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## **Protection of Minors in the Legislation of the Diocese of Tarnów**

### **Abstract**

The sexual abuse of a child is a crime which demands a response on various levels. On the one hand, it requires psychological support for the victims, while on the other, it requires concrete legal and penal measures against the perpetrators, as well as broad social education and preventive measures in order to prevent similar tragedies from recurring in the future. The document entitled “Protection of Minors in the Pastoral Work of the Diocese of Tarnów – Norms and Rules” refers to the actions of the universal Church. The document on the protection of minors is a guideline for the Diocese of Tarnów to be used in all parishes, communities and works of the diocese, both by clergymen, consecrated persons and laity who undertake ministry among children and young people.

### **Keywords**

Diocese of Tarnów, protection of minors, canon law, sexual abuse.

## **1. Introduction**

The drama of sexual abuse of minors by certain clergymen in the Catholic Church as well as negligence in this matter have become the cause of a major crisis in the Church. At an international conference at the Vatican, which was held between the 21<sup>st</sup> and the 24<sup>th</sup> of February 2019, Cardinal Luis Antonio

G. Tagle said: “The abuse of minors by ordained ministers has inflicted wounds not only on the victims, but also on their families, the clergy, the Church, the wider society, the perpetrators themselves and the Bishops.”<sup>1</sup>

In his Letter to the Bishops of the United States of America, Pope Francis wrote: “We know that times of trial and tribulation can threaten our fraternal communion. Yet we also know that they can become times of grace sustaining our commitment to Christ and making it credible.”<sup>2</sup> The Church as a community of the faithful cares for every person. All those who serve in the Church must help others. The foundation of this ministry is respect for the dignity of each person in imitation of Jesus Christ. This is why the Church has taken and continues to take a number of decisions aimed at the effective protection of children and young people. We have a number of papal documents that attempt to regulate the issue of sexual abuse: Apostolic letter *motu proprio Sacramentorum sanctitatis tutela* announcing the norms concerning the more grave misconduct/crimes reserved for the Congregation for the Doctrine of the Faith of 2001,<sup>3</sup> *Normae de gravioribus delictis* of 2010,<sup>4</sup> Circular letter to assist Episcopal conferences in developing guidelines for dealing with cases of sexual abuses of minors perpetrated by clerics of 2010,<sup>5</sup> Apostolic letter *motu proprio Come una madre amorevole* of 2016,<sup>6</sup> Apostolic letter *motu proprio Vos estis lux mundi* of 2019,<sup>7</sup> *Vademecum* on certain points of procedure in treating cases of sexual abuse

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<sup>1</sup> L. A. Tagle, *The Smell of the Sheep: Knowing their pain and healing their wounds is at the core of the shepherd's task*, in: R. Leżohupski (ed.), *Świadomość i oczyszczenie*, Niepokalanów 2020, p. 13.

<sup>2</sup> Francis, *Letter to the Bishops of the United States of America*, in: A. Żak, *Wierchołek góry lodowej. Kościół i pedofilia*, Cracow 2019, p. 119.

<sup>3</sup> John Paul II, *Apostolic letter motu proprio Sacramentorum sanctitatis tutela*, in: J. Augustyn, *Głęboko wstrząśnięci. Samooczyszczenie Kościoła*, Cracow 2002, pp. 184–186.

<sup>4</sup> Congregation for the Doctrine of the Faith, *Normae de gravioribus delictis*, “L’Osservatore Romano” 10 (2010), pp. 53–56.

<sup>5</sup> *Circular letter to assist Episcopal conferences in developing guidelines for dealing with cases of sexual abuses of minors perpetrated by clerics*, in: Akta Konferencji Episkopatu Polski, no. 1 (19) (2011), pp. 45–48.

<sup>6</sup> Francis, *Apostolic letter motu proprio Come una madre amorevole*, “L’Osservatore Romano” 6 (2016), pp. 6–7.

