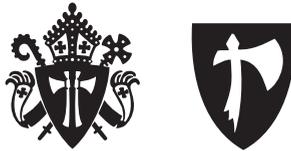


CONTINGENCY PLAN

FOR THE CATHOLIC DIOCESE OF OSLO
AND TRONDHEIM PRELATURE



**PROCEDURES FOR TREATING CASES OF ALLEGED OR CONFIRMED SEXUAL
MISCONDUCT OR ABUSE BY CHURCH PERSONNEL**

Catholic Diocese of Oslo and Trondheim Prelature

15 May 2013

About the Contingency Plan

The *Contingency Plan for the Catholic Diocese of Oslo and Trondheim Prelature* offers obligatory guidelines for ensuring the consistent and competent treatment of cases involving alleged or confirmed sexual misconduct or abuse perpetrated by a priest, deacon or member of a religious order, as well as by other church personnel working in either a paid or volunteer capacity. The Contingency Plan is written primarily with respect to cases involving minors (that is, persons under 18 years old according to Canon Law; under 16 years old according to Norwegian Civil Law) and particularly vulnerable adults. Such persons have special protection in both Civil and Canon Law. With the exception of those points which, due to Civil or Canon Law, only apply to minors and particularly vulnerable adults, the Plan guidelines should also be followed when dealing with cases where the victim is an adult who cannot be categorized as 'particularly vulnerable'. The mandate of the Diocesan Ethics Council extends to ethical cases of all types.

A leaflet containing brief information about the Contingency Plan has been published in both Norwegian and English. It includes the addresses and telephone numbers of those persons who should be contacted when church personnel are suspected of, or have indeed committed sexual misconduct or abuse. This leaflet should be available in all parishes in the Catholic Diocese of Oslo and Trondheim Prelature.

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BACKGROUND

The *Contingency Plan for the Catholic Diocese of Oslo*, which stipulates procedures to follow when church personnel are suspected of, or have indeed committed sexual misconduct or abuse, was promulgated by Bishop Gerhard Schwenzer SS.CC on 17 February 2003. The Contingency Plan was implemented and used from that day onwards. The Plan's purpose is to ensure that the diocese and prelate have clear procedures to follow when pursuing such cases, and clear guidelines for how to deal with information about Church personnel who are alleged to have committed sexual misconduct or abuse.

When it became known in 2010 that the former bishop of Trondheim Prelature was removed from office due to having perpetrated sexual abuse, the case was reported widely in the mass media. In the aftermath, the Catholic Diocese of Oslo and the Diocesan Ethics Council (DEC) received several messages from people who reported on sexual misconduct and abuse, as well as reports of suspicions that such incidents had occurred. The reported incidents extended back 60 years in time. The reports were dealt with by the bishop and the DEC, in accordance with the Contingency Plan that was in force at the time. Through treating these cases, it became clear that the Contingency Plan could be improved. These improvements have been included in the revised Contingency Plan (published in Norwegian in 2013).

The Contingency Plan initially applied to the Catholic Diocese of Oslo, but after Bishop Bernt Eidsvig became apostolic administrator of Trondheim Prelature, he extended the Plan's range of application to Trondheim Prelature. Note that Tromsø Prelature in Northern Norway has its own guidelines for dealing with cases of sexual abuse committed by church personnel (general decree promulgated by Bishop Berislav Grgić, 20 July 2011).

On 3 May 2011, the Congregation for the Doctrine of Faith issued a circular letter to 'assist episcopal conferences in developing guidelines for dealing with cases of sexual abuse of minors perpetrated by clerics.'¹ Inasmuch as the Scandinavian Bishops' Conference covers five countries, the Conference asked permission from the Congregation for the Doctrine of Faith for each of the diocese in the five countries to develop its own contingency plan. This permission was granted.

The revised Contingency Plan, which applies for both the Catholic Diocese of Oslo and Trondheim Prelature, takes into account the written guidelines set by the Congregation for the Doctrine of Faith, yet adapts them so as to make them applicable for both the Diocese of Oslo and Trondheim Prelature.

¹ http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20110503_abuso-minori_en.html

The Contingency Plan of 2003 had three appendices, each of which remains in the revised Contingency Plan:

Appendix I – Harmful Effects. In this revised Contingency plan, Appendix I has been re-written and includes an updated list of relevant literature.

Appendix II – Law – Norwegian Legislation. This appendix has been updated to reflect new rules in the Norwegian penal code on sexual offences. Included in this appendix are rules concerning the duty to report to the Child Welfare Service of Norway (*Barnevernet*) about children suspected to be victims of sexual abuse.

Appendix III – Canon Law. This appendix is also revised, among other reasons, in order to take into account new directives from the Vatican and to simplify the presentation of the pertinent areas of Canon Law.

The revised Contingency Plan has two supplements:

Supplement I is Bishop Gerhard Schwenzer's foreword to the 2003 Contingency Plan.

Supplement II, which consists of instructions for the Resource Team, presents initiatives for preventing sexual misconduct and abuse and for increasing awareness about it, as well as instructions to contact persons (in both the diocese and the prelature) regarding the reporting of such cases.

CONTINGENCY PLAN

DECREE

The establishment of cooperation with the Diocesan Ethics Council of the Catholic Diocese of Oslo and Trondheim Prelature

As bishop, I am duty-bound, either personally or through a suitable designee, to investigate all reports of concern, allegations and accusations of sexual misconduct and abuse (Code of Canon Law (CIC) 1717 § 1). Since 17 February 2003, the Diocesan Ethics Council (DEC) of the Catholic Diocese of Oslo has been commissioned to assist me in treating such cases and in protecting the persons involved. Since 29 March 2010, the DEC has also assisted Trondheim Prelature.

Because the DEC, by virtue of the professional competencies of its members, has demonstrated the ability to ensure thorough and proper treatment of such cases, I have resolved to establish a permanent role for the DEC and to give it the following mandate:

1. The DEC, in accordance with CIC 1717 § 1, shall assist the Catholic Diocese of Oslo and Trondheim Prelature in the treatment of cases involving church personnel who have committed, or are alleged to have committed sexual misconduct, such as it is defined in the *Contingency Plan for the Catholic Diocese of Oslo and Trondheim Prelature* of 15 May 2013 (henceforth referred to as the Contingency Plan).
2. The DEC's work is governed by the guidelines written in the Contingency Plan, and its task is to ensure that the Contingency Plan's procedures are followed.
3. The DEC's mandate extends to cases involving both under-age and adult victims.
4. The DEC's mandate extends to cases involving all church personnel, whether cleric or lay, paid or volunteer.
5. For further details about the role the DEC plays in different types of cases, I refer the reader to the Contingency Plan.

Oslo, 15 May 2013

A handwritten signature in black ink, appearing to read '+ Bernt Eidsvig'.

+ Bernt Eidsvig

1. The Church's Responsibility to Protect the Integrity of Persons

'Among the countersigns to the Gospel of life found in America and elsewhere is one that causes deep shame: the sexual abuse of minors.' This is a quote from Pope Benedict XVI, when he addressed the North American bishops in 2008. We can use even stronger words: sexual abuse causes grievous harm and cannot be tolerated. In the worst cases, the suffering inflicted on children and youths can shadow them for the rest of their lives. Moreover, sexual abuses perpetrated by clerics and other trusted church personnel always constitute serious breaches of that trust. Priests, catechists and members of religious orders have been given an explicit mandate: to live and teach in accordance with the Gospel. It is difficult to imagine anything standing in harsher contrast to the Gospel of Christ than sexual abuse.

All people are created in the image of God and have inviolable value. An instance of sexual abuse is a transgressive act that threatens human integrity and causes physical, psychological and spiritual damage. It is much more than a violation of the sixth commandment. The Gospel words, 'inasmuch as you have done it to one of the least of these my brothers, you have done it to me' (Matt 25:40b), are poignant and cannot be interpreted as irrelevant for cases of sexual abuse.

The Church does not tolerate sexual abuse. It is entirely antithetical to the Church's moral teaching and Canon Law, which require us consistently to protect those who

are weak. Therefore, anyone who sexually abuses another person – especially a child – always acts on his or her own behalf, never under the aegis of the Church.

Each and every person who learns of an instance of sexual misconduct or abuse in the context of the Church has a moral duty to report it. Members of the clergy are obligated to report all incidents.² If anyone – priest or bishop – hides such abuse, he becomes an accomplice.

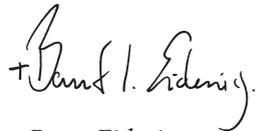
In a circular letter from the Congregation for the Doctrine of Faith (3 May 2011), great emphasis is placed on the idea that the bishop's guidelines for dealing with cases of the sexual misconduct or abuse of minors should also address how to prevent such occurrences from ever happening. Implementing preventative measures is a key pastoral task of the Church. We acknowledge, however, that despite our efforts, sexual abuse can happen. Then it becomes the Church's task is to alleviate the damage inflicted on the victim and to ensure that the perpetrator does not commit further abuse. '[...] we must all commit ourselves with clarity and courage to every human person, especially children, who are among the most vulnerable, that they might always be defended and protected', said Pope Francis at the end of the *Regina Caeli* prayer on 5 May 2013.

² For cases where a priest, in the context of confession, learns of sexual misconduct or abuse, see Appendix III.3.

We have been painfully confronted with sexual abuse in the Catholic Diocese of Oslo and in Trondheim Prelature. We want to do our utmost to prevent it from ever happening again. However, if it should happen, we will do our utmost to relieve the pain and rectify the damage the victim has suffered. The victim will be offered all the professional and pastoral help which it is possible to provide.

The Church must be a safe place for everyone. We have zero tolerance of sexual misconduct and abuse. Preventing abuse and alleviating the pain of it are ongoing processes, and while always adapting and improving our routines, we will provide the best possible assistance to all who are affected by it. This revised Contingency Plan, which constitutes part of our efforts, comes into effect as of today's date in the Catholic Diocese of Oslo and Trondheim Prelature.

Oslo, 15 May 2013

A handwritten signature in black ink, appearing to read '+ Bernt Eidsvig'. The signature is written in a cursive style with a cross at the beginning.

+ *Bernt Eidsvig*

2. Key Concepts in the Contingency Plan

2.1 What do we mean by ‘sexual misconduct’ and/or ‘sexual abuse’?

The definition of the concepts ‘sexual misconduct’ and ‘sexual abuse’ and how they are used can vary from context to context.

2.1.1 *The primary definition of these concepts, which will be relevant in a Church context*

‘By “sexual misconduct” and/or “sexual abuse”, what is meant is that the person who has greater power in an asymmetrical power-relation sexualizes the relationship in such a way that the other party’s boundaries for intimacy are transgressed.’³

In addition, the Contingency Plan sees the use, distribution and possession of child pornography as sexual abuse against minors.

2.1.2 *Supplementary definitions in the appendices to the Contingency Plan*

Appendix I to the Contingency Plan describes symptoms and harmful effects of sexual abuse and transgressive sexual behaviour, as described in professional literature. This appendix also contains a list of relevant professional literature.

3 Tormod Kleiven: *Intimitetsgrenser og tillitsmakt. Kirkesamfunns bruk av retningslinjer i møte med seksuelle krenkelses sett i lys av et diakonifaglig perspektiv* [Boundaries for Intimacy and Trust-Based Power. The Church of Norway’s Use of Guidelines in Dealing with Sexual Misconduct, Seen from a Professional Diaconal Perspective] Oslo: Diakonova, 2010.

Appendix II presents English variants of the legal terms used in the Norwegian penal code for describing those actions considered as ‘sexual abuse’ according to criminal law, and how those who are guilty of such offenses are liable to be punished. Other relevant Norwegian legislation is also described in this appendix.

Appendix III contains the relevant legislation from Canon Law.

2.2 Other key concepts used in the Contingency Plan

The Contingency Plan uses the terms ‘the abused’, ‘the accuser’, ‘the injured party’ and ‘the aggrieved person’ when talking about the person who claims himself or herself to be the victim of sexual misconduct or abuse. ‘The abuser’, ‘the perpetrator’, ‘the accused’ and ‘the defendant’ are used when talking about the one who has committed, or is suspected of having committed sexual misconduct or abuse. In using these concepts, there is initially no judgement made about the truth content of an allegation.

The Contingency Plan’s language aims to be as consistent as possible in using ‘the victim’ and ‘the abuser’ as primary concepts when referring to the period in which the case is being investigated, and in using ‘the accuser’ and ‘the accused’ when referring to the period when the case is being investigated by the bishop and the DEC. ‘Minor’ is used to refer to persons under

18 years of age, in conformity with the language of Canon Law.

A ‘particularly vulnerable adult’ is someone over 18 years of age who lacks due power of judgement or who is too immature to make responsible decisions.

