

Clergy-perpetrated sexual crime against minors – case study

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Summary

Aim. The main objective of the study was not only to show the scale of child sexual abuse by clergy itself, but rather presentation of the manner in which perpetrators act and what their motivations are.

Method. It involved a qualitative and quantitative analysis of documentation gathered by the Foundation dedicated to supporting victims of sexual abuse by clergy. For the purpose of the study the authors prepared a survey which included information pertaining to the circumstances of the abuse, the abuser, the aggrieved person, as well as legal and non-legal consequences (sanctions). Finally, information pertaining to 80 criminal cases from 2001–2019 in which the perpetrator (member of the clergy) was sentenced by a final and binding judgment was gathered.

Results. On the basis of analysis of the empirical material, various models of the perpetrators' *modi operandi* have been developed, which included also the methods of selecting the victims or types of actions taken to keep the abuse of minors secret. As part of the analyzes, the characteristics of the aggrieved persons were also developed, and the characteristics specific to various models of clergy behavior were distinguished.

Conclusions. Attention should be drawn to the fact that in many of the cases the clergy-perpetrated child sexual abuse consisted in direct physical violence, as well as regular sexual intercourse. Also, not all perpetrators were required to undergo appropriate diagnostic tests in order to verify whether they have a disorder of sexual preference in the form of pedophilia. In the studied group of cases, in every third case the perpetrator, after disclosure of the acts, was transferred to another parish, where other similar acts took place.

Key words: clergy-perpetrated sexual abuse, pedophilia

Introduction

Sexual crime causes serious social harm and yet, its prevalence is extremely underestimated. It is reported that every year between 800,000 and a million women experience violence in general [1]; according to the data provided by the Agency for

Fundamental Rights, one in three women after the age of 15 have suffered physical or sexual violence [2], and 12 percent experienced sexual violence during childhood. The official figures reflect only a fraction of the total cases [3]. The issue of accountability of sex offenders has been recently on the rise not only in the media but in the academic community as well. Any new amendment to the criminal law brings more and more severe penalties consisting in isolating the offenders from society. Clergy-perpetrated sexual abuse seems to be a particularly difficult topic. At the same time, it should be stressed that it is generally believed in the society that members of the clergy bear no legal liability for sexual offences.

The first part of the article presents the principles governing legal liability of clergy (under criminal and canon law). The second part refers to the results of studies concerning criminal cases in which sex offenders (who were clerics) were sentenced by a final and binding judgment.

Criminal liability for clergy-perpetrated sexual offences

As mentioned above, there is a social presumption that members of the clergy do not bear criminal liability for committed offences. However, this view is not reflected in the applicable provisions of law. The list of sexual offences is contained in Articles 197–204 of the Polish Criminal Code (hereinafter: CC) [4]. Both laypersons and clerics are subject to the same criminal liability in accordance with the sanctions specified in particular provisions of the Criminal Code. According to the Supreme Court, the perpetrator's service to the Church should not be a mitigating factor, nor should it have any impact on the reduction of his or her penalty [5]. Criminal acts inflicted upon minors seem to be the most controversial offences. The regulation concerning sexual intercourse with a minor creates a separate category of offences. In this context, a minor refers to a person under the age of 15. This provision can be colloquially referred to as pedophilia, and any activities of this kind – as pedophile activities. It should be stressed, however, that there are significant differences between pedophilia in the psychological and legal sense. Pedophilia in the legal meaning is regulated in Art. 200 of the Criminal Code: “Whoever has sexual intercourse or engages in other sexual activities with a minor under 15 years of age or makes him or her submit to or perform another sexual activity shall be subject to a penalty of deprivation of liberty for a period between two and twelve years”. On the clinical level, diagnosing a disorder of sexual preference in the form of pedophilia requires that certain general diagnostic criteria concerning disorders of sexual preference be met [6]. The individual must experience intense sexual urges and sexual fantasies that involve unusual objects or features. Experiencing thoughts or feelings in relation to an object or person causes discomfort or even mental suffering, but it does not stop that individual from engaging in that activity again in the future. The symptoms must be present for at least six months. Furthermore, beyond the basic criteria, another two detailed criteria relating directly to pedophilia must be met: the tendency to engage in sexual activities involving a prepubescent child or children must be a fixed tendency or inclination; the person diagnosed with pedophilia must be at

least 16 years old and must be at least five years older than the child (at the moment of committing the act) [7].

