

EVV study – FAQ



More: <https://bistummainz.de/EVV-FAQ>

What does EVV stand for?

EVV is the abbreviation for *Erfahren – Verstehen – Vorsorgen* (translating as discover – understand – prevent). This is the guiding principle of the independent study that sought to clarify all aspects of acts sexualised violence in the jurisdiction of the diocese of Mainz. It covers the period from 1945 until today. The terms outline the process involved: **discover** what happened; **understand** how the situation could arise; based on the results, put into place precautions in order to **prevent** it from happening again.

Why is the EVV study being conducted?

The impetus for this study was the awareness that many people in the diocese of Mainz have knowledge about cases of sexualised violence and the responses of those in positions of responsibility when they occur. In addition, the recorded files are inconsistent. The EVV study aims to shed light on the facts. Sexualised violence is part of the historical legacy of the diocese of Mainz and therefore an ongoing challenge that needs to be faced. The aim of this study is to bring the topic into focus in all areas, parishes and institutions of the diocese of Mainz.

Why is such a study being conducted only now?

The diocese already participated in the Germany-wide MHG study (<https://kurzelinks.de/pgny>) and the results were presented in 2018 (<https://kurzelinks.de/9iww>). This was followed by the EVV study, which looks specifically at the diocese of Mainz in greater depth. The other German dioceses are proceeding in a similar manner.

What are the objectives of the EVV study?

The study explores three questions in particular: firstly, was there previously and is there now structures in the diocese of Mainz that have failed to prevent sexualised violence. Secondly, how did the diocese of Mainz deal with cases of sexualised violence in relation to what was known. Thirdly, have there been any previously unknown cases of sexualised violence in the diocese of Mainz from 1945 until today. What additions and directions for preventive action in the diocese of Mainz arise from these findings?

Who was involved in the commissioning the study?

In addition to representatives of the diocese, external experts were involved in the consultation before the commission of the study, including a medical expert in trauma, a specialist lawyer for criminal law, a detective superintendent, the then state chairperson of the White Ring, and the director of a recognised independent youth welfare organisation (MädchenHaus GmbH). In all this, the victim's perspective was always the focus.

Who is conducting the study?

In June 2019, the diocese of Mainz commissioned the Regensburg lawyer Ulrich Weber to conduct the Mainz study (<https://kurzelinks.de/13cv>). The diocese chose Weber because he was able to draw on a wealth of experience through his study on the Regensburg Cathedral Boys Choir through which he acquired a high professional and personal reputation (<https://kurzelinks.de/4bpo>). In addition, the Regensburg Domspatzen project has demonstrated the following: it is necessary to go beyond the mere evaluation of files and to seek dialogue with those affected and other people who hold information in order to uncover previously unknown knowledge. The EVV study is not being conducted by Weber alone, but rather in collaboration with his team. Weber presented an interim report in October 2020 (<https://kurzelinks.de/eo65>).

Is attorney Weber independent?

As the client of the study, the Diocese of Mainz paid lawyer Weber, as this labour and time-intensive work cannot be carried out free of charge. The content and objectives of the study were proposed by the Weber team and subsequently discussed and deliberated in detail in the Independent Reappraisal Commission prior to commissioning. The diocese refrained from exerting any influence on the conduct of the study. Attorney Weber has always emphasised that his independence is unimpeachable.

What is special about the Mainz study?

The study is more than a mere analysis of files; rather, Weber has held conversations with those affected and other people who hold information. There were numerous invitations to participate in the conversations that provide the focus of the study. The conversations were compared with the data material of the diocese of Mainz. Not only were sexualised violence and sexual transgressions by clergy investigated, but also those by other employees of the diocese of Mainz as well as volunteers. Another focus of the study is on relationships of dependency. The documenting and evaluating of the events should lead to the ability to recognise situations and constellations in the future that facilitate or foster sexual abuse. Due to the complexity of the study, the team around lawyer Weber is not pursuing a purely legal but rather an interdisciplinary scientific research approach. He will explain this in more detail during the presentation of the study.