‘Church context’ basically refers to those contexts where one finds the Church’s organizations and services: the Diocese of Oslo, Trondheim Prelature, parishes, religious orders and any other Catholic organizations. ‘Church affiliated locations’ and ‘Church entity’ are also sometimes used in the Contingency Plan. For Catholic schools, there are separate rules for sexual misconduct and abuse; these rules are set forth in Norwegian law (*Privatskolelova*)⁴ and in the school’s own regulations. All Catholic schools shall have policies for the prevention of sexual misconduct and abuse of children, for identifying any possible abuse of children, and a contingency plan for dealing with allegations of sexual misconduct or abuse. The school principle (headmaster) is responsible for making sure the policies and contingency plan are implemented and followed up.

‘Clerics’ refers to bishops, priests – also those ordained to the priesthood by a religious order – and deacons. Note that special rules apply for cases against bishops. Such cases are investigated by the Nunciature.

‘Layperson’ refers to all non-clerics. Female members of religious orders and non-ordained members of male religious orders are reckoned as laypersons.

‘Contact person’ refers to someone

appointed to receive reports about sexual misconduct or abuse that may have occurred in a church affiliated location or context. The contact person’s duty is to convey the information to those who shall pursue the case further.

‘Support person’ is someone appointed to provide support, either to the accuser or the accused. Such support will come to expression in various ways, depending on the needs of the party in question.

⁴ <http://lovdata.no/dokument/NL/lov/2003-07-04-84>

3. Guidelines and Obligations of the Church

The Catholic Diocese of Oslo and Trondheim Prelature are obligated to adhere to the following guidelines:

1. The Church shall be a safe place for everyone. We shall actively work to prevent sexual abuse and misconduct in Church contexts and to foster a culture where it is safe and simple to report misconduct and abuse.

2. There shall be zero tolerance of sexual misconduct and abuse in Church contexts, as well as a culture of openness around the theme. All who have responsibility and positions of leadership, or who fulfil other roles in a Church context, shall express themselves clearly and act in ways that enable those who possibly have been subjected to sexual misconduct or abuse to dare to come forward with their story.

3. We shall give accurate and truthful information about the damaging effects of sexual misconduct and abuse.

4. We shall distinguish between forgiveness and consequences. The act of forgiveness does not affect the consequences of abuse. If an instance of sexual misconduct or abuse has occurred, the Church shall do everything in its power to ensure that the perpetrator is punished and does not repeat the offence, and that the victim receives help and redress.

5. We shall respond swiftly to reports of concern and suspicion, processing cases in

an expeditious manner and doing all we can to establish the truth.

6. We shall meet with and listen respectfully to those who report such experiences, engendering their confidence and letting them know they are being taken seriously.

7. We shall take into account the interests of the involved parties and ensure that the case is pursued in a professional manner.

8. We shall promptly take such measures as Norwegian law and Canon Law authorize in order to prevent further abuse by the accused, yet without pre-judging anyone. Even though no decision has as yet been made on the question of culpability, the bishop, in all cases, can restrict the ecclesial ministry of the accused until the accusations are investigated and clarified.⁵

9. We shall cooperate with civil authorities, also the police, in cases where this is relevant.

10. We shall do everything in our power to ease pain and redress the damage done to the abused party.

11. We shall promote and respect the rights of the accused under Norwegian law and

5 *Circular Letter*, Congregation for the Doctrine of the Faith, 3 May 2011, I, d) 3: 'The accused cleric is presumed innocent until the contrary is proven. Nonetheless, the bishop is always able to limit the exercise of the cleric's ministry until the accusations are clarified. If the case so warrants, whatever measures can be taken to rehabilitate the good name of a cleric wrongly accused should be done.'

Canon Law, and pay due heed to ensure fair treatment.

12. Our case treatment shall always be humane and marked by due carefulness, and we shall be aware that both the accuser and the accused are in very vulnerable situations.

13. If someone has been wrongly accused of committing sexual misconduct or abuse, we shall take the necessary steps to exonerate the person, fully restoring his or her good name and reputation.⁶

14. We shall offer help and care to individuals who feel themselves abused, and their families, also beyond the initial period after a case has been reported. If these persons, as a result of the abuse, experience difficulties with their faith, we shall face these problems with sensitivity and respect.

15. We shall also help the accused, both spiritually and emotionally. Such help shall also extend beyond the initial period after the case has been reported and even after the individual is convicted, if that be the case. The Church's message of love and forgiveness also applies for those who have committed sexual abuse. This means a person can be helped to confront problem areas in his or her life and to seek a renewed life – both of which would be impossible without the person taking full responsibility for his or her actions.

⁶ Ibid.

4. Case Procedures and Consultative Bodies

The following paragraphs describe how a reported case should be handled in practice, and which consultative bodies should be involved.

4.1 The bishop's responsibility to initiate investigations, in accordance with stipulated procedures for pursuing and adjudicating sexual abuse cases in the Church

The bishop, in and for his diocese, possesses an ecclesiastical authority that includes executive, judicial and legislative power (can. 391). In cases of sexual abuse and in cases of suspicion of such abuse, the bishop, by virtue of possessing executive power, shall intervene.

If the bishop receives information about an alleged abuse, Canon Law requires that he, personally or through a suitable person, carefully enquires into the case, examining the facts and circumstances of the matter (can. 1717, §1). In Oslo Catholic Diocese and Trondheim Prelature, the bishop is assisted by the Diocesan Ethics Council (DEC) (see 4.3.2).

For each individual case, the bishop, in consultation with the DEC, appoints a caseworker. The caseworker can be, but need not necessarily be, a DEC member. The caseworker shall assist the DEC in carrying out case procedures.

4.2 Case procedures for different categories of accused persons

4.2.1 *If the accused is a cleric*

The Church has found it necessary to give the Congregation for the Doctrine of the Faith (CDF) authority in all cases where a cleric is accused of sexual misconduct or abuse involving minors or particularly vulnerable adults. The bishop does the preliminary investigation. If this indicates that misconduct or abuse has occurred, he hands the case over to the CDF.

When the accusation is handed over to the CDF, the CDF decides how the case should be pursued further: by the bishop (or his tribunal), or by the CDF itself. If the CDF decides that the case should be dealt with locally, the bishop will receive instructions on how to pursue the case.

Canon Law recognizes two possible ways in which a legal case can be pursued: judicially (where the case is judged by a church tribunal) or administratively (where the bishop, as the priest's canonical superior, judges the case). The CDF possesses wide-ranging powers to deal with cases either judicially or administratively.

If the accused is an ordained member of a religious order (either priest or deacon), the leader of the religious order ('the superior'), in certain cases, possesses the necessary authority to start the initial investigation. Nevertheless, the bishop has responsibility and authority over all such cases which

concern the parishes and pastoral life within his diocese. We refer the reader to Appendix III on Canon Law, which outlines the provisions regulating such situations.

If the superior of the religious order desires it, and if the bishop consents, the DEC and the information office of the Catholic Diocese of Oslo can assist the Order to whatever extent is necessary.

4.2.2 *If the accused is a layperson*

The bishop will have more limited possibilities to respond in cases where the accused is a layperson. Even so, the guidelines in this Contingency Plan shall be followed as regards case procedures.

Regardless of whether the accused is a cleric or layperson, the victim can use the Church's support apparatus as outlined in this Contingency Plan.

If the accused is a member of a religious order but not a cleric, the bishop should deal with the case in consultation with the accused's superior (see 4.2.1).

If the accused is a paid employee, the employer has the responsibilities prescribed by Canon Law and Norway's Working Environment Act (*Arbeidsmiljøloven*).⁷

If an accusation appears to be true, the accused will be prohibited from holding any trust-related position or function in the Church (can. 1722). If the accused is a paid employee, normal labour laws will be followed.

4.3 Contact persons and the Diocesan Ethics Council (DEC)

4.3.1 *Contact persons*

The bishop appoints at least two suitable contact persons for the Diocese of Oslo, and two for Trondheim Prelature. In both districts, there should be at least one male and one female contact person, and one of the contact persons can be a priest.

The contact persons are appointed for four-year terms, and they can be reappointed.

The contact persons should be easy to get hold of, either by telephone and/or email. Information on how to contact these people shall be easy to find and be published on www.katolsk.no. A leaflet has been published entitled *Sexual Abuse: What should you do when you suspect that someone who works for the church (either a paid employee or a volunteer) has committed a sexual abuse?* The diocese, prelature, parishes, religious orders and other Church-related institutions have a joint responsibility to make this information visible and easily accessible.

The role of the contact persons is to listen to that which a reporting person has to say. He or she is then responsible for relaying that information to those authorities who will deal further with the case.

Each and every person who learns of a possible case of sexual misconduct or abuse in a church affiliated location or context is morally obligated to report it. If a priest learns of a case, he must report it (for cases where a priest is in the confessional when learning of sexual misconduct or abuse, see Appendix III 3). Reports of concern, suspicion or outright accusations of abuse

⁷ For information in English on Norway's Working Environment Act, see <http://www.regjeringen.no/en/dep/ad/topics/the-working-environment-and-safety/the-working-environment-act.html?id=447107>. For a complete version of the legislation in Norwegian, see <http://lovdata.no/dokument/NL/lov/2005-06-17-62>

are to be reported to a contact person or directly to the bishop. If a contact person is the first to be notified, he or she shall inform the bishop and the DEC.

If the bishop is the first to be contacted, he shall initiate a meeting with the DEC, and through consulting together, they decide how to proceed with the case.

When a case is being investigated, the relevant contact person meets with the DEC to give necessary information about the report which the contact person received.

See also the instructions for contact persons in Supplement II.

4.3.2 *Diocesan Ethics Council (DEC)*

The bishop appoints the DEC's members. This council should include at least one psychologist/psychiatrist, one cleric or deacon and one lawyer. The DEC should recruit external expertise if needed. At least one DEC member should be a woman.

DEC members serve four-year terms and can be reappointed. Care should be taken such that the council never consists solely of new members.

Even if there are no actual cases to be processed, the DEC should meet once every six months. This is in order for the council members to orient themselves and discuss developments within the field, both nationally and internationally.

New members shall be informed about the status of any ongoing cases. They shall also receive any other information that would be relevant for fulfilling their duties, for example, about the treatment of earlier cases.

When an allegation or accusation is received, the DEC evaluates it to determine how to proceed and ensures that the guidelines presented in this Contingency Plan are followed. The DEC shall be given all information about the case. The bishop and the DEC have joint responsibility for processing the case in accordance with the given guidelines.

If the accused is a cleric, the case may fall under the jurisdiction of the Congregation for the Doctrine of the Faith, even if the abused party is over eighteen. This is the case if the abused is categorized as a 'particularly vulnerable adult'. The responsibility to decide whether this categorization applies in a given case lies at the level of the local diocese or prelatore. In such cases, the DEC, in consultation with the bishop, obtains the professional assistance it deems necessary.

The DEC shall deliberate over the issues of the given case which concern Canon Law. As regards the other professional fields which the case broaches upon (e.g., child welfare, psychology, penal law, etc.); it is important that the DEC members, by virtue of their respective professional competencies, share professional information with each other.

Furthermore, the DEC shall have an advisory role in the diocese and prelatore as regards the psychological, legal, social, moral and theological questions that are related to sexual misconduct and abuse. DEC members shall assist with their professional knowledge in the diocese's efforts to educate priests, deacons and other church personnel, also on the postgraduate level.

The contact persons participate in the DEC when the cases that have been reported to them are being processed, but also at other times when their involvement is desired.

4.4 Support persons for the accuser, the accused, and for the affected parish or Church-affiliated location

The bishop, in consultation with the DEC, appoints support persons for the accuser and the accused. A support person shall be personally suited to the task, that is, he or she should have requisite professional and interpersonal competencies. One individual cannot be the support person for both parties. A support person should be someone the respective party can trust, and he or she will be appointed through dialogue with the said party.

The support persons will function in various ways, all according to the needs of the respective parties. If the parties so desire, the support persons can act as liaisons to the DEC and the case proceedings, providing the parties with information. This information is described in sections 5.1 and 5.2. Support persons should not conduct their own casework or investigations, but be attentive to the needs of their respective parties, making the parties' desires and needs known to the DEC.

When appointing support persons, emphasis should be placed on the appointees being familiar with what the Contingency Plan says about the treatment of cases of sexual misconduct and abuse. Emphasis should also be on their personal suitability and willingness to do the job. Furthermore, the support persons should

not be too close to the persons they are asked to support. As a general rule, neither family members nor contact persons should be support persons.

Where relevant, a support person can also be appointed for a parish or Church affiliated location that has been the locus of sexual misconduct or abuse. In such cases, the support person has an advisory role vis-à-vis the parish or Church affiliated location, and brings their desires and needs to the attention of the DEC (see sections 4.6, 5.5).

