

Presentation

of Synodal Forum I

“Power and separation of powers in the Church

- Joint participation and involvement in the mission”

for the First Reading

at the Second Synodal Assembly (30 September - 2 October 2021)

for the action text

“Ombudsperson’s Office for the prevention and reappraisal of abuse of power by persons of authority in the Church” (draft file)

The Synodal Assembly is requested to resolve as follows:

The Catholic Church in Germany has set up and resourced a cross-diocesan Ombudsperson’s Office which is not subject to instructions in order to prevent and resolve abuses of power on the part of individuals holding responsibility in the Church.

The task and responsibility

The Ombudsperson’s Office is a collegial body, not subject to instructions, which responds independently and on its own responsibility, but with supervision, to cases of abuse of power in the Church which violate the freedom of God’s children and the dignity of those who are baptised - in particular in the context of the Church’s employment relationships -, through counselling, mediation and documentation, where a remedy cannot be found locally in the spirit of the subsidiarity principle, or by the higher authority, or where for legitimate reasons it is not possible to call on the competent bodies, such as for fear of reprisals.

The Ombudsperson’s Office informs the Church and the general public about abuses committed in exercising ministries in the Church, as well as regarding successful ways and means of a participative leadership style.

It provides multipliers with basic and further training, organises and attends relevant conferences, and maintains contacts with associations of those affected and academic institutions.

Legal entity and funding

A legal entity is set up for the Ombudsperson's Office, e.g. a registered association, which is sufficiently endowed from funds from the German Bishops' Conference or from the Association of the Dioceses of Germany, the German Conference of the Superiors of Religious Orders or the Solidarity Network of the Catholic Orders of Germany, and from the Central Committee of German Catholics, on the basis of their respective financial strength. Whether the establishment of a foundation should be considered in the medium term is in the process of being clarified.

Organisation

The Ombudsperson's Office adopts a code of procedure, subject to the approval of the Board of Trustees, which ensures the quality and independence of its work so that it does not itself become an instrument of the abuse of power. This code contains a counselling plan, including a free hotline, a mediation concept, and a documentation concept for cases found credible by experts. It provides for the unbureaucratic rejection of unrelated and factually-unfounded submissions (e.g. due to conflicts or a lack of legal knowledge), but nevertheless documents them for statistical purposes. It ensures that cases which intersect with sexualised violence or spiritual abuse are immediately referred to the competent authorities, with the consent of the persons concerned.

The Ombudsperson's Office organises three areas of responsibility:

- budget and administration, to which general tasks are assigned;
- counselling and mediation, which deals with pastoral, psychological, criminological, civil, criminal and ecclesiastical matters, and includes a mediation service which oversees, records and evaluates suspected cases if both parties are willing to do so;
- and education and public relations, which is responsible for providing information and documentation, as well as basic and further training for multipliers and specialist conferences and academic contacts.

Modus operandi

The Ombudsperson's Office oversees the reporting of serious cases - for example when those affected can expect reprisals in their daily lives - to the competent dicasteries, as well as the filing of complaints before ecclesiastical courts, and testimony before state courts.

The Ombudsperson's Office presents an annual report to the public, which - e.g. following the model of the "Black Book of the Association of Taxpayers" - contains comprehensive statistical data, anonymously documents representative cases, identifies relevant behavioural patterns, and identifies dysfunctional structures.

The Ombudsperson's Office issues a "White Paper" on the appropriate exercise of offices and services in the Church - e.g. in line with the publications of the Federal Ministry of Defence on "Internal Leadership" in the Federal Armed Forces, and revises it approx. every 3-5 years.

Board of Trustees

The Ombudsperson's Office is assisted by an honorary Board of Trustees which, whilst retaining ownership of the day-to-day operations of the organisation, monitors its work, appoints the full-time employees with an absolute majority, removes them with a qualified majority of 3/4 of its members, and replaces them with an absolute majority. The employees of the Ombudsperson's Office may reject the appointment of a trustee, and obtain the dismissal of a trustee, with a qualified majority of 3/4 of their elected members. No one may belong to the Ombudsperson's Office and to the Board of Trustees at the same time. The elections are free, and there is no public debate; the legal entity or the funding bodies have no right of nomination or confirmation.

Only persons of outstanding repute are eligible as employees and trustees who are not active as senior employees of the Church, or persons in a special relationship of trust with them - apart from justified exceptional cases in which the integrity, independence and professional competence of the individual is generally regarded as undisputed. A selection committee of independent scholars is to be established for the first appointments.