Which files were made available to attorney Weber?

Weber had free access to all files held by the diocese of Mainz. To ensure compliance with data protection, three external experts accompanied him during the data collection for the study. Aspects of data protection relating to labour law, civil service and criminal law were also taken into account.

What does the study cost?

Attorney Weber will outline this at the presentation of the study.

Are church taxes used for the study?

The study, but also the recognition payments or therapy costs for those affected are not paid from church tax revenue, but rather from a fund that is sustained through the income from interest.

How will the study be published?

On Friday 3 March 2023, at 11 am, attorney Weber will present the results of the EVV study at a press conference in Mainz. At that time, the study will be put online on the law firm's website at www.uw-recht.org so that it is possible for everyone to read the study. The press conference can be followed via livestream at www.uw-recht.org. The management of the Diocese of Mainz will also learn about the results of the study for the first time on this day.

How will the diocese of Mainz react?

As the results of the EVV study won't be known to the management of the diocese of Mainz until 3 March, Bishop Peter Kohlgraf will only give a brief response to the presentation of the study on that day. This response will also be made available in writing afterwards. Beyond that, there will be no further public statements from the diocese for the time being, in order to allow sufficient time to read the study. On Wednesday 8 March at 11am, Bishop Peter Kohlgraf, Auxiliary Bishop and Vicar General Dr. Udo Markus Bentz and Ordinariate Director Stephanie Rieth, in her role as representative for the Vicar General will hold a press conference at the Erbacher Hof in Mainz. During this press conference, the diocesan leadership will comment on the study in a qualified manner. This press conference will be available via livestream on www.bistummainz.de. The following weekend, 11 and 12 March, Bishop Kohlgraf will also comment on the EVV study in his pastoral letter for the Easter penitential season.

What happens beyond that?

The diocese of Mainz will run a telephone hotline from Friday 3 March for questions and concerns regarding the EVV study. The hotline will initially be active for 14 days. In addition, Bishop Peter Kohlgraf and Ordinariate Director Stephanie Rieth will chair dialogue events in the four regions of the diocese. Dates and locations are as follows: 13 March in Offenbach, 16 March in Mainz, 24 March

in Gießen, 27 March in Bürstadt (starting at 7:30pm). In addition, a digital dialogue event will be offered on 23 March (also starting at 7:30pm).

How does the diocese of Mainz support those affected with their concerns?

The perspective of those affected is paramount for the diocese of Mainz. The diocese of Mainz pursues an attitude of zero tolerance towards sexualised violence and sees itself as particularly committed to those affected by sexual violence. The injustice they have suffered needs to be uncovered and dealt with. In the process of doing this, the diocese proceeds objectively by also obtaining independent expert opinions from external specialists.

How do affected individuals benefit from the EVV study?

The EVV study aims to uncover the systemic structures that facilitated or enabled sexualised violence. Subsequently, appropriate measures can be taken to actively work on breaking up these structures and to recognize and prevent such situations or constellations in the future. For those affected, this means, in concrete terms, that they are heard and believed and that further measures can be taken to prevent abuse.

Are affected persons more likely to be believed today than in the past?

In view of current developments in society, issues of sexualised violence are more present and are perceived and reflected upon in a more differentiated way. Consequently, those affected are more likely to be believed. The diocese of Mainz takes every report seriously. Every report is explicitly examined and forwarded to the investigating authorities in a case of possible criminal relevance. We still experience a lack of language skills in this sensitive area and try to counter this through regular training.

Where can affected persons from the diocese of Mainz turn?

Those affected can contact the Coordination Office for Intervention and Review or the independent contact persons. The contact details can be found at bistummainz.de/gegen-sexualisierte-gewalt

What does the term ‘sexualised violence’ mean?

