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Counteracting Sexual Abuse in the Catholic Church: the System in Poland

Abstract

The Catholic Church in Poland, as happened before in other countries, faces the disclosure of scandals connected with the sexual abuse of minors by certain clergymen. This is a grave problem in the pastoral field and with the public image. According to the report of March 2019 by Instytut Statystyki Kościoła Katolickiego [Institute of the Statistics of the Catholic Church] 382 cases of sexual abuse were reported in 1990–2018, whereas the percentage of clergymen accused of abusing minors (up to 18 years of age) was 0,4%. The system of protecting children and youth against sexual abuse within the Church in Poland has been established since 2009. It was then that the Polish Bishops Conference adopted the first *Wytyczne określające sposób postępowania w przypadkach wykorzystywania seksualnego małoletnich przez niektórych duchownych* [Guidelines Specifying the Procedure in Cases of Sexual Abuse of Minors by Clergymen]. The system focuses on taking care of victims, developing clear norms and structures to bring to justice those clergymen who have committed the crimes and developing prevention programs for the protection of minors (which have already been implemented in all dioceses and in the majority of male religious congregations). It also runs Fundacja Świętego Józefa [St. Joseph Foundation] which provides various forms of help, mainly therapeutic, to the victims. In Kraków, Centrum Ochrony Dziecka [Center for the Protection of Children] established in 2013 runs and coordinates training activities. In dioceses and religious congregations there are delegates dedicated to the protection of children and youth, as well as ministers for those that have been sexually abused by clergymen. The chief Delegate for the Protection of Children and Youth, the Archbishop Wojciech Polak, Primate of Poland, has also been appointed.

The results of preliminary investigations are passed along to the Congregation for the Doctrine of the Faith under whose auspices a process of further investigation is run. The latest element of the system is the application of the norms introduced by Pope Francis under the *motu proprio* “*Vos estis lux mundi*”. They involve disciplining higher Church superiors who have concealed or covered up crimes of sexual abuse of minors.

The Roman Catholic Church is the only public institution in Poland which has developed such meticulous internal standards as regards the punishment of the perpetrators, prevention programs and assistance to the victims. The purpose of the article is, therefore, to show the actions which the Church has taken in order to counteract the abuse of minors within the Church, both from the formal point of view as well as from the practical perspective: to substitute the mentality of “one must protect one’s men” with the one permeated with the spirit of the Gospel.

Keywords

Sexual abuse of minors, crimes of pedophilia, a canonical penalty, programs of prevention and righting a wrong.

1. The Scope of the Problem in Poland

In Poland, in general, the crimes of pedophilia and molestation of minors pose a serious social problem. 12.4 per cent of children and adolescents aged 11–17 have experienced sexual abuse at least in one form. The data comes from “Raport o zagrożeniach bezpieczeństwa i rozwoju dzieci w Polsce. Dzieci się liczą 2017” [Report on Threats to the Safety and Growth of Children in Poland. Children Do Matter 2017]¹ published by Fundacja Dajemy Dzieciom Siłę [We Make Children Strong]. The problem concerns all milieus, it requires taking adequate actions and building a prevention system on the national level.

Every year state courts convict, on average, 1,356 people for sexual offences of minors (up to 15 years of age), while there are 2 213 cases being initiated (mean value of the last 10 years). In the period of 1990 – 2019 there were 28 820 people sentenced by final and binding judgements of whom 85 were clergymen.² 1073

¹ *DZIECI SIĘ LICZĄ 2017 – RAPORT O ZAGROŻENIACH BEZPIECZEŃSTWA I ROZWOJU DZIECI W POLSCE – 2017 – Research reports* fdds.pl (22.12.2020).

² *Wykorzystywanie seksualne osób małoletnich przez niektórych inkardynowanych do diecezji polskich duchownych oraz niektórych profesów wieczystych męskich zgromadzeń zakonnych i stowarzyszeń życia apostołskiego w Polsce – wyniki kwerendy* [Sexual Abuse of Minors

people are sentenced to imprisonment by a valid court judgement, including 3 clergymen of the Catholic Church.³

2. The Scope of the Problem within the Church

The collective information on the subject was published for the first time in March 2019 on the basis of data gathered by the Secretary of the Polish Episcopacy. From 1990 till June 2018 there were 382 reports of cases of sexual abuse of minors (up to 18 years of age) by clergymen from the period of 1950 – 2018. 284 reports concerned dioceses and 98 male orders. Among the victims, 198 were below 15 years of age, and 184 above.⁴ Further analysis of the data revealed that the majority of victims were boys (56%), while girls constituted 38%. 1% of cases concerned both sexes. In the case of 5% the gender of the victims was not specified.

Among the victims of sexual abuse committed in earlier years there were much fewer girls. It was only in later years that the number of girls increased. In the reported cases of abuse committed in 1950–1980 there were no girls among the victims. However, they appeared in the cases reported in subsequent years: in the cases of 1981–1990 they accounted for 23% of the victims, in 1991–2000 26%, while in 2001–2010 and 2011–2018 it was 48% and 50% respectively.

The average age of the victims of reported cases has also changed dynamically. The number of victims over 15 years of age grew with years: in the cases of 1950–1980 it was 10%, in 1981–1990 34%, in 1991–2000 – 40%, in 2001–2010 – 53%, 2011–2018 – 61%.⁵

by Clergymen Incardinated to Polish Dioceses and Professed Monks From Male Religious Congregations or Societies of Apostolic Life. The Results of the Query], ISKK, Warszawa 2019, p. 6.