The DEC acts as advisor for the support persons.

4.5 Reporting and informing the police

All cases that can be punishable under Norwegian law should be reported to and investigated by the police. In the first instance, the decision to report a case of sexual misconduct or abuse to the police, and the actual reporting of it, must be left to the accuser and his or her family (see Appendix II 2). To help the accuser and his or her family make the decision on whether to report to the police, they should be informed of any relevant support which is available through the Norwegian welfare apparatus. If such support arrangements are insufficient, or if the accuser and next of kin do not want to avail themselves of public services, the diocese/prelature should offer them the assistance of a lawyer or some other advisor who can help them make the decision on whether or not to report the case, and to cover the cost of such assistance.

In certain cases, however, the DEC or others who are involved should evaluate whether to report to the police, regardless of the wishes of the abused party and his or her family. This applies to cases where, according to the Norwegian Penal Code (§139), it would be a criminal offense *not* to report that serious criminal acts will come to be committed, or in some other way not try to avert crimes. Information about the types of cases referred to here can be found in Appendix II 2.3.

If cases are already reported, or will come to be reported to the police, a decision should be made about *who* should give the police the necessary information, in addition to the accuser and his or her family. Steps should be taken to enable the police to obtain the best possible working conditions. We refer the reader to Appendix II, which deals with criminal law and procedures in criminal cases.

If the diocese/prelature has engaged a lawyer to give legal counsel and deal with legal questions, this lawyer cannot represent the accused. It will, however, be possible to apply to the diocese/prelature for financial support for legal assistance.

Canonical case-proceedings and civil case-proceedings are not mutually exclusive. On one hand, canonical case proceedings cannot replace civil-law prosecution, but on the other hand, the Church can impose sanctions which Civil Law cannot impose. Furthermore, even if a civil case is dismissed or the period of prescription (statute of limitations) has expired, a canonical case can still be pursued. Just because a case is reported to the police, this does not mean that the Church is finished with it.

4.6 Therapeutic assistance and/or pastoral care

The Church has a responsibility to attend to the needs of the involved parties in the best possible way, also while the case is being investigated by the police or Church bodies such as the DEC or the Congregation for the Doctrine of the Faith.

The DEC is responsible for ensuring that both the abused and the abuser are offered adequate professional help. To the extent that the cost of such help is not covered by the Norwegian welfare system, it will be possible to apply to the diocese or prelature for financial aid.

In a sexual abuse case, a parish or church-affiliated location may feel itself betrayed. Above and beyond receiving information (see 5.5), there may be a need for special diaconal care in the aftermath of such cases. The bishop, in consultation with the DEC and the support person for the parish or Church-affiliated location (if this person has been appointed), shall discuss what can be done to alleviate such a need.

Within the diocese and prelature, there must be people on hand who are competent to counsel and give pastoral care to those who have suffered sexual misconduct or abuse (see 6.1).

4.7 Redress

If an allegation of sexual misconduct or abuse is substantiated, various forms of redress may be relevant. Redress can take the form of a monetary settlement (payment of money) and a formal apology from Church authorities. In each individual

case, the bishop, after consulting with the DEC, decides whether compensation will be offered (see also Appendix III 7.5). The abused party will also be informed of the relevant public compensation schemes (Appendix II 2.4).

4.8 Confidentiality

All persons who have one of the aforementioned roles in case proceedings are under duty of confidentiality (non-disclosure). A 'non-disclosure agreement' shall be signed, witnessed, verified by a notary and archived. The duty of confidentiality can be waived if the party owning the information – usually the accuser – gives consent.

4.9 The closing of cases, archiving and shredding

All cases shall be documented in writing, and all shall be concluded formally. This also applies for cases consisting merely of inquiries. All written confidential material in cases of sexual misconduct or abuse shall be filed in the bishop's archive, thus stored and treated in accordance with the dictates of Canon Law. The shredding of case documents is also governed by Canon Law (see Appendix III 1.5).

5. Information and Communication

Good, pertinent and unbiased information can help prevent the spread of rumours, unnecessary uncertainty and speculation. As always, the need to respect personal privacy must be weighed against the need for information. If confidential information is to be disclosed, consent must be obtained, as described above in section 4.8.

As a general rule, it is important to clarify who it is who needs information and what that information concerns. Information needs to be differentiated. Some persons, due to their relation to the case or their function, will need more information than others.

All who are responsible for providing information should ensure that the information they give is as reasonable and balanced as possible, such that rumours, biased statements, fragmented information and the like do not lead to untruthful, faulty representations of a case. The information should be candid and case-oriented, devoid of unnecessary details.

On the condition that the police have no objections, the parties concerned – first and foremost the alleged victim (in section 5.1 called the accuser) and the alleged perpetrator (in section 5.2 called the accused) – shall be contacted. As a general principle, it should not be one and the same person who is in contact with the two parties. The DEC is responsible for establishing such contact. A contact person or member of the DEC can fulfil this function.

5.1 Information given to the accuser and, if relevant, his or her family

Lack of information places an unnecessary burden on the accuser. A distinction must be made between information and counselling, but sufficient and correct information can be absolutely decisive for how the victim copes with the supervening strain of being involved in a sexual abuse case. Such information is also important because it gives the accuser confidence that the case is being taken seriously and treated accordingly.

As regards the Church's treatment of a case; the accuser shall receive thorough information on issues about which he or she may have questions. These issues are as follows:

- The Church's general attitude to sexual misconduct and abuse
- The diocese's and prelatore's procedures for dealing with cases of sexual misconduct or abuse, such as they are described in the Contingency Plan
- The accuser's rights in the contexts of both the Civil-Law and Canon-Law cases
- The relation between case processing and counselling: that these are different things, and who it is who will deal with the various aspects of the case
- Who the accuser should relate to throughout case proceedings

- The possibilities for further support and follow-up, including the possibility of a support person being appointed (see 4.4).

As soon as something relevant happens in the case proceedings, the accuser shall be informed immediately, as long as this will not hinder the ongoing investigation. Even such things as to be informed that the case requires time or will be deferred are important to convey. The accuser should not have to struggle to gain necessary information.

If the accuser is a minor, the guardians (e.g., parents) should be informed according the same procedure as here outlined.

5.2 Information given to the accused

It is important that information given to the accused does not come into conflict with the police's investigation or the Church's investigation. If a police investigation is underway, all information and other follow-up from the side of the diocese or prelatore must be cleared by the police, among other reasons, in order to avoid evidence being lost.

As far as the Church's investigation is concerned, the accused shall receive thorough information on issues about which he or she may have questions. These issues are as follows:

- The Church's general attitude to sexual misconduct and abuse
- The diocese's and prelatore's procedures for dealing with cases of sexual misconduct and abuse, such as they are described in the Contingency

Plan

- The accused's rights in the contexts of both the Civil-Law and Canon-Law cases
- The relation between case processing, employer-employee discussion and counselling, and who will deal with the various aspects of the case
- Who the accused should relate to throughout case proceedings
- The possibility of a support person being appointed (see 4.4).

5.3 Information between the diocese/ prelatore and a religious order

When an accusation is launched against a member of a religious order, the person's local and regional superiors shall be informed immediately of the accusation. These superiors shall participate in clarifying the grounds or underlying circumstances for the accusation, and in following up the case throughout its development.

5.4 Information given to other diocese

If the accused is a secular priest who has served in other dioceses, the bishop shall inform these other dioceses.

If the accused is a member of a religious order and has served in other dioceses, such information shall be passed on to the other dioceses, in consultation with the accused's superior(s).

If the diocese or prelatore should receive a complaint or accusation against a priest in another diocese, either in Norway or internationally, the accused person's

ordinary (*ordinaries*) shall be informed. A copy of the letter that is sent to the ordinary shall also be sent to the nunciature in the country in question, via the nunciature in Stockholm.

5.5 Information given to the affected parish or church-affiliated location

If the accused is not a parish priest, the bishop will inform him or her.

If the accused is a parish priest, the bishop, in consultation with the DEC, will evaluate which pieces of information the various actors in the parish shall receive.

The bishop and DEC evaluate whether, in other cases, information should be given to the parish/church-affiliated location, and if so, which information.

Parents or guardians of children and youths who have participated in contexts where there is either fear or certain knowledge that sexual misconduct or abuse has occurred, will have both the right and the need to know other information than that given to other parish members. In cases so serious that they have been reported to the police, it may be appropriate, in consultation with the police, to invite parents or guardians to participate in a discussion. Information should then be given about the Church's attitude and the procedures that shall be followed. Professionals within the fields of medicine and psychology can orientate the parents or guardians about the physical and psychological reactions to sexual abuse, and they can be given advice on how they and others should relate to the accuser and the accused in the concrete situation. Parents or

guardians should also be given information about who to contact when wanting to ask questions or to voice suspicion of sexual misconduct or abuse, and about the various support services offered by the state and the Church.

Adequate and relevant information should be given, such that it is possible to prevent rumour and dissention within the parish. All who know of a case should be admonished to exercise discretion and not to spread information unnecessarily.

5.6 Information given to news media

News-media attention on a sex abuse case, particularly when unsolicited, can be a very heavy burden for all who are involved – first and foremost for the accuser, then the accused, the parish, religious order and so on. Therefore, if a case has been made public, or when the decision is made to make it public, it is important that attention from the news media be handled in a professional way.

In general, the Church strives for openness and transparency, but the unique character of each individual case must be evaluated carefully as regards the degree of public access which should be allowed. The protection of the accuser, his or her own wishes, the danger of pre-judging the accused, the accused's right to due process and other factors must be evaluated in each individual case. The right to personal privacy should weigh heavily in such decisions, but the Church will nevertheless strive for openness as the ideal.

Fear for the Church's reputation shall never be decisive for whether or not a case is

made public or commented on by Church authorities. In cases where, for pastoral reasons and in consultation with the accuser, the Church decides not to make a case publicly known, the Church and the concerned parties must still prepare for the eventuality of the case becoming publicly known.

The Catholic Diocese of Oslo's press officer/information manager shall be informed as soon as possible about a case of sexual abuse in the diocese, and in collaboration with the bishop and the DEC, prepare a strategy for handling the mass media. The press officer/information manager shall be kept up-to-date with case-related information, and both guide and be guided by the bishop and the DEC.

Should a case emerge in Trondheim Prelature, its bishop can ask the information department of the Catholic Diocese of Oslo to handle the case, even to appoint a press contact in the prelate to handle the given case. Nevertheless, if a case is localized far from Oslo, it may be appropriate for the bishops(s) to appoint an extra, local press officer.

Should the Church itself deem it correct to make a case public, efforts should be made to inform all the concerned parties in advance.

The information department of the Catholic Diocese of Oslo is generally available for offering local guidance there where it is needed.

6. Preventing Sexual Misconduct and Abuse in the Church

The *Circular Letter* published by the Congregation of the Doctrine of the Faith on 3 May 2011 (see the section called ‘Background’ and Appendix III) stresses that the bishops’ guidelines for dealing with cases of sexual abuses of minors should also deal with the question of what should be done to prevent such misconduct and abuse from ever happening. This chapter therefore describes initiatives that the diocese and prelatry will implement in order to hinder such abuse in the Church.

6.1 Sharing of knowledge

The Catholic Church in Norway is multicultural, and membership is growing. In addition to misconduct and abuse perpetrated in Norway, some acts may be committed against persons while they were living in other parts of the world (such acts may also involve sexual misconduct or abuse). We need to increase our knowledge in order better to meet the needs of those who have suffered abuse, also in order to avoid making matters worse and to prevent future abuse.

The diocese and prelatry shall assist the parishes in building competence. A resource team consisting of professionals will hold courses and seminars which will take the form of regular regional meetings. Courses will also be organized for specific target groups (e.g., teachers, catechists, leaders of children and youth groups).

The objective for the regional meetings is to gather together laymen and clerics who are involved in front-line services, to increase awareness of the fact that ‘the impossible is possible’ and to increase people’s knowledge about how such cases should be handled.

Front-line service providers should be able to turn to members of the resource team for advice.

Separate courses for priests and deacons are organized. When it is natural to do so, members of religious orders are also invited to participate in these courses.

Certain clerics and members of religious orders shall pursue further education in order to gain specialized competence in counselling people who have suffered sexual abuse.

See also the separate instructions for the resource team in Supplement II.

6.2 The education of priests

6.2.1 Criteria for admission to seminary
St. Eystein Seminary has developed its own procedures and criteria for admitting candidates for the priesthood. The candidates who seek to enrol in the seminary are to have conversations with several people, including the bishop, the seminary’s rector, a psychologist and a member of the seminary’s board of directors.

