



**GUIDELINES FOR DRAFTING A PROTECTION
POLICY FOR MINORS AND
VULNERABLE PERSONS
BY FAITH-LED ORGANISATIONS**



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HOW TO PROMOTE THE DRAFTING AND IMPLEMENTATION OF A PROTECTION POLICY FOR MINORS AND VULNERBLE PERSONS BY A FAITH-LED ORGANISATIONS RECOGNISED BY THE HOLY SEE

The drafting and implementation of Guidelines regarding the protection of minors and vulnerable persons by faith led Organisations recognised by the Holy See is necessarily part of the pathway in that direction which has been started by the Pontifical Dicastery for Laity, Family and Life, in communion with the indication given to the Catholic Church by Pope Francis through the Motu Proprio *Vos estis lux mundi* in May 2019, and - even before that – with the international Summit of Presidents of Episcopal Conferences held in the Vatican from 21 to 24 February 2019.

Having established the reference framework, it is thus possible to outline some good practices for these Guidelines, in the form of Protection Policy for a faith-led organisation recognised by the Holy See.

1. RECEIVING THE INDICATIONS FROM THE DICASTERY FOR LAITY, FAMILY AND LIFE

In May 2018 the Dicastery sent to international ecclesial movements a circular letter where it stated the orientations to prepare clear pathways for reporting abuse. On 13 June 2019 the said Dicastery dedicated its annual meeting with the presidents and moderators of ecclesial movements to the topic of preventing abuse and the commitment in that regard by the said movements.

It is worth mentioning here in particular the presentations by Professor Linda Ghisoni and by Doctor Milligan. The former focused on the shared ecclesial responsibility on the part of each baptised person. She then voiced some testimonies of victims, which clearly revealed the close interconnection between power, conscience and sexual abuse.



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This report provided valuable motivational input for the adoption of a protection policy.

In his presentation Dr Milligan focused on the legal instruments which the Church has available to face cases of sexual abuse against minors and vulnerable persons. He referred most notably to the *Motu proprio Vos estis lux mundi* (7 May 2019), which includes a definition of “vulnerable person” in the words of Pope Francis, namely those persons who “even occasionally” are limited in their ability to understand or want, or otherwise “to resist the offence”. **In the text of the Guidelines it is advisable to refer to that definition, as well as to expressly mention that of minor and child pornography, taking into account – in this regard – also the innovations introduced at legal level by the Holy See in December 2019.** To conclude, the Prefect Cardinal Farrell made a heartfelt appeal to act responsibly, using all necessary means to recognise abuses, to counteract them, prevent them through suitable formation and drafting the guidelines and procedures already required by the Dicastery.

This appeal was followed on 19 July 2019 by a circular letter from the said Cardinal, where the movements were invited to draft – before 31 December 2019 - “at each level of your apostolate and your associative life, that these ways to report abuses are obvious, known to members and to people who benefit of your apostolate, and animated by competent people.”

The first step is thus the acquisition by those who exercise governance and authority functions within the organisation regarding the urgency and value of these provisions, following them up by establishing a suitable commission in charge of studying in depth the orientations which have been given, as well as further documentation and working steps in the direction of drafting corresponding Guidelines also for the specific field of action of the organisation serving minors and vulnerable persons.



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2. ANALYSIS OF THE GUIDELINE TEMPLATES PRESENTED BY THE PONTIFICAL COMMISSION FOR THE PROTECTION OF MINORS

The Pontifical Commission for the Protection of Minors has offered to assist Episcopal Conferences and Religious Congregations in developing and implementing policies and procedures for the protection of minors and vulnerable persons from sexual abuse, thus responding to abuse within the Church and showing integrity in this effort.

This model includes eleven points around which any policy for child protection should converge. **Below are the said eleven points – adjusted as appropriate - intended to help draft Guidelines by Episcopal conferences and Religious Congregations, for a faith-led organisation, which we have used as guidance:**

a) Introductory statement setting the guidelines in a faith context

This is of paramount importance, also for a faith-led association because all pathways for the protection of minors and vulnerable persons are founded on the Gospel.

b) Statement of commitment to Article 3 and article 19 of the United Nations Convention on the rights of the Child

The Holy See is signatory to this convention, therefore any protection policy for minors by a faith-led organisation needs to be founded on recognising its provisions.

c) Statement of commitment

This is where the Movement should commit to making sure that the protection of minors and vulnerable person is not the object of temporary attention and not to consider it a temporary orientation in its apostolate, but rather to give



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it normative value in respect of its members, volunteers and followers, as well as to consider it a permanent component of its action and formative identity.

d) Safe recruitment

The aim here is to introduce the practice of active and transparent surveillance of the discernment path to the involvement of persons as members, volunteers and employees, and in divulging information in case of transfers from one movement to another or from one movement to any other ecclesiastical legal person.