<sup>7</sup> Francis, *Apostolic letter motu proprio Vos estis lux mundi*, in: P. Studnicki (ed.), *Odpowiedź Kościoła na dramat wykorzystania seksualnego małoletnich. Aspekt prawny*, Ząbki 2020, pp. 46–56.

of minors committed by clerics of 2020.<sup>8</sup> In Poland, we also have documents of the Episcopate of Poland in the form of Guidelines for initial canonical inquiry in the case of clerical accusations of deeds committed with a minor under eighteen years of age, against the Sixth Commandment of the Decalogue (2014),<sup>9</sup> and Prevention of sexual abuse against children and young people and persons with disabilities, in the pastoral and educational work of the Church in Poland (2014).<sup>10</sup> The legislation of the Diocese of Tarnów is part of those documents.

## 2. Document of the Diocese of Tarnów on the protection of minors

The document of the Diocese of Tarnów entitled “Protection of Minors in the Pastoral Work of the Diocese of Tarnów – Norms and Rules”<sup>11</sup> was developed based on a number of Ecclesiastical and civil documents.<sup>12</sup> That document

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<sup>8</sup> Congregation for the Doctrine of the Faith, *Vademecum on certain points of procedure in treating cases of sexual abuse of minors committed by clerics*, in: P. Studnicki (ed.), *Odpowiedź Kościoła na dramat wykorzystania seksualnego małoletnich. Aspekt prawny*, Ząbki 2020, pp. 59–99.

<sup>9</sup> Episcopal Conference of Poland, *Wytyczne dotyczące wstępnego dochodzenia kanonicznego w przypadku oskarżeń duchownych o czyny przeciwko szóstemu przykazaniu Dekalogu z osobą niepełnoletnią poniżej osiemnastego roku życia*, in: Akta Konferencji Episkopatu Polski, no. 31 (2019), pp. 261–270.

<sup>10</sup> Episcopal Conference of Poland, *Prewencja nadużyć seksualnych wobec dzieci i młodzieży i osób niepełnosprawnych w pracy duszpasterskiej i wychowawczej Kościoła w Polsce*, in: Akta Konferencji Episkopatu Polski, no. 27 (2015), pp. 47–49.

<sup>11</sup> The document was approved by the Bishop of Tarnów on 27th June 2019 and published by Biblos Publishing House in Tarnów.

<sup>12</sup> Francis, *Motu proprio Vos estis lux mundi*; Episcopal Conference of Poland, *Wytyczne dotyczące dochodzenia kanonicznego w przypadku oskarżeń duchownych o czyny przeciwko szóstemu przykazaniu Dekalogu z osobą niepełnoletnią poniżej osiemnastego roku życia*, *The text, adopted by Resolution no. 13/366/2014 of the Episcopal Conference of Poland of 8 October 2014, was amended by Resolution no. 5/376/2017 of the Episcopal Conference of Poland of 6 June 2017*; Episcopal Conference of Poland, *Prewencja nadużyć seksualnych wobec dzieci i młodzieży i osób niepełnosprawnych w pracy duszpasterskiej i wychowawczej Kościoła w Polsce, the text was adopted at the 365th Plenary Meeting of the Episcopal Conference of Poland, held in Warsaw between 10th and 11th June 2014*; Diocese of Rzeszów, *Normy i zasady ochrony małoletnich w praktyce wychowawczej Diecezji Rzeszowskiej*, Rzeszów 2017; *Wytyczne dotyczące ochrony dzieci i młodzieży w archidiecezji gnieźnieńskiej*, Gniezno 2019; Salesians of Don Bosco, *Normy i zasady ochrony małoletnich w praktyce wychowawczej Towarzystwa Salezjańskiego Inspektorii*

