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II. Summary of the main results

The main results of the investigation summarized below are based on a large number of expert findings and their evaluation. As a result, it is often necessary to use the detailed descriptions of the individual test items to get a comprehensive picture of the specific derivation of the respective result. This applies in particular with regard to the statements on personal responsibilities in connection with the treatment of (suspected) cases of abuse, which represent a focus of the expert examination and evaluation as commissioned (cf. in detail D.). In particular, the statements made by the persons who are still alive and who, in the opinion of the experts, should be named as responsible persons must be taken into account and included in the assessment (cf. Annexes 2 to 5).

Having said that, the main test results can be summarized as follows:

Statistical-empirical findings

The object of investigation were allegations against 261 people (205 clerics and 56 lay people). In the case of 235 persons (182 clerics and 53 laypersons), there were indications of a total of 363 investigation-relevant facts.

With regard to 65 facts, the experts regard the accusations made as proven, in 146 facts as at least plausible and in 11 facts as refuted. However, in 141 cases and thus approx. 38%, the available findings did not offer a sufficient basis for assessment for a final expert appraisal.

A total of 90 state investigations were conducted; this both within (71) and outside (19) the area of the Archdiocese of Munich and Freising. In 46 cases (31 inside / 15 outside) there was a criminal judgment or penalty order.

A total of 14 church preliminary investigations were carried out; this both within (10) and outside (4) the area of the Archdiocese of Munich and Freising. Five cases were reported to the Congregation for the Doctrine of the Faith. In two cases, church criminal proceedings were carried out.

On the basis of the files examined, the experts assume that there were at least 497 victims, 247 of whom were male and 182 female; in 68 cases a definite assignment was not possible. The 8- to 14-year-old age group was clearly overrepresented among both male and female victims with 59% and 32% respectively.

Handling of cases of (suspected) abuse

With regard to the handling of cases of abuse, a distinction must be made between the reactions towards accused clerics and lay people, the (presumed) victims and the affected institutions, especially the parishes.

In the opinion of the experts, reactions towards clerics suspected of sexual abuse before 2010 fell far short of what was required, especially according to canon law. After isolated disciplinary measures were taken, especially in the 1950s, the treatment of the clergy was then characterized by leniency and forbearance and the motivation not to generate greater public awareness of the abuse issue. Even convicted priests continued to be employed in pastoral care, sometimes without any restrictions in regular church work. In comparison, the experts were able to establish that, in the opinion of the experts, appropriate official and labor law measures were consistently taken against lay employees suspected of abuse. A structured and orderly treatment of cases of abuse is only recognizable for the experts in the archdiocese of Munich and Freising from 2010 onwards. It should be noted, however, that by the end of the investigation period, there was no clearly defined target procedure for handling the case in the sense of a process description, and the experts found not inconsiderable deviations from the DBK guidelines in actual practice. An orderly workflow has developed solely from case processing.

The way in which victims are dealt with has changed in mirror image since 2010. However, there was no - especially pastoral - attention to the victims and their needs and concerns, although the negative consequences of sexual abuse - contrary to what is often claimed - were already known to the church well before 2010, but in any case, they were known had to be. With the introduction of the guidelines of the DBK in 2002, the victims were included in the processing of (suspected) cases of abuse for the first time, but this remained limited to the level of the abuse officer. Since 2010, the pastoral care of those responsible for management has been and is rated positively by the majority of those injured.

On the other hand, the experts consider the behavior towards the institutions, in particular the parishes, in which persons suspected of sexual abuse worked as still deficient. It is not uncommon for these institutions to be characterized by a deep division that persists even after decades (decades). Those who regard the suspicions as at least plausible are opposed to those who accuse the "opposite side" of propaganda and often publicly defame their representatives. Measures to eliminate this situation, in particular a well-founded investigation, are not recognizable to this day, but in the opinion of the experts they are urgently needed because the basis for the success of church work is often directly affected.

Systemic causes for identified deficits

Various systemic deficits have favored the failed handling of cases of sexual abuse, if not even made them possible in the first place.

- The first thing to be mentioned here is clericalism, which has at least prevented adequate handling of cases of sexual abuse. Closely related to this is the systemic fear and helplessness in dealing with scandals affecting the institution of the church, which leads to an almost paranoid behavior with regard to the

transparency that is actually required in the interest of the - supposedly - protection of the institution leads.

- In addition, there are fundamental deficiencies in church criminal law, the associated insufficient legal culture within the church and deficits in connection with guaranteeing the necessary expertise when filling diocesan leadership levels. Mandatory requirements, such as sufficient competence, for example in the area of human resources, were not met. In this context, the lack of application practice in dealing with church criminal law in general and in cases of sexual abuse in particular should also be mentioned. In these cases, a large number of complex questions arise, the answering of which cannot be left to (medical) experts alone, but requires considerable forensic experience, which, however, is regularly lacking.
- The question of the necessary professional competence arises in a special way, but not only with regard to the persons working as judges. Ultimately, it carries great weight in relation to all Archdiocesan leaders, albeit with different requirements. At least until recently, the selection of those responsible for leadership was not primarily based on the professional competence and the performance profile of the respective office holder, but rather on their possible chances of advancement to other and higher church offices. This and the often at least felt solidarity within the clergy have proven to be obstacles to consistent church action.
- In the opinion of the experts, the lack of control and accountability of those who were in charge of cases of sexual abuse and made the respective decisions also proved to be a persistent shortcoming and inadequacy in the handling of (suspected) cases of abuse. The lack of effective control options and accountability, which is not unusual for church conditions, enabled those responsible for leadership to act more or less arbitrarily, since they did not have to fear the consequences of incorrect action.
- Finally, from the expert's point of view, it is incomprehensible why the findings documented since the beginning/mid-1990s, initially on the basis of corresponding foreign publications on the subject of sexual abuse in the church, were not used to improve handling of cases of sexual abuse -usage to ensure. In this respect, it must be assumed that there is a lack of awareness of the problem and that there is only limited exchange, not only with other branches of one's own institution, but also with secular science, to the detriment of the injured party.
- It should be noted, however, that since 2010 the archdiocese has made a determined effort to continuously and decisively improve the handling of cases of sexual abuse. In this respect, the area of prevention is particularly noteworthy. Efforts in this regard are often regarded as exemplary and deserve great recognition. However, the action taken against accused clerics proved to be in need of improvement even at this time; not least against the background of insufficiently defined competencies and processes.