e) Formation and training

The aim here is to highlight the right and not the duty of formation on the part of all those who serve in contact with minors and vulnerable persons. This formation needs to be both initial and permanent, including specific pathways regarding knowledge of each form of abuse against children, most notably sexual abuse.

f) Creating a safe environment

The point here is that movements should grasp the value of concretely applying accountability as a pivotal principle in its work with minors, guaranteeing environments which meet all the standards required on the subject of material and personal safety. Creating safe environments requires the adoption of educational and relational practices shared with parents and/or guardians of children, of practices which are mindful of secular and canon law, of practices which promote personal and community wellbeing for children, parents, operators in movements involved in various capacities, lay people, priests and religious persons.

g) Community awareness raising

This means that movements shall have an important protection factor on the subject of child protection: active involvement of members in the decisions



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and overcoming the delegation to the authority and/or specific persons with regard to child protection, as well as the definition of codes of conduct in a clear way.

h) Responding to complaints of abuse

This includes the definition of accessible and transparent pathways for anyone suffering abuse within the association.

These pathways will need to be public, known to all members, volunteers and anyone who comes into contact with the Association.

This entails the adoption of collaboration with authorities as moral obligation, that is to say acknowledging the value of children's integrity and their right to grow up healthy, which is why a crime such as sexual abuse cannot be kept secret and hidden; on the contrary it needs to be brought to light and reported to the civil and Church authorities in charge.

i) Ministry to victims / survivors

The point here is focusing on listening to the victims, to their wounds as an action which is not merely curative, but also preventive. Caring for the victim leads to a renewal action of the system, because there are not just victims of a crime/trauma/serious sin, there are also “abusing structures” in terms of contents and methods; as such the latter are at the same time victims – the victim's wound is reflected on the whole relational system where the abuse takes place – and co-offenders – by remaining silent and deferring intervention.

j) Ministry to offenders

This is a way of guaranteeing consistency in terms of creating a safe environment, because accompanying the offender helps reduce the risk of abuse behaviours being repeated by the latter in the future. **Careful**



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accompaniment of victims also entails accompanying the abuser as offender, in order to reduce the risk of secondary re-victimisation in the course of the path searching for truth and justice.

k) Monitoring and accountability arrangements

This is a way of guaranteeing professional ethics in the protection of children, through regular review and supervision of Guidelines, making sure that they always respond effectively in terms of contents and on the centres where children are educated in order to ensure their protection and safety.

The application of this model is effective in that it allows to state the guiding principles which regulate the Guidelines and the operating instructions which make its implementation possible as part of child protection and education actions within the movement.

3. SUPPORT BY UNIVERSITY BODIES TO FORMATION IN THE LIGHT OF RESEARCH CONCERNING RISK AND PROTECTION FACTORS IN INSTITUTIONAL CONTEXTS AND QUALITATIVE ANALYSIS REGARDING AWARENESS OF THE ISSUE AMONG LEADERS IN THE ORGANISATION

The accompaniment and supervision by a university body can be useful in order to ensure the scientific relevance of the Guideline contents and awareness in respect of sensitivity regarding the issue on the part of leaders who have to guarantee their knowledge and promote adoption of the latter by the members.

Scientific in-depth study makes it possible to define what it is necessary to know on the subject of protecting minors. In actual fact, the contents of prevention strategies to which protection policies are targeted, are effective to the extent that they contribute to changing specific behavioural patterns.



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The analysis and knowledge of risk and protection factors which make a structure “abusing” in its being an institutional structure, allows for a review which leads to enhancing good practices already implemented and to the awareness and subsequent change of practices which are morally harmful, exposing to criticalities and negligence.

This involves the knowledge that supports being able to do something, good practices, in other words renewed reflection and awareness of what is already being done for the purpose of shared and proactive responsibility.

The degree of awareness of the phenomenon and the sensitivity in that regard on the part of the leaders is the first protection factor for drafting an effective policy. Leaders are thus offered a first chance for preventive formation on the subject of accountability, considering that the authority they are called to exercise is extremely sensitive and because they are expected to set directions on the subject of safety of activities and environment. The said awareness will enlighten the Guidelines as well as indicating the pathway to follow.

By direction reference is made to the minimal standards to be ensured in order to promote an effective protection policy and the cultural and operational changes which should be introduced in the long term on the subject of protecting minors in an organisation, but most importantly to make sure that they are implemented on a permanent basis as part of association pathways. The focus from an external body makes it possible to objectively evaluate – without external interferences – the factors which will make it possible to achieve what has been outlined above – i.e. minimal standards for prevention and intervention – as well as which correction factors may be necessary in the medium and long term, through an ongoing review action.