consists of sixteen chapters. The child, being God's gift, has its own subjectivity and is cared for in the community of the Church so that it can develop in the physical, spiritual and emotional spheres. Therefore, no one serving in the Church has the right to violate, in any way, the physical and psychological integrity of children and young people. The norms and rules of conduct in working with minors given in that document are a tool for eliminating the risk of committing crimes against minors, especially sexual crimes. For the parents or legal guardians of minors, they are a guarantee of the concern of the Church in Tarnów for the safety of children and young people who are the subject of the pedagogical and pastoral activities of the Church. The document on the protection of minors is a guideline for the Diocese of Tarnów, to be used in all parishes, communities and works of the diocese, both by clergymen, consecrated persons and laity who undertake ministry among children and young people. Caring for children and young people must always be connected with concern for their integral and full development, their spiritual, psychological and physical well-being.

All acts of physical, verbal, psychological and sexual violence, and sexual abuse against persons entrusted to the care of adults and in any form of dependence on them, must be firmly condemned as contrary to the principles of social and Christian life. Those acts of violence must be considered as grave and illegal offences and crimes which demand an unequivocal response from the Church and an effort of penance and reparation from the perpetrator. At the same time, whilst recognising the seriousness of this kind of evil, all measures should be taken to prevent such situations from recurring in the future.

This publication will discuss in detail the protection of minors in the Diocese of Tarnów, in particular the code of behaviour, how to recognise warning signs, what to avoid so as not to be falsely accused, how to respond to signs or information of sexual abuse, and how to help the victims.

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*Krakowskiej*, Cracow 2015; F. Lempa, *Kanoniczna ochrona karna małoletnich przed nadużyciem seksualnym*, Białystok 2013; A. Żak, E. Kusz, *Seksualne wykorzystywanie małoletnich w Kościele. Problem-odpowiedź Kościoła – doświadczenie polskie*, Cracow 2018; A. Salter, *Drapieżcy. Pedofile, gwałciciele i inni przestępcy seksualni. Kim są, jak działają i jak możemy chronić siebie i nasze dzieci*, Poznań 2016.

### 3. “Code of behaviour”

According to the document of the Diocese of Tarnów, the rights and safety of minors should be categorically respected. Any violence against children and young people (including physical, psychological, emotional and sexual violence) is prohibited. All minors have the right to be treated as subjects. It is unacceptable for a clergyman or other educator to favour individual persons. Those who provide care for minors cannot tolerate from others any behaviour which is commonly interpreted as a form of bullying or harassment. Particular care and prudence should be exercised during personal conversations between a clergyman or lay educator and a minor. Clergymen and lay educators should avoid staying with minors for unjustified long periods of time. Moreover, it is forbidden to travel by car or other means of transport “alone” with a minor. An exception may be made if there is the necessity to save health or life. It is also forbidden to talk, tell jokes and make any comments with sexual overtones. If it is necessary to discuss sexual matters with a minor, it should preferably be done in the presence of an educator or another adult person, with considerable caution, delicacy and prudence. It is forbidden to offer alcohol, cigarettes, intoxicants (including drugs) and other substances prohibited by law or consume them in the presence of minors. While relating with minors, it is necessary to use polite language and means and methods which are appropriate for their age.. When using telephone contacts or social media with minors, it is necessary to maintain maximum caution, moderation and a sense of responsibility in the use of language.<sup>13</sup> The document clearly states that failure to observe the above-mentioned rules will be treated as a violation of the basic duties of an educator towards minors, and will entail legal consequences provided for both in canon law and in the national law.

The norms in the Diocese of Tarnów emphasise respect for the physical integrity, intimacy and privacy of a minor. Therefore, the basic rule in working with children and young people is respect for their bodily integrity. Minors have the right to privacy. In particular, this right should be respected in such places as changing rooms, swimming pools, bathrooms and toilets. The privacy of minors cannot be invaded in any way in the aforementioned places. The protection of the minor’s privacy also excludes checking of laptops or mobile phones. Any

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<sup>13</sup> Cf. *Ochrona małoletnich w działaniach duszpasterskich diecezji tarnowskiej – normy i zasady*, no. 9–17.