The term ‘sexualised violence’ includes both physical and psychological boundary transgressions that violate a person’s privacy. These are carried out against the individual’s will or are actions to which they cannot knowingly consent due to physical, emotional, mental, or linguistic inferiority. Sexualised violence is broader than the legal definition which only includes those acts that are punishable by law. ‘Sexualised violence’ includes all punishable acts, but also acts that are not punishable. It almost always involves the exploitation of a power imbalance based on gender, age, physical superiority, origin or social status. In this case, the superior person has the greater power or authority. Sexual acts are exerted as a method of violence, rather than primarily sexual desire.

It must be assumed that children under the age of 14 cannot consent to sexual acts. Sexual acts are always to be considered sexualised violence, even if a child states that they consent or a perpetrator interprets it that way.

Who works at the Coordination Office for Prevention, Intervention and Review?

Information is available at bistummainz.de/gegen-sexualisierte-gewalt

What are ‘irritated systems’?

‘Irritated systems’ can be people and/or groups directly affected by a traumatic event, such as a suspected case of sexualised violence. In such cases, an event has taken place which they are not directly affected by themselves, but are so close to it that many questions arise and things appear confused and thus create irritation (www.muk-lambrecht.de) Emotions such as anger, bewilderment, emptiness, helplessness, and so on overshadow everyday life, so that new routes to normality must be found. Irritated systems usually represent a dynamic and highly escalatory field of conflict.

What are the diocese’s procedures regarding the recognition of suffering/grievance?

The basis for this is the Regulatory Act for the Procedure for the Recognition of Suffering from 1 January 2021 (<https://kurzelinks.de/z009>). The independent contact persons for the diocese of Mainz are responsible for receiving and helping with the application. After the application has been received by the Contact at the Coordination Office for Intervention and Review, a plausibility check is carried out. According to the Regulatory Act for Recognition, plausibility is assumed ‘if the description of the acts does not contradict objective facts and, when all circumstances are considered, there is an overwhelming probability for their actuality.’ The application is then forwarded by the diocese management to the Independent Commission for Recognition Benefits (UKA), which is responsible for assessing financial compensation.

How many people have been compensated and how high is the amount?

In the diocese of Mainz, a total of 121 applications for benefits in recognition of suffering have been received since 2011 (including 27 follow-up applications according to updated procedures). They were forwarded to the Independent Commission for Recognition Benefits (IKA, formerly ZKS). So far, a total of 1,248,500 Euros has been paid out to a total of 91 affected persons. The lowest amount was 1,000 Euros, the highest amount was 80,000 Euros. The diocese of Mainz has spent an additional 760,870 Euros on therapies to date (all figures as of 26 January 2023).

Are the recognition services paid for out of church tax income?

No, the recognition payments or therapy costs are not paid for out of church tax revenue, but out of a fund that is sustained through the income from interest.

How is the processing of the experiences of sexualised violence in the diocese of Mainz organised?

An Independent Commission for Review and Processing was established in the diocese in 2019. With the election of Ursula Groden-Kranich as chairperson in March 2022, the independent commission for review and processing was restructured in accordance with the joint declaration of the German Bishops' Conference and the Independent Commissioner for Questions of Sexual Child Abuse (UBSKM) and adapted to the agreed guidelines (<https://kurzelinks.de/enq8>).

Who is responsible for the topic of review and processing in the diocese of Mainz?

Ordinate director Stephanie Rieth, Authorised Representative of the Vicar General, is responsible for the areas of review, intervention and prevention of sexual abuse in close consultation with Bishop Peter Kohlgraf and Auxiliary Bishop and Vicar General Dr Udo Markus Bentz.

Who are the members of the Commission for review and processing?

The Commission has eleven voting members. They are all external experts, including trauma psychologists and a detective superintendent. As an employee of the diocese, only Anke Frey, Commissioner for Review and Processing Commissioner, is a voting member. Since 2021, the voting members have also included three members of the former joint advisory council of parties concerned (dioceses of Fulda, Limburg and Mainz, <https://kurzelinks.de/xgvr>) as well as two representatives of the state governments of Rhineland-Palatinate and Hesse. In Rhineland-Palatinate, a change in personnel is currently taking place and no successor to Marliese Dicke, the former President of the Higher Regional Court of Koblenz, has yet been named. From the state of Hesse, the former Federal Minister for Family Affairs, Dr Kristina Schröder, has been seconded.