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Monitoring services offered by external research bodies guarantee not just the incidence of Guidelines in terms of compliance with protection factors and awareness of risk factors on a scientific basis, but also and most importantly, through focus groups and interviews with national and local leaders, they allow for an initial accountability action in respect of abuse within one's ecclesial movement.

4. IN-HOUSE DRAFTING PROCESS

In-house drafting is entrusted to a multi-disciplinary team, because the study of pontifical documents on the one hand, and the scientific support provided by university bodies on the other side, have clearly shown that drafting the Guidelines requires input from several persons and perspectives, ranging from law to psychology, from pedagogy to the Church magisterium, from medicine to sociology. The draft shall be based on the points outlined above, within the model suggested by the Pontifical Commission for the Protection of Minors, the orientations by Dicastery and awareness of risk and protection factors within religious organisations, as evidenced by scientific research, by a comparison with other Guideline templates and by a qualitative analysis regarding awareness of the issue of abuse within the organisation on the part of leaders at national and local level.

5. IN-HOUSE REVIEW PROCESS

It is necessary to review the model before it is published, both in-house and from outside the organisation.

The said review needs to be conducted on two levels:

- within the team in charge of its drafting, by comparing it with an instrument to validate its effectiveness. For this purpose we recommend the instrument appended hereto, called Safeguarding policy, which – through a set of trigger



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questions - makes it possible to detect, upon first reading, any aspects which have not been studied sufficiently in depth and improvement actions regarding knowledge and training on the part of members, employees and volunteers on the one hand, as well as accessibility and transparency of pathways for reporting abuse within an organisation;

- with national and local leaders in the light of what has emerged from the qualitative and quantitative analysis of their perception in respect of the issue, and for the purpose of their initial formation with regard to prevention, as well as of enabling shared, proactive and jointly accountable decision-making at central organisation level.

6. EXTERNAL REVIEW PROCESSES

The review of the protection policy has been entrusted to two well-known experts in the area of ecclesiastical law, given the nature of the organisation, and in the field of specific formation regarding abuse in faith-led organisations, for example dioceses and associations.

External review serves as a guarantee of finding in a transparent way, within the text, pathways for prevention, e.g. formation, for intervention, e.g. reporting and accountability, for a change in cultural paradigm towards the promotion of child protection as part of the association's approach to aspects such as managing relationship quality, activities and safety of its environments management.

The external review process also entails sending the draft to the Pontifical Dicastery in charge by which the movement has been recognised and approved.



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7. PERMANENT POSTING ON THE ORGANISATION'S WEBSITE

Once the policy has been approved it should be made public and accessible to all. A specific section should be created within the website, to which everyone can refer, as a tangible sign of attention which is ongoing and permanently under review.

Apart from that, as first form of prevention, information about the guidelines needs to be divulged throughout the movement through a circular letter sent by the central authority encouraging motivation with regard to its knowledge and active involvement in its implementation.

ANNEXES

- L. Ghisoni, *Sexual abuse: for shared ecclesial accountability*
- P. Milligan, *Sexual Abuse: How the Church is Responding*
- Guideline model, Pontifical Commission for the Protection of Minors
- Model questionnaire to assess awareness among local and national leaders regarding abuse within a faith-led organization
- Policy self-assessment template



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Annual meeting with moderators of ecclesial movements
*"Preventing sexual abuse:
the commitment by ecclesial associations and movements"*

Curia generalizia dei Gesuiti, 13 June 2019

Sexual abuse: for a shared ecclesial responsibility

Linda Ghisoni
Undersecretary

During the meeting dedicated to protecting minors convened by the Holy Father in the Vatican last February, despite the invitation which clearly resounded in the hall with the introductory address by the Holy Father and the speakers' presentations, there were also Presidents of Episcopal Conferences who said that they had not established any procedure, not even indicating to whom possible cases of sexual abuse could be reported because – to their knowledge similar brutalities never occurred in their territory. Two Presidents, in particular, expressly assured me that there were no cases of abuse in their territories. On the contrary, available statistics — although inadequate due to the silence on the part of many victims — confirm a dramatic situation in those two countries!

It is clear why the two Prelates were not aware of any cases of abuse: they had established no pathways to report them and actually denied them offhand! How can a victim, who understandably has a thousand concerns about speaking out, be expected to turn to men of the Church who deny everything offhand?

Being present on this occasion, as moderators or delegates of faith-led organisations, ecclesial movements and new communities, is in itself a sign of

availability on the part of all of you. It is clear, though, that being here is not enough. We need to listen to questions, not to deny offhand; we should be willing – with the necessary humility – to learn and discuss in a trusting, unbiased way, being aware that this Dicastery of the Holy See, through today's conference, is here to voice the priorities outlined by the Holy Father in the service of the universal Church and to stand by you, supporting and accompanying you.