³ Information obtained from the Ministry of Justice on 12 December 2020.

⁴ *Wykorzystywanie seksualne osób małoletnich [...]*, ISKK, Warszawa 2019, p. 6.

⁵ *Wykorzystywanie seksualne osób małoletnich przez niektórych inkardynowanych do diecezji polskich duchownych oraz niektórych profesów wieczystych męskich zgromadzeń zakonnych i stowarzyszeń życia apostołskiego w Polsce – wyniki pogłębionej analizy do 30 czerwca 2018 r.* [Sexual Abuse of Minors by Clergymen Incardinated to Polish Dioceses and Professed Monks From Male Religious Congregations or Societies of Apostolic Life. The Results of a Further Analysis Until 30 June 2018], ISKK, Warszawa 2021, pp. 5–6.

In order to estimate the scope of the problem, the number of the reported cases was juxtaposed with the total number of clergy and members of male orders. The proportion of all clergymen and monks accused of the abuse of minors below 15 years of age was 0,4%. [...] However, if we add the cases of victims above 15 years of age, the percentage grows to 0,8% (0,8 in dioceses and 0,6% in orders).

Further research results (for the years 2018–2020) were presented on 28th of June 2021. The report of Instytut Statystyki Kościoła Katolickiego [Institute of the Statistics of the Catholic Church] shows that from the 1st of July 2018 till 31st December 2020 another 368 notifications regarding sexual abuse were received by the dioceses (300) and male religious orders (68). They concern 292 priests and religious.

Almost half of the aggrieved persons were under 15 years of age (47%) and almost another half (47,3%) between 15 and 18. In both age groups the number of girls and boys was equal. The notifications concerned respectively: 104 (28%) concerned altar boys, 71 (19%) concerned students and those preparing for the sacraments, 61 (17%) regarded participants of pastoral work, religious communities or movements, 25 (7%) concerned members of the choir, 24 (7%) regarded members of the family or friends, 17 (5%) regarded acolytes, 10 (3%) regarded pilgrimage participants, 9 (2%) participants of holiday camps, 3 (1%) “altar girls” (the so called Bielanki). In the case of 173 (47%) reports the aggrieved person was of different (or unknown to the jurisdiction) status in relation to the Church, while 47 (13%) notifications did not convey information regarding the status of the victim.

3. Fighting the Pathology: the Beginnings

After the outbreak of pedophile scandals in the USA and Ireland, the decisions of John Paul II in 2001 were a breakthrough within the Catholic Church. It was then that the Pope announced a new document “*Sacramentorum sanctitatis tutela*” which included “*Normae de gravioribus delictis*” (Norms concerning the gravest crimes). According to the document the crime of sexual abuse of a minor under the age of 18 committed by a clergyman was included into a new list of canonical “delicts reserved to the Congregation for the Doctrine

of the Faith”. Moreover, the document specified what actions should be taken in the local Churches as regards such delicts.⁶

The Polish Episcopate reacted to this document in 2009 when it set out guidelines for dealing with crimes of sexual abuse of minors. [...] The issue gained momentum in June 2013 when the Polish Bishops Conference appointed Fr Adam Żak SJ as the coordinator for the protection of children and youth. It was the beginning of developing new guidelines in accord with the Holy See’s instructions and the drawing of the document on preventing such crimes.

Currently, “Guidelines for preliminary canonical inquiries in cases of accusations of clerics against the sixth commandment of the Decalogue involving a minor under the age of 18” are in force in the Church in Poland. In June 2017, the Guidelines were adjusted to alterations in the Polish Penal Code with the absolute obligation to report each case to the state law enforcement agencies. They were once again updated in October 2019 so as to be in accord with *motu proprio* “*Vos estis lux mundi*” by Pope Francis.

4. Center for the Protection of Children

In March 2014, Fr. Adam Żak SJ, the coordinator for the protection of children and youth, initiated the Center for the Protection of Children (Centrum Ochrony Dziecka, COD), an interdepartmental unit at the Ignatianum Academy in Cracow.⁷ Its basic tasks include psychological, pedagogical and spiritual training in connection to sexual abuse of minors. Also, devising and developing prevention programs and practices for various pastoral, formation and educational milieus so that safe settings for children and youth may be created.

⁶ KAI of 14 May 2019, P. Bieliński, *Stolica Apostolska wobec wykorzystywania seksualnego małoletnich (analiza)* [The Holy See’s Stance Towards Sexual Abuse of Minors. An Analysis] (12.01.2021).

⁷ E. Kusz, *Profilaktyka wykorzystywania seksualnego w Kościele katolickim* [Precautions Against Sexual Abuse in the Catholic Church], pp. 251–253, <https://dzieckokrzywdzone.fdds.pl/index.php/DK/article/view/771/622> (10.01.2021); the Bureau of the Delegate for the Protection of Children and Youth, *Ochrona małoletnich i pomoc pokrzywdzonym wykorzystaniem seksualnym w Kościele w Polsce. Raport Roczny 2020* [Protection of Minors and Help to Those Hurt by Sexual Abuse Within the Church in Poland. The Annual Report of 2020], Warszawa 2021, pp. 24–26.

COD's offer is dedicated to manifold educational institutions, organizations and religious communities, as well as pastoral and formation centers, occupational groups and volunteers. It also conducts systematic training of delegates and priests who were appointed by dioceses and religious congregations. Until now, COD has trained over 6000 priests (not including the nuns and laypersons) who educate children and youth.