meetings with a minor should be characterised by respect for privacy, prudence and caution. The following are construed as inappropriate behaviours and abuses of a minors' bodily integrity: all forms of showing them unwanted attention; full and strong hugs and embraces; touching breasts, buttocks and intimate areas; slapping thighs or knees; tickling or "strong hugging"; embracing minors while standing behind their back; massages; kissing (especially on the mouth); lying or sleeping next to a minor; showing any forms of affection in isolated places, e.g. in the bathroom, toilet, private room; complimenting and commenting on physical appearance; making sexual proposals (e.g. sleeping together, what is referred to as having sex or other sexual activities); entering into any correspondence of a sexual nature, including sexual overtones, also by means of telephones and social media. All games are forbidden, in particular when using the aforementioned forms of touching. The document categorically prohibits taking of photographs or video recordings of minors. In cases where individual photographs of minors in other situations and/or making their images public is required, the written consent of parents or legal guardians must be obtained in advance. It is also important to be aware of the regulations related to GDPR. During trips or stays in recreational centres, minors should not be assisted in personal activities (broadly understood as toilet, washing, changing clothes, etc.) if they are able to perform these activities on their own.<sup>14</sup>

Several issues of the Document of the Diocese of Tarnów are dedicated to individual meetings with minors. The proper place for individual meetings with children and young people is a public room, ensuring visibility during such meetings (glass or open door, glass walls of the room, presence of other people nearby). Individual talks with minors cannot take place in a private room of a lay educator or clergymen. If it is necessary to have an individual meeting with a minor, their parents or legal guardians should be notified. The same applies to telephone or social media conversations with a minor. It is important to remember that a minor, and in particular a person under the age of 15, is not a partner in individual conversations and meetings with clergymen. Meetings with a group of minors should not be multiplied or prolonged in an imprudent manner. It is recommended that both the time (time of day) and the number of meetings should be determined at the first organisational meeting. The norms recommend that individual minors should not be invited to the clergyman's

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<sup>14</sup> Cf. *Ochrona małoletnich w działaniach duszpasterskich diecezji tarnowskiej – normy i zasady*, no. 19–26.

private flat. Particular caution should be exercised in establishing contact with a minor by means of computer telecommunication. It should be remembered that the right person to talk to is the parents or legal guardians. If it is necessary to visit a minor's private home, it should be ensured that the conversation takes place in the presence of at least one parent or legal guardian. The meeting should not go beyond the area related to the duties of the educator. A personal meeting with the priest during the administration of the sacrament of penance and reconciliation is of a special nature. The proper place for confession is a confessional<sup>15</sup> in a church or chapel. Prudence is advised in the administration of this sacrament in isolated places, such as the sacristy or choir loft. If it is necessary to administer the sacrament of penance outside the church or chapel, the location should be chosen so as to protect the confidentiality of confession while guaranteeing the observance of the provisions of this document. It is strictly forbidden to administer the sacrament of penance in a school, vicarage, priest's private flat or on the premises of a parish house. In addition, if it is necessary to have a personal conversation with a minor in a school or parish hall, care must be taken to be transparent and to ensure that the door is ajar. It is recommended that a place should be organised in the parish building for meetings with minors. It is forbidden to drive pupils to school in private cars or to transport pupils in private cars, even if parents or legal guardians have given their consent, e.g. to the cinema, youth meetings, competitions, festivals, etc. The transport of pupils may only take place in accordance with the provisions of civil law.<sup>16</sup> Likewise, private trips by car (for one or several days) with a minor or minors are prohibited. All excursions, whether for one or several days, tourist or other trips, holidays and retreats should be carefully planned and formally documented with particular attention to transportation, accommodation, daily schedule and safety at the place of stay.<sup>17</sup> For each trip with minors, the written consent

<sup>15</sup> Cf. Code of Canon Law, Canon 964 §3.