In addition, 13 people from the diocese of Mainz are permanent guests of the commission, including the Bishop of Mainz, Dr Peter Kohlgraf, Auxiliary Bishop and Vicar General of Mainz, Dr Udo Markus Bentz, Ordinariate Director Stephanie Rieth, Authorised Representative of the Vicar General, and also the heads of the Coordination Offices Intervention and Review and Prevention.

When did the Diocese of Mainz start its prevention work?

The Prevention Coordination Office was set up in November 2010, and in February 2011 the then Regulation on the Prevention of Sexual Abuse of Children, Young People and Vulnerable Adults in the Diocese of Mainz came into force. Subsequently, there was training for full-time and voluntary

staff, certificates of good conduct and self-commitment declarations were obtained, and prevention officers were commissioned; around 20,000 people have been trained since then. The above regulation was revised in 2015. In 2020, the Regulation against Sexualised Violence in the Diocese of Mainz was published. In addition, a mandate was given to all legal entities to expand and bundle prevention measures in tailored institutional protection concepts based on individual protection and risk analysis.

How does the Diocese of Mainz cooperate with the public prosecution offices?

After the publication of the MHG study, the diocese sent lists of facts that had come to the diocese's attention to the general public prosecutor's offices in Koblenz and Frankfurt in early 2019, within the framework of full cooperation. This was done irrespective of whether these facts belonged to the area of investigation of the MHG study, were already known to the investigating authorities or had become time-barred, or whether the accused is deceased.

Matters that can be prosecuted immediately are reported to the public prosecutor's offices. In addition, other facts that come to the attention of the diocese such as in the course of processing or from applications for recognition of suffering, continue to be forwarded to the general public prosecutor's offices twice a year, for example if the accused has died. In addition, it is checked at diocesan level whether all necessary steps have been taken in terms of canon law and whether, if necessary, ecclesiastical proceedings are to be completed, or new proceedings are to be initiated.

What is an ecclesiastical criminal procedure?

Prosecution in canon law is intended to determine whether an act punishable under canon law has been committed and how it is to be punished. When a criminal offence is committed, punishments such as exclusion from rights and duties in the church (excommunication) or a ban on exercising offices and duties (suspension) can be imposed, which is primarily aimed at the correction of the offender. Coercive penalties may also be imposed for a definite or indefinite period, including dismissal from clerical office. Restoration of justice is the primary objective in this case.

How many recognition procedures are currently underway?

Currently, 10 applications are being processed.

How many perpetrators, accused and affected are there in the diocese?

The EVV study gives an answer on how many perpetrators, accused and affected are known to date. We currently assume that the numbers will differ from earlier publications. On the one hand, this is due to the fact that people are still coming forward who want to report on cases of sexualised violence that happened a long time ago. In the course of preparing the study, there were repeated explicit calls for victims and other information providers to contact attorney Weber. Secondly, the field of investigation of the EVV study is very broad (see also *What is special about the Mainz study*).

In comparison, the MHG study for example only looked at priests, full-time deacons and male religion with a diocesan mandate as perpetrators and only at minors as victims. Even after the publication of the EVV study, there will probably be still an unknown number of undiscovered cases, because some of those affected are still unable to talk about the abuse they have suffered.

Does the diocese of Mainz only pay money to those affected upon application?

Material benefits in recognition of suffering require an application so that the Independent Commission for Recognition Benefits, which is responsible for the decision, can determine a benefit level and order payment for those affected. The diocese of Mainz welcomes the new regulation of the procedure for the recognition of suffering, which was enacted at the start of 2021. All 27 German dioceses have agreed on this regulation and are thus taking an important step towards further development. The uniform regulation, which was adopted at the autumn plenary session in 2020 in Fulda, guarantees a transparent and independent procedure.

What is the position of church law on sexualised violence?