The decision to admit a student to the seminary is the responsibility of the bishop, in consultation with the board members. The reason for the painstaking matriculation process is to ensure the possibility of systematically gathering all relevant information necessary for properly evaluating the candidate's call to enter the priesthood, his personal suitability and the way in which his personality functions.

The gathered data include information on the candidate's family background, childhood history, illnesses, participation in Church life and various behavioural tendencies and skills. The candidate is also assessed in relation to certain formal requirements, for example, being a Catholic, being at least 18 years of age upon matriculation, and a Criminal Records Certificate (*politiattest*) confirming the absence of a police record. Other themes to be mapped and evaluated are the prospective candidate's motivation for entering the seminary, his sexuality and his emotional and social maturity.

Before the diocese and prelature accept a candidate from another country for the priesthood, a Criminal Records Certificate is needed from the individual's home country, as well as a letter of recommendation from his parish priest or another relevant person.

When previous seminarians or religious-order candidates from other countries apply to enter St. Eystein Seminary, a letter of recommendation is needed from the applicant's previous local ordinary/superior, to confirm that he is suitable and that there are no accusations launched against him.

6.2.2 *The program for priestly formation at St. Eystein Seminary*

The rector of St. Eystein Seminary lives in the seminary building and participates in the house's activities. He is responsible for following up the students' interpersonal, spiritual, academic and pastoral development, and he is duty-bound to have regular discussions with each individual seminarist. If doubt arises concerning a student's maturity, the rector shall consult with the psychologist affiliated with the seminary. Before a candidate is approved for receiving the sacrament of ordination, he is also to be evaluated with regard to his understanding of boundaries and the exercise of power. Candidates who have not achieved a sufficient degree of maturity, or who for other reasons do not show themselves to be suitable, cannot receive the sacrament of ordination.

In the course of their studies, students shall be given an introductory course on what sexual misconduct and abuse involve, and the premises for dealing with it. A theoretical perspective of power shall be emphasized. The course focuses on theological and diaconal challenges, as well as challenges to Canon Law, when sexual misconduct or abuse happens in a church context. The course provides good knowledge on how cases of sexual misconduct and abuse are handled in accordance with Norwegian Law and Canon Law.

6.3 Practical advice for creating a safe environment for children and youths

The points listed below are practical advice which can be useful when spending time with children and young people. The advice

is for priests, children's workers, youth workers, paid employees and volunteers – all who are responsible for ensuring that sexual misconduct and abuse do not occur.

- Children should not spend the night in the priest's house, nor should they share accommodations with leaders at children's camps or youth camps – unless the said leader is a close relative (e.g., a parent) of the child or there are other adults present who are responsible for a child/children.
- Children should not share a tent or a room with a priest or leader of a church trip or camp.
- At church camp, the priest and other adult leaders do not share accommodations with participants under 18 years old, unless it is a matter of one large sleeping hall. As far as possible, priests and members of religious orders should sleep in single rooms with *en suite* bathroom and toilet facilities.
- During trips or at camps with children and young people, priests and leaders should not enter the sleeping quarters of the participants, other than to do errands related to their function whilst on the trip or at the camp. Personal conversations one-on-one with participants should not take place in the participants' sleeping quarters.
- Children and young people should not go on trips or outings alone with a priest or the children's group leader or youth leader.
- When conversing one-to-one, and during confession, the priest must be aware that such communication must take place under correct conditions and in physical environments that ensure both discretion and necessary

distance. Even though the framework conditions hinder the chance of a situation being misunderstood, children and young people at church camp must have the possibility to talk with the priest and to go to confession without other camp participants being involved in it.

- The sacristy shall be an open and accessible place for young altar servers to be.
- Priests and other adult leaders should avoid favouritism and paying excessive attention to single individuals.

6.4 The requirement of a Criminal Records Certificate (*Politiattest*)

In 2010, the bishop of Oslo wrote a letter addressed to all priests, parishes and church-affiliated locations, wherein he let it be known that the diocese would henceforth require all employees, both paid and volunteer, who work with children and youths under 18 to have a Criminal Records Certificate (CRC). This same decision was extended to Trondheim Prelature. The rules pertaining to the CRC can be found in *Forskrift om strafferegistrering*, 20 December 1974 § 12 no.4, letter p.⁸ The Norwegian police department has developed its own application form when applying for a CRC. The application form can be obtained at any local police station or downloaded from the Norwegian police department's website: https://www.politi.no/politidirektoratet/kontakt_politidirektoratet/

8 Pursuant to the Norwegian Penal Code regarding the criminal register of 11 June 1971. See the Norwegian webpage https://www.politi.no/oslo/tjenester/politiattest/Tema_293.xhtml [accessed 17 January 2014] for more precise information.

The parish priest is responsible for obtaining a CRC from each church worker. The certificate should not be stored at the church office, but the parish priest should make a note of having seen it.

In both the Catholic Diocese of Oslo and in Trondheim Prelature, the priests, congregations and other relevant parties should work together to establish good routines and ensure that all who work with children and young people in Church contexts have a CRC.

Before the diocese or prelature hires a priest from another diocese, they must receive a CRC from the priest's home country. In addition, they must receive a letter of recommendation from the priest's ordinary, or, in the case of a priest from a religious order, from his superior.

APPENDIX I – SEXUAL MISCONDUCT AND ABUSE: SYMPTOMS AND ADVERSE EFFECTS

I.1 Introduction

Sexual misconduct and abuse exist irrespective of gender or age and in all types of relationships. This appendix focuses particularly on the sexual misconduct and abuse of children and young people, yet much of what is said here applies to all victims, regardless of age.

Sexual misconduct and abuse (our reference to ‘abuse’ shall henceforth also pertain to ‘misconduct’) can result in serious personal injury – spiritually, physically, emotionally and socially – in both the short and long term. Without treatment, the effects can last throughout a person’s life, and they can also manifest themselves differently in the lives of different people.

Much professional literature has been published (see the bibliography at the end of this appendix) describing the symptoms and adverse effects of sexual abuse and other acts which transgress personal and sexual boundaries. The extent and seriousness of such events – that is, how the abuse took place, how long it went on or whether it was a single occurrence, whether it involved an authority figure whom the child or young person trusted, whether it involved physical and/or psychological violence or whether certain persons have purposefully tried to keep it secret, and so forth – can all be decisive for whether the victim suffers more or less serious disturbances in the development of his or her personality and subsequent sexual behaviour.

I.2 What does sexual abuse do to a person? Symptoms and damage

As stated, the way in which a person reacts after suffering sexual abuse is contingent on several factors, and not everyone who has suffered sexual abuse will show immediate signs of damage.

The pain of being victimized can come to expression in different ways and can generate many confusing and conflicting feelings. Much of this can be difficult to understand – both for the victim and for those who are trying to help. For example, it is not at all unusual for victims to have a bad conscience and blame themselves for what happened. As such, it can be difficult for them to confide in anyone and talk about what happened.

Important factors contributing to the extent of damage or aftereffects:

- The victim’s age. Older children and young people who have learned more about saying ‘No’ and who have better personal boundaries, will find it easier than younger children to remove themselves from an undesirable or threatening situation. An older or more mature personality is also, initially, more resistant to shock and trauma.
- The duration of the sexual misconduct or abuse. A situation where boundaries have been crossed only once or a few times is obviously less harmful

than something which has recurred repeatedly over a longer period of time, perhaps for many years, even though single violations are not unproblematic.

- The degree of violence, coercion and/ or threats. This includes deprivation of freedom for a shorter or longer time period, that is, the experience of not being able to flee from the situation.
- The victim's relationship to the abuser. The closer the emotional relationship between the abuser and the victim, the greater authority the abuser has in the eyes of the victim, and the greater the breach of trust and the greater the damage.
- Previous trauma. The greater the shock and the larger the amount of negative experiences one carries in one's emotional baggage, the more vulnerable one will be to subsequent stress. The initial negative experiences can stem from completely different sources, for instance, illness, war or accidents, but they can nevertheless cause a person to be vulnerable in new situations. The worst scenario in our context is of course when the earlier events also involved sexual abuse.
- The size and quality of the person's network. 'Network' refers to those who are part of the victim's immediate surroundings, who are significant in his or her life. The victim knows these people well, and they are there more or less when the victim needs them. A child or young person's network often consists of immediate family and close friends, plus a school teacher or school nurse. What is important is that there is someone who refuses to be scared off by unsettling news, and who is willing to listen to what the victim –

perhaps only indirectly – manages to tell.

- Now we come to the point that is perhaps the most important of all: to be taken seriously: to be seen, heard and believed. Children can sometimes have lively imaginations, but we must not fall into the trap of dismissing a claim about such a serious issue without at first listening carefully.

A phrase that describes a core aspect of sexual abuse is 'boundary transgression'. It is this lack of respect for others' self-worth – in the sense of their right to decide for themselves over their own bodies' boundaries, and thus their own integrity – that is the destructive aspect for victims of sexual abuse.

To teach children to respect themselves and their value as human beings is one of the most important tasks of good parents, guardians and other good care-givers. Children who grow up in chaotic, non-respectful environments can have problems understanding that boundaries should exist – that there are things one simply should not be involved in, and that it is OK to raise the alarm and say 'No'.

This in no way whatsoever absolves the abuser of responsibility, but we must be aware that some people are more susceptible than others to being sexually exploited and abused. The abuse – if allowed to continue – may result in a further breakdown in the person's ability to set healthy boundaries and to maintain a healthy self-image. This becomes a vicious cycle that leaves the person even more vulnerable to recurring abuse.

I.3 Potential psychological and behavioural signs of sexual abuse

It is unfortunately impossible to observe behaviour or symptoms that clearly indicate or rule out that sexual abuse has occurred.

Some people react by becoming withdrawn and depressed, others react with aggression, hostility and acting out, displaying disruptive behaviour. Yet others may show an excessive need for physical, emotional and/or social contact. The latter reaction can sometimes coincide with behaviour that lacks normal boundaries and has sexual overtones. For example, a young child can demonstrate age-inappropriate sexual knowledge through words and/or gestures that should cause adults to react with concern. Amongst adolescents, a tell-tale sign could be obvious indiscriminate sexual behaviour, which peers also interpret as sexually provocative or intrusive. Worst-case scenarios could include running away from home, prostitute oneself or even directly self-destructive behaviour such as cutting oneself or attempting suicide.

Adults should pay special attention if a child or young person's behaviour and pattern of reaction change suddenly or over a short time period.

Nevertheless, it is more the rule than the exception that the external symptoms are general and diffuse; they most of all signal that the child or young person is having a very difficult time. The empirical signs are mostly contingent on the person's personality as well as abilities and possibilities to communicate. We must also stress that these signs will probably indicate far larger problems than those coinciding with the natural human challenges

arising in the transition from childhood to adolescence and from adolescence to adulthood.

Some people who are past the age of majority, here termed 'particularly vulnerable adults', can also have an impaired ability to communicate or raise alarm due to their disabilities or emotional problems.

Having said this, not everyone who has great personal problems has necessarily suffered sexual abuse. The problems may stem from bullying at school, problems in the home, quarrels and conflicts with friends, or a break-up with a boyfriend or girlfriend – these are all experiences that can be too large and unwieldy for a child or young person to cope with. Again, what is important here is that we must exercise Christian charity, showing the person that we are there for him or her and asking how things are going – is there perhaps something wrong? If we receive a negative answer and are still worried about the person, if we still feel something is definitely out of place, we should contact a professional.

Remember that great courage is needed to talk about 'forbidden' topics, both on the part of the person doing the asking and the person who is asked.

I.4 Who is susceptible to sexual abuse?

Risk factors

Sexual abuse occurs in all levels of society and in all environments. Often it starts with an unfortunate, perhaps minimal boundary transgression, which, because it is not stopped, develops over time into

something far more serious. The risk thus lies in the lack of stop-mechanisms, either on the part of the victim, who cannot manage or does not dare to say no, or on the part of the abuser, who is unable to see the consequences of his or her actions. Even worse, the abuser might consciously and deliberately set aside his or her critical faculties of judgment and sense of responsibility.

Much can therefore be done to reduce the risk. We can teach children and young people the self-respect necessary for having the courage to say 'Stop' when they find themselves in an uncomfortable situation. They must learn to be aware of their own feelings, to know they are not alone, and that they have the right to express opposition, stating that they do not want to be involved in the behaviour.

As for potential abusers; a deliberate and consistent attitude must be nurtured, one which counteracts the relativistic attitude that questions and downgrades the dangerous consequences of sexual misconduct and abuse. A crystal-clear attitude of zero tolerance must pervade the entire environment.