In 2016, in cooperation with the Ignatianum Academy, COD initiated post-graduate studies in the prevention of sexual abuse of children and youth. Until now 73 people (priests, nuns and laymen) have graduated from the three-semester studies gaining knowledge and skills of how to recognize the symptoms of sexual abuse and how to prevent it. They also learn how to devise aid activities for those who are at risk of – or already affected by – violence. What is more, they get to know the rules, procedures, intervention and therapeutic practices applied in the case of sexual abuse, and how to communicate with kids and young people (as well as their families) who are at risk of – or affected by – sexual abuse.

An important achievement of COD was establishing standards of protecting children and youth in 2018, as well as helping to prepare diocesan and religious prevention programs together with training people who implement them.

Moreover, COD brings into effect three additional programs “Safe Holidays” for children and young people who go on holidays; the second program is to establish standards of protection against sexual abuse for people with disabilities, while the third one covers e-learning courses for leaders of groups such as parish groups.

5. The Delegate for the Protection of Children and Youth

During a plenary meeting of the Conference of Polish Bishops on 14 March 2019, the bishops appointed the Primate of Poland, Archbishop Wojciech Polak, as the Delegate for the Protection of Children and Youth.⁸ He is responsible for the legal, canonical and organizational aspects of the whole system for protecting children and youth, as well as the help provided to those who were harmed by sexual abuse in their adolescence within the Church in Poland.

⁸ KAI of 15 March 2019, *Komunikat z zebrania plenarnego KEP w Warszawie* [The Statement Issued after the Plenary Meeting of KEP in Warsaw] (5.01.2021).

The task of establishing the bureau of the Delegate was given to Fr. Piotr Studnicki.⁹ The Bureau is the base and support of the Delegate in performing his tasks. If necessary, it provides assistance to other entities of the system, especially the Coordinator of KEP for the protection of children and youth. The aims of the Bureau include supporting the organization of the prevention system in the Church on the national scale, monitoring and evaluating the system of protecting children and young people in the Church in Poland, updating databases for the sake of the system of protecting those harmed by sexual abuse, as well as actions that enhance the internal and external communication as far as the Church's response to the drama of sexual abuse of minors is concerned. The Bureau is also responsible for compiling pastoral materials for the annual Day of Prayer and Penance for the sin of sexual abuse in the Church. The Bureau also runs the Delegate's website (ochrona.episkopat.pl) and together with St. Joseph Foundation coordinates zgloskrzywde.pl.¹⁰

6. Procedures of Dealing with the Accused Clergymen. What is considered a delict in the light of the Church norms?

According to Pope Francis' *motu proprio* "*Vos estis lux mundi*", "Delicts against the sixth commandment of the Decalogue [committed by a clergyman with a minor] consisting of:

1. forcing someone, by violence or threat or through abuse of authority, to perform or submit to sexual acts;
2. performing sexual acts with a minor or a vulnerable person;
3. the production, exhibition, possession or distribution, including by electronic means, of child pornography, as well as by the recruitment of or inducement of a minor or a vulnerable person to participate in pornographic exhibitions.

For the purposes of these norms,

- a. "*minor*" means: any person under the age of eighteen, or who is considered by law to be the equivalent of a minor;

⁹ KAI of 14 June 2019, *Zakończyło się Zebranie Plenarne KEP w Wałbrzychu* [The Plenary Meeting of KEP Held in Wałbrzych is Over] (5.01.2021).

¹⁰ KAI of 2 September 2019, *Przed nami olbrzymia praca! Ks. Studnicki o działającym już Biurze Delegata KEP ds. Ochrony Dzieci i Młodzieży* [Fr. Studnicki on the Works of the Bureau of the Delegate for the Protection of Children and Youth: We Have a Lot to Do] (6.01.2021).

- b. ‘*vulnerable person*’ means: any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offence; (Cf. *Vos estis lux mundi*, art.1).

Together with minors and the vulnerable, persons who are sexually abused in a relationship of dependence are also enumerated in the document.¹¹

In the light of the law of the Church, the statute of limitation is 20 years after the aggrieved party turns 18. However, the rule is not absolute, and the Congregation for the Doctrine of the Faith may waive it.

A). The Delegate’s Role

Special delegates for the protection of children and youth have been appointed in dioceses and male religious orders. They are to serve persons who would like to report to the Church any sexual harm that they suffered as minors. Contact details may be found on websites of dioceses and congregations, while a complete database may be found on the website of the KEP Delegate: ochrona.episkopat.pl.¹²

B). Accepting a Notification

If a clergyman has sexually abused a minor, the exact procedure to deal with the case is set out in Annex 2 of the Guidelines of KEP, while on the level of the universal Church one should refer to “*Vademecum* on certain points of procedure in treating cases of *sexual* abuse of minors committed by clerics” of May 2020.¹³

¹¹ P. Majer, *Odpowiedzialność kanoniczno prawna biskupa w przypadku przestępstw seksualnych duchownych wobec małoletnich* [Canonical and Legal Responsibility of a Bishop in the Case of Sexual Abuse of Minors by Clergymen], in: *Odpowiedź Kościoła na dramat wykorzystania seksualnego małoletnich. Aspekt Prawny, dokumenty, komentarze* [The Church’s Response to the Drama of Sexual Abuse of Minors. The Legal Aspect. Documents and Comments], Apostolicum, Ząbki 2020, p. 140.

