

ECA Zero Tolerance Recommendations

Preamble

The following proposed Zero Tolerance norms and recommendations are guided by the internationally recognized principles¹ of the best interests of children, youth, and vulnerable people² and should serve to provide justice for who have been harmed by sexual violence in the Catholic Church.

1. Zero Tolerance

When a single act of sexual abuse³ by a cleric or a member of an Institute of Consecrated Life or of a Society of Apostolic Life,⁴ is admitted or established after an appropriate process in accord with canon law, or if the cleric has been found guilty under a civil society's judicial system or found liable in a civil proceeding for sexual abuse, the person shall be removed permanently from ecclesial ministry, not excluding dismissal from the clerical state, if the case so warrants. If the person is a lay person⁵ in ministry, paid or volunteer, they shall be removed permanently from any position of responsibility in the church. For the purpose of safeguarding, this demands developing clear procedural regulations as well as adequate monitoring and treatment of the accused during and after the canonical process.

¹ In 2014, the United Nations Convention on the Rights of the Child (CRC) issued a [series of recommendations](#) to the Vatican that included canon law reform, an “independent mechanism” for monitoring children’s rights and the “conduct of the Catholic hierarchy” in managing sexual abuse, “transparent sharing” of archives related to management of sexual abuse, and immediate removal of child sexual abusers from ministry. The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) issued a [2014 report](#) calling for “effective monitoring” of any suspected abusers under investigation, penalties including “dismissal from clerical service” for abusers, and “meaningful sanctions” against officials who fail to properly respond to allegations of abuse. Multiple countries that have issued reports following widespread investigations into sexual abuse in the Catholic Church, including [Australia](#), [France](#), and [England and Wales](#), have recommended a reclassification of abuse as a canonical crime against a child rather than a breach of celibacy.

² “Vulnerable person” is defined as follows in [Vos estis lux mundi](#), art. 1, § 2b: “any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offence.” We understand this to include a person rendered vulnerable by an inequity of spiritual or temporal power, such as: a lay person under the spiritual care of a cleric; a seminarian, female religious or priest in relation to their superiors; and a Church employee in relation to their supervisors.

³ Sexual abuse is a form of violence which entails (a) the use of violence, threat, or abuse of authority to force another person to perform or submit to sexual acts against their will, (b) the immoral acquisition, possession, exhibition or distribution, in any way or by any means, of pornographic images of minors and/or vulnerable persons, or (c) the recruitment or inducement of a minor and/or vulnerable person to pose in a pornographic manner or to participate in real or simulated pornographic exhibitions.

⁴ This norm shall be enacted in both the Code of Canon Law and the Code of Canons of the Eastern Churches. It shall apply to all priests, bishops, deacons, religious sisters, and religious brothers.

⁵ The Australian Royal Commission reported that their survey identified [29% of alleged Catholic Church perpetrators](#) as lay people. The [French report](#) identifies lay people as responsible for 34.6% of assaults

Canon law must clearly identify sexual abuse as a grave crime against the life, dignity, and freedom of victims, rather than a violation of the sixth commandment (“Thou shalt not commit adultery”).⁶

2. Oversight and Application

To ensure the effective application of these norms, there must be:

- (a) A public declaration by the Ordinary to the community, in which he promises both to apply the norm consistently without exception and to release sufficient information to demonstrate his compliance;
- (b) Oversight by an independent compliance agency⁷ at the level of ecclesial provinces;
- (c) A guarantee by the independent compliance agency to investigate, document, and publicly identify persons in positions of authority in the church who contributed through their negligence or intentional acts to the formation and institutional concealment of the abusive person. The independent compliance agency must make formal public recommendations for sanctions to the ecclesial authority.

3. Cultural Considerations

While Zero Tolerance is universally binding, the implementation may be culturally adapted. This refers to the modification of practices⁸ to better reflect and accommodate the diverse cultural customs, values, and beliefs of the population they serve. This does not exempt church authorities from enacting Zero Tolerance as defined in Point 1 or being subject to oversight and sanctions as described in Points 2 and 4.

4. Organizational Compliance and Penalties

Any Ordinary or any church official who has been determined by the independent compliance agency, as defined in “Oversight and Application,” to have failed to enact Zero Tolerance as defined in Point 1 must be subject to severe penalties by the ecclesial authority, not excluding removal from office, removal of their title, and removal from ministry if the case so warrants, and the results of that investigation must be made public.

⁶ Responding to the [Independent Inquiry into Child Sexual Abuse \(IICSA\) of England and Wales](#), the English and Welsh bishops [wrote to the Vatican in March 2021](#) requesting the Vatican formulate a delict against human dignity without making use of the term “*contra sextum*,” or a violation of the sixth commandment of the Decalogue, because of the term’s ambiguity and the need for the code to emphasize the offence against victims and their “dignity as persons.” The Pontifical Council for Legislative Texts responded that Book VI of the Code of Canon Law (CIC) had been updated to consider crimes against minors under the title, “Crimes against the life, dignity, and freedom of man.” However, [Can. 1398 - § 1](#) still references the violation of the sixth commandment concerning abuse of minors and those with

“imperfect use of reason.”

⁷ The independent compliance agency should be composed entirely of lay people and selected with input from survivor-led organizations.

⁸ Examples are adjustments in language referring to sexuality, descriptions of the nature of the offense, or withholding of the gender of the victim, especially in countries where homosexuality is criminalized