

Ending Clergy Abuse (ECA), in consultation with canon lawyers, defines zero tolerance as follows and calls upon Pope Francis to sign the revised Canon 1395 below codifying zero-tolerance as a universal law of the church.

Zero Tolerance:

Sexual abuse of a minor or a vulnerable adult is a crime both in civil law and in church law and, hence, there is no place in the clerical state, or in religious life, or in church lay employment, or in church volunteer activity for those who have caused harm, such that for even a single act of sexual abuse of a minor or a vulnerable adult, and no matter when committed, the person who committed the crime is to be removed permanently from all ecclesiastical ministry and from the clerical state, from religious life, from church lay employment, or from church volunteer activity, after an appropriate process in accord with canon law.

Moreover, any bishop, priest, deacon, or a person who is a member of an institute of consecrated life or a society of apostolic life, or a church lay employee, or a church volunteer who covers up crimes of sexual abuse, that is admitted or is established after an appropriate process in accord with canon law, shall be removed permanently from all ecclesiastical ministry and from the clerical state, from religious life, from church lay employment, or from church volunteer activity.

Revisions to the Code of Canon Law 1395, §2 and a new §3 (cover up) §4 (access to files) and §5 (reparations):

§2. A bishop, priest, deacon, or a person who is a member of an institute of consecrated life or a society of apostolic life, or a church lay employee, or a church volunteer who has committed a sexual offense, including the production of or possession of pornographic material, if the offense was committed by force or threats or publicly, or with a minor below the age of eighteen years, or with a vulnerable adult (see definition below) incurs the penalty of permanent prohibition against exercising any and all forms of ecclesiastical ministry, and further is to be dismissed from the clerical state, from religious life, from church lay employment, or from church volunteer activity, canonical due process having been followed.

Definition of a vulnerable adult: *A vulnerable adult is an adult who habitually lacks the use of reason and is thus considered equivalent to a minor, or with an adult who at the time of the offense lacks the ability to make a free will decision; or, an adult with whom a bishop, priest, deacon, or a person who is a member of an institute of consecrated life or a society of apostolic life, or a church lay employee, or a church volunteer holds a position of power due to age, status, or physical, mental or emotional strength and engages in sexual activity with the adult person.*

1° Allegations of §2 conduct are not subject to prescription, i.e., statutes of limitations.

2° At all times a bishop, priest, deacon, or a person who is a member of an institute of consecrated life or a society of apostolic life, or a church lay employee, or a church volunteer must comply with all applicable civil laws but, notwithstanding civil law, shall report known or suspected sexual offenses to civil authorities. The person failing to report shall, after an appropriate process in accord with canon law, be removed permanently from all ecclesiastical ministry and from the clerical state, from religious life, from church lay employment, or from church volunteer activity.

3° The person harmed, or their family if the person is deceased, or the person who reported the §2 conduct shall be kept regularly informed of any canonical investigation and process.

4° During the preliminary investigation and any subsequent canonical process the accused person must be withdrawn by the diocesan bishop, the major religious superior or other proper ecclesial authority from exercising any ministry or any ecclesiastical office or function, and as necessary impose or prohibit residence in a given place or territory, all pending the outcome of the investigation and canonical proceedings.

5° When there is sufficient evidence that §2 conduct by a bishop, priest, or deacon or a person who is a member of an institute of consecrated life or a society of apostolic life, or a church lay employee, or a church volunteer has occurred the person harmed, or their family if the person is deceased, or the person who reported the harm, must be notified of the outcome of the proceedings.

6° When the accused person admits guilt or guilt is established by means of an appropriate process in accord with canon law, the penalty shall be the permanent prohibition against exercising any and all forms of ecclesiastical ministry and dismissal from the clerical state, from religious life, from church lay employment, or from church volunteer, and this decision must be publicly declared by the diocesan bishop or the major religious superior via church news media, public news media, and social media.

§3. A bishop, priest, deacon, or a person who is a member of an institute of consecrated life or a society of apostolic life, or a church lay employee, or a church volunteer who becomes aware or has a reasonable suspicion of conduct described in §2 above and whose actions or inactions, whether intentional, negligent or by lack of due diligence, result in the cover up of such conduct automatically incurs the permanent prohibition against exercising any and all forms of ecclesiastical ministry, and further is to be dismissed from the clerical state, from religious life, from church lay employment, or from church volunteer activity, canonical due process having been followed.

1° Allegations of §3 conduct are not subject to prescription, i.e., statutes of limitations.

2° At all times a bishop, priest, deacon, or a person who is a member of an institute of consecrated life or a society of apostolic life, or a church lay employee, or a church volunteer must comply with all applicable civil laws but, notwithstanding civil law, shall report known or suspected §3 conduct, to civil authorities. The person failing to report shall, after an appropriate process in accord with canon law, be removed permanently from all ecclesiastical ministry and from the clerical state, from religious life, from church lay employment, or from church volunteer activity.

3° The person harmed, or their family if the person is deceased, or the person who reported the §3 conduct shall be kept regularly informed of any canonical investigation and process.

4° During the preliminary investigation and any subsequent canonical process the accused person must be withdrawn by the diocesan bishop, the major religious superior or other proper ecclesial authority from exercising any ministry or any ecclesiastical office or function, and as necessary impose or prohibit residence in a given place or territory, all pending the outcome of the investigation and canonical proceedings.

5° When there is sufficient evidence that §3 conduct by a bishop, priest, or deacon or a person who is a member of an institute of consecrated life or a society of apostolic life, or a church lay employee, or a church volunteer has occurred the person harmed, or their family if the person is deceased, or the person who reported the harm, must be notified of the outcome of the proceedings.

6° When the accused person admits guilt or guilt is established by means of an appropriate process in accord with canon law, the penalty shall be the permanent prohibition against exercising any and all forms of ecclesiastical ministry and dismissal from the clerical state, from religious life, from church lay employment, or from church volunteer, and this decision must be publicly declared by the diocesan bishop or the major religious superior via church news media, public news media, and social media.

§4. A person, or their family if the person is deceased, who has been harmed by §2 and §3 conduct shall have the right upon demand to receive all records, information and documentation wherever they are held, including the Holy See, of any bishop, priest, deacon, or a man or a woman who is a member of an institute of consecrated life or a society of apostolic life, or a church lay employee, or a church volunteer pertaining to the person's offender and of those who served as supervisors of the person's offender.

1° The penalty for failure to provide the records, information and documentation by the person or persons in possession and control of the information, canonical due process having been followed, shall be the permanent prohibition against exercising any and all forms of ecclesiastical ministry, dismissal from the clerical state, from religious life, from church lay employment, or from church volunteer activity.

2° Any decision regarding the dismissal from the clerical state, from religious life, from church lay employment, or from church volunteer activity, canonical due process having been followed, must be publicly declared via church news media, public news media, and social media.

§5. A person, or their family if the person is deceased, who has been harmed by §2 and §3 conduct by a bishop, priest, deacon, or a person who is a member of an institute of consecrated life or a society of apostolic life, or by a church lay employee, or by a church volunteer shall be entitled to receive from the church reparations for the harmed caused. Reparations shall be in the form of monetary and non-monetary compensation. The death of the person harmed shall not deny their family of the right to receive reparations.