¹² The Delegate of KEP for the Protection of Children and Youth (episkopat.pl) (8.01. 2021).

¹³ *VADEMECUM DOTYCZĄCE WYBRANYCH KWESTII PROCEDURALNYCH W ZAKRESIE POSTĘPOWANIA W PRZYPADKACH NADUŻYĆ SEKSUALNYCH POPEŁNIANYCH PRZEZ DUCHOWNYCH WOBEC MAŁOLETNICH* [Vademecum on Certain Points of Procedure in Treating Cases of Sexual Abuse of Minors Committed by Clerics], (16 July 2020) (vatican.va) (2.01.2021).

When a bishop or a superior receives “even probable news of a clergyman having committed an act (with a minor under the age of 18) against the sixth commandment of the Decalogue”, they are obliged to initiate a preliminary canonical inquiry. Moreover, they must inform the Congregation of the Doctrine of the Faith, even if the inquiry does not take place.

The notification may be submitted by the aggrieved party, the parents, a witness of the event or a person who has learnt about it from a reliable source. However, a clergyman has formal obligation to notify, if they have learned about the case or have substantial evidence that such a crime may have been committed. It is prohibited to harm, reprise or discriminate because of the notification having been made. It is also advised not to disregard media reports (including social media) or data obtained from state officials or NGOs.¹⁴

With regards to a suspected clergyman, his superior must “remove him from the duties related to his office, service or tasks in order to prevent the continuation of the offence. Moreover, the superior is obliged to provide him with appropriate psychological and therapeutic aid”. The accused clergyman should not perform pastoral duties as a parish priest or a vicar. Until the charges are resolved, the clergyman under investigation should not have any contact with children or youth.

In the course of accepting the notification, at first a delegate talks to the person and encourages her/him to make a written report. If this is not feasible, the proceedings are being initiated on the basis of the minutes of the conversation which, if possible are signed by all of its participants.

It is possible to interview a person under the age of 15, only if their parents consent and in the presence of a psychologist. If the report concerns a person between 15 and 18 years of age, a psychologist should also be present during the interview.

C). Collecting Evidence

The second stage of the proceedings includes the inquiry of the suspect and persons who have information about the crime, the on-site visit and other

¹⁴ J. Dohnalik, *Prawo kanoniczne wobec nadużyć seksualnych duchownych względem dzieci i młodzieży* [Canonical Law and Sexual Abuse of Children and Youth by Clergymen], in: “Dziecko krzywdzone. Teoria, badania, praktyka” [A Child That is Being Harmed. Theory, Research and Practice] (2015) no. 14(1), pp. 55-58.

indispensable actions. When the preliminary canonical interview is over, the Church superior transfers the data collected to the Congregation for the Doctrine of the Faith (CDF). Further proceedings are carried out under the auspices of the Holy See.

D). Congregation's Objectives

After reviewing the case, the Congregation for the Doctrine of the Faith has several options: 1. Dismiss the case 2. Request a more thorough preliminary investigation 3. Impose non-criminal disciplinary measures 4. Impose punitive measures or penance 5. Admonish or reprimand 6. Institute a criminal trial 6. Refer to other means of pastoral care. The ordinary is informed of the chosen option and the appropriate instructions for its implementation. (*Vademecum*, 76).

If the Congregation does not immediately expel the suspect from the clergy, it usually orders a criminal or extra-judicial trial which is sometimes called an administrative trial. The trials may take place before the Tribunal of the Congregation or may be transferred to a lower instance – the ordinary of the accused or other instance designated by the Congregation.

E). Penal Trial in the Diocese

If a given case is not dealt with by the Tribunal of the Congregation for the Doctrine of the Faith, it is run by the episcopal court in accordance with the Church's procedural law relating to the criminal process. Here, the promoter of justice is the prosecutor, and the defendant has the right to have a lawyer. It is necessary for both the witnesses and the defendant be heard. An expert, a psychologist, a sexologist or a psychiatrist may be summoned to court. The jury will consist of at least three judges. When a sentence is passed in the first instance, both the defendant and the spokesman for justice may appeal in second instance to the Supreme Tribunal of the Congregation for the Doctrine of the Faith. Penalties must be approved by the Congregation.

When an ordinary does not have a court at his disposal (e.g. this is the case of religious congregations), the Congregation may order that an out-of-court criminal-administrative procedure be carried out. Then the ordinary appoints his delegate, a notary and two assessors.¹⁵

¹⁵ *Ibidem*, pp. 57-60.

F). Canonical and Secular Penalties

As far as canonical penalties are concerned, the most serious one is dismissal from the clerical state. Other penalties include: suspension of priestly ministry for a specified period of time, limitation of the ministry only to certain activities, a ban on contacts with children and youth, an order to stay in a specified place or to penance in a solitary confinement. From 1990 till 2018, penalties of dismissal from the clergy were applied to 25% of the convicted.

As a citizen, a clergyman who has committed a crime with a person under 15 years of age also falls within the jurisdiction of the secular justice system. As far as such penalties are concerned, from 2000 till 2019 59% of clergymen were sentenced to imprisonment with a conditional suspension, and 41% of them were sentenced to absolute imprisonment.¹⁶

G). Curators

The weak point of the system of protection of minors that exists in the Polish Church is addressing the condition of perpetrators of sexual abuse. Only 25% of offenders, after being proven guilty, are dismissed from the clerical state. After having served several years in prison they return to ministration. And although their duties do not involve contact with children or youth (e.g. working in a nursing home), they are free men, marked by a permanent sexual pathology, so that they may easily find an opportunity to commit a crime once again. In response to such a situation, at the request of the Delegate and the Coordinator of KEP, probation officers have been appointed in dioceses and religious congregations.