Pedophilia belongs to the most frequently diagnosed disorders of sexual preference among sex offenders [8]. It should be stressed, however, that not every person who has had intercourse or engaged in other sexual activities with a minor under 15 years of age will be showing a disorder of sexual preference in the form of pedophilia [9]. According to the study carried out by Heitzman et al. [10], only a third of perpetrators of sexual offences against minors were diagnosed with a disorder of sexual preference in the form of pedophilia. It is estimated that this problem concerns around five percent of men and one percent of women [11].

Clergy liability for sexual offences under Canon Law

A penalty imposed on clerics in one legal system does not release them from a penalty imposed in the other system, nor does it replace it [12, 13]. The Guidelines of the Polish Bishops' Conference (Konferencja Episkopatu Polski) provide that in accordance with the legal order of the Church, the handling of cases involving child sexual abuse by clergy is reserved for the domain of the Congregation for the Doctrine of the Faith [14]. The Church considers the following to be the most serious crimes: crime against the Sixth Commandment of the Decalogue committed with a minor under 18 years of age and purchasing or storing of pornographic images involving a minor under 14 years of age or dissemination of such images for the purpose of achieving sexual satisfaction by a cleric [14]. It should be stressed that the penalties provided for by the Canon Law Code differ from those imposed by the state authorities. These penalties are sanctions corresponding to the specific nature of the Church and they usually consist in deprivation of certain spiritual, legal or tangible goods, but such goods must be in the possession of the Church [15]. The penalty is to serve the interest of the individual and community to whom the harm was inflicted, and the purpose of the penalty is to “repair the wrongdoing” and make the wrongdoer do better [15–17].

The amendment of the Criminal Code introduced an obligation to immediately report any cases of sexual abuse of children to the law enforcement authorities. The Criminal Code amended on 23 March 2017, in Art. 240 provides for criminal liability (deprivation of liberty for up to three years) for a failure to give notice to the law enforcement authorities about the crimes such as these referred to in CC Art. 197 § 3 and 4, Art. 198, Art. 200. The provisions apply to anyone who has knowledge about such situations, therefore, the Church authorities as well [13].

Aim of the study

The main objective of the study was not only to show the scale of child sexual abuse by clergy itself, but rather presentation of the manner in which perpetrators act and what their motivations are. In addition, another purpose of the study was to present the background of situations in which the offences occur, the reactions of the aggrieved persons and the environment in which the crimes are committed.

Method

The empirical study was conducted in 2019. It involved a qualitative and quantitative analysis of documentation gathered by the foundation dedicated to supporting victims of sexual abuse by clergy¹. For the purpose of the study, a survey was prepared, which included information pertaining to the circumstances of the abuse, the abuser, the aggrieved person, as well as legal and non-legal consequences (sanctions). The scope of the analyzed material covered: information from the media, contents of the aggrieved persons' testimonies – where possible, information from the court judgments and decisions. The selection of the above sources was driven by the fact that the proceedings in all criminal cases where the perpetrators were clerics were conducted in camera. Finally, information pertaining to 80 criminal cases from 2001–2019 in which the perpetrator (member of the clergy) was sentenced by a final and binding judgment was gathered. Proceedings which did not lead to a conviction or which were dismissed for whatever reason were disregarded for the purpose of this study.

Results

Sexual abuse is a difficult experience, which oftentimes leads to a lifetime of trauma. Therefore, attention should be paid to the circumstances in which such abuse occurs, the manner in which the perpetrators operate, as well as the conduct of the aggrieved persons. From this perspective, it is extremely important to take a look at the circumstances of disclosing the abuse, the reaction of the family and close environment, as well as the fact of receiving professional psychological and therapeutic help (or lack thereof).

Clerics as perpetrators of sexual offences

All perpetrators of the analyzed offences were members of the clergy at the moment of the offence; after disclosure of the misconduct, the Church initiated the process of dismissal from the clerical state with regard to six percent of cases (five cases). What is relevant is that the perpetrators were working with children and youth due to the functions they were performing. The typical modus operandi of the abusers was taking advantage of their position to build a relationship with minors, gain their trust and create a state of dependency and submission. Around 42 percent of the clerics who committed sexual offences against minors were working in educational establishments as religion teachers, teaching also the aggrieved persons. Forty-one percent were clerics in the position of a parish priest or vicar and were responsible for taking care of altar servers. Eleven percent were friars and missionaries, whereas six percent were chaplains employed in hospitals with pediatric units. The age span was between 28 and 66 years of age.

