

**PROCEDURE IN CASES OF SEXUAL ABUSE COMMITTED BY CLERICS,  
A MEMBER OF AN INSTITUTE OF CONSECRATED LIFE OR A SOCIETY  
OF APOSTOLIC LIFE AND ANY FAITHFUL WHO HOLDS AN OFFICE OR  
MINISTRY IN THE CHURCH**

**GUIDELINES OF THE SLOVAK BISHOPS' CONFERENCE**

**Preamble**

The Catholic Church in the Slovak Republic is aware of its commitment to proclaim the Gospel and to lead and sanctify the people of God by the example of the moral personal life of those who have received sacramental ordination or have consecrated themselves to God. This is why all the faithful, especially the bishops as successors of the apostles, are painfully aware of the cases in which the sexual abuse of minors committed by clerics, consecrated persons and the faithful acting in the name of the Church has been proved. Conscious of its responsibility to protect all persons from acts of violence, and in an effort to be an example of transparency also in the area of cooperation with the competent civil authorities, the Slovak Bishops' Conference, at the request of the Holy See, issues the following Guidelines.

The basic principles of this Directive include efforts dedicated to victims to prevent further abuses; hearing, reception and accompanying victims; justice and truth, transparency and communication; effective and prompt investigation of cases of abuse; and active cooperation with civil authorities.

This Guidelines is issued on the basis of the *Circular letter to assist Episcopal Conferences in developing Guidelines for dealing with cases of sexual abuses of minors perpetrated by clerics* (Congregation for the Doctrine of the Faith, 3 May 2011), published in the Official Journal of the Apostolic See, *Acta Apostolicae Sedis*, number 103 of 2011, pages 406-412.

This Guidelines applies the norms of the Code of Canon Law (CIC) and the Code of Canons of the Eastern Churches (CCEO). This Guidelines further applies the 2001 *motu proprio* of Pope John Paul II *Sacramentorum sanctitatis tutela* revised by Pope Benedict XVI in 2010 and supplemented by Pope Francis in 2019 (SST) and the 2019 *motu proprio* of Pope Francis *Vos estis lux mundi* (VELM). This Guidelines takes into account the guidelines given in the *Vademecum* on certain points of procedure in treating cases of sexual abuse of minors committed by clerics, *Ver. 2.0.* (VAD) issued by the Dicastery for the Doctrine of the Faith in 2022.

## Article 1

### Interpretation of terms

1. In this Guidelines, the term “minor” means any person who has not yet reached the age of eighteen years, or who is considered by law to be the equivalent of a minor (VELM, Art. 1, § 2). At the same time, equivalent to a minor is to be considered:

- (a) “a person who habitually has the imperfect use of reason” (SST, Art. 6 § 1);
- (b) “vulnerable person” – i.e. any person who is ill, physically or mentally restrained or deprived of his or her personal liberty, thereby effectively, even occasionally, impairing his or her capacity to understand or to will or to resist in any way an attack (SST, Art. 1 § 2).

2. This Guidelines understands the offence of sexual abuse against minors to mean:

- (a) “touching sexual abuse” – sexual intercourse (any form), touching or attempting to touch the victim’s erogenous zones, forcing the victim to touch the defendant’s erogenous zones, exposing the victim, bathing with the victim for the purpose of physical intimacy, physical tenderness causing distress, and other acts similar to these;
- (b) “non-contact sexual abuse” – showing pornographic material to the victim by means of photographs (this includes pedopornographic material, i.e. any depiction of a minor, regardless of the means used, engaged in sexually explicit activities, whether real or simulated, and any depiction of the genitals of minors for predominantly sexual purposes, videos, magazines, emails); harassment by means of obscene telephone calls, emails, social networks or text messages; exposure to the victim; spying on the victim's intimate acts



and invasion of privacy (changing clothes, toileting, bathing); verbal and emotional abuse of a sexual nature, propositions for sexual activity, jokes, intimacies belonging only to an adult sexual relationship; grooming and other similar acts.