The duties of a probation officer include: establishing – in consultation with the superior and on the basis of professional criteria – a plan for a clergyman who has been indicted and convicted of such crimes; accompanying him from prosecution till the end of the trial (and after conviction), so that he understands and obeys the restrictions imposed on him and changes his life so as not to harm anyone again.

Fr Adam Źak also suggests that a nationwide monitoring system, similar to those that operate in certain countries, should be implemented. It would

¹⁶ A. Więcek-Durańska, *Przestępczość seksualna duchownych wobec osób małoletnich – analiza przypadków* [Clergy-Perpetrated Sexual Crime Against Minors. A Case Study], *Psychiatria Polska*, Online first No. 190: 1–16 published ahead of print 5 October 2020, www.psychiatriapolska.pl, (28.12.2020).

cover cases reported so far. That would make it possible to accurately track the stage of the trial, the penalties imposed, if they have already terminated, and the way the culprit is subject to further control.¹⁷

H). Compensation?

The issue of compensation for victims is often raised in the public debate. Here, the Church follows the Polish law which generally, imposes this obligation on the perpetrator. Yet recently we can observe a different trend. A good example is the compensation of 1million PLN to be paid to one of the victims of a clergyman belonging to the Society of Christ Fathers. In this case the final judgement which confirmed that the Society must pay was issued by the Supreme Court on March 31, 2020. In the light of this interpretation of the law, it is possible to hold the Church legal entity (e.g. a diocese) liable for damages caused by the sexual abuse by a priest, even if it occurred “on a side note” and not while implementing the canonical mission, that is, teaching religion classes or administering the sacraments.

Similarly, in February 2020 the District Court in Bydgoszcz sentenced the Archdiocese of Wrocław and the diocese of Bydgoszcz to pay 300 000 PLN to the victim of the former priest, Paweł K. Even though both dioceses appealed to the Court of Appeal in Gdańsk, the court dismissed them.¹⁸

7. Responsibility of Major Ecclesiastical Superiors

In June 2016 in motu proprio “Come una madre amorevole”¹⁹ Pope Francis suggested punishing bishops and religious superiors if they are proven to have hidden perpetrators. The procedures to be followed were defined in detail in motu proprio “*Vos estis lux mundi*” (VELM) which has been in force since 1st June 2019.

¹⁷ A. Żak in an interview for KAI and the book to be published by M. Przeworski and D. Gospodarek.

¹⁸ KAI of 7 February 2020, *Kuria Wroclawska komentuje wyrok sądu w sprawie byłego księdza Pawła K* [Wrocław Curia Comments on the Sentence Regarding the Former Priest Paweł K.] (29.12.2020).

¹⁹ Pope Francis, The Apostolic Letter motu proprio *Come una madre amorevole*, OPOKA (30.12.2020).

According to this law, every cleric and consecrated person with reliable information concerning a bishop's malpractice is obliged to report it to the Metropolitan or the Holy See (directly or through the Pope's representative). What is more, such a notification may be made by a layperson.²⁰

A Metropolitan who has been notified, asks the appropriate dicastery to entrust him with the task of initiating an investigation. The dicasteries for dealing with matters regarding bishops and religious major superiors are: the Congregation for the Doctrine of the Faith, the Congregation for Bishops, the Congregation for Consecrated Life, the Congregation for the Clergy or the Congregation for the Evangelization of Peoples. The Secretariat of State is also informed. If the defendant is a metropolitan, the investigation will be carried out by the oldest nominated bishop of one of the suffragan dioceses or by another person appointed by the Holy See.²¹

The Vatican Dicastery has to instruct the metropolitan on how to proceed in a given case within 30 days of receiving the first notification (it may also entrust the investigation to someone else). Then, every 30 days he forwards a progress report to the competent dicastery. The inquiry should be completed within 90 days or the time specified in the instructions of the Holy See's dicastery. When the inquiry is over, the metropolitan sends the documents to the proper dicastery together with his votum, that is his opinion on the issue. The moment the investigation is completed, his power in this regard expires. The results of the investigation are forwarded to the person who claims to be the victim or to her/his legal representatives.²² The sentence of acquittal or conviction in such cases lies with the Holy See.

According to the information available, until now the Holy See has initiated 15 proceedings against Polish bishops. Two of them ended with acquittal, five ended with conviction and 8 wait for a decision.

²⁰ Pope Francis, The Apostolic Letter *motu proprio Vos estis lux mundi* (7 May 2019 r.), art. 3, vatican.va (30.12.2020).

²¹ *Ibidem*.

²² *Ibidem*.

8. Helping Victims of Sexual Abuse

The Church authorities are obliged to provide them with help even at the stage of accepting the notification from the victim or their family. The Appendix to the Guidelines of KEP says that “caring for the victims of sexual abuse is the fundamental act of justice on the part of the Church community which feels pain and shame because of the harm done to children and youth.”²³ Therefore, bishops and superiors of religious provinces are obliged to provide spiritual, medical, therapeutic or psychological assistance to the aggrieved party (also legal consultation, if necessary). When suggesting psychological help, the Church supervisor may hire specialists beyond the Church’s structures. What is more, he should also cover the costs.