Listening to victims

During the universal and composite meeting in February we learned about a very fruitful working method recommended by the Holy Father: a rigorous approach which involved, as first point every morning, taking all the time necessary to listen to the victims, accompanied by listening to the Word of God and by several minutes of silence.

Listening to the victim before speaking or acting; this method was introduced by Benedict XVI who – surprising the world – promoted meeting with victims of abuse during several of his journeys¹. A method which Pope Francis cultivates as well, and invites us to make our own.

Starting each reflection by listening to victims helps correct our approach, sometimes ingrained and prim, which considers sexual abuse as a problem, an issue — as the Prefect said — but forgetting the persons involved, their families, their lives, where «a seed of death» is planted, in the words of a victim.

¹ An example of this is the meeting with eight victims at the Apostolic Nunciature in Rabat on 18 April 2010; see also the many meetings with victims on the occasion of his trips to the United States, Australia, the United Kingdom, Malta, Germany.

We'll call this young woman Eleonora, member of an association recognised by our Dicastery. It took her 20 years to find the courage to report the sexual abuse

she had been suffering for years within the association. Thanks to her, others have dared to speak out. However, she has written to us: «I am especially afraid of retaliation... I am terribly afraid of exposure, although I wish to escape the code of silence which has held me back for so many years, because I have finally understood that also **my keeping silent makes guilt worse and hinders the truth, making me an accomplice to evil and sin.** It is risky, as well as very painful, being inside the association, to give this testimony, nevertheless love for the truth and obedience to the Holy Father... stand above any personal risk. I am willing to pay for this cause in person. This is my story!» [*the words in bold type are from the original text*].

Eleonora recounts the facts, situating them in space and time, without omitting the painful details and manipulating words which led her, starting when she was 26, to be a victim of abuse, unable to escape, exactly because of the psychological-spiritual manipulations adopted by the priest, from his position of authority. She says: «The conversation gradually moved to the affective level. [That priest] said that, in order to handle my vocation, I needed psychological balance and affective maturity. Otherwise, he added, the risk is that you sort of turn onto yourself, and prayer becomes a sort of spiritual masturbation, a way of escaping reality... He went on to say that – in his view – I was impenetrable and affectively cold. All his words seemed geared towards showing me that I needed to relax my body, to become freer and more affectionate, because otherwise in the Community I would run the risk of becoming a lesbian. He kept saying that he was doing this for my own good.

As a father he wished to help me reach the necessary balance for a life of prayer». She concludes: «He explained to me that – even though there was nothing wrong or sinful in this intimacy, because we were both pure and had not hidden agenda

– we should keep this "our secret": he called it a very high experience of intimacy between virgins».

Listening to testimonies like this is not a way of giving in to some morbid curiosity, nor is it an exercise in pity; it actually involves our honesty and entails our meeting Christ in the flesh, where – as Pope Francis repeatedly said – there are wounds which "never disappear"².

We should thus never be afraid of listening to those who, within our associations, reaches out to us even with painful information, because in this way our meeting is realised with the body of Christ which – even after Resurrection – shows visible signs of His Passion and death, allowing, as Card. Tagle eloquently puts it, for the highest expression of our faith, only if in contact with the wounds of humanity³.

Why are we called upon as ecclesial movement?

Let us take a step forward. Why should we today, as ecclesial movements, deal with sexual abuse?

² *Letter to the People of God*, 20 August 2018, no. 1.

³ see Luis Antonio G. TAGLE, «The Smell of the Sheep: Knowing their pain and healing their wounds is at the core of the shepherd's task», in: *Awareness and purification. Acts of the meeting for the Protection of Minors in the Church (Vatican City 21-24 February 2019)*, Vatican City 2019, 26-27; see also, in this regard, *EG*, 270: «Sometimes we are tempted to be that kind of Christian who keeps the Lord's wounds at arm's length. Yet Jesus wants us to touch human misery, to touch the suffering flesh of others. He hopes that we will stop looking for those personal or communal niches which shelter us from the maelstrom of human misfortune».

We can give a first answer: we deal with it because this phenomenon is widespread, socially significant, disrupting many families; it needs to be resolved by developing suitable strategies.

This answer is based on valid reasons, which situate us socially and encourage commitment, which – nevertheless – is no more nor less than what is required on the part of each man and woman, Catholic or not, Christian or not.

We undoubtedly share this commitment with every woman and man of good will, regardless of their religious, confessional and political affiliation. The reason in our case is being members of the Church. If we are live members, the wounds of one member are felt and cause me pain as well. If I don't feel pain I am amputated from the body, possibly assuming that I can make it on my own.

As baptised persons, engaged in our faith-led movements, we are members of the ecclesial body, born and destined to communion.