Further information on definitions, tell-tale signs, consequences, risk factors and research by Norwegian and international health services, and, not least, possibilities for treatment, can be found in the Norwegian-language document 'Seksuelle og fysiske overgrep mot barn og unge. Kunnskapsstatus 2007' (revised 2011, written by the Nasjonal kunnskapssenter om vold og traumatisk stress), and 'Seksuelle overgrep mot barn – en veileder for hjelpeapparatet' (published in Norwegian by the Sosial- og helsedirektoratet, 2003). The website www.helsebiblioteket.no offers pdf versions of both texts. For English readers, https://www.childwelfare.gov/search/search_results.cfm?q=Sexual%20abuse offers a multitude of research and information.

Relevant literature on the sexual abuse of children and young people

- Andersen, T.H. (2001): *Tause menn. Seksuelle overgrep mot gutter i kristne miljøer* [Silent Men: Sexual Abuse of Boys in Christian Environments], Oslo: Verbum.
- Anstorp T., Hovland, B., Torp, E. (2003): *Fra skam til verdighet. Teologisk og psykologisk arbeid med vold og seksuelle overgrep* [From Shame to Dignity: Theological and Psychological Work with Violence and Sexual Abuse], Oslo: Universitetsforlaget.
- Barne- og familiedepartementet og Utdannings- og forskningsdepartementet (2002): Q-1047, *Veileder for utarbeidelse av plan for krisehåndtering. Mistanke om ansattes seksuelle overgrep mot barn* [Guidelines for Preparing a Contingency Plan: Suspicion about an Employee's Sexual Abuse of Children]. http://www.regjeringen.no/upload/kilde/bfd/bro/2002/0009/ddd/pdfv/166792-veileder_mistanke_om_seksuelle.pdf
- Beitchman, J.H., Zucker, K. J., Hood, J.E., DaCosta, G.A., & Akman, D. (1991): A Review of the Short-term Effects of Child Sexual Abuse, *Child Abuse & Neglect*, 15(4), pp. 537–556.
- Beitchman, J., Zucker, K., Hood, J., DaCosta G.A., & Akman, D., Cassavia, E. (1992): A Review of the Long-term Effects of Child Sexual Abuse, *Child Abuse & Neglect*, 16, pp. 101–118.
- Finkelhor, D.E. (1986): *A Sourcebook on Child Sexual Abuse*, Newbury Park, CA: Sage Publications.
- Finkelhor, D.E. (1994a): Current Information on the Scope and Nature of Child Sexual Abuse: The Future of Children, *Sexual Abuse of Children*, 4(2), pp. 31–53.
- Finkelhor, D.E. (1994b): The International Epidemiology of Child Sexual Abuse. *Child Abuse & Neglect*, 18(5), pp. 409–417.
- Håkonsson, B. (2006): *Det får inte hända igjen. Om sexuella övergrepp på barn och ungdomar i katolska kyrkan i USA 1950–2002. Om psykologiska faktorer i samband med övergrepp* [It Must Not Happen Again: About Sexual Abuse of Children and Youths in the Catholic Church in the USA 1950–2002. Psychological Factors Related to Abuse], Malmö: Sankta Maria folkhögskola.
- Jenkins, P. (1996): *Pedophiles and Priests: Anatomy of a Contemporary Crisis*, Oxford University Press.
- John Jay Report (2004): *The Nature and Scope of the Problem of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States 1950–2002*. <http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/The-Nature-and-Scope-of-Sexual-Abuse-of-Minors-by-Catholic-Priests-and-Deacons-in-the-United-States-1950-2002.pdf>

- Kirkens Ressurssenter mot vold og seksuelle overgrep (2006): *Hva kan kirken gjøre? Nye perspektiver på overgrepssproblematikken* [What Can the Church Do? New Perspectives on the Problem of Sexual Abuse]. <http://www.kirkeligressurssenter.no/Images/assets/hva%20kan%20kirken%20gj%C3%B8re.pdf>
- Kirkens Ressurssenter mot vold og overgrep (2008): *Hva kan vi gjøre for barna? Viktige perspektiver til kirkens trosopplæring* [What Can We Do for the Children? Important Perspectives for Catechesis] <http://www.kirkeligressurssenter.no/Images/assets/hva%20kan%20vi%20gj%C3%B8re%20for%20barna.pdf>
- Kleiven, T. (2008): PhD dissertation. *Intimitetsgrenser og tillitsmakt. Kirkesamfunns bruk av retningslinjer i møte med seksuelle krenkelsers sett i lys av et diakonifaglig perspektiv* [Boundaries for Intimacy and the Power of Trust: A Church Denomination's Use of Guidelines for Dealing with Sexual Misconduct, as Seen from a Diaconal Perspective] <http://www.mf.no/doc/Forskning/SammendragTKleiven.pdf> offers an English summary.
- Langfeldt T. (2008): Menn som forgriper seg på unge gutter. [Men Who Abuse Young Boys] *Tidsskrift for Norsk Psykologforening*, 45(6), pp. 729-734. http://www.psykologtidsskriftet.no/?seks_id=51668&a=2
- Plante, T.G. (ed.) (1999): *Bless Me Father For I Have Sinned: Perspectives on Sexual Abuse Committed by Roman Catholic Priests*, Westport, CT: Greenwood.
- Plante, T.G. (ed.) (2004): *Sin against the Innocents: Sexual Abuse by Priests and the Role of the Catholic Church*, Westport, CT: Greenwood.
- Report by Commission of Investigation into Catholic Diocese of Cloyne (December 2010) http://www.justice.ie/en/JELR/Pages/Cloyne_Rpt presents the report in three pdf documents.
- Stevenson M. R. (2002): Understanding Child Sexual Abuse and the Catholic Church: Gay Priests Are Not the Problem. *The Policy Journal of The Institute for Gay and Lesbian Strategic Studies*, 6, pp. 1–6.
- Sætre, M., Holter, H., & Jebsen, E. (1986): *Tvang til seksualitet. En undersøkelse av seksuelle overgrep mot barn* [Forced Sexuality: A Study of the Sexual Abuse of Children], Oslo: Cappelen.

Some texts are written explicitly in the context of the Church of Norway, yet will also be useful for the Catholic context.

APPENDIX II – LAW – NORWEGIAN LEGISLATION

II.1 The General Civil Penal Code⁹

Generally speaking, criminal sexual acts are punishable under the provisions of Norway's *Straffeloven* (henceforth called the Penal Code), which contains a separate chapter on sexual felonies. In the Penal Code of 22 May 1902, this is chapter 19, 'Sexual Offenses'. In the new Penal Code of 20 May 2005 – this document has been approved by the Norwegian parliament but at the time of the Contingency Plan's publication has not yet come into force – the relevant legislation is in chapter 26, the title of which could also be translated as 'Sexual Offenses'. Appendix II's references to provisions in the Penal Code pertain to the 1902 version, which has of course been amended over the years.

The provisions of the Penal Code distinguish between several levels of punishable sexual offenses. We find descriptions of different types of acts and different levels of severity, and the differences have bearing on the sentencing guideline-level, that is, the maximum liable length of imprisonment for a certain crime, and the actual sentence, that is, how long a prison term the abuser actually receives. The sentencing guidelines also

have bearing on the period of prescription (also called 'statute of limitations' in some countries). The right to initiate legal proceedings expires a certain number of years after the punishable act has been committed. There is correlation between the sentencing guideline-level and the statute of limitations: the higher the level of the offence, the longer the statute of limitation will be. For example, the period of prescription is 15 years when the longest possible imprisonment is 15 years. The period of prescription is 25 years when the longest possible imprisonment is 21 years. The time period for the period of prescription starts from the day the punishable act ceased. In cases of sexual relations with children (that is, more than one child) under 14 years of age and with children under 16 years of age (the sentencing guideline-levels are at 21 years and 15 years, respectively), the timeframe for a period of prescription commences exactly when an aggrieved person turns 18.

The provisions in chapter 19 of the Penal Code also extend to persons who aid and abet others in committing punishable sexual acts.

The age of consent in Norway is 16 years old. All sexual acts with children under 16 years old are punishable in principle. Sexual activities with persons who are older are not in themselves punishable, but they can be if they are classified as rape, or if they involve the misuse of one's position

⁹ The *Straffeloven's* English translation, <http://www.uio.no/ujur/ulovdata/lov-19020522-010-eng.pdf>, is published by the Norwegian Ministry of Justice, Legislation Department, 2006. The complete title is *The General Civil Penal Code: With subsequent amendments, the latest made by Act of 21 December 2005 No.131*. Although approved, the English translations of Norwegian legislation are unofficial. If doubt arises, it is the Norwegian text that is valid and binding.

(professional or otherwise) or the misuse of a relationship of trust.

The following paragraphs sketch provisions of the Penal Code pertaining to specific acts.

II.1.1 Sexually abusive or otherwise indecent behaviour

Sexually abusive or otherwise indecent behaviour includes, among other things, indecent exposure, offensive gestures and language. Such behaviour is punishable under Penal Code § 201 when occurring 'a) in a public place, b) in the presence of or towards any person who has not consented thereto, or c) in the presence of or towards children under 16 years of age'. The behaviour is also punishable when practiced through the use of a telephone, Internet or other electronic communication media. Perpetrators are 'liable to fines or to imprisonment for a term not exceeding one year' (§ 201).

II.1.2 Punishable sexual acts

A punishable sexual act is an act with any person who has not consented thereto, for example, to touch, grope or fondle genitalia or breasts, either directly or through clothing. Such acts done to any non-consenting person are punishable according to Penal Code § 200, part one.

II.1.3 Punishable sexual relations

The term 'punishable sexual relations' pertains to sexual acts that are more extensive than those mentioned in II.1.2, for example to probe another person's vaginal labia or masturbate another's penis. According to § 206 of the Penal Code, when the term 'sexual intercourse' is used, both vaginal and anal intercourse are meant. Furthermore: '[i]nsertion of the penis into

the mouth and insertion of an object into the vagina or rectum shall be equated with sexual intercourse'. When sexual acts are perpetrated against children under 14 years of age, the definition of 'sexual intercourse' expands to include 'the insertion of the penis in and between the labia majora and the labia minora' (§ 206).

II.1.4 Rape

Rape is defined as having occurred when a person 'a) engages in sexual activity by means of violence or threats, or b) engages in sexual activity with any person who is unconscious or incapable for any other reason of resisting the act, or c) by means of violence or threats compels any person to engage in [...] similar acts with himself or herself' (§192). The phrase 'by means of threats' extends to all forms of threat – those that engender fear of life and health as well as those that do not.

The boundary between an acceptable and a punishable act is contingent on the circumstances, but the accuser's age and other conditions and circumstances regarding his or her person are of significant importance. If the accuser is a minor or in some other respect vulnerable on account of his or her relationship to the perpetrator, the threshold for what is considered a punishable act will be lower than for other groups of victims. When determining whether acts have been violent or threatening, or whether the victim was incapable of resisting the act, emphasis will be placed on whether the victim was under 14 years old.

II.1.5 Punishment for sexual acts with children

According to § 200, when acts such as are mentioned above in II.1.2 are committed

with children under 16 years of age, the penalty is imprisonment for a term not exceeding three years. A person who forces a child under 16 years of age to do a sexually offensive or obscene act such as is described in section III.1 above, can also be imprisoned for a term not exceeding three years. If the act has been committed under especially aggravating circumstances, the prison sentence can extend up to six years.

In determining whether especially aggravating circumstances obtained, emphasis is placed on 'how long the relationship endured, whether the act is a misuse of a blood relationship, care relationship, position, or relationship of dependence or close trust, and whether the act has been committed in a particularly painful or offensive manner' (§ 200).

II.1.6 Punishment for sexual relations with children

Punishment is more severe for sexual relations committed with children under 14 years of age than with children under 16 years of age.

Any person who engages in sexual relations with children under 14 years of age can be imprisoned for up to ten years. If sexual intercourse has taken place, the prison term is at least three years. A prison sentence of up to twenty-one years can be imposed if

- the act was committed by two or more persons jointly (§ 195),
- the act was committed in a particularly painful or offensive manner (§ 195),
- the act was committed against a child under 10 years of age, and there have been repeated assaults (§ 195),
- the offender has previously been convicted and sentenced pursuant to §195, or for rape as outlined in § 192,

- the victim, as a result of the act, dies or sustains serious injury to body or health. Sexually transmitted diseases and generally infectious diseases are always deemed as considerable injury to body or health (§ 195).

Being mistaken about a child's age does not absolve the perpetrator of criminal liability (§ 195).

To have a sexual relationship with a child under 16 years of age is punishable with imprisonment for up to six years (§ 196, Norwegian text). A 15-year prison term may be imposed if sexual relations were perpetrated as outlined in the foregoing bullet-points for children under 14 years of age.