¹ “Nie Lękajcie Się” (“Do Not Be Afraid”) Foundation

Modus operandi of perpetrators

As mentioned above, modus operandi of the clerics was based on the general trust to the Church and priests that not only the aggrieved persons had, but also their guardians. In all cases the clerics' position was taken advantage of in order to build a relationship with a minor (e.g., in religion classes, church retreats, prayer group meetings, trips, etc.). The abusers used the information about the minors' difficult life situation (parents going through a divorce, a child feeling lost or misunderstood) and difficult place (e.g., staying in a hospital or orphanage). In the vast majority of cases (90 percent), the sexual activities were targeting only one of the sexes. The aggrieved minors were more frequently boys (48 percent), whereas girls constituted 42 percent. One out of ten perpetrators abused sexually both boys and girls.

The analysis of the gathered documentation indicates that around 13 percent of the clerics were charged with one act against a minor. The other perpetrators were charged with a range of various acts. In around 78 percent of cases there were so many instances of abuse that it was impossible to determine the precise number of acts, and sometimes even the precise number of the aggrieved persons (see Figure 1).

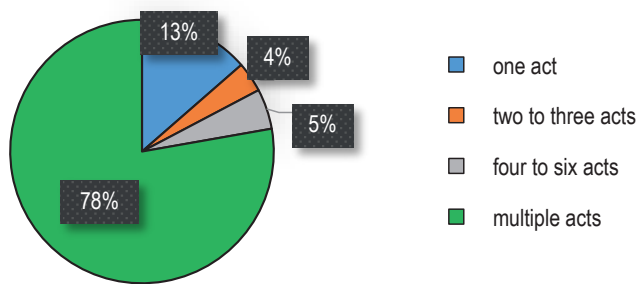


Figure 1. Number of disclosed acts of abuse

In the majority of cases (53 percent), the abuse concerned the same aggrieved persons, meaning that once a cleric established a sexual relationship with one or more minors, it was then pursued for as long as a few years. There were situations where the abuse went on until the aggrieved person turned 18 years old. In around 47 percent of cases, the perpetrators abused minors who were 'temporarily' in their reach (such as children preparing for the First Holy Communion, altar boys, children in religion class, etc.). In the first case, there were less victims per one cleric, but the duration of abuse was longer. In the second case, there were more children who were sexually abused by clergy, but the duration was shorter. The detailed analysis of data pertaining to the duration of the misconduct being the sexual abuse of minors by clergy indicates that the abuse was a long-term issue (see Figure 2). More than half of the cases lasted over a year, and in only one in five cases the duration was up to a month. Some of the abusive activities were interrupted due to the disclosure

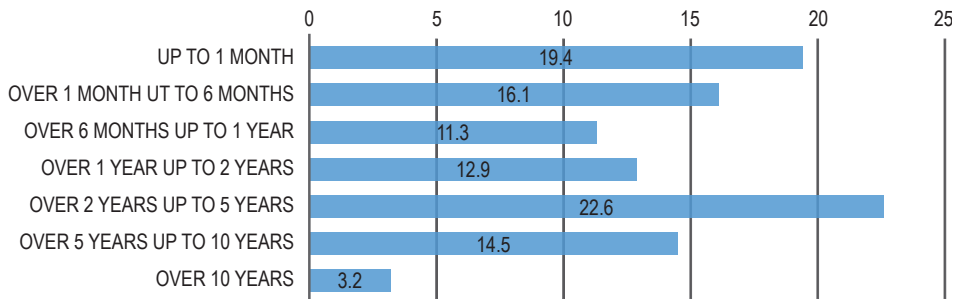


Figure 2. Duration of sexual abuse

of the misconduct, and the priest engaged in those activities was dismissed from working with youth.

The average duration of child sexual abuse by clergy was two years, but there were also those perpetrators who had been active for up to 20 years.

Looking at the cases of sexual misconduct against minors it should be noted that a large portion thereof could constitute substitute sexual behaviors aimed at releasing sexual tension, where the child was an easy, accessible target. According to the study, only one in three perpetrators of offences against minors have been diagnosed with a disorder of sexual preference in the form of pedophilia [11].