The "shared ecclesial responsibility" mentioned in the title of this paper, therefore, rests on reasons which are not merely social: it is rooted in the Church's own nature as mystery of communion within which we are born and urges not to "amputate ourselves" or, worse, not to amputate members which feel uncomfortable because they are wounded.

It is solely by resting on this baptismal foundation that each action of ours urges and acquires full meaning, aimed at taking charge – in the name of the joint priesthood we are vested with – to take care of the challenges related to abuse against our most fragile brothers and sisters, abuse that has broken this communion.

It is beneficial, as lay persons, to always return with a grateful and restless feeling, to belonging to our Church as to one body. It is worth mentioning here two excerpts from the Apostolic Exhortation *Christifideles laici*:
«Only from inside the Church's mystery of communion is the "identity" of the lay faithful made known, and their fundamental dignity revealed. Only within the

context of this dignity can their vocation and mission in the Church and in the world be defined» (*ChL*, 8).

This belonging on our part, thus attributes to us the name and – in the name – also the mission which is assigned to us. *Chistifideles Laici*, in referring to our dignity as children, baptised persons which makes us, for our part, sharers in the «threefold priestly, prophetic and kingly mission of Christ», focuses on our involvement in the prophetic office of Christ whereby «the lay faithful are given the ability and responsibility to accept the Gospel in faith and to proclaim it in word and deed, without hesitating to courageously identify and denounce evil» (*ChL*, 14).

We should be driven by this renewed baptismal-ecclesial-communional awareness to take care competently, responsibly and lovingly of the persons involved, of what happened, to make sure that prevention does not just signify meaning well, but rather become part of a standard in pastoral approach.

We are entrusted with a native, not accessory, responsibility, because it is intimately related to our being Church; therefore we cannot be at peace even with our best pastoral plans, unless we feel part of today's *καιρός* of ecclesial communion.

The pattern of power, conscience, sexual abuse

However, even this native communionality can be manipulated with a hidden agenda.

In a recent letter, another victim – we will call her Susan, also a member of an ecclesial movement who suffered sexual abuse by a priest in a position of authority within the organisation: «In the name of trinitary communion, he asked me and other women to share in the "communion of the naked" – as he

called it – and all the rest... as well as imposing a code of silence. [...] This stringent "communional" structure and distortion of trinitarian communion allowed for humiliation, brainwashing, manipulation, as well as power, conscience and sexual abuse, all hidden behind a code of silence». These tortures suffered for 15 consecutive years, in the name of an alleged "trinitarian communion", show that it is necessary to purify our concept of ecclesial communion.

As Susan has confirmed, sexual abuse is committed in the name of a misinterpreted and manipulated communion, but conscience and power abuse, in some instances, also involves more devious methods.

Susan explains this very clearly: «In my experience within the association I painfully discovered that power abuse is also made possible by a distorted interpretation and subsequent practice of what is known as "charism of synthesis", which in terms of governance means being self-referential, complacent, using a person in function of and based on momentary requirements, then bringing everything back after apparent community discernment – to the decision of an individual leader... The "charism of synthesis" inevitably becomes the "synthesis of charisms", and the outcome is a stagnating pyramidal structure, all the while alleging that the guiding principle of governance is shared responsibility and compliance with subsidiarity».

Abuse is part of a pattern of power, supremacy, domination in respect of one or more persons in a position of existential vulnerability and dependency: this may be due to age, life circumstances or personal affective needs. In these cases we should thus think twice before speaking of consenting adults!

Sexual abuse involves grooming a victim, making oneself safe through a systematic power game where affective manipulation and the perverse reorganising of the victim's daily reality. Sexual abuse, therefore, has deep-rooted origins: it is prepared and preceded by a series of power abuse actions. Sexual abuse is the tip of the iceberg in a system of abuse. Always. Manipulation finally leads victims to becoming isolating, to a barrier being created between them and the world, so the offender takes on a central role in the victims' life, subjecting them to a code of silence, as Eleonora and Susan mentioned above.

«It is difficult to grasp the phenomenon of the sexual abuse of minors without considering power, since it is always the result of an abuse of power, an exploitation of the inferiority and vulnerability of the abused, which makes possible the manipulation of their conscience and of their psychological and physical weakness.»⁴

Spiritual effects of abusive relationships

Abusive behaviours, involving sex, power or conscience - closely related one to the other - damage the Church and its image, creating mistrust, doubt, scandal; they also often cause irreversible damage to the victims, more specifically psychological traumas, inability to make commitments, permanent spiritual damage, loss of faith.