II.1.7 Punishment for the rape of children

Rape is punishable with imprisonment for up to ten years (§ 192). If the act deemed to be rape involves sexual intercourse, or if the guilty party has used means by which to make the victim unconscious or incapable of resisting the act, the minimum penalty is three years imprisonment.

Imprisonment for a term not exceeding twenty-one years may be imposed if

- the rape has been committed by two or more persons jointly (§ 192)
- the rape has been committed in a particularly painful or offensive manner (§ 192)
- the act has been committed with a child under 10 years of age and there have been repeated assaults (§195)
- the offender has previously been convicted and sentenced pursuant to § 192 or § 195
- the victim dies or sustains serious injury to body or health. Sexually

transmitted diseases and generally infectious diseases are always deemed as injury to body or health (§ 195).

Again, being mistaken about a child's age does not absolve the perpetrator of criminal liability (§ 195).

II.1.8 Misuse of one's position or of a relationship of dependence and/or trust

Any person who engages in or who aids and abets another person to engage in sexual activity by misuse of a position or a relationship of dependence and/or trust can be imprisoned for up to six years (§ 193).

The concept of 'position' should be understood not only in a purely professional sense, but also more generally, in the sense of standing in a superordinate position to the victim when the sexual activity took place.

The scope of the expression 'relationship of dependence' extends to various forms of personal dependence in the victim's relationship to the perpetrator, for example emotional or financial dependence.

The punishable alternative 'misuse of a relationship of trust' will probably overlap with the two alternatives 'misuse of a position' and 'misuse of a relationship of dependence', yet it may be awarded independent significance in cases where the relationship of trust was not grounded in the perpetrator's position or a personal relationship of dependence, for example in the case of deception or other forms of manipulation. The phrase 'misuse of a relationship of trust' is intended to extend the catchment area of the provision to those actions which in earlier legislation

were described as 'particularly devious behaviour'.

II.1.9 Exploitation of mental illness or mental retardation

Any person who engages in or who aids and abets another person to engage in sexual relations by exploiting any person's mental illness or mental retardation is liable to imprisonment for up to six years (§ 193).

This provision pertains to crimes perpetrated against those who are permanently mentally disabled and those who temporarily suffer from mental disturbance. The critical question when determining the penal sentence is whether the victim was in such a condition at the time the sexual abuse occurred.

II.1.10 Sexual relations with relatives, children under one's care, foster children, etc.

The Penal Code stipulates up to five years' imprisonment for sexual relations with blood-relative descendants (children, grandchildren) (§ 197). However, the category 'blood-relative descendants' includes both biological and adopted descendants.

Anyone who has sexual intercourse with a brother or sister is liable to imprisonment for up to one year. However, no penalty shall be imposed on persons under 18 years of age (§ 198).

Any person who engages in sexual relations with a foster child, a child in his/her care, a step child or any other person under 18 years of age who is under his/her care, authority or supervision, shall be liable to imprisonment for up to five years (§ 199). For anyone who aids and abets another in engaging in sexual relations with any

person with whom he/she himself/herself has such a relationship, the same penalty applies.

II.1.11 Child pornography

Any person who produces pictures of sexual abuse against children, or who produces pictures that present children in a sexualized manner, or who publishes, sells, delivers to another person, procures, possesses, imports, makes available or in some other way tries to spread such pictures, is liable to imprisonment for up to three years (§ 204a). ‘Children’ refers to persons who are or who appear to be under 18 years of age.

II.2 Policies regarding the investigation and the prosecution of criminal offenses

II.2.1 Unconditional public prosecution

In cases involving the punishable offenses mentioned in sections II.1.1 to II.1.11, public prosecution is unconditional, that is, it is not necessary for the victim to launch an accusation in order for the police to investigate and prosecute the perpetrator. The police can gain knowledge of an offence through being tipped off, and on their own initiative they can launch an investigation. In many cases, however, the police will not learn of an offense unless it is reported by the victim or his or her guardians.

When a case is first reported, the criminal investigation must be left to the police. Others should not undertake investigations that may interfere with the police’s work. Nevertheless, this principle does not prevent Church authorities from investigating the case in order to determine

what penalty Canon Law may impose (see Appendix III).

When the police have investigated the case, the prosecuting authority, on the basis of the information gathered, decides whether charges should be laid against the accused, or whether the case should be dismissed. There may be several reasons for dismissing a case. First, a case could be dismissed due to insufficient evidence. This means the prosecutor may believe the accused could have committed a punishable act but that there is insufficient evidence to prove it. Second, a case can be dismissed because the prosecutor believes that no punishable act has been committed. A third reason for dismissal is when the period of prescription has expired. If a case is dismissed, the victim can appeal.

II.2.2 The duty of confidentiality and the duty of the witness

Penal Code § 144 states that priests or pastors in registered religious communities can be imprisoned for up to six months if they ‘unlawfully reveal secrets confided to them or their superiors in the course of duty’. However, it would *not* be unlawful to break confidentiality if the confider allows the information to be given to the police (see also section II.2.3 below).

Straffeprosessloven, in English called The Criminal Procedure Act,¹⁰ § 199 applies to witness statements in court about information entrusted to a priest or pastor of a registered religious community

¹⁰ http://www.coe.int/t/dghl/cooperation/ccpe/profiles/norwayCriminalProcedureCode_en.asp offers a translation published by the Norwegian Ministry of Justice. Amendments to the Act are reflected in the translation. The Norwegian-language version of the *Straffeprosessloven*, available at Lovdata.no, is the official text.

who was given the information whilst in the course of duty. The court must not accept such witness statements without the consent of the person who is entitled to confidentiality. The same rule applies to subordinates or assistants who, by virtue of their position, have also come to possess the information given to the priest or pastor. The prohibition, however, is rendered null when an explanation is needed in order to prevent an innocent person from being punished.

If a person who is entitled to confidentiality does not consent to being questioned publicly, his or her explanation shall be given only to the court and the concerned parties, behind closed doors and under the duty of confidentiality.

II.2.3 The duty/obligation to report crime

According to Norwegian law, persons are not generally obligated to report crimes. However, in some cases it is considered a criminal offence if one fails to report information to the police if by doing so, serious crimes can be prevented. According to the Penal Code of 1902, § 139, it is a criminal offence to fail to report serious felonies that will come to be committed, or to fail in some other way to try to prevent such felonies. Having sexual relations with children under 14 years of age is one of the felonies covered by this provision. The duty to report – that is, the criminal offense of failure to report – does not arise because a criminal act has already been committed, but in order to prevent future criminal acts. The criminal offence of failure to report or give information to the police arises only if the crime cannot be prevented in any other way.

Relatively grave circumstances must obtain before the duty to report takes precedence over the duty of confidentiality, and it can be difficult to determine whether the duty actually has arisen in a given case. One should therefore possess certain knowledge of criminal acts before reporting to the police. Having said this, it may be particularly relevant to report to the police if a child's welfare is at risk.

II.2.4 The aggrieved person's right to an advocate

According to the Criminal Procedure Act, an aggrieved person is entitled to have the assistance of a state-remunerated advocate in cases involving the following: rape, mental illness, mental retardation, exploitation due to being in a subordinate position to the perpetrator, exploitation due to being in a relationship of dependence, in cases where sexual relations and sexual acts have taken place when the aggrieved person was under 16 years of age, when sexual acts have been committed under especially aggravating circumstances, or in cases where there have been repeated assaults (Criminal Procedure Act § 107a, d).

Having suffered sexual misconduct does not give one the right to an advocate.

When a case is reported, the police inform the aggrieved person of the right to have an advocate (§ 107). The police will also strive to appoint the advocate desired by the aggrieved person (§ 107b). Before the case is even reported, the aggrieved person can also contact an advocate whom he/she desires.

II.3 The courts' handling of criminal cases

When the police have investigated a case of sexual abuse, they submit a recommendation to the prosecuting authority who then decides whether the case should be brought before the courts.

If an indictment is filed, the case will be handled by the lower-level district court, called *tingretten*. A judgement passed by this district court can be appealed in a higher appellate court, called *lagmansretten*. The appellate court can deal with all aspects of the case, including the question of guilt. The aggrieved person must appear when the case is treated on both court levels.

In the district court, judgment is passed by one professional judge and two lay judges. When serious cases (that is, cases that can be punished with imprisonment for more than six years) are appealed in the appellate court, the judgment is passed by three professional judges and a ten-member jury. For other cases, the judgment is passed by three professional judges and four lay judges. When a person is convicted in the district court for a crime that can result in imprisonment for more than six years, the convicted party, if appealing the judgment, can demand that the case be completely re-examined in the appellate court. If the prosecuting authority wants to appeal against an acquittal, the appellate court must agree to the submission of the appeal.

Under certain conditions and in less serious cases, judgment can be pronounced at a hearing with only one professional judge and without any witnesses testifying.

II.4 Compensation for damages – the Act of 13 June 1969

In accordance with Norway's law on damage-compensation, a victim of sexual abuse can receive compensation for personal injury, for persistent injury (injuries of a medical nature), and, not least, when the damage has significantly impeded the injured person's 'ability to lead a full life'.¹¹

Furthermore, compensation can be given for damage of a non-pecuniary nature, for personal injury, or for offences mentioned in sections 195, 196 and 200, third paragraph, of the Penal Code.¹²

II.5 Working Environment Act / Personnel policies¹³

Allegations of abuse launched against persons working in the Catholic Church, regardless of whether they are priests or laymen, will usually also have aspects broaching on personnel policies. To begin with, regulations in the Working Environment Act also apply to those who work in religious organizations. (Questions regarding priests and others who work for the Church of Norway are dealt with in the *Tjenestemannsloven*, translated as the 'Civil

11 For the 'Compensation for Damages Act' (*Skadeserstatningsloven*), see <http://lovdata.no/dokument/NL/lov/1969-06-13-26>

12 Cf. *Voldsoffererstatningsloven* § 6, at <http://voldsoffererstatning.no/index.php?lang=nor&id=11> which is available in English at <http://lovdata.no/dokument/NL/lov/2001-04-20-13> and called the 'Compensation for Victims of Violent Crime Act'.

13 *Arbeidsmiljøloven*, at <http://lovdata.no/dokument/NL/lov/2005-06-17-62> is also available in English <http://www.arbeidstilsynet.no/binfil/download2.php?tid=92156> and called the 'Working Environment Act'.

Service Act.) Therefore, for questions about the suspension, dismissal and resignation of laymen in connection with abuse cases in the Catholic Church, the applicable legislation governing case procedure, protection against unfair dismissal and so forth are to be found in the provisions of the Working Environment Act. For clerics and, to a certain extent, members of religious orders, Canon Law will often contain the more relevant provisions (see Appendix III). § 8a of the *Likestillingsloven* (the ‘Gender Equality Act’) prohibits sexual harassment.¹⁴

‘Sexual harassment’ is stipulated in *Likestillingsloven* § 8a to mean ‘unwanted sexual attention that is offensive to the object of such attention.’ Sexual harassment, moreover, is considered to be discriminate behaviour based on sex and/or gender.

Employers and leaders of organizations and educational institutions are responsible for preventing and seeking to preclude sexual harassment in work environments that are under their sphere of responsibility (§ 8a).

II.6 Duty to report to the Child Welfare Service about children suspected of being abused

According to the *Privatskoleloven*¹⁵ (pertaining to independent schools that receive state funding), personnel – on their

own initiative and when unhindered by the duty of confidentiality – must report to the Child Welfare Service when they suspect that a child is being abused in the home, or in the event of other types of serious neglect, or when a child has demonstrated serious behavioural difficulties (*Privatskoleloven* § 7-4).

14 *Likestillingsloven*, at <http://lovdata.no/dokument/NL/lov/2013-06-21-59> is available in English at <http://www.regjeringen.no/en/doc/Laws/Acts/The-Act-relating-to-Gender-Equality-the-.html?id=454568> and called the ‘Gender Equality Act’.

15 *Privatskoleloven*, at <http://lovdata.no/dokument/NL/lov/2003-07-04-84> is accounted for in the ‘Education Act’ http://www.regjeringen.no/upload/KD/Vedlegg/Grunnskole/dokumenter/EducationAct_with_amendments_entered2013.pdf

APPENDIX III – CANON LAW

Canon Law regulates the Church's internal response to and treatment of sexual abuse cases. In addition to (1) *Codex Iuris Canonici* (promulgated by Pope John Paul II on 25 January 1983 and referred to here as *CIC* or by specific canon paragraph §); relevant regulations include (2) *Sacramentorum sanctitatis tutela*,¹⁶ which outlines the 'more serious offenses' (*De delictis gravioribus*) (promulgated and in force as of 30 April 2001, and the amended and re-issued *motu proprio*¹⁷ by Pope Benedict XVI on 21 May 2010. For sake of ease, this regulatory document shall henceforth be referred to as *Normae de gravioribus delictis* or *NGD Emendations*¹⁸); and (3) the *Circular Letter to Assist Episcopal Conferences in Developing Guidelines for Dealing with cases of Sexual Abuses of Minors Perpetrated by Clerics* (3 May 2011, referred to as *Circular Letter*).