Attention should be paid to the manner in which the clerics engaged in sexual abuse of minors. As mentioned above, all of them were actively working with children and youth. This is reflected in the manner of reaching potential victims. In almost half of the disclosed cases of child sexual abuse by clergy, the perpetrators took advantage of the children's dependent, subordinate status. "in the religion class, the priest made girls sit on his lap, he touched their breasts and crotch", "the parish priest would pat the altar boys on the bottom, kiss them, hold them, put his hand in their underwear and touch their genitals", "the priest would lock himself in the parish house with two girls, undress them completely, touch their crotch, take pictures". The perpetrators either made the aggrieved persons feel subordinate or they took advantage of the fact that the victims already felt that they were subordinate to them. The feelings of the victim's dependence were accompanied by the fact that the priest was in charge of certain decisions, such as whether the child would be admitted to the First Holy Communion, selected to be an altar boy, receive absolution, etc.

The second most frequent modus operandi was seducing or making the minors dependent on the perpetrator. In order to win the minors' trust, the perpetrators offered them various goods, such as candy, clothes, alcohol, mobile top-ups. The small gifts of the initial stage were later turning into bigger things, such as purchase of computer equipment, mobile phone, expensive clothes, trips (for both of them), lending money. These gifts were made with the intention of gaining the potential victim's trust and making him or her feel dependent on the perpetrator. "The priest had the children from the orphanage spend their winter break in the parish house, where he would undress and touch them", "a minor met a priest in the religion class (...). They talked a lot,

she told him all her secrets, they talked about her struggles (...). He kissed her for the first time at a bonfire; he told her that he had feelings for her”.

In the literature on the subject one can find an opinion that most of the cases of abuse and sexual acts against minors do not involve the use of excessive physical force. That is to prevent leaving any signs behind which could lead to the disclosure of the act. Another thing to notice is that behavior such as crying by the child or suffering related to the physical pain does not trigger the perpetrator. If the abuser is unable to make the victim ‘enjoy’ the sexual activities, he or she can be also satisfied with a passive response.

The analysis of the cases in which the sex offenders were clerics indicates that around 15 percent of perpetrators used physical force. It was mainly holding the minors by their hands or arms in order to make them engage in other sexual activities (touching, kissing, rubbing, etc.). There were situations where the abusive activities involved a direct attack aimed at causing physical harm and pain. Aggression occurred mostly either when a minor refused to subordinate to the perpetrator’s will or strongly refused to engage in sexual activities.

The literature on the subject indicates that direct vaginal or anal intercourse between an adult and a child occurs rarely due to the fact, among other things, that this type of activity can leave marks on the child’s body. However, according to the conducted study, it is not entirely the case, as in the examined instances of abuse one in four cases involved vaginal or anal penetration. In these cases the abuse took the form of regular intercourse.

Frequently, (14 percent of the cases) the modus operandi of perpetrators was deceit. In particular, it was usually luring the victim into a place where the sexual activities could occur without any witnesses: “after the Mass the priest would invite the altar boys to his place in the parish house, he would buy them alcohol, show pornographic movies during those meetings, get naked, show his penis to the boys, touch their genitals”, “the priest, under the pretext of making sure that the altar boys were not homosexual, would show them pornographic movies, tell them to masturbate in his presence and collect their sperm under the pretext of sending it to the lab for specialized tests”, “during confession, the priest told a minor to come to his place in the parish house, so that they could talk about her absolution, and when she went there, he told her to take all her clothes off (...) after the incident, he explained that it was an act of penance and he gave her absolution”.

In one in five cases the perpetrator, either for the purpose of subjecting a person to sexual activity or keeping such activity secret, used threats and blackmail, e.g., threats of: disclosing the information to the child’s family or peers; presenting the aggrieved person in negative light, alleging that the victim provoked the abuse while presenting themselves as the victim (someone who was seduced or ‘tempted’); dissemination of compromising photographs, etc. However, the most frequent case of using threats was after the aggrieved person tried to break it off and refuse to engage in the sexual activities.

Another, slightly different modus operandi was taking advantage of the aggrieved person’s difficult background or life situation by the clerics. The most striking cases

are the ones involving sexual abuse of intellectually disabled children. “the vicar was helping an intellectually disabled boy with his homework”, “the priest sexually abused an intellectually disabled girl”. In the analyzed group of cases, in five instances (six percent) there were situations where the perpetrator abused intellectually disabled persons, and in four instances (five percent of all cases) these were children staying in an orphanage.