<sup>16</sup> Cf. Article 39, item 1, section 5a of the Act of 7 September 1991 on the educational system (unified text: Journal of Laws of 2004, No. 256, item 2572 as amended); Article 7, item 2, section 6 of the Act of 26 January 1982, The Teachers' Charter (unified text: Journal of Laws of 2014, item 191 as amended); the Act of 20 June 1997, The Road Traffic Law (unified text: Journal of Laws of 2015, item 155); the Act of 5 January 2011 on drivers of vehicles (unified text: Journal of Laws of 2015, item 155); § 2 of the Regulation of the Minister of National Education and Sport of 31 December 2002 on safety and hygiene in public and non-public schools and establishments (Journal of Laws of 2003, No. 6, item 69 as amended).

<sup>17</sup> Cf. Regulation of the Minister of National Education of 30 March 2016 on holidays for children and young people, item 452; the Act of 13 May 2016 on counteracting threats of sexual

of the parents or legal guardians is required, who should also be made aware of the programme of the trip. In addition, the consent of the parents or legal guardians is required for the processing (and scope) of the minor's personal data. On group trips, it must be ensured that the number of male and female educators is proportionate to the number of boys and girls in the group. At the beginning of a trip/excursion, educators are obliged to make the participants familiar with the rules and regulations in force. This fact should be recorded in the documentation. It is important to ensure that the time for overnight rest is planned in accordance with safety standards. Particular attention must be paid to the arrangement of sleeping accommodation. Boys' and girls' bedrooms should be separated and supervised by staff of the same gender as the pupils staying in them. During holidays, retreats etc., attention should be paid to such behaviours which could indicate problems of the minor with acclimatisation in the group, difficulties in establishing contacts with peers and the lack of a minor's abilities to cope with situations of conflict occurring in a group of peers. It is forbidden to underestimate any signals pointing in particular to: isolation of a minor in a group of peers, manifestations of aggression among minors (in particular aggressive behaviours of older ones towards younger ones), conflicts between the minors, sexual behaviours inadequate for the age of minors, using confusion and awkwardness of minors less socially adapted. It is forbidden for guardians to stay overnight in the rooms of minors. It is also recommended to be prudent in visiting pupils in their rooms. The parents of children and youth should be provided with a contact telephone number where they can get information about their child while on an excursion, or retreat.<sup>18</sup>

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offences, item 405; the Act of 18 January 1996 on physical culture (Journal of Laws of 2001, No. 81, item 889 as amended); the Act of 20 June 1997, The Road Traffic Law (Journal of Laws of 2005, No. 108, item 908, as amended); Regulation of the Council of Ministers of 6 May 1997 on safety conditions for people staying in the mountains, swimming, bathing and practising water sports (Journal of Laws of 1997, No. 57, item 358); Regulation of the Minister of National Education and Sport of 31 December 2002 on safety and hygiene in public and non-public schools and establishments (Journal of Laws of 2002, No. 6, item 69).

<sup>18</sup> Cf. *Ochrona małoletnich w działaniach duszpasterskich diecezji tarnowskiej – normy i zasady*, no. 28–49.



#### 4. The ability to recognise warning signals

The document of the Diocese of Tarnów on the Protection of minors in pastoral work, includes information about the adequate recognition of warning signals. Observations in the attitude of adults which may indicate a deviation from the norm in their relations with minors, may be of three kinds.

Soft warning signals:

- lack of relations with peers,
- they feel uncomfortable with peers,
- they feel comfortable with minors,
- they are interested in activities/games for children/young people,
- they feel uncomfortable about or deny their sexuality,

Warning signals:

- they spend a lot of time with minors,
- they give unusual gifts to minors,
- they share secrets with minors,
- they establish frequent contacts with minors on social media,
- they are considered “disgusting” by some minors,
- adults feel increasingly uncomfortable around them,
- they have teddy bears, children’s games or toys in their rooms,

Finally, “emergency” signals:

- they take children on private holidays or to private accommodation,
- they have a large number of pictures of children,
- they hug children,
- they touch children’s bodies or children touch their bodies,
- they behave in an intrusive manner: touching minors, talking to minors about sexual matters,
- they give alcohol/drugs to minors.