Here are the very clear words of another victim, Renate, describing the spiritual consequences of the abuse she suffered over the years: «In these

⁴ FRANCIS, «Concluding Address» in: *Awareness and Purification. Acts of the meeting for the Protection of Minors in the Church (Vatican City 21-24 February 2019)*, Vatican City 2019, 159-160.

abuse experiences — which Renate suffered from a first priest then from a second, to whom she had been referred for him to help her recover from previous abuse! — I can say that something has been sown, in my soul and in person as a whole, which closely resembles death. Today, and more and more as the years go by, I feel that I no longer have access to God, communicate with Him, on my own or during Community worship. Hence a feeling of being discarded, excluded from this communion, from God's presence and from His love. Individual prayer is increasingly difficult, and when I make silence around myself in a place of worship I am assailed by images, memories of the abuse suffered... which I recognise as abuse only today... I am assailed by disgust for anything related to God. This is all the more intolerable because I have given up my whole life to Him! I find it very painful also to go to confession; I can no longer live this sacrament for what I know it is, because something is irretrievably knotted up inside me... I am so often tempted to give up my commitment in the Community that I feel guilty for not being totally truthful to others... indeed how can i be certain that the discernment in my vocation was not faked during the accompaniment phase and in confessions where two men of the Church started abusing me just after I came of age? How can I believe that one day I will recognise God's will for me?».

She concludes: «Today, together with others who reported abuse, I am the target of fierce criticism, violent opposition by some, including some Pastors, who keep repeating that one of those priests was such a good person. It is a new betrayal from within the Church. In my view, these people are howling wolves who break into the fold to further scare and scatter the sheep, while they – the Pastors in the Church - should actually be the ones who protect them».

These words are self-explanatory.

The commitment of associations and ecclesial movements

The challenge today, in your faith-led organisations, consists in creating healthy environments, where the Lord and the Gospel are truly and freely served; we need information and transparent procedures; we need to invest in suitable training at affective-sexual level; finally, we need to review our structures. You might object that you often do not have structures. In actual fact there are structures and relational dynamics, in the occasions you have to meet the recipients of your apostolate, which strongly affect people, their formation, growth and freedom.

As Hans Zollner commented in one of his papers, «several *structured* centres, which boast that they are very safe, after they exceed a certain level of structuring tend to become rigid, restrictive, increasing the risk of abuse. Regrettably we see this every day: ecclesiastical institutions and organisations which believed they were very close to the doctrine of the Church and carried the flag of orthodoxy, are under trial for abuse today» [...] «The other extreme includes *sub-structured* organisations which are too fluid: there are no precise rules and – more importantly – no clear points of reference. However, balance and clarity in roles and responsibility support our prevention efforts»⁵.

⁵ Hans ZOLLNER, «Protection of minors and prevention», in *Sexual abuse in the Church? Better to prevent*, Luisa BOVE, ed.), Milan 2017, 24-25.

An authoritarian and restrictive style, based on stringent rules, which fails to truly involve members, does not really inform or consult with them, spreads subliminal group messages which leave out anyone who dares criticise. And where

there are no standards and roles are not clearly defined, there is a higher risk of relationships involving all kinds of abuse.

The ecclesial responsibility entrusted to us, therefore, requires that we are vigilant, not ingenuous, able to prevent abuse by establishing relationships which are healthy, free and not self-serving.

Also Renate wrote to us that the lack of distinction between the conscience and governance area has been a cause of confusion for her, because her abuser was both the person in charge of the place where she lived, and her confessor/spiritual father. Only after that association changed its statutes introducing a distinction between roles, did reports start to come in, and – according to Renate – a deterrent was created for abuse of any kind.

Final input: from the Golgotha to prophecy

Eleonora, Susan, Renate: they are women from three faith-led organisations. Women who – like all victims of power, conscience, sexual abuse, have lived Golgotha, sometimes for years: not an open-air Golgotha but one locked within four walls, often dimly-lit, consumed in blackmails, to buy their silence which filled them with a sense of guilt. The abuse nailed them to a cross which nobody could see because it had been put up in a secluded Golgotha. And sometimes, even third parties who knew or imagined something, were in turn victims or accomplices, thereby systematising physical, moral, psychological, or spiritual abuse.

Let us try and unveil these dark Golgothas. The Dicastery stands by your side to advise and support you in this shared ecclesial responsibility. We need to be honest and brave enough to break the cycle of manipulative and abusive patterns,

to live our vocation and mission which involves proclaiming the release of prisoners, announcing that the Lord «has used the power of his arm, He has routed the arrogant of heart. He has pulled down princes from their thrones and raised high the lowly» (Luke 1, 51-53).

This is the Prophecy which, by virtue of our baptism and being live members of the Church, has been delivered to us. Let us act as Church, as a mother who would never force her children into prostitution, never create new Golgothas, but rather prevent – with awareness, with attention – investing in appropriate formation.