A) Ministers of the Victims

A great majority of dioceses and male religious orders have their own ministers who assist the victims. The duties of the ministers are above all: spiritual and pastoral assistance to those who have been harmed and their families; assistance to the community in which the crime has taken place; animating prayer initiatives and helping to organize the Day of Prayer and Penance for the sins of sexual abuse in the Church (on the first Friday of Lent).

B) St. Joseph Foundation

In October 2019 the Polish Bishops Conference adopted the statute of Saint Joseph Foundation (FSJ). Its mission is to protect children and adolescents in the Church, to build effective support in the process of healing of the victims and preventing further crimes of sexual abuse.²⁴

²³ *Wytyczne dotyczące wstępnego dochodzenia kanonicznego w przypadku oskarżeń duchownych o czyny przeciwko szóstemu przykazaniu Dekalogu z osobą niepełnoletnią* [Guidelines Regarding Preliminary Canonical Investigation in the Cases of Clergymen Being Accused of Deeds Against the Sixth Commandment of the Decalogue Committed with a Minor], Appendix no. 1, in: *Odpowiedź Kościoła na dramat wykorzystania seksualnego małoletnich*, Ząbki 2020, p. 111.

²⁴ KAI of 9 October 2019, *Komunikat z 384. Zebrania Plenarnego KEP* [A Statement after 384 Plenary Meeting of KEP], (30.12.2020).

The foundation was registered and started operating in January 2020. The chairman of the foundation's council is Archbishop Wojciech Polak, and its members are: Bishop Artur Miziński, Fr. Adam Żak SJ, Fr. Prof. Piotr Majer, attorney Marcin Erenc, Dr Małgorzata Skórzewska-Amberg.

According to the statute, the Foundation “organizes, offers and finances assistance of a therapeutic, educational, psychological, legal and financial character which is given/offered to sexually abused minors, disabled or vulnerable persons.”²⁵

The law of the Church states that it is the Church superiors who are responsible for direct assistance to the victims. As a rule, the Foundation does not relieve bishops or religious superiors from their obligations, but supports them when psychological therapy is prolonged, when it is difficult to determine competencies or when a victim finds it hard to contact the diocese.

At present the Foundation is giving therapeutic assistance to 13 people. “Often a person contacts us from their own initiative, via e-mail or on the phone. Sometimes we take the initiative to offer help when we are told that there is a need for support,” says Marta Titaniec, a member of the board.²⁶

At the local level there are FSJ coordinators who are nominated by bishops. It is a coordinator's task to help diagnose the needs in a given diocese and determine the form of assistance that the Foundation may provide either to the victim or, in general, in order to develop the system of prevention.

The Polish Bishops Conference wishes to involve religious orders to cooperate with the Foundation. Therefore, the agreement regarding the cooperation with male orders has already been in force since March 2021. There are also talks on possible forms of cooperation with female orders.

In the beginning of 2020 dioceses paid jointly their contributions to FSJ thanks to which a founding fund was collected. The resolution of KEP states that contributions must be paid annually by dioceses to the Foundation. Moreover, each bishop contributes 2000 PLN per year, and a priest 150 PLN. Therefore, the Foundation's budget is 3 million PLN annually.

In August 2020 the Episcopacy recommended co-financing the Center for the Protection of Children (COD) by the Foundation.

²⁵ Fundacja Świętego Józefa Konferencji Episkopatu Polski [St. Joseph Foundation], *Statut* [The Statute], fsj.org.pl (31.12.2020).

²⁶ KAI of 1 June 2020, *Marta Titaniec: Chcemy, by w miejscu zranienia można było znaleźć uzdrowienie* [Marta Titaniec: We wish that in Places of Hurt One Could find Healing], an interview (2.01.2021).

Additionally, the Foundation finances projects in three areas:²⁷

- Co-financing professional assistance to people working with the victims (studies in clinical sexology, practical psychotraumatology, prevention of sexual violence against children and adolescents) or preparing e-learning courses by the Center for the Protection of Children (COD)
- Co-financing the system of help to the victims “on the spot,” e.g. creating Regionalny Punkt Konsultacyjny dla Osób Zranionych w Kościele [Regional Consultation Point for Persons Harmed in the Church]; helping the first support group for the victims of sexual abuse in the Church; preparing a system of prevention regarding sexual abuse of persons with disabilities (within COD)
- Supporting individual therapies of the victims of sexual abuse in the Church. Financing in cases where there are legal loopholes and difficulties in determining the legal entity accountable at present for providing help (e.g. when the crime took place in a diocese that no longer exists, or the perpetrator acted in one diocese and now he is incardinated to a different one). Another example of support of individual therapy is a long-term therapy (e.g. the victim must return to a therapy or continue it). The Foundation also supports therapies of persons who, for various reasons, face difficulties in contacting the diocese.

On the whole, at the end of 2020 the expenditure on projects was ca. 700 000 PLN. Within a few months, it was possible for the Foundation to realize the specifics and forms of assistance provided. This contributed to Grant Regulations which will be in force in 2021. Apart from constant financing of COD, the Regulations speak about 6 types of grants:²⁸

1. Grants to the victims (help in covering the costs of therapy, assistance of legal, educational or financial character, also help in covering costs of therapy of the victim’s family and their immediate environment.
2. Grants to support those working directly with, and for, the victims.
3. Grants to support activities of the delegates, coordinators, ministers to the victims and probation officers.

²⁷ Fundacja Świętego Józefa Konferencji Episkopatu Polski [St. Joseph Foundation], *Sprawozdanie za rok 2020* [A Report of the Year 2020], fsj.org.pl (12.01.2021).