If one notices any of the signs described in the third group in an adult’s behaviour, appropriate actions should be taken, starting from close observation of a suspect to reporting such alarming behaviour to appropriate institutions.<sup>19</sup>

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<sup>19</sup> Cf. *Ochrona małoletnich w działaniach duszpasterskich diecezji tarnowskiej – normy i zasady*, no. 66–67.

## 5. What to avoid so as not to be falsely accused?

Clergymen and lay people (including volunteers) may feel apprehension or even fear when working with young people. Therefore, in order to avoid being accused of a criminal act, it is necessary to remember the basic safety rules and, in particular, to avoid meetings with a minor/minors in isolated spaces; any kind of behaviour that may be perceived as favouring one of the minors; any kind of involvement in ambiguous physical contact with a minor; wearing provocative and inappropriate clothes; showing nudity in the presence of minors; meeting in private rooms or flat of a minor without the presence of other adults; giving secret gifts to selected minors; any behaviour that may be considered as not conforming to generally accepted standards of demonstrating affection towards minors or pupils; any expression that may be taken as complimenting the physical appearance and attractiveness of children and young people; verbal harassment, e.g. harassment with jokes, remarks and comments with sexual overtones; behaviour that could be perceived as “bad touch”; sending ambiguous text messages and emails; taking photographs in a situation where there is no certainty whether there is the consent of the minors or their parents (legal guardians).<sup>20</sup>

In any activity or play with minors, there can be no physical contact, and in particular, physical proximity in the form of, for example, tickling, hugging, including hugging with legs, and the use of physical force (wrestling, etc.) should be avoided. The document strictly prohibits inappropriate touching or hugging a minor, regardless of implied consent. It should be remembered that crossing emotional boundaries means treating the relationship with a minor as intimate in the same way as the relationship with an adult person. Therefore it is important to avoid the following: spending an unjustified long time with a minor, too frequent phone calls to a minor or writing letters or messages, strong involvement in a minor’s private life, possessive behaviour, any actions that could be perceived as ridiculing the moral principles practiced by parents or guardians, encouraging minors to do something against their will or the will of their parents or guardians, giving gifts to minors without the permission of the parents or guardians, using family connections in order to reach minors (grooming). Any transgression of accepted behaviours means acting against

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<sup>20</sup> Cf. *Ochrona małoletnich w działaniach duszpasterskich diecezji tarnowskiej – normy i zasady*, no. 71.

the law of the Church and the national laws, and is connected with disciplinary consequences.<sup>21</sup>

## 6. How to respond to signs or information about sexual abuse?

The information about sexual abuse or exploitation of minors, or the likelihood of these facts may come mainly from three sources: the minors themselves may disclose it; the disclosure is made by a third person having grounds for it; it may be also indicated by symptoms of sexual abuse (e.g. behavioural or somatic symptoms). It is important to observe the child and to be able to analyse the facts noticed. Information is sourced from interviews, somatic and behavioural symptoms. It should be remembered that a clergyman can also help a minor in a dangerous situation. It should also be remembered that knowledge of actual or probable cases of violence requires appropriate action under Article 240 of the Penal Code (PC). The following acts are prohibited under Article 240 § 1 PC, and must be absolutely reported to the Polish law enforcement authorities: rape of a person under the age of 15 (Article 197 § 3 item 2 PC), sexual abuse of a mentally handicapped person (Article 198 PC), sexual intercourse with a minor under the age of 15 (Article 200 § 1 PC), providing pornographic content to a minor under the age of 15 (Article 200 § 3–5 PC), establishment of contact with a minor under 15 years of age by means of computer telecommunication networks for the purpose of sexual exploitation (Article 200a PC).