Analyzing the description of *modi operandi* of the clerics convicted for child sexual abuse allows us to distinguish several typical ways of operating. The first one consists in spontaneous activities occurring during interactions with children, and these are stroking, groping, kissing, touching of genitals, rubbing. These activities could occur, as mentioned above, spontaneously, and when the perpetrator was in the presence of potential sexual objects, e.g., hugging the altar boys, touching the girls during religion class. In some situations the perpetrator may seek to create a context for a particular activity, e.g., offer a ride to a child who is going home, ask a child for help at the parish house, etc. However, it should be stressed that this kind of behavior targets various children (sometimes it may depend on the child’s sex), and usually the children that are currently in the abuser’s reach. The perpetrators frequently explained their behavior that it was supposed to be a joke.

The second type of abuse was in the form of multiple acts over a long period of time. The way it usually happens is that one or more children are the sexual object for a longer period of time, after which the object is replaced either due to a change of the features desired by the perpetrator (e.g., beginning to show signs of puberty) or the perpetrator loses the opportunity to engage in the abusive activities without drawing the attention of third parties (e.g., a child no longer visits the parish house after his/her First Holy Communion or a boy stops being an altar server). Therefore, the perpetrators usually try to establish a relatively constant, regular contact with a child. The aggrieved persons are selected carefully. The victim becomes attached to the perpetrator.

Speaking of sexual assault by clergy, one should not ignore the issues relating to the role of the Church in the Polish society. Statistical data show that the rate of *dominicanes*² in 2018 was 39 percent, whereas in the nineties it was more than 50 percent [18]. These data indicate how important the role of faith is in a society. Speaking of the Church, one could say that it enjoys a certain capital of social trust. Many cultural and educational events involve religious practices. Going back a few or a dozen years ago, this bond used to be even stronger. This trust is reflected in the fact that parents who entrusted their children with the clerics felt at ease, and in some cases they even encouraged the children to participate in religious events (trips, meetings, etc.) and were supportive of that. In a society that is more and more concerned with the issues of on-line dangers, addictions and negative peer influence, the Church organizations and initiatives take on more importance and could be an alternative to the behaviors that may not be fully accepted, while they do not cause any alarm. Analyzing the comments made by third parties who have learned about the child sex abuse of clergy,

² The rate of *dominicanes* is calculated as the rate of Catholics who attend Sunday service among those obliged to do so

the following statements could be quoted: “I’ve never noticed anything odd about his behavior”, “he was a normal guy, he was good with the kids, he knew how to talk to them, he would sometimes take the kids for some ice-cream”, “he was a saint, he would never do anything like that”, “why did she go see him?”.

The most frequently used strategies to keep the sexual abuse secret by the perpetrators were: showing child pornography to convince a child that this type of behavior is normal (“look, other people are doing it, too”); taking pictures of the child or encouraging to send their naked pictures to the perpetrator; encouraging the child to invite their friends and other children in order to make the child feel like a ‘co-perpetrator’; activating the child sexually to reciprocate the activities, which is aimed at making the child feel guilty; creating the belief that no one would believe a child.

Aggrieved persons

Among the methods used by the perpetrators to establish contacts with minors, various *modi operandi* have been identified, which have been described above and depicted in Figure 3. However, it should be also stressed that the aggrieved persons had certain characteristic traits that could, to some extent, determine the perpetrators’ choices. Based on the available empirical material, three models have been developed to present the sets of characteristic traits of the aggrieved persons, as well as certain traits of the social environment facilitating the commission of the offence and keeping it secret.

First model includes children growing up in disadvantaged social backgrounds, in families affected by various problems, such as addiction, crime, chronic diseases of psychiatric as well as somatic nature. The environment was focused on securing the basic goods necessary for the functioning of the family, whereas the child was beyond the control. The child was on the side-lines of the environment, was not accepted, rejected by the peers, considered to be an outcast or outsider. The child experienced economic as well as emotional deficits