²⁸ Fundacja Świętego Józefa Konferencji Episkopatu Polski [St. Joseph Foundation], *Regulamin grantowy* [The Grant Regulations], fsj.org.pl, (12.01.2021).

4. Grants to support prevention in the local churches.
5. Grants to support the system of assistance to the victims in the local churches.
6. Grants to support research on protection of children and youth in the Church and help to the victims.

C). The Initiative “Hurt within the Church”

The “Hurt within the Church” initiative is a helpline and a Catholic milieu to support people affected by sexual violence in the Church. Telephone contact is intended primarily for people who have been hurt by sexual abuse as well as their relatives. However, it is also available to all for whom these sins of the people of the Church have become a scandal and contributed to their loss of trust in the entire community of faith. The initiative, which started in March 2019, is created by lay Catholics who care about their neighbors who were hurt by the representatives of the Church: Fundacja Pomocy Psychologicznej Pracownia Dialogu [The Foundation of Psychological Help *The Laboratory of Dialogue*], Klub Inteligencji Katolickiej [the Catholic Intelligentsia Club] in Warsaw and Laboratorium “Więzi” [“Więź” Laboratory]. “We act on our own responsibility, but in agreement with the bishops of both Warsaw dioceses and with other heads of the Church” declares Zbigniew Nosowski, the proponent of the initiative.²⁹ The helpline operates on a regular basis. It is anonymous and free of charge, and the conversations are conducted patiently and discreetly.

9. Preventing Sexual Abuse During Priestly Formation

Another keystone of the system is the appropriate formation of candidates for the priesthood. The above-mentioned Guidelines of the Polish Episcopate state that in the process of formation for the priesthood “there must be proper treatment and experiencing of the sexual sphere as well as adequate preparation for

²⁹ Biuro Delegata ds. Ochrony i Młodzieży [The Bureau of the Delegate for the Protection of Children and Youth], *Ochrona małoletnich i pomoc pokrzywdzonym wykorzystaniem seksualnym w Kościele w Polsce. Raport Roczny 2020* [The Protection of Minors and Help to the Aggrieved by Sexual Abuse within the Church in Poland. The Annual Report of 2020], p. 29.

the life of chastity and celibacy.”³⁰ The document points out that “the process of discerning possible difficulties in the sexual sphere should begin already at the time a candidate is being admitted to a seminary or religious order”. The applicant should undergo psychological tests and an in-depth interview in order to learn about his level of sexual maturity and the occurrence of possible disorders. The document states that candidates who have been diagnosed with “sexual disorders, including deeply entrenched homosexual orientation” should not be admitted to a seminary or religious order.

It is assumed that during priestly formation, the lectures and conferences should also include topics related to “shaping mature sexuality”.

These principles are implemented by the document “The Way of Formation of Priests in Poland. *Ratio institutionis sacerdotalis pro Polonia*”. It states that “in the process of admitting a candidate to a seminary or institute of consecrated life, it is necessary to initially recognize his psychosexual maturity and possible difficulties or disturbances in this sphere”. What is more, “in cases of disorders in the psychosexual sphere, the candidate should not be accepted”. Neither should be “those who are homosexually active, have deep-seated homosexual tendencies or support the so-called gay culture.”

10. Prevention Programs in Dioceses and Religious Orders

Prevention programs implemented in dioceses and religious congregations are yet another keystone of the Church’s protection system. They are aimed at preparing the staff (working with children and young people in church facilities) so that they are sensitive to threats in this area and are able to react appropriately.

The first document on prevention was published by the Polish Episcopate in 2014 under the title: “Prevention of sexual abuse against children, youth and people with disabilities in the pastoral and educational work of the Church in Poland”. It states that “the prevention of sexual abuse against minors is an integral part of the Church’s commitment to work with children and young people”.

³⁰ Wytyczne dotyczące wstępnego dochodzenia kanonicznego w przypadku oskarżeń duchownych o czyny przeciwko szóstemu przykazaniu Dekalogu z osobą niepełnoletnią [Guidelines Regarding Preliminary...], Appendix no. 3, Apostolicum, Ząbki 2020, p. 118.

In August 2018 it was decided that a preventive program would be developed and implemented in each diocese.³¹ As a result, a prevention team was created in each diocese. Moreover, from autumn 2018 the Center for the Protection of Children began training their members: representatives of catechetical departments in the curia, general pastoral ministries, families, youth, communities and movements, Catholic schools and Caritas [Caritas Internationalis].

In 40 dioceses prevention programs have already been adopted, and in the remaining 4 the programs are almost ready to be launched. Similar documents have been prepared and adopted in most religious congregations. Sisters responsible for prevention have also been appointed in many women's congregations.

11. The Church Prays and Apologizes

In 2012 Polish bishops, for the first time, publicly apologized for the sins of the abuse of minors committed within the Church. Later they wrote: "We apologize for those clergymen who have hurt children. We will do whatever we can so that such situations do not happen in the future. We will provide pastoral and therapeutic help to those children and youth who feel aggrieved. We want to emphasize strongly – there is zero tolerance for pedophilia."³²

In June 2014 in the Jesuit Basilica of the Sacred Heart of Jesus there was the first penitential liturgy for the sins of sexual abuse in the Church in Poland. Among the participants there were: Archbishop Wojciech Polak, the Primate of Poland, Archbishop Celestino Migliore, the Apostolic Nuncio to Poland, Archbishop of Krakow, Cardinal Stanisław Dziwisz and Bishop Piotr Libera. During the liturgy the congregation said: "Feeling ashamed and contrite, we ask for forgiveness. We ask God and we ask the people who have been hurt by clergymen!"³³

³¹ KAI of 25 August 2018, (2.01.2021).