Criminal sexual acts with minors, which are not covered by the notification obligation under Article 240 PC, include: abuse of a relationship of dependence or trust with a minor in exchange for the granting or promise of a pecuniary or personal benefit to a minor for the purpose of sexual exploitation (Article 199 PC), production, distribution and possession of pornographic content with the participation of a minor under the age of 15 (Article 202 § 3–4c PC).

The first persons responsible for reacting to signals of crime and at the same time obliged to take appropriate action are superiors:

- in a school – the principal,
- in an association – the president,
- in a parish – the parish priest,

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<sup>21</sup> Cf. *Ochrona małoletnich w działaniach duszpasterskich diecezji tarnowskiej – normy i zasady*, no. 74–75.

- during summer holidays – the recreation manager and similarly every superior of a given organisational unit.<sup>22</sup>

In the case of a clergyman, the appropriate action is taken by the Diocesan Bishop or his delegate. The first task is to notify the superior whose duty it is to take legal action according to the regulations in force. If for some reason this proves impossible, the appropriate authorities should be notified. In the case of a clergyman suspected of a crime against a minor, the matter should be reported in writing to the Delegate of the Diocesan Bishop who will undertake a preliminary canonical inquiry. If there is a suspicion that a sexual crime against a pupil who is a minor, has been committed on the school premises by a clergyman (catechist), the Principal, in consultation with the Catechetical Department, removes the catechist from his duties until the matter is clarified, without any risk to his reputation. At the same time, the Diocesan Bishop suspends the catechist from his duties, assigning him a place of residence pending clarification of the case/preliminary canonical inquiry. The task of the Diocesan Bishop's Delegate is to verify the report of the suspected crime for its credibility. The Diocesan Bishop's Delegate is required to make a report of the investigation and to secure all evidence of the incident including letters, writings, email correspondence or notes of telephone calls which are relevant to the case. In conducting an investigation, the good name of the parties, the rights of third parties and the rules relating to the protection of personal data must be taken into account. Records of investigations into acts of violence or abuse against a minor, or suspicions of violence or abuse against a minor, are safeguarded and kept in the Diocesan Curia as non-public information. The Diocesan Bishop is obliged to report an incident to the competent authorities – the police, the prosecutor's office or the family and guardianship court – if the investigation does not unequivocally exclude the version of events stated by the reporting person or by the minors themselves and pointing to the possibility of a crime, if the information obtained concerning acts of violence or abuse against a minor turns out to be credible or if in the course of the investigation, reliable information is received which, although not pointing to the likelihood of a crime against a minor, gives rise to concern about a minor being harmed in another way.<sup>23</sup>

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<sup>22</sup> Cf. *Ochrona małoletnich w działaniach duszpasterskich diecezji tarnowskiej – normy i zasady*, no. 84–88.

<sup>23</sup> Cf. *Ochrona małoletnich w działaniach duszpasterskich diecezji tarnowskiej – normy i zasady*, no. 90–97.

The notification of a suspected crime against a minor<sup>24</sup> should be submitted to the district prosecutor's office in the district or town where the crime has been committed or to the nearest police station verbally or in writing, and recorded by a police officer. The notification of a suspected crime does not have to be based on the certainty that a crime has been committed, but credible knowledge of the possibility of a crime is sufficient reason to take action. The responsibility for the course of action following a report of violence or abuse, or the suspicion of violence or abuse against a minor, rests with the Diocesan Bishop who carries out these tasks through the Delegate for the Protection of Children and Young People, or another person designated by the Bishop and prepared for these tasks. If the national authorities accept the report and proceedings are initiated by them, the canonical process is suspended pending the determination of the national authorities. If the allegations against the clergyman are confirmed, the Diocesan Bishop refers the matter to the Congregation for the Doctrine of the Faith. At From that moment, the clergyman is suspended from exercising functions arising from the sacrament of Holy Orders. If the accusations of violence or abuse against a minor prove to be unfounded, the clergyman will be restored to his former duties. In this case, such a person must be rehabilitated and his good name restored.<sup>25</sup>