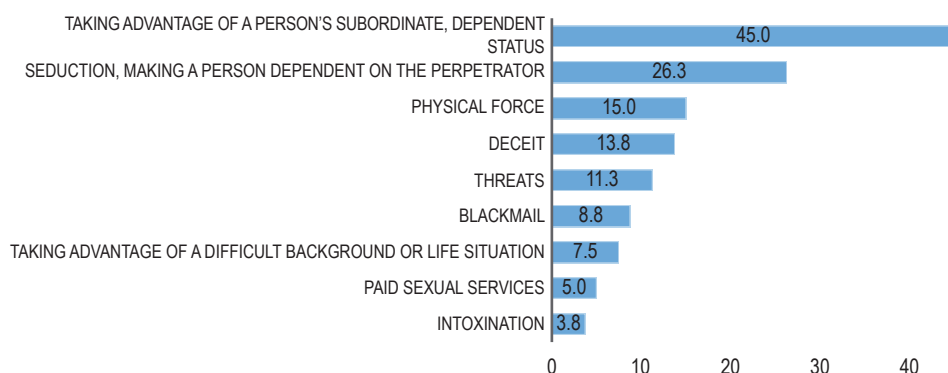


Figure 3. **Modus operandi of perpetrators**

Second model concerns children growing up in seemingly functional families. These families were well-off, they protected their child by limiting the child's contacts with environments that could have a negative impact on the child, and they supported the activity of the Church. These families could be also described as strict, controlling their members, often having internal issues and unresolved conflicts within the family system. The child would very frequently find a cleric to be an understanding spiritual confidant of his/her secrets.

Third model includes children growing up in orphanages, child care institutions, who, due to their difficult background, would be either treated as unreliable or would not have anybody to turn to for help. Within this model, one could identify a subgroup of intellectually disabled children, who, due to their physical and mental condition, were an easy target for sexual abuse.

Another important issue that should be noted is the silence of victims. It is somehow related to the model of selection of the victim – it is important to note that the perpetrators operate in such a manner as to keep their activities secret. They choose individuals who can be talked into keeping the secret, especially if the abuse is not a chaotic or impulsive activity.

Another issue are the mechanisms developing in the aggrieved persons. The reasons for not coming forward about the abuse are usually: fear that no one would believe that it really happened; shame and fear of making it public; feeling that the aggrieved person let the perpetrator abuse him or her; feeling that the aggrieved person did not object to the perpetrator's actions; feeling guilty about the harm of other people if the child introduced other children into the relationship with the abuser; feeling guilty for taking active part in sexual activities, which is compounded even more when the child experienced excitement or pleasure.

As mentioned above, children are afraid to talk about sexual activities, in particular, those involving a cleric. In the analyzed group of cases, one in five cases was bearing clear indications of a negative reaction of the local community in which the clergy-perpetrated sexual abuse occurred. It should be noted, however, that these reactions were not directed against the perpetrators of the crime but usually against the aggrieved persons, and they consisted in attacking the aggrieved persons, ridiculing, condemning and accusing them of spreading false information, attacking their families and bothering them at home. The second kind of reaction was defending the priest – prayer meetings were held in the intention of dismissal of the accusations, petitions were written to the bishop with the request to bring the priest back after he had been transferred to another parish. All of these social reactions not only compounded the trauma suffered by the aggrieved minors, but also discouraged other victims from coming forward about their abuse. In cases in which the misconduct was brought to light, information has been gathered about the consequences faced by victims of sexual abuse by a member of the clergy. The most frequently mentioned symptoms were: retreating into oneself, withdrawing from social interactions with peers, learning difficulties, truancy, depression, eating disorders, self-harm, suicide attempts, placement in a psychiatric hospital, fear of men, and pregnancy.

The abuse was usually disclosed while it was still happening (57 percent), whereas one in ten cases was disclosed up to one year after they occurred. Fifteen percent of the

cases were reported to the law enforcement authorities between a year and five years later, and another ten percent – after more than ten years following the last occurrence. Around seven percent of cases were disclosed later than ten years after cessation of the abuse. In two cases, the fact of the sexual abuse by a cleric was disclosed after almost 20 years, in three cases – after ten years.

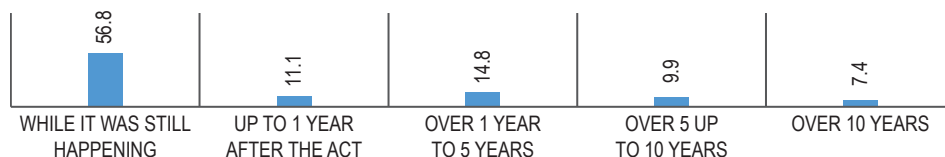


Figure 4. Time of disclosure of the abuse

Analysis of empirical data indicates that in the vast majority of cases it was the aggrieved persons themselves who disclosed the criminal offences, whereas in one third of the cases – it was the parents. A high percentage were also disclosures made by the clerics (34 percent) – in one case the perpetrator himself reported to the prosecutor's office, in the remaining cases they were clerics who had such knowledge. On very few occasions was the abuse disclosed by other people. It should be stressed that in a fourth of the cases the law enforcement authorities were notified by more than one person, who were usually the guardians of the minors and the minors themselves.

