funding agency shall describe internal and external channels for complaints and advice for the children and juveniles, as well as for the adult charges, for the parents and guardians, as well as staff.

### **5. Sustainable follow-up**

Accompanying measures, as well as follow-up care in an irritated system when an incident has taken place, shall form part of sustainable prevention work. Appropriate measures shall be described in the institutional protection plan.

### **6. Quality management**

The funding agencies shall bear responsibility for prevention measures being adhered to in the long term and constituting an established part of their quality management. An individual trained in prevention-related issues must be available for each institution, as well as where appropriate for an association of several smaller institutions, who is able to advise and support the funding agency in implementing the institutional protection plan. Individuals who are in contact with victims or with accused persons or offenders shall receive ongoing supervision.

### **7. Basic and further training**

Prevention of sexualised violence requires training particularly on questions of

- suitable intimacy and distance,
- strategies pursued by offenders,
- victims' psychodynamics,
- dynamics in institutions, as well as institutional structures facilitating sexualised violence,
- criminal offences and other relevant legal provisions,
- own emotional and social skills,
- communication and conflict skills,
- necessary and suitable assistance for those concerned, their relatives and the institutions concerned, and
- sexualised violence by children and juveniles and adult charges against other minors or adult charges.

All persons taking managerial responsibility engaged on a full-time, part-time or voluntary basis in work with children, juveniles or adult charges, as well as all others with managerial responsibility in these fields, shall be trained in matters relating to the prevention of sexualised violence. The training shall focus, on the one hand, on the possibilities to improve the well-being and protection of children and juveniles, as well as adult charges and, on the other, precautions making it more difficult to commit criminal offences.

Every staff member, as well as persons working on a voluntary basis with children, juveniles or adult charges, shall be trained in detail or informed, depending on the nature, duration and intensity of their contact with children and juveniles, as well as with adult charges, on the topic of prevention of sexualised violence. In the interest of an educational partnership, the topic of prevention of sexualised violence shall also be discussed with parents and guardians. When it comes to adult charges, these discussions should be carried out with the relatives and statutory custodians.

## **II. Prevention coordination unit against sexualised violence**

1. The diocesan bishop shall establish a diocesan coordination unit to support, network and steer activities within the diocese. He shall appoint one or several qualified individuals as prevention commissioners to perform or manage the diocesan coordination unit.
2. Several diocesan bishops can establish an interdiocesan coordination unit.
3. For the religious orders, the responsible higher superior may nominate a separate prevention commissioner to work together with the management of the diocesan coordination unit.
4. The diocesan coordination unit shall have the following tasks in particular:
  - to advise and coordinate in developing and implementing institutional protection plans,
  - to organise training courses for multipliers, as well as staff (in accordance with B. I. No. 7),
  - to ensure the skill-building and information of the individuals trained for prevention-related issues (in accordance with B. I. 6.),
  - to network the prevention work within and outside the diocese,
  - to network with Church and non-Church specialist advisory agencies against sexualised violence,
  - to evaluate and refine binding quality standards,
  - to advise basic and further training facilities,
  - to provide specialist advice in planning and implementing prevention projects,
  - to provide specialist speakers,
  - to develop material on prevention and provide information to projects,
  - to carry out public relations work in cooperation with the respective press office.

### **C. VALIDITY**

On 25 June 2019, the Permanent Council of the German Bishops' Conference extended up to 31 December 2019 the period of validity of the "Guidelines for dealing with sexual abuse of minors and of adult charges by clergy, religious and other staff within the domain of the German Bishops' Conference", and of the "Framework Regulation on prevention of sexualised violence against minors and adult charges within the domain of the German Bishops' Conference", which were adopted in 2013 (cf. Prot. Nos. 4 and 5).

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