³² KAI of 9 October 2013, *Przepraszamy za duchownych, którzy skrzywdzili dzieci – stanowisko KEP ws. ochrony dzieci i młodzieży* [We Apologize for the Clergymen who Have Hurt Children. The Stance of KEP As Regards the Protection of Children and Youth], (2.01.2021).

³³ KAI of 20 June 2014, *Kraków: pierwsze w Polsce nabożeństwo pokutne za grzech pedofilii* [The First Penitential Service in Poland for the Sin of Pedophilia Was Held in Krakow], (3.01.2021).

“The Stance of the Polish Bishops Conference towards sexual abuse of minors by certain clergymen” was a significant document issued in November 2018. The heads of the Church in Poland once again apologized to “God, the victims of the abuse, their families and the community of the Church for all the harm done to the children, young people and their relatives”. They also asked for “the light, strength and courage to decisively combat moral and spiritual deterioration which is the fundamental source of the sexual abuse of minors”, and begged God “to give efficacy to the efforts to create an open and friendly milieu for children and youth in the Church.”³⁴

12. At What Stage Are We?

“It seems that the most crucial elements of the system already exist. At the local level we have delegates, ministers, and coordinators of St. Joseph Foundation. There are rules of prevention and probation officers are being trained. At the national level there is the Delegate, the Coordinator of the Episcopacy who are supported by the Bureau of the Delegate and St. Joseph Foundation. The Center for the Protection of Children is an institution which works on prevention and training professional workers. The system also includes the helpline and the milieu ‘The Hurt in the Church’ or the Regional Consultation Point in Poznań which are to provide relevant information and help the aggrieved in making a notification.” explains Fr. Studnicki.

“Now we must do whatever we can to equalize the standards of assistance and the protection of minors in all dioceses and religious congregations. Our objective is to receive with compassion all those who report their issues and to make sure they are given help. In other words, we are working on the system in the Church in Poland to be as professional as possible” he adds.

However, there is little chance of Poland differing from the trend that has been characteristic of other countries contending with the pathology of sexual abuse of minors by the clergy. Experience shows that after the first revealed cases the scope of reports of sexual abuse increased rapidly.

³⁴ KAI of 19 November 2019, *Stanowisko Konferencji Episkopatu Polski w sprawie wykorzystywania seksualnego osób małoletnich przez niektórych duchownych* [The Stance of the Polish Bishops Conference as Regards Sexual Abuse of Minors by Certain Clergymen], (30.12.2020); KAI of 2 September 2019, *Przed nami olbrzymia praca! Ks. Studnicki o działającym już Biurze Delegata KEP ds. Ochrony Dzieci i Młodzieży*, (21.12.2020).

According to Fr. Żak the process of purification within the Church goes through various phases and does not advance in a linear manner. At first there is “the denial phase” where facts are negated or “repressed”. The next phase is “downplaying the problem” when we may hear statements like “In other places it is even worse. We stack up better against other groups of the society”. Here the facts are not negated but relativized, trivialized. “The helplessness phase” comes next. Here we do realize the problem, but we do not know what to do with it, how to deal with it as we lack knowledge, experience and experts. The last phase is “shouldering the responsibility”. It is then that consistent measures are taken in order to protect children and youth. It is connected with clear, legal steps and, at the same time, creating safe environment for children through the development of prevention programs.³⁵

At what stage are we as the Church in Poland? According to the Coordinator for the protection of children and youth, we are the Church of “various speeds”. Fr. Żak admits that “Indeed, we have overcome the phase of negation – no one negates the existence of the problem – and are somewhere between the phase of helplessness and the phase of responsibility”.

Fr. Żak points out that there is no chance of eradicating the crimes of sexual abuse by the clergy without a radical change of mentality – the transition from “the corporate mentality” where we protect “our men” and take care of our image, to the manner “worthy of the Gospel of Christ” (Phil 1:27) in which the truth liberates while the activities of the community focus on the weak and the aggrieved. The need for the change of mentality was also underscored during the Vatican “summit” by Pope Francis in February 2019.

One of the weak points of the system of the Church for the protection of minors is the low participation of lay people. The best solution would be the cooperation of each diocesan delegate with a team of lay persons who are competent at therapy and assistance to the aggrieved. The objective would be a gradual (sometimes taking years) reintegration of a given person into the community of the Church. Here various communities and apostolic movements could come forward which would include into their agenda the assistance to the victims.

³⁵ KAI of 9 June 2019, *Wywiad z o. Adamem Żakiem SJ* [An Interview with Fr. Adam Żak SJ], (18.12.2020).

13. The need for the National Strategy

It is urgent to organize in Poland the national strategy for the prevention of sexual violence against children. This is what Marek Michalak, the previous Commissioner for Children's Rights called for.

At present the Catholic Church is the largest global organization which implements the policy of protection of minors against sexual abuse. Taking into consideration the provisions of the Polish law as well as the need for counteracting pedophilia, the precepts developed by the Polish Bishops Conference could be a model for those institutions that care for children and adolescents. There is no other institution which has such complex internal standards regarding the protection of minors as well as training in the field. Establishing the State Commission that is to explain the cases of pedophilia is yet another step towards improving the system.

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