This is what women like Susan ask of us, who in the meantime has started a long healing process. I would like to end my presentation borrowing her words: «It is true that there is no statute of limitations on wounds; it is also true that I believe – by virtue of faith – that the Risen Jesus is able to transfigure and glorify them as if they were his own. Rather than a "victim" I now feel like a "survivor" to the power of death, also because in my horizon there is a stone which has been removed before an empty tomb. In that garden I meet the Risen Jesus, my Master and Lord who calls me gently by name every day».

Annual Meeting with Moderators of Ecclesial Movements
June 13th 2019

Sexual Abuse: How the Church is Responding
Philip Milligan

Introduction

The goal of this paper is to give an overview of what the Church currently does, and the instruments it uses, in reply to problems of sexual abuse of children and vulnerable adults. This should help us see better how, as ecclesial movements and new communities, we can or should interact with these various instruments and initiatives. In his legal reforms Pope Francis has insisted on how the juridical instruments that canon law gives us are also pastoral instruments, developed to serve the needs of the People of God and to protect each member of Christ's flock¹. This affirmation underscores how important it is for us to consider Church law as something that is part of Church life, intrinsically so, because the Church is a community, rather than as an unfortunate but necessary external constraint. The Pope, as legislator, is no less open to the Holy Spirit than the Pope as Pastor or as Teacher².

1.

Let us look, first, at what happens when a Bishop (or another Ordinary) receives a complaint of sexual abuse or in some other way receives news of abusive behaviour. When a bishop receives news that seems reasonably plausible or has a semblance of truth³, he is obliged to carry out an investigation⁴. This investigation precedes the beginning of any trial or process and precedes any decision to go to trial, so it is called a "preliminary investigation". The news reaching the bishop can come from public information or from a specific accusation or from information given by any person with knowledge of a possible crime. The news can be given in writing or orally. It can be given to the Bishop, to the diocesan chancellor, vicar general or promotor of justice, or to any Parish Priest. The Bishop, either personally or through a delegate, must verify firstly if the facts presented would constitute a violation of canon law in general and of penal canon law in particular. Secondly, he must verify if the circumstances of the violation of the law allow an accused person to be punished⁵. So, for example, no punishment in penal law can be given to someone under the age of 16, to someone who could not have known that this behaviour

¹ See, for example: FRANCIS, *Apostolic Letter M.P. Mitis Iudex Dominus Iesu*, 30 August 2015, Preamble.

² JOHN PAUL II, Apostolic Constitution *Sacrae Disciplinae Leges*, 25 January 1983, Preamble: "As a matter of fact the Code of Canon Law is extremely necessary for the Church. Since the Church is organised as a social and visible structure it must have norms...in order that mutual relations of the faithful may be regulated according to justice based upon charity, with the rights of individuals guaranteed and well-defined...".

³ In Latin: *saltem verisimilem*.

⁴ Code of Canon Law 1983, c. 1717.

⁵ CIC 1983, cc. 1323-1327: on attenuating and aggravating circumstances.

broke canon law or someone who was obliged to act by physical force⁶. The Bishop must also verify if the person accused can reasonably be thought to have acted either intentionally or with gross negligence⁷.

The preliminary investigation is not a trial, so the Bishop must take care to protect the reputation of the accused, the possible victim and the accuser (where the accuser is not the victim). From the very beginning of the preliminary investigation of a serious crime against morals, precautionary measures can be imposed on an accused person, with a view to protecting the community by avoiding further scandal, to protecting witnesses or to allowing justice to proceed more effectively⁸. These precautionary measures include removing an accused from holy ministry or from an ecclesiastical office or task; imposing or prohibiting residency in a given place; and a prohibition from taking part publicly in the Eucharist⁹.

2.

Serious crimes against morals form part of the broader category of serious crimes against faith or against morals, collectively referred to under the Latin name: *delicta graviora*. In the next section of this paper we will look at what these serious crimes are. Concerning precautionary measures, we should also note that in investigations into matters not classed as *delicta graviora*, precautionary measures can only be imposed once the trial itself has begun¹⁰. In *delicta graviora* trials these measures are effectively limited to clerics because, as we will see, the *delicta graviora* are themselves limited to clerics. However, in other circumstances, some precautionary measures can be imposed on religious or on laity.

At the conclusion of the preliminary investigation, if the Bishop considers that there is a case to answer, he must proceed either to a trial or, where appropriate in his judgement, to a lesser punishment¹¹. However, in the case of serious moral crimes this discretion to decide not to proceed to a trial does not belong to the Bishop. It was John Paul II who approved new norms in 2001, at the request of the then Cardinal Ratzinger, to require that for all serious moral crimes, where the preliminary investigation indicates a reasonable plausibility or a semblance of truth, the case must be immediately referred to the Congregation for the Doctrine of the Faith. It is the Congregation for the Doctrine of the Faith who will then decide whether the case should go to trial or not, and whether the trial should be handled in the diocese itself, or handled directly by the Congregation.