Personal Responsibilities

With regard to personal responsibilities, it should be noted that, according to the expert assessments and assessments, the archbishops and vicars general in office during the period under investigation also bear personal responsibility for the inappropriate handling of cases of sexual abuse during their respective terms of office. In some cases, the current official also appears. The reasons given by the archbishops and vicars general who were still alive in order to exonerate them could only shake the provisional expert assessment in individual cases. The experts do not see the appeal to alleged ignorance of the legal foundations and the consequences of the crime on the part of the injured party as exculpatory, especially for the period from the mid-1980s at the latest. The number of allegations against those responsible for leadership in the church has fallen noticeably since 2010, due to a conscious shift in processing to competent bodies. The details concerning the respective responsible persons are presented in detail under D.

Recommendations

Based on the test results, in particular with regard to systemic causes, the experts came to the conclusion that to improve or optimize the handling of (suspected) cases of abuse, regardless of the fact that at least since 2010, above all with regard to the Prevention and record keeping significant progress has already been made, in their view, particularly with regard to

- the strengthening of the interests of the injured,
- the legislation,
- the administrative-organizational area,
- the behavior towards (potential) abusers, further measures are necessary.
- From the expert's point of view, it should be emphasized that, despite all the measures taken so far, the interests of the injured party must be given even greater consideration. The experts consider it indispensable that those responsible for church leadership, not least in their own function as pastoral workers, come into direct contact with the injured, insofar as this is also desired by them. According to the experience of the experts, this will sharpen the view of those responsible for management for the unspeakable suffering associated with sexual abuse and the hardships and needs of the victims, and thus prevent trivialization. In order to be able to conduct the equally indispensable dialogue with the injured party on an equal footing, the experts also believe it is necessary for an actually independent ombudsman to be set up for the injured party, which also supports them in the perception of their legitimate concerns; this not least against the background that the currently existing structures, in particular the abuse officers, are often not perceived as independent. This also goes hand in hand with the strengthening of the Advisory Board for Affected Persons, which has been set up in the meantime and which must be

provided with the means and structures necessary for independent and effective action.

- From a regulatory point of view, the clarification of the relevant criminal offenses of ecclesiastical law, which the experts believe is desirable, as well as the change in the position of the injured party in the criminal process is in the hands of the universal church legislature and is the direct access of the diocesan bishop as the legislative authority admittedly withdrawn. However, this does not mean that he is inactive. Especially in the area of disciplinary law, there is a not inconsiderable scope for action and design. There are also other ways to work towards eliminating existing uncertainties in the application of the law; for example, by publishing corresponding guidelines and court decisions.
- On the other hand, there is more room for maneuver, especially in administrative and organizational terms. Of the numerous points to be mentioned in this context, the most important are the creation of meaningful implementation provisions of the DBK Abuse Code, i.e. the binding definition of target processes, as well as the establishment of an intervention officer who is as independent as possible and an effective compliance management system, including a whistleblower system. In this way it can be achieved that possible weaknesses in the process flows are not only discovered and eliminated as early as possible, but also in relation to the factual handling of (suspected) cases of abuse.
- From the expert's point of view, it should not be underestimated that the preventive protection of the injured party can also be improved through well-understood caring for the offender. From the expert's point of view, this cannot mean that, as in a large number of the cases examined, the perpetrator is still active in pastoral care. Even if the perpetrator is released from the clergy, the experts believe that he should not be left to his own devices. In fact, he still deserves qualified help and support from the church in this case in order to prevent any further attacks. In the opinion of the experts, continued clerical status is not a prerequisite for this. The necessary social control can be achieved even more effectively through other support services.
- With regard to other measures, the experts believe that there is an urgent need for action in the care and support of the affected church institutions in which a case of abuse has occurred. Not only in the case of the Archdiocese of Munich and Freising, the experts were able to determine that such a case often leads to a considerable degree of uncertainty, camp formation and, in some cases, the withdrawal of previous representatives within the institution concerned. Due to the fact that local church institutions often play a key role in identifying individuals with the overall institution, the developments described above can also initiate or intensify a process of erosion that has a serious adverse effect on the

overall institution. Not only, but also for this reason, the institutions affected by abuse should be given much more attention than has been the case up to now.

- From the point of view of the experts, another important concern should be the intensive monitoring of current scientific findings, also and especially in the fields of medicine, psychology and psychiatry, and the continuous exchange with experts in these fields. This is the only way to ensure church action that is “up-to-date” and geared to the needs of the injured.