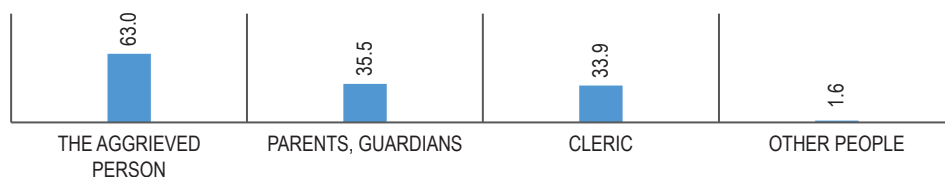


Figure 5. Persons who disclosed the abuse by clergy

A dominant feature of the circumstances under which the crime was disclosed was a situation where the minor confessed the fact of being abused by a cleric to his or her parents or guardians. It happened that the confidant of such a secret was not a parent but other people, such as: a friend, another cleric, school counselor, teacher. Other circumstances of disclosing the crime were: anonymous letter to the school authorities saying that a student has intercourse with a priest; a child confessed during an examination in a psychological and pedagogical clinic that he/she was being abused; a friend read text messages on her friend's mobile phone and these included messages from a priest; a mother read her son's journal; hotel service called the police after seeing an adult with a child; a photo developer noticed naked pictures of a child; the aggrieved person confessed to another person (teacher, friend); the police discovered materials with

child pornography in the priest's possession. The main motivations for giving notice about the abuse by a priest were: caring for the aggrieved person, wanting to punish the perpetrator, obtaining financial compensation for the harm suffered. In some of the cases, the criminal offence came to light by accident or during police activities, such as investigating an organized group responsible for disseminating pedophile materials.

The vast majority of cases (75 percent) were reported to the prosecutor's office, one in five cases was reported to the police in, and the court was given notice in five percent of the cases. In almost ten percent of cases, the documentation contained the information saying that the abuse was reported to the relevant Church authorities.

As mentioned above, the analysis covered only the cases that ended in a final and binding sentence, meaning the cases in which the guilt of the cleric was indisputably acknowledged and proven. The analysis of the penalties indicates that in the vast majority of cases (59 percent), the perpetrators were penalized with conditionally suspended deprivation of liberty. The penalty in the remaining cases (41 percent) was immediate deprivation of liberty. The average duration of the conditionally suspended deprivation of liberty was 19 months with a three-year suspension, whereas the penalty of immediate deprivation of liberty was for the average of three years. In merely half of the analyzed cases was it possible to establish whether prohibition from working with children and youth was imposed on the perpetrators as a punitive measure. It appears that in criminal cases involving child sexual abuse this type of penalty should be required. It was indeed imposed in most sentences (84 percent), however, in 16 percent of cases – it was not. The duration of the measure ranged from three years up to a lifetime – in 11 cases. The average was seven years (the shortest duration was one year, whereas the longest specified – 15 years). In the examined cases, a restraining order to protect the aggrieved person was imposed on half of the convicts (49.9 percent), a third (34.3 percent) of the convicts had to pay a fine, and six percent had to pay compensation to the aggrieved person. Punitive damages, compensatory damages or court-ordered apologies were imposed in few cases (three percent). It has been found that the court ordered three percent of the convicts to undergo treatment of the disorder of sexual preference in the form of pedophilia. It should be stressed, however, that it was impossible to determine the percentage of clerics who actually had a disorder of sexual preference in the group of perpetrators. Even if an examination was carried out to determine this fact, the information was not revealed to the public as the proceedings were conducted in camera. A ninth of the clerics (12 percent) had been convicted for other sexual offences against minors before.