## 7. Help for the victims

The document "Protection of minors in the pastoral work of the Diocese of Tarnów – norms and rules" could not omit a very important issue which is help for the victims. In the case of a suspected sexual crime against a minor, the Diocesan Bishop implements guidelines for helping the victims. Caring for the victims of sexual abuse is a fundamental act of justice on the part of the Church community that feels the pain and shame because of the harm done to children and young people. If the Diocesan Bishop becomes aware of a case of sexual abuse against minors he provides spiritual and psychological support to the victims of sexual abuse and, if necessary, legal consultation, and takes

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<sup>24</sup> In particular, crimes under Article 207 of the Penal Code – physical or mental abuse of a minor or under Article 200 of the Penal Code – subjecting a minor to sexual acts.

<sup>25</sup> Cf. *Ochrona małoletnich w działaniach duszpasterskich diecezji tarnowskiej – normy i zasady*, no. 98–103.

action to prevent the possible continuation of the crime and ensures that the victims feel safe. The Diocesan Bishop, through his delegate or designated committee, carries out the duty to provide spiritual and psychological help and legal consultation to the victims of sexual abuse. The victims should be informed that it is their fundamental right to report to law enforcement. The treatment of victims of sexual abuse by those acting on behalf of ecclesiastical superiors should always be inspired by a sense of justice and concern for the welfare of the victims and the Church community. Help for the victims of sexual abuse and their loved ones begins with the acceptance of a report that a clergy member has committed an act against the sixth commandment of the Decalogue with a minor under the age of eighteen. The delegate or committee designated to conduct the interview(s) with the person(s) reporting sexual abuse is to provide them with the maximum sense of security, to show willingness to listen sympathetically, and to accept the truth as well as to reassure them in the conviction that the persons disclosing their suffering are also helping the community of the Church to restore the violated moral order. For a victim of sexual abuse who is a minor, spiritual and psychological help should be provided in close cooperation with the parents/legal guardians and, in the case of a victim under the age of 15, with their expressed consent. In addition, the victims of abuse, whether minors or adults, have the right to be accompanied by a trusted person of their choice during investigations and proceedings. The victims also have the right to be informed of preventive measures taken in relation to the person accused of abuse. Spiritual and psychological support should also be provided to those closest to the victim of sexual abuse, in particular family members, who should be informed about it.<sup>26</sup>

## 8. Conclusion

The sexual abuse of a child/minor is a crime which demands a response on various levels. On the one hand, it requires psychological support for the victims, while on the other, it requires concrete legal and penal measures against the perpetrators as well as broad social education and prevention in order to prevent similar tragedies in the future. The actions of the Church are exemplified and

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<sup>26</sup> Cf. *Ochrona małoletnich w działaniach duszpasterskich diecezji tarnowskiej – normy i zasady*, no. 106–116.

inspired by the contemporary popes: John Paul II, Benedict XVI and Francis, who set the course of action against this crime and sin at the same time. The document entitled “Protection of Minors in the Pastoral Work of the Diocese of Tarnów – Norms and Rules” refers to those actions. Benedict XVI, in the text “Finding the living Church”, writes: “Why did paedophilia reach such proportions? Ultimately, the reason is the absence of God. We Christians and priests also prefer not to talk about God, because this speech does not seem to be practical. (...) A paramount task, which must result from the moral upheavals of our time, is that we ourselves once again begin to live by God and unto Him.”<sup>27</sup> In the Diocese of Tarnów, among important tasks to safeguard the common good of the faithful, especially the protection of children and young people, there is the adoption of a categorical stance towards cases of sexual abuse committed by clergymen against minors.

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<sup>27</sup> Benedict XVI, *Finding the living Church*, in: R. Leżohupski (ed.), *Świadomość i oczyszczenie, Niepokalanów 2020*, p. 223.

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