



PRELATURE OF TROMSØ

General decree

Protection against sexual assaults and abuse of children in the Church

(translation in English of the general decree “Beskyttelse mot seksuelle overgrep og misbruk av barn i Kirken”)

The Nordic Bishops, meeting in conference on 13th March 2002, issued the following declaration on child abuse by priests and other Church workers:

“During the last few years there have been in several countries cases of priests and other Church workers sexually abusing children and young people. It is against this background that we, the Nordic Bishops, wish to express our horror and our unreserved condemnation of these acts. Our thoughts and concerns go first to the victims. We pledge our support to help these our sisters and brothers in whatever way we can.

Within the framework of our pastoral responsibility as Bishops, if there are cases of sexual abuse in our respective countries we will follow the norms in Church law for handling these matters and also the norms of the civil law.

Again we wish to express our sorrow at what has happened and promise our prayers for the victims and also for the perpetrators of these acts."

Against the background of this declaration – among other things – the following general decree for the prelatry of Tromsø sets out the way to engage in the protection against sexual assaults and against the abuse of children in the Church.

1. By "sexual assault" is meant, in what follows, all offences against *the sixth commandment of Decalogue committed by a cleric* (Bishop, priest, deacon), where the offence has been committed by *force or threats*. By "sexual abuse of children" is meant, in what follows, any offence against the sixth commandment of the Decalogue with a *minor* below the age of sixteen (which is within the scope of the strict norms in the Code of Canon Law, can. 1395, § 2), and similarly against other minors below the age of eighteen.

Engaging in *child pornography* is included under the same heading.

Also, any kind of sexual misbehaviour, beyond the bounds of what is proper, although it may be not strictly categorised as assault or abuse, shall and must be dealt with by the Church. What is decisive is, not whether the offender considers the matter unproblematic, but how the victim of the incident views it.

In the above mentioned category we also include such offences committed by a *religious*.

The Church has also a special responsibility with regard to such offences committed by *a student for the priesthood, a student in a religious order, or candidate for religious life*; and similarly, in regard to anyone holding a position of *responsibility in the Church*.

2. Sexual assault or abuse of children is always a serious *sin*.

It can be very *injurious*, psychologically and in other ways, with extensive long-term consequences.

Also, the offence carries *punishment and entails sanctions in Canon law*, should a cleric or religious be involved. *In civil law*, the offence is punishable when it has involved a person below the age of sixteen, one in a position of dependency, or has been carried out by force. According to civil law, various periods for prescription, which vary according to the nature of the offence. According to Canon law, the offence of sexual abuse of a minor is prescript after twenty years from the date that the child has reached the age of eighteen. The Congregation for the Doctrine of the Faith can dispense from this rule (in such a way that the period for

prescription may be extended or cancelled).

Sexual behaviour which goes beyond the boundaries will be painful for the victim and more damaging than is immediately apparent. It is a sin, unacceptable in the Church.

3. It is *never disloyal*, but on the contrary an *exercise of responsibility*, to give information to the competent (Church and perhaps civil) authority about sexual assault or abuse of children, whether done to oneself or to someone known, or suspects to have been inflicted on another. For all in a responsible position in the Church it is *obligation to give information* about sexual assault or the abuse of children.

In some cases, especially where there is danger that the offence may be repeated, it is in accordance with the civil law required that the matter be referred *to the civil authority* (police). In other cases such action will be appropriate. The prelate will always support one who wishes to lay an information in this way about sexual assault or abuse in connection with the prelate.

All are invited to give information *to the Church authority* about sexual assault or abuse of children committed in connection with the prelate. For persons in responsible position in the prelate it is obligation to give information in this manner.

This does not alter the *seal, the confidentiality of confession*, nor the severe canonical punishment for its violation. A confessor who gets to know of sexual assault or abuse must, in discussion with the penitent during confession, try to relieve him or her of any false feelings of guilt, but uphold a true and justified sense of guilt. Further, the confessor must within the confessional do what he can to prevent the repetition of acts of sexual assault or abuse. Sometimes, therefore, the confessor must get the penitent to accept that it is right and prudent – and obtain his clear acceptance of this – to give information, *outside the confessional*, to a responsible person or organisation (for example, to the police, or even to the confessor himself, who can take the matter further).

4. It is always the Bishop who holds the responsibility for dealing with reports of any sexual assault or abuse which has occurred in connection with the prelate. He will in each case make use of experts and other advisors, as he finds appropriate.

Information given to competent Church authority can always be sent directly to the Bishop. Information may instead be given to the Vicar General, to the Chancellor or to the parish priest. These are always bound to refer the matter further to the Bishop.

The Bishop will in some cases be bound to report the matter immediately to the civil authority (the police) and/or to the Congregation for the Doctrine of the Faith. In other cases he will find it appropriate to do so.

He is responsible for seeing that a case is followed through in the Church in the correct way.

5. The Church's following-up of cases of sexual assault or abuse will cover the victim (spiritual, juridical, psychological, medical and economic support), the offender (punishment, dismissal from employment, changing of clerical status, treatment, juridical support), Church members (orientation, help, dialogue), and the general public (notification, explanation, encounter with the media).

6. The parish priest, in consultation with the parish pastoral council, shall judge whether it is necessary to use the possibility of asking for police clearance of persons who – in a paid or voluntary capacity – are doing or will be doing some service in the parish which involves a position of trust or responsibility for minors, or people of diminished responsibility.

This general decree is promulgated by publication in *Kirkelige kunngjøringer for Tromsø stift/Den katolske kirke i Nord-Norge*.

Tromsø, the 20th June 2011.

✠ BERISLAV GRGIĆ

Bishop-Prelate of Tromsø

Aagot Kermit

Chancellor

Sentral receivers of information about sexual assault or abuse

(Cf. no. 4, second subsection)

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