Looking at the perspective of consequences of child sexual abuse by clergy it is important to note in what manner the abuse took place, how long it lasted, in what manner it came to light, and what the consequences of disclosure were for the minor. It is also relevant how the Church authorities reacted. Concluding from the analysis of empirical data, three kinds of reactions of Church institutions to the disclosure of clergy-perpetrated sex abuse can be distinguished. The first kind of reaction was defending the cleric. Despite the provided evidence, witness testimonies and multiple victims, the Church leaders took actions to defend the clerics. These actions included, but were not limited to: writing letters to the members of the Church in which they

defended the cleric. The most frequently used strategy was transferring the cleric to another parish. Transfer of a cleric to another parish after disclosure of sexual abuse took place with regard to a fifth of the perpetrators (20 percent). There have been times when clergy have been moved up to five times. The second kind of reaction of Church authorities was taking actions aimed at protection of the potential victims, e.g., transferring the abusers to an isolated place, dismissal from working with children and youth, dismissal from ministerial service, etc. The third kind and the least frequent reaction was no reaction.

Discussion

The obtained empirical material allowed the presentation of issues related to the sexual abuse of clergy against minors. The subject of the investigation was 80 criminal cases culminating in a final conviction. In all cases, clergy used their function to establish relationships with minors, build trust and establish a state of dependency. In more than 40 percent of cases, clergy were employed in schools as catechists, 40 percent cared for altar boys, and in the remaining 20 percent clergy worked with children and young people, for example, in hospitals, missions, etc.

In the vast majority of cases (90 percent) sexual activity was only directed at one of the sexes. Minor boys (48 percent) were slightly more likely to be disadvantaged than girls (42 percent). In most cases (53 percent), the victims were the same persons, so if the clergyman had a sexual relationship with one or more minors, he continued it for several years. In around 47 percent of cases, the perpetrators abused minors who were 'temporarily' in their reach. In the first case, there were fewer victims of one cleric, but the duration of abuse was longer. In the second case, there were more children who were sexually abused by clergy, but the duration was shorter.

A distinctive feature of clergy sexual abuse was the way they operate, using a sense of dependency (45 percent) and seduction (26 percent). Only 15 percent of cases involved the use of physical force. In a quarter of them, sexual abuse took the form of regular intercourse (anal or vaginal).

Studies show that in every third case, after the disclosure of the acts the clergyman was transferred by his superiors to another parish, where similar behavior occurred. About 10 percent of clergy (from the cases under consideration) have already committed sexual crimes against minors. In less than 6 percent of cases, the Church initiated the procedure for expulsion from the priesthood. The obtained data indicate that not all cases where a conviction was made, a ban on working with children and young people is adjudicated. Also, not all offenders have been subjected to appropriate diagnostic tests to verify sexual preference disorders in the form of pedophilia or hebephilia.

In conclusion, for many years the topic of pedophilia and sexual abuse of clergy against children has been discussed all over the world [19–22]. In 2002, this phenomenon was revealed on a large scale in the United States [23]. A study commissioned by the American Episcopal Church found that between 1950 and 2002, 10,667 people accused 4,392 priests of sexual abuse of minors [24] across the United States.

In 2009, the Irish Commission to Inquire into Child Abuse has published a report following a nine-year investigation in which more than 2,000 former pupils of Irish educational centers experienced physical and sexual violence [25]. Similar reports have also been commissioned in other countries. More than 800 potential perpetrators were revealed in a Dutch report, pointing out that over 60 years tens of thousands of children have experienced sexual abuse by clergy [22]. According to Brazilian studies, about 10 percent of all Brazilian priests were involved in sexual abuse cases [25]. In Germany, the report was abandoned, referring to a lack of confidence in the investigating institutions [25]. In Poland, as various sources show, the problem of sexual abuse against minors is also widespread [19, 25]. However, there are no official statistics on the number of initiated proceedings and the sentences together with the type of punishment. In order to protect minors from sexual abuse by adults, an obligation has been introduced to report, under criminal penalties, the fact or suspected sexual harassment of a minor under the age of 15 by an adult. Since the introduction of such solutions, there has been an increase in the reporting of such abuses by the clergy themselves. This seems to be a response to one of the main allegations against the church, which is also reflected in the analyses contained in this article. In the investigational group of cases, as many as in one in three cases, after the disclosure of the acts the clergyman was transferred by his superiors to another parish, where similar behavior occurred. This response to the disclosure of clergy sexual abuse is also observed in other countries [26, 27].

Studies show that most clergy abusing minors are diagnosed not with pedophilia but by ephebophilia [19, 28]. In only one case out of 80, the offender was obliged to participate in therapy for people with sexual preference disorders. It therefore seems important and even necessary to introduce a uniform procedure for perpetrators of sexual abuse against minors. Criminal liability is only one of its elements, without proper diagnosis, and then the implementation of therapeutic support it will not allow for an effective fight against pedophilia.

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