16 *The Safeguarding of the Sanctity of the Sacraments* <http://www.bishop-accountability.org/resources/resource-files/churchdocs/SacramentorumAndNormaeEnglish.htm> "This unofficial translation is based on a translation of the *Motu Proprio* by the USCCB and a translation of the *Norms* by Gregory Ingels, both revised by Joseph R. Punderson and Charles J. Scicluna. The translations of specific canons of Canon Law (CIC and the CCEO) are from the translations published by the Canon Law Society of America in 1999 and 2001 respectively. For plainer English regarding 'the more serious offenses' (*De delictis gravioribus*), see <http://www.bishop-accountability.org/resources/resource-files/churchdocs/EpistulaEnglish.htm> or *Origins* 31(32), 24 January 2001.

17 'by the Pope's own initiative'

18 The Vatican's own English translations of the actual emendations: <http://www.zenit.org/en/articles/changes-made-to-sacramentorum-sanctitatis-tutela>

III.1 General points

III.1.1 Sexual abuse

The Church's penal law (can. 1395 § 2) states that clerics (i.e., bishops, priests and deacons) can be punished if they have '*offended in other ways against the sixth commandment of the Decalogue*', and especially '*if the crime was committed by force, or by threats, or in public, or with a minor under the age of sixteen years...*'

III.1.2 Child pornography

In *NGD Emendations* (art. 6 § 1. 2), the procurement, use, distribution and possession of child pornography are defined in the stipulated paragraph. Child pornography is defined as material involving children under 14 years of age.

III.1.2 Age and period of prescription

Canon Law designates anyone under 18 years of age as a 'child' or 'minor'. *NGD Emendations* art. 6 § 1.1 describes abuse against children as a '*delict against the sixth commandment of the Decalogue*¹⁹ committed by a cleric with a minor below the age of eighteen years.' Therefore, all sexual abuse against persons under eighteen is considered 'abuse against children.'

The period of prescription for abuse cases is twenty years, and the twenty-year period commences on the victim's eighteenth

19 The technical terminology 'delict against the sixth commandment of the Decalogue' denotes *all* illegitimate sexual behaviour.

birthday. The Congregation for the Doctrine of the Faith also has the authority to waive the period of prescription for certain cases (*NGD Emendations*, art 7 § 1).

III.1.3 The authority of the Congregation for the Doctrine of the Faith (CDF)

The Church has found it necessary to give the CDF authority over all abuse cases involving minors (i.e., persons under 18) or particularly vulnerable adults. This means that the bishop, after doing preliminary investigation, should report each and every case of this type to the CDF, who will then determine how the case should be dealt with: by the bishop (or his tribunal) or by the CDF. If the CDF decides that the case should be dealt with locally, the bishop will receive instructions on case procedure.

III.1.4 The bishop's authority

The bishop, in and for his diocese, possesses power of governance (can 391). This ecclesiastical authority also extends to the vicar general and episcopal vicars in their exercise of power, and to the judicial vicar as regards judicial authority.

By virtue of his ecclesiastical authority, the bishop shall intervene in cases of sexual misbehaviour and sexual abuse. Above and beyond specific cases, it is the responsibility of the bishop – in relation to the priests, in the organization and implementation of pastoral work in the diocese (especially in work with minors), and in close cooperation with civil authorities – to do everything in his power to prevent such abuse ever happening (*Circular Letter*, I).

III.1.5 Archiving and destruction of confidential case documents

The Church's rules on the treatment of, archiving and possible shredding of

documents in the diocese archive and the bishop's secret archive (can. 486-490) also apply to cases involving sexual abuse.

Case documents are to be kept in the diocese secret archive and to be destroyed when the guilty party dies 'or ten years have elapsed since the condemnatory sentence concluded the affair' (can. 489 § 2). This opens the possibility for nullification of the verdict for ten years (can. 1729).

III.2 Relation between civil and canonical sanctions in sexual abuse cases

Reactions from civil authorities have no immediate consequences as far as the Church is concerned, just as reactions from Church authorities do not have automatic consequences within Civil Law. Nevertheless, the Church stresses the need for prudent and purposeful cooperation with civil authorities in order to avert sexual abuse (*Circular Letter* I, e).

The Church's reactions and case procedures are to be governed solely by Canon Law. In each and every case, the Church must evaluate how much weight should be placed on processes of Civil Law such as arrest, indictment, detention, prosecution, fines, penalties, conviction and punishment.

A civil punishment may limit the need for a reaction from the Church, as outlined in canon 1344, § 2: '[...] *the judge may, according to his own conscience and prudence, abstain from imposing the penalty or substitute a milder penalty or a penance, if the offender [...] has been or foreseeably will be sufficiently punished by the civil authority*'.

If the perpetrator is a cleric or member of a religious order, it will be the responsibility of the Congregation for the Doctrine of the Faith, or the bishop, to determine the necessary reaction; if the accused is a layperson, the employer will have the responsibilities prescribed by the Working Environment Act (*Arbeidsmiljøloven*) and Canon Law.²⁰

III.3 Sexual abuse and confession

If sexual abuse occurs ‘*on the occasion or under the pretext of confession*’ (can. 1387), the situation is reckoned especially grave (can. 1378, 1387 and 1388, *De delictis gravioribus*), and calls for stricter punishment.

If a priest, during confession, learns of alleged or actual sexual abuse, this suspicion or knowledge cannot be reported to a third party, be it parents, police, Church authorities or other Church representatives. Neither can a confessor indirectly use the information in other contexts, or pass it on to anyone. According to canon 983 § 1: ‘*The sacramental seal is inviolable. Accordingly, it is absolutely wrong for a confessor in any way to betray the penitent, for any reason whatsoever, whether by word or in any other fashion.*’ § 2: ‘*An interpreter, if there is one, is also obliged to observe this secret, as are all others who in any way whatever have come to a knowledge of sins from a confession.*’

Furthermore, according to canon 984 § 1: ‘*The confessor is wholly forbidden to use knowledge acquired in confession to the detriment of the penitent, even when all danger of disclosure is excluded.*’ § 2: ‘*A person who is in authority may not in any way, for the purpose of external governance, use knowledge about sins which has at any time come to him from the hearing of confession.*’

Turning to Canon Law’s penalties for particular offences, canon 1388 § 1 states that ‘*[a] confessor who directly violates the sacramental seal, incurs a latae sententiae excommunication reserved to the Apostolic See; he who does so only indirectly is to be punished according to the gravity of the offence*’ and in § 2: ‘*[i]nterpreters and the others mentioned in can. 983 § 2, who violate the secret, are to be punished with a just penalty, not excluding excommunication.*’

Within the Church, but also in society at large, a much discussed theme in recent years has been the relation between Canon Law and Civil Law as regards the duty to report to civil authorities. Monseigneur Torbjørn Olsen J.C.D. and the Norwegian lawyer Håkon Bleken, in their conclusion to *Skriftemålstaushetsplikten og norsk rett* [‘Norwegian Law and the Duty of Confidentiality in Hearing Confession’] (21 May 2010) state the following: ‘*The Church’s rules for confession can only be understood on the basis of confession being a sacrament. During confession, the penitent can receive absolution for serious sins, yes, even mortal sins. Providing the conditions under which believers go to confession is thus a matter of the greatest good of all: eternal life. The believer must therefore have as much assurance as possible that confessional secrets*

20 For information in English on Norway’s Working Environment Act, see <http://www.regjeringen.no/en/dep/ad/topics/the-working-environment-and-safety/the-working-environment-act.html?id=447107>. For a complete version of the legislation in Norwegian, see <http://lovdata.no/dokument/NL/lov/2005-06-17-62>.

*will not be divulged; otherwise their fear will be a barrier to going to confession. It is the Church's duty to ensure that confessional secrecy is respected. For the Catholic Church, this is a principle which cannot be a subject for compromises.*²¹

It should also be stressed that according to the Penal Code, as referred to in Appendix II, priests and pastors in registered religious communities can be punished if they unlawfully reveal secrets which have been entrusted to them or their superiors whilst functioning in their official capacity.²² Thus, the Civil Law gives legal protection to the inviolability of the sacrament of penance.

How, then, can a priest respond when a penitent talks about sexual abuse in the confessional? In such cases, the priest should immediately and seriously assess whether he should encourage the penitent to continue talking about the sexual abuse during the confession or to encourage the penitent to bring up the matter outside of the sacrament. The priest should give clear advice about this, and also about what can be done and how.

III.4 Responsibility to react

The responsibility to react to specific cases of sexual misconduct or abuse is dependent on the accused's position and vocation in the Church, according to the following categories:

III.4.1 Bishops

21 Full text in Norwegian: <http://www.katolsk.no/nyheter/2010/05/21-0002>

22 Straffelov § 144 http://lovdata.no/dokument/NL/lov/1902-05-22-10/KAPITTEL_2-6#KAPITTEL_2-6

For sexual abuse perpetrated by a bishop, only the Holy See (the Vatican) has competency.

III.4.2 Priests and deacons who are subordinate to a bishop

For sexual abuse perpetrated by priests or deacons, and where the victim is a minor (that is, under eighteen years old) or a particularly vulnerable adult, the case shall be transferred to the Congregation for the Doctrine of the Faith (see paragraph III.1.3 above).

For sexual abuse cases where the victim is not a minor or a particularly vulnerable adult, the bishop is to act.

If the case involves a secular priest who is incardinated in another diocese, or if the case involves a priest from the Diocese of Oslo or Trondheim Prelature on loan elsewhere, the necessary precautions must be taken.

III.4.3 Priests and deacons who belong to religious orders

Some 'Major Superiors' of religious orders (cann. 620, 134 § 1, 1717) will be able to instigate preliminary investigations in cases of accusations of sexual abuse. In these cases, the authority of the Congregation for the Doctrine of the Faith remains the same. Nevertheless, the bishop has the duty and the right to initiate investigations if the accusation concerns a case within his diocese.

III.4.4 Paid employees, volunteers or other laypersons who work in church associations

When sexual abuse is committed by paid employees, volunteers or other laypersons who work in church associations, the competence to intervene is assumed to

be invested in the association's executive leadership, that is, either the administrator or the board of directors (local or national), in accordance with the association's statutes.

If sexual abuse is committed by someone who is a leader in a so-called public ecclesial association,²³ the leader can be removed or replaced, in accordance with the statutes governing public associations (can. 318). For so-called private ecclesial associations (can. 323-324), church authorities have some ability to intervene, but to a more limited extent.

III.5 Initial (immediate) and interim measures

When allegations are made against someone suspected of sexually abusing a minor, the allegations must be taken seriously and evaluated immediately and thoroughly in accordance with the provisions of Canon Law.

The first step is the preliminary investigation. Canon 1717 § 1 states that *'[w]henever the Ordinary [the bishop] receives information, which has at least the semblance of truth, about an offence, he is to enquire carefully, either personally or through some suitable person, about the facts and circumstances, and about the imputability of the offence, unless this enquiry would appear to be entirely superfluous.'* If the accused is a priest, the notary for the case should also be a priest (can. 483 § 2).

Since allegations and accusations are not official judgments, *'[c]are is to be taken that this investigation does not call into question anyone's good name'* (can. 1717 § 2).

After the preliminary investigation, the bishop is required to send the case to the Congregation for the Doctrine of the Faith (according to III.1.3 above).

Canon Law recognizes two possible ways in which a legal case can be conducted: judicially (as a trial, where the case is judged by a church tribunal) or administratively (where the bishop, as the priest's canonical superior, judges the case). The Congregation for the Doctrine of the Faith possesses wide-ranging powers to deal with a case either judicially or administratively.

III.6 Case procedure

If the Congregation for the Doctrine of the Faith decides that the case should be dealt with locally, the bishop will receive instructions about the procedures that should be followed.

III.6.1 The rights of the accused

Anyone accused in an ecclesiastical lawsuit should know his or her rights. In a civil criminal lawsuit, the police will inform the accused of the right to legal counsel and any other applicable rights. In an ecclesiastical lawsuit against a priest, it is the Church's responsibility to inform the accused of such rights. The most relevant rights outlined in Canon Law are as follows:

- The right to legal counsel (can. 1723 § 1): The accused in an ecclesiastical criminal lawsuit must have an advocate

²³ Can. 301 § 3: 'Associations of Christ's faithful which are established by the competent ecclesiastical authority are called public associations.' By contrast, 'private associations' are constituted by private agreement amongst the members themselves, as described in cann. 298-299, and may or may not be 'praised by ecclesiastical authority'.