⁶ CIC 1983, c. 1323. Also, any possible punishment would be mitigated where the person is a minor of more than 16 years old, or where they have been coerced to act by serious fear or have acted with an imperfect use of reason.

⁷ CIC 1983, c. 1321.

⁸ CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Norms on the Serious Crimes Reserved to the Congregation for the Doctrine of the Faith*, published with JOHN PAUL II, Apostolic Letter *M.P. Sacramentorum sanctitatis tutela*, 30 April 2001, with modifications approved by BENEDICT XVI, 21 May 2010, (hereafter, *2010 Norms*), art. 19.

⁹ CIC 1983, c. 1722; *2010 Norms*, art. 19

¹⁰ CIC 1983, c. 1722.

¹¹ CIC 1983, c. 1718; cc.1339-1340: a warning, a correction, a penance.

The serious moral crimes involving the violation of the 6th Commandment are the following.

In reference to the sacrament of reconciliation:

- the absolution of an accomplice in a sin against the 6th commandment¹²;
- soliciting a sin against the 6th Commandment during, or on the pretext of, the sacrament of confession, involving the confessor¹³.

In reference to immoral behaviour in itself:

- crimes against the 6th Commandment committed by a cleric or a member of an institute of consecrated life or a society of apostolic life, with a minor under 18 years old, or with another person with a habitually imperfect use of reason¹⁴;
- the acquisition or detention or divulgence of pornographic images of a minor for reasons of turpitude¹⁵.
- crimes against the 6th Commandment by a cleric or a member of an institute of consecrated life or a society of apostolic life, committed against any vulnerable person, with violence or threats or committed publicly, or committed with an abuse of authority, in order to force someone to submit to, or perform, sexual acts¹⁶.

The relevant definition of ‘vulnerable person’, modified by Pope Francis in May 2019, is as follows: “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 to otherwise resist the offence”¹⁷. The same new law adds abuse of authority to the usual forms of coercion – violence or threats¹⁸.

We should note that all these crimes are in reference to the behaviour of clerics and, in cases not involving the sacrament of confession, to members of institutes of consecrated life and societies of apostolic life. However, all Catholics are subject to the canon law crimes against life, and these can often be relevant to cases of sexual abuse. Under canon 1397, it is a crime to kill, wound, imprison or otherwise hold a person against their will, using either violence or fraud. These circumstances would fit with many cases concerning sexual abuse against minors or against vulnerable adults, especially with the broader definition given recently to the term ‘vulnerable person’. Causing someone to have an abortion is a crime for all Catholics under canon 1398, and this can also be relevant to prosecuting cases of sexual abuse against minors or against vulnerable adults.

¹² 2010 Norms, art. 4§1, °1.

¹³ 2010 Norms, art. 4§1, °4. Canon 1387 makes any incitement of a penitent to break the 6th Commandment a crime, but the *delicta graviora* is only where the confessor is directly involved.

¹⁴ CIC 1983, c. 1395§2; 2010 Norms, 6§1°2; FRANCIS, *Apostolic Letter M.P. Vos Estis Lux Mundi*, 19 May 2019 (hereafter, VE), art. 1§1. VE extends crimes previously referred to clerics only, to include religious and members of all institutes of consecrated life or societies of apostolic life.

¹⁵ 2010 Norms, art. 6§1, °2; VE art. 1§2, b. VE extends the definition of child pornography and refers it to all minors, while before it was referred to images of minors under 14 years old.

¹⁶ VE, art. 1§1, a, i).

¹⁷ VE, art. 1§2, c. (emphasis added).

¹⁸ VE art. 1§1, a, i).

Most canons in the Code of Canon Law do not have any punishment attached to an infringement. However, it is possible for a bishop to apply penal penalties to canons where there is a violation of canon law, but where no penal effect has been given to that law by the Code¹⁹. More simply, a Bishop can give a specific person an order (also called a precept) including a warning (also called an admonition) about future behaviour, and then attach a punishment for breach of this order²⁰.

3.

A penal canonical trial can have one of two forms: either a contentious trial or an administrative trial. As is common in the Church, both are documentary procedures. There is no courtroom confronting of witnesses by lawyers, or of direct confrontation between accuser and accused. Witnesses can be asked to give evidence before judges, but it is the written statement of that evidence, signed by the witness, which is admitted as evidence. Both forms of criminal trial require that both parties have access to all evidence, that both parties have advocates, and both exclude the involvement of the persons who conducted the preliminary inquiry from being judges²¹.

In cases involving the sacrament of confession (considered *delicta graviora*), the identity of the accuser is protected