**3.** This Guidelines understands the term ecclesiastical authority to mean:

- a) Diocesan/Eparchial Bishop, Diocesan/Eparchial Administrator, Military Ordinary.
- b) Superior of a institute of consecrated life and of a society of apostolic life.

## **Article 2**

### Preventive measures

**4.** The ecclesiastical authorities are to provide general measures for their subordinates, which are considered to be, in particular, the organization of courses and seminars on creating a safe environment for minors in cooperation with parents, civil authorities, educators and other organizations. They are also to provide information on what sexual abuse is, how to identify it, grooming techniques, and how to report suspicion of sexual abuse to civil and ecclesiastical authorities. Furthermore, the ecclesiastical authorities are also to provide specific measures, such as formation and education of persons working in ecclesial communities with minors.

**5.** Particular care and attention is to be given to the selection of candidates for the holy orders and consecrated life, as well as to their integral human, psychological-affective and spiritual formation. Candidates should always be obliged to undergo an assessment by a professional who can exclude that the candidate is afflicted by sexual deviations or personality disorders or other psychological disorders which may affect the control of sexual impulses or presuppose inappropriate sexual behavior. Strict care must also be taken to exchange information, complete and truthful, concerning those candidates for the priesthood and consecrated life who are transferring from one seminary to another, as well as priests and consecrated persons transferring between different dioceses or between religious institutes. Formation in this area shall continue after priestly ordination and religious vows.

6. Let the celebration of the Sacrament of Reconciliation take place in confessionals or in such confession rooms as exclude any reasonable suspicion of the possibility of sexual abuse of minors.
7. Let due consideration be given to the sexual abuse of minors in the training of future teachers of religion and catechists.
8. Those responsible for staffing any activity with children and youth in the Church should exercise prudence in the selection of candidates, including requesting evaluations of the candidate's previous assignments.

### **Article 3**

#### **Reporting Sexual Abuse**

9. Reporting a suspected offense of sexual abuse in accordance with art. 1 n. 2 of this Guidelines is obligatory for anyone who has information or evidence on the basis of which he or she may consider that such an offence has been committed. Anyone who obtains information regarding the commission of such an offence is to report it to the civil authority according to the norms of civil law and to the ecclesiastical authority. In reporting to the ecclesiastical authority, the preference in terms of competence shall be given to the ecclesiastical authority to which the accused is subordinate or to the ecclesiastical authority of the institution where the offence was committed. The ecclesiastical authority shall ensure that the reporting system is easily accessible to those who wish to report the offence by designating contact persons and by providing information on the reporting options on the website of the ecclesiastical institution.
10. Reporting is to be done in writing, electronically, or verbally. If the reporting is oral, it has to be recorded in the presence of at least two persons designated by the ecclesiastical authority. The person making the report has the right to request a copy of the report recorded or a notification of receipt of the report sent in writing or electronically.



**11.** It must be evident from the report to whom it is addressed, who has committed the delict and to what matter it relates. It shall identify the person aggrieved and the accused and must be dated and signed. It is advisable for the report notification to contain as much detail as possible, such as the place, time and other circumstances when the delict was committed, the age of the injured person at the time of the committing of the delict, the identification of other persons involved in the information about the delict, as well as any other details that may be useful to ensure a careful assessment of the facts. If the report does not have the prescribed requirements, the ecclesiastical authority shall request the reporter, if known, to complete them. It shall assign him a reasonable time to do so.

**12.** An incomplete report which has not managed to be completed, as well as an anonymous report, is to be investigated only if, on the basis of the report, it can be concluded that there is a probable suspicion of the commission of the delict referred to in art. 1 n. 2. Otherwise, such a report is to be kept in a secret archive.

**13.** The ecclesiastical authority and the persons designated by it observe the secret of office. No obligation of secrecy can be imposed on the reporting person, the aggrieved person or the witnesses with regard to the facts relating to the acts.

**14.** The sacramental seal (of confession) is inviolable. Secrecy of confession and information which has been entrusted orally or in writing to a person in charge of pastoral care under the condition of secrecy is not subject to the obligation to report to the civil authorities of the Slovak Republic.

#### **Article 4**

##### **Preliminary investigation**

**15.** If the reporting implies the necessity to verify suspicions of the commission of a delict, the ecclesiastical authority decides on the opening of the preliminary investigation. The purpose of the preliminary investigation is to gather evidence to enable the ecclesiastical authority to make a conclusion on the justification of the suspicion of the commission of a delict.



**16.** Before initiating a preliminary investigation, the ecclesiastical authority can appoint an instructor and a notary and determine their powers. The instructor cannot be a judge in the judicial penal process or a delegate or assessor in an administrative (extrajudicial) penal process in this matter.

**17.** The instructor in the preliminary investigation proceeds in accordance with canon law, but in such a way that his action does not thwart or interfere with the possible action of the civil law enforcement authorities.

**18.** The instructor, the notary and other persons who meet the aggrieved person in the course of the preliminary investigation have the duty to respect his or her personality and dignity, to treat him or her with courtesy and gentleness, and, as far as possible, to accommodate him or her, in such a way as to not deepen the harm/damage that may have been caused to him or her. Intimate questions may only be asked in so far as it is necessary for the clarification of the matter under investigation. The questions must be asked in a considerate manner, taking into account the age and personal condition of the aggrieved person and as exhaustively as possible, so as not to make it necessary to repeat the interrogation.

**19.** The aggrieved person has the right to choose whether he or she wishes to testify before a male or female instructor in the investigation of the case. He or she may indicate this already in the notification, and if he or she does not do so, the instructor will inform him or her of this option.

**20.** If the aggrieved person is under 18 years of age or his or her capacity has been restricted by the court, he or she may be questioned only if sufficient grounds for the further conduct of the proceedings cannot be ascertained. In such a case, he or she shall be accompanied by the child's legal representative, the person's tutor or another adult. The questions shall be asked gently and their wording shall be adapted to the age, personal experience and psychological state of the person concerned. Questions directed to the intimate sphere shall be asked only to the extent necessary. A child psychologist or other professional with experience in the education of young people or of mentally handicapped persons may be invited to the interrogation. Persons who have been invited may propose that the interrogation be disrupted or terminated if the

interrogation itself or its continuation would have an adverse effect on the psychological state of the person being interrogated.

**21.** In questioning the accused, the instructor respects the accused's right to choose an advocate and to be questioned in his presence.

**22.** The instructor will verify the facts asserted by the aggrieved person by carefully questioning witnesses and securing other evidence. The investigation focuses on ascertaining whether the act occurred, whether the accused committed it and on verifying the essential circumstances of its commission.

**23.** The person being questioned, with the exception of the accused, is instructed by the instructor prior to the questioning as to the canonical and criminal consequences of a false accusation. The instructor informs all persons being questioned that the facts about which he or she will testify may be the subject of a criminal report to civil law enforcement authorities.

**24.** A written record of the interrogation will be made, which will include the name and surname of the person being interrogated, acknowledgement of the instruction according to art. 4 n. 23 of this Guidelines, the content of his or her statement, the date, place and time of the interrogation, the signatures of the interrogated, the instructor, the notary or other persons present, as the case may be.

**25.** The aggrieved person being questioned may request that the information concerning his or her residence, mailing address, telephone number, e-mail address, or other contact details be listed in such a way that the accused is not able to get acquainted with them.

**26.** If the instructor becomes convinced that the evidence gathered is sufficient to assess whether there is justifiable suspicion that the accused has committed a delict, or if he has gathered all available information, he summarizes the course of the investigation, the evidence gathered and his opinion in a brief assessment and transmits it to the ecclesiastical authority who assigned him to the investigation.

**27.** If the ecclesiastical authority considers the preliminary investigation to be sufficient, he issues a decree for its conclusion. The duration of the preliminary investigation should not exceed three months without serious reason.

**28.** After the preliminary investigation has been concluded with any result in the matter of the delict reserved to the Dicastery for the Doctrine of the Faith, the ecclesiastical authority has the duty to transmit an authentic copy of the file to the Dicastery for the Doctrine of the Faith as soon as possible. It attaches to it the supplementary tabular, which is an annex to the *Vademecum*, its evaluation of the results of the investigation and, if appropriate, a suggestion on how to proceed. He will then await further instructions from the Dicastery for the Doctrine of the Faith. At the same time, the ecclesiastical authority will notify the Commission for the Protection of Minors of the Slovak Bishops' Conference of the fact that a report of a delict has been made and investigated. It will do so without delay or at the end of the calendar year.

**29.** The ecclesiastical authority will inform the aggrieved person (or his or her legal representative or guardian, as the case may be), the reporting person and the accused of the notification of the matter to the Dicastery for the Doctrine of the Faith or of the decision to initiate a judicial or administrative (extrajudicial penal) process in the matter, within 30 days of the notification or decision. It may also notify them that it has reported the matter to the law enforcement authorities.

**30.** After the conclusion of the preliminary investigation in the matter of a delict not reserved to the Dicastery for the Doctrine of the Faith, the ecclesiastical authority will decide on the further proceedings, either alone or in consultation with the competent Dicastery of the Roman Curia. It will justify its decision and communicate it to the accused, the reporting person and the aggrieved person or his or her legal representative or guardian, as appropriate. Against this decision a recourse may be made to the Dicastery for the Doctrine of the Faith in accordance with can. 1737 CIC or can. 997 CCEO.

**31.** It is recommended that the ecclesiastical authority inform the Dicastery for the Doctrine of the Faith about the fact that there has been a report of the commission of a



delict and about the decision not to initiate a preliminary investigation because of the evident unjustifiability of such a report.

## **Article 5**

### **Cooperation with civil authorities**

**32.** In the case of a reporting of a delict under art. 1 n. 2 of this Guidelines, the ecclesiastical authority verifies whether it has a duty to report to the law enforcement authorities. If so, it will be fulfilled. It may make a notification to the civil authorities even if it does not have a duty to notify, but considers it appropriate with regard to the circumstances of the case.

**33.** If the reporting does not contain sufficient information to assess whether it might be a crime for which a duty to notify to the civil law enforcement authorities arises, the ecclesiastical authority first conducts a preliminary investigation and then makes a decision on the basis of its outcome.

**34.** If the ecclesiastical authority acquires knowledge of the suspicion of the commission of a delict on the basis of already pending criminal proceedings before the civil authorities, it will proceed in accordance with art. 4 of this Guidelines. The preliminary investigation must be carried out independently of the investigation by the civil authorities. If the ecclesiastical authority is in possession of a final judgment of conviction or acquittal by a civil court, it will immediately notify the Dicastery for the Doctrine of the Faith of this fact.

**35.** The obligation to notify the law enforcement authorities of the information obtained ceases only exceptionally, on the basis of the express wish of the aggrieved person or his or her legal representatives. The reasons for waiving the notification of the facts require precise documentation, which must be duly signed by the victim or his or her legal representatives, as the case may be. If the position of the victim or his or her legal representative changes, he or she must inform the ecclesiastical authority in writing.

**36.** Reporting a suspicion of the commission of a delict to the ecclesiastical authority does not relieve the person who has knowledge of the delict of the obligation to report

it to the civil law enforcement authorities, insofar as this is required by the legal system of the Slovak Republic.

**37.** The ecclesiastical authority cooperates with civil law enforcement authorities in the investigation of the delicts under art. 1 n. 2 of this Guidelines and if it is requested to present documents originating from the ecclesiastical investigation, it does so to the extent necessary for law enforcement authorities.

**38.** Only a person charged by the ecclesiastical authority is to answer questions from the media and to inform about an ongoing preliminary investigation or penal process. He or she is responsible for ensuring that the disclosure of information does not impede a ecclesiastical or civil investigation or endanger a good reputation or safety of the aggrieved person or the accused or any other person involved in the investigation.

## **Article 6**

### **Precautionary measures imposed on the accused**

**39.** Precautionary measures according to can. 1722 CIC and can. 1473 CCEO are applied against the accused during the preliminary investigation in cases where there is a danger of continuing to commit the delict, of influencing the aggrieved persons or witnesses, of obstructing the preliminary investigation, or where they are necessary to protect the reputation of the accused or to prevent scandal. In particular, it is applied a prohibition or order to reside in some place, a prohibition to contact aggrieved persons and witnesses and a prohibition to exercise an office.

**40.** The accused is obliged to cooperate with the ecclesiastical authorities conducting the investigation. If the accused obstructs the investigation in a serious manner, influences aggrieved persons or witnesses, or violates the measures imposed on him, a more severe measure may be applied to the accused in accordance with canon 1722 CIC and canon 1473 CCEO.

**41.** The ecclesiastical authority makes public the information of the final conviction or acquittal of the accused, unless, in its judgment, a grave circumstance prevents this.

This information is considered to be publicly available. However, it may not contain any information about the aggrieved person.

## **Article 7**

### Assistance to victims

**42.** The Church authorities shall strive to ensure that victims and their families are treated with respect. The ecclesiastical authorities will treat the aggrieved persons and their families with dignity and respect and, according to the possibilities and circumstances of the case, will, in particular, mediate a welcome, a hearing and accompaniment, also through special services. The ecclesiastical authorities must always be willing to receive and listen to the victims, either in person or through their own delegate.

**43.** The ecclesiastical authorities shall provide spiritual assistance to the aggrieved persons and their families, as well as medical, psychotherapeutic and psychological assistance, according to the possibilities and circumstances of the case.

**44.** The ecclesiastical authorities shall mitigate the consequences of the scandal as far as possible, in particular by calling for penitence and prayers.

**45.** The images and privacy of the aggrieved persons and the confidentiality of personal data are to be protected.

**46.** The aggrieved person has the right to initiate canonical proceedings against the accused for reparation in accordance with can. 1729 CIC and can. 1483 CCEO.

## **Article 8**

### Care of the accused

**47.** The ecclesiastical authority shall ensure that the accused is provided with professional assistance, psychological care and spiritual support when necessary.



**48.** The accused may not be left alone but must be accompanied on the path of reconciliation and remedy.

**49.** The ecclesiastical authority may, in an appropriate way, assist the accused to overcome the period necessary to seek a place in life outside the ecclesial structure, if he has been condemned by the loss of the clerical state or if, for any other reason, there is no possibility of employing him in the Church. These provisions also apply *mutatis mutandis* to an accused layman holding a position or office in the Church.

**50.** If the commission of a delict results in the conception of a child, it is the duty of the offender to assume responsibility for the material provision of the both the child and its mother and, as the case may be, to assist in creating the conditions for its birth and for a dignified subsequent life. If the offender remains subject to the ecclesiastical authority, the latter will oversee that he fulfils his obligations.

## **Article 9**

### **False accusations**

**51.** The ecclesiastical authority has the duty to protect the community by bringing the truth to light and to restore the reputation of the unjustly accused by appropriate measures.

**52.** The ecclesiastical authority has the duty to care for a cleric who has been falsely accused by providing both spiritual and professional assistance.

**53.** The accused may claim compensation damages from the person or his legal representatives who falsely accused him, in accordance with can. 1729 CIC and can. 1483 CCEO.

**54.** If the accusation or suspicion is unjustified, the ecclesiastical authority must note this in the final decree of the preliminary investigation. This decree has to be kept together with the investigative acts.

## **Article 10**

### Transitional and final provisions

**55.** This Guidelines enters into force on 11 October 2022. With the entry into force, the guidelines “Procedure in cases of sexual abuse by clerics”, issued and registered by the Slovak Bishops’ Conference under the number K-389/2014 – 1, is repealed. All proceedings initiated before the entry into force of this directive shall be completed according to the regulations in force at the time of their initiation.

**56.** This Guidelines was approved by the Slovak Bishops’ Conference at its plenary session held in Badin on October 11, 2022. The approval of this Guidelines is communicated to the Dicastery for the Doctrine of the Faith.

**57.** According to this Guidelines, the investigation of cases that occurred before its entry into force shall also be proceeded with.

*Given in Badin on October 10, 2022*

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*The President of the Slovak Bishops’ Conference*