(a Canon lawyer). If the accused does not engage the services of a Canon lawyer, the judge should appoint one.

- The right to reject a case-dismissal (can. 1724): The accused can demand to have his or her case tried in full, even if the bishop or promoter of justice wants to dismiss it.
- The right to speak last (can. 1725): *'In the argumentation of the case, whether done in writing or orally, the accused person or procurator of the accused, always has the right to write or speak last.'*
- The right to acquittal (can. 1726): If it becomes evident, at any stage of the trial, that the offence has not been committed by the accused, he or she has the right to be formally acquitted, and the judge must declare this in his judgment of the case.
- The right to appeal (can. 1727): The person found guilty has the right to appeal, regardless of the circumstances.
- The right to due process of law (can. 1728 § 1): All relevant laws and norms for criminal cases must be followed.
- The right to defend oneself (can. 1728 § 2): The accused is not obligated to admit to an offence, or to swear an oath.
- The right to the proper management of documents (can. 489 § 2 and 1729).

With the exception of the last-mentioned right, the above points apply to cases tried judicially, in an ecclesiastical court.

When a case is dealt with administratively, the accused person's rights are less extensive, but so also are the possibilities for punishment.

- When a case is dealt with administratively, the accused has the right to be informed of the allegation and the evidence, and to be given the opportunity for defence (can. 1720 § 1).
- Before a religious order or congregation decides to dismiss a member, other rights apply (can. 695-700).

If rights are violated, this will immediately affect the accused party, first and foremost, but in the long run it will also affect the Church and its legal system. If a case is not conducted according to due process, the risk is that a guilty party can go free or receive a heavily reduced punishment; alternatively, the lack of due process erodes central legal principles. The effect will thus be to undermine confidence in and the legitimacy of Canon Law.

III.7 Verdict

When a case is completed, the verdict is given.

III.7.1 Unfounded accusations

If, after investigation, the conclusion is that the accusations are unfounded, and if the accused has been suspended from a position, he must be reinstated. It may also be relevant to give compensation / reparation to the person who has suffered, as stated in can. 128: *'Whoever unlawfully causes harm to another by a juridical act, or indeed by any other act which is deceitful or culpable, is obliged to repair the damage done.'*

III.7.2 Acquittal / no punishment, but security measures

In certain cases where the accused is acquitted or no punishment is imposed, it may still be appropriate to voice a warning or provide some other follow-up measure which is permitted by Canon Law. Can. 1348: *'When the person has been found not guilty of an accusation, or where no penalty has been imposed, the Ordinary [bishop] may provide for the person's welfare or for the common good by opportune warnings or other solicitous means, and even, if the case calls for it, by the use of penal remedies.'* It is possible to imagine various cases where such follow-up measures are appropriate, for example:

- If one sees that the background for the warnings is a dissipated lifestyle and habitual innuendos with a sexual character, which have given cause for suspicion; this is particularly problematic if the person previously has committed, or been suspected of, transgressive behaviour.
- If there are psychological problems or alcoholism, which require professional treatment.
- If the accused – in some other way, before or during the case proceedings – has behaved in a way that impairs confidence in him/her or the Church.

III.7.3 Corrective measures

Other corrective measures are also possible:

- After certain cases are concluded, the judge may make do with giving 'reproof', 'warning' or 'fraternal correction' (can. 1339, 1341).
- The bishop, after consulting with the religious superior, may remove a member of a religious community from, for example, the position of

parish priest (can. 682 § 2).

- To dismiss or move a secular parish priest is considerably more complicated. Sexual abuse will usually provide a material basis for removing the priest from the parish, as outlined in can. 1741: *'The reasons for which a parish priest can lawfully be removed from his parish are principally: 1 – a manner of acting which causes grave harm or disturbance to ecclesiastical communion; [...]; 3 – the loss of the parish priest's good name among upright and serious-minded parishioners, or aversion to him, when it can be foreseen that these factors will not quickly come to an end.'*
- The priest's faculty to hear confessions can be revoked, according to can. 974 § 1: *'Neither the local [bishop] nor the competent Superior may, except for a grave reason, revoke the grant of a faculty habitually to hear confessions.'*
- The priest's faculty to preach can be revoked, especially if the case of sexual abuse entails that his preaching will impair his own or the Church's credibility. As can. 764 states: *'Without prejudice to the provisions of can. 765, priests and deacons, with the at least presumed consent of the rector of a church, have the faculty to preach everywhere, unless this faculty has been restricted or removed by the competent [bishop], or unless particular law requires express permission.'* Because preaching is a central part of a cleric's work and the life of the Church, there must be grave reasons for suspending or removing the cleric's faculty to preach. The decision to suspend or remove this faculty should be explained in writing.

III.7.4 Punitive measures

Canon Law's punitive measures include 'censures' and 'expiatory penalties,' but also various penal remedies and penances (warnings, reprimands).

Censures, which include excommunication, interdict and (penal) suspension of clerics, are the most severe punishments. These can be necessary for cases involving sexual abuse, in order to demonstrate that the Church takes such matters seriously. However, before these punitive measures are applied, the cleric should receive a warning, and the censure can be waived if the offender repents.

Expiatory penalties are milder than censures. Examples of these punitive measures (can. 1336 § 1) are as follows:

- 'Prohibition against residence, or an order to reside, in a certain place or territory' (can. 1336, point 1)
- Deprivation of power, office, function, title (can. 1336, point 2)
- Penal transfer to another office (can. 1336, point 4), and
- 'Dismissal from the clerical state' (synonymous with 'defrocking') (can. 1395 § 2), which is the single most stringent penalty against clerics.

The main provisions for sexual crimes committed by clerics, as outlined in can. 1395 §§ 1 and 2, stipulate two primary punishments: suspension and dismissal from the clerical state (*NGD Emendations* art. 6 § 2).

For members of religious orders or congregations, committing sexual abuse also constitutes the basis for dismissal from the religious institution (can. 695 § 1).

In the case of expiatory penalties, the perpetrator cannot demand forgiveness through remorse. The Church is free to waive the punishment, however, to do so could impair the Church's credibility if the perpetrator has been found guilty of sexually abusing a minor.

III.7.5 Compensation and reparation of damage

A case of sexual abuse can provide the legitimate grounds for some party to be liable to compensate for damage, for instance through economic and non-economic redress. We make due to mention the following types of situations:

- From a perpetrator to a victim, for damage suffered
- From a perpetrator to a Church entity, for the indirect damage the Church has suffered
- From a Church entity to a victim, for damage the Church indirectly shares responsibility for through not having exercised sufficient vigilance
- From a Church entity to an unfairly accused person, if the Church entity, through its mode of reaction, inflicted damage
- From an accuser to an unfairly accused person, for having inflicted damage
- From a perpetrator to a Church entity, to cover the expenses for remediating damage done to the Church entity.

Supplement I

Foreword to the Contingency Plan of 2003

All acts of sexual abuse of children, youths and adults are grave offences. The Church's bishops must take seriously any early warning signs of abuse and react to them. By reacting promptly to early warning signs of abuse, it is possible to prevent cases of abuse. As bishop, it is my duty to protect the Church from priests who betray their vocation to be good shepherds, or from other church personnel (paid or volunteer) who misuse the trust invested in them by children and youths.

The Scandinavian Bishops' Conference has decided that each individual diocese has the responsibility to develop its own policy for dealing with sexual misconduct and abuse in the Church. In the Catholic Diocese of Oslo, we, with this document [the Contingency Plan], provide just such a policy.

The Contingency Plan provides practical and pastoral instructions for the contact with, and the care of, the victim and his or her family. These aspects must always be taken very seriously.

As regards aspects pertaining to Civil Law, we as a Church are fully obligated to comply with Norwegian law. As regards internal church matters, the provisions of Canon Law are clear.

From time to time false accusations have been made. We must be on guard against

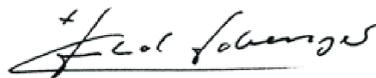
false accusations, and with pastoral care, defend those who are affected. Both sexual abuse and false accusations of such can damage people for the rest of their lives. The Contingency Plan should ensure that both parties receive adequate legal protection, follow-up and care.

The Contingency Plan is not 'the last word' on how to deal with cases of this type. Along with the rest of society, the Church must continuously prepare itself for reacting to the sexual abuse of children, youths and adults.

It is my hope that the Contingency Plan will also create security for the majority of priests who live according to the ideals which Christ has set forth, and for all personnel, whether paid or volunteer, who perform their duties with fidelity to the Church's mission.

I would like to thank the Pastoralrådet [Diocesan Lay Council] for having taken the initiative to prepare the Contingency Plan, the instruction of which will come into effect in the Catholic Diocese of Oslo as of today's date.

Oslo, 17 February 2003



+ Gerhard Schwenzer
Bishop

Supplement II

Instructions to the Resource Team and to Contact Persons

Instructions to the Resource Team for generating awareness and preventing sexual abuse

The resource team has been set up by the Catholic Diocese of Oslo with the aim of generating awareness and preventing sexual abuse (Contingency Plan section 6.1). Another aim of this work is to create a culture of openness where it also is safe and easy to report instances of abuse. The diocese assists its parishes in building competence. It organizes courses for laity and clerics in front-line services in order to increase their awareness of the fact that ‘the impossible is possible’ and to inform them on how sex abuse cases should be handled. This is achieved in part through regional meetings organized by the resource team in collaboration with local hosts.

Members of the resource team are professionals who can be appealed to for advice by those working in front-line services.

The resource team is organizationally rooted in the pastoral department of the Catholic Diocese of Oslo, and the team leader reports to the pastoral department’s leader. The pastoral department’s leader, in consultation with the Diocesan Ethics Council (DEC), finds members for the resource team. At least one member of the resource team is also a DEC member. The

resource team consists of people who work professionally in their respective fields, and it chooses its own leader. The team recruits external professional help according to need. The team also receives help from central offices in the diocese when needed, particularly as regards practical help in organizing regional meetings. The help is coordinated by the leader of the pastoral department.

The pastoral department is responsible for ensuring that courses or seminars are held. These take the form of regular regional meetings. The resource team, however, is responsible for conducting the meetings in collaboration with the local hosts. Meetings are also organized for specific target groups (e.g., teachers, catechists, leaders of children’s groups and youth groups). The structure of individual meetings will vary, since they are to be tailored to the needs of individual parishes or the local organizer. In an ongoing manner, the resource team assesses the need for meetings held in languages other than Norwegian. In consultation with the local host, the team also assesses the need for translating all or parts of the program.

At least two regional meetings or courses are held annually. The pastoral department accepts invitations from local hosts, and also, in consultation with the bishop, actively requires certain groups to attend courses which it sets up. The resource team becomes involved once the event is being planned.

The diocese, through the pastoral department, also organizes courses for priests and deacons. Members of religious orders are invited to participate there where it is natural for them to do so. Here members of the resource team contribute with their professional competence.

Work done by the resource team is unpaid, but all expenses are covered by the prelature / local organizer according to arrangements made in each particular case. This concerns any honorarium given to external contributors and reimbursement of their expenses.

Instructions to Contact Persons

Contact persons for the Catholic Diocese of Oslo and Trondheim Prelature (Contingency Plan section 4.3.2) are appointed by the bishop for four-year terms, and they can be re-appointed.

Contact persons must be easily accessible by telephone and/or email. Information on how to contact them should be easy to find, both on *www.katolsk.no* and in separate brochures which are patently visible and easy to pick up at the premises of the Prelature, in parishes, in religious congregations and in other church-affiliated institutions and locations.

The contact persons are there to listen to those who seek them out, and they are obligated to pass on the information they receive to those who will deal further with the case.

When a contact person receives information about a case of sexual abuse or

transgressive behaviour, he or she shall note down all the relevant information about the nature of the event(s). The contact person records the names of the parties involved, the time point(s) of the alleged event(s), the name of the informant, and the time point when the informant made contact. As soon as possible, after the contact person has been given this information, he or she writes an exhaustive case report that is as objective as possible. This report should be submitted to the informant for approval.

The contact person tells the informant about the rules and procedures for further case treatment such as are described in the Contingency Plan. If a minor has contacted the contact person, it is the responsibility of the contact person immediately to inform the child's parents or guardians about the accusation.

In cases where the informant wants to remain anonymous or does not divulge the identity of the accuser or the accused, the contact person notes down all other reported data, tells the informant how the case will proceed and then delivers the report to the DEC and the bishop.

When the contact person is informed about a case, he or she is obligated to put the case before the bishop and the DEC.

When a case is investigated, the relevant contact person meets with the DEC to give necessary information about the report as it was received. Contact persons can also meet with the DEC at other times when it is desired.