In state law, sexualised violence refers to sexual acts against persons who are particularly vulnerable and who cannot consent to the sexual acts or can only consent to a limited extent. The focus of the protection is sexual self-determination. In ecclesiastical criminal law, this term is not used. The offenses are categorized as violation against the sixth commandment of the decalogue (Thou shalt not commit adultery) which are seen as offences against the special obligations of a cleric, but also as offences against life, dignity and freedom of the person. In the tradition of the church, *offences against the sixth commandment of the Decalogue* refers not only to adultery, but to the entire field of human sexuality. This wording refers to any sexual misconduct that is relevant under church law and might under certain circumstances have a wider definition than corresponding state regulations. Thus, offences below the threshold of state criminal liability may certainly be prosecuted under ecclesiastical criminal law. Sexual violence by clerics against minors under the age of 18 or persons with habitually impaired use of reason qualifies as a more serious offence, the punishment of which is reserved for the relevant authority of the Vatican. The same applies explicitly to the acquisition, storage or distribution of pornographic images of minors by clerics.

What penalties does ecclesiastical law impose for criminal offences?

Clerics may be subject to removal from office and other penalties for an offence against the sixth commandment of the decalogue with a minor, for enticing or inducing minors to participate in or act out pornographic performances, and for acquiring, keeping or distributing pornographic images of minors. If the case is particularly serious, dismissal from the clergy may follow. Other believers may also be punished for committing these offences. Possible punishments include fines, restriction of the exercise of rights or revocation of ecclesiastical offices, duties, ministries, functions or activities.

How does the diocese of Mainz deal with the accused and perpetrators?

The diocese acts in accordance with the regulations developed by the German Bishop's Conference for dealing with sexual abuse of minors and vulnerable adults by clergy and other employees in church service, which came into force in the diocese of Mainz on January 1 2020. In any case, the accusations should first be investigated and clarified in state criminal proceedings. From a preventive point of view, interim measures, such as temporary leave of absence, are taken pending clarification. Notwithstanding these immediate measures, which are required on a provisional basis, accused persons are presumed innocent until proven guilty. If the legal requirements are met, proceedings under church law are also conducted. If state investigation or criminal proceedings are in progress, the canonical proceedings shall wait until the state proceedings are concluded. The consequences for the accused or perpetrators are determined – depending on the facts of the case and the outcome of the state or ecclesiastical proceedings – by the state, ecclesiastical and service law regulations.

Does the diocese of Mainz obligates perpetrators and accused to pay compensation to the affected?

The diocese of Mainz demands that those accused and perpetrators still alive render subsidiary recognition payments.

What level of data protection do the affected and the perpetrators have?

The provisions of the Church Data Protection Act, which is also recognized by the state and came into force in the diocese of Mainz on 24 May 2018, apply here, as do the regulations for dealing with the sexual abuse of minors and vulnerable adults by clergy and other employees in church service from 1 January 2020.

Why does the Catholic church have their own legal system?

Ecclesiastical law (so-called canon law) regulates the internal affairs of the church. All religious communities are guaranteed by the constitution (Art. 140 GG i.V.m. Art.137, paragraph 3 WRV) the right to order and regulate these matters independently in order to protect religious freedom. In exercising this right of self-determination, the religious communities must remain within the limits of the law applicable to all. This means that the church is at the same time bound by state law. This, of course, also includes criminal law.

It is therefore up to the religious communities to decide whether they set up their own courts for their internal affairs, what their powers are and how the proceedings are conducted. The exercise of ecclesiastical jurisdiction, however, has in principle no civic effect; it remains limited to the sphere of their own internal church affairs.

Does the Catholic church have its own criminal law?

Ecclesiastical law, which is summarized in the Codex Juris Canonici (CIC), also includes the area of ecclesiastical criminal and procedural law. This is intended to protect the salvation of the faithful, but also the internal and external order of the church. However, this criminal law does not replace state criminal law, but supplements it with the internal ecclesiastical dimension. The two jurisdictions do not compete, but coexist. For some years now, those acts or omissions that influence or attempt to circumvent state investigations into suspected sexual abuse have also been threatened with an ecclesiastical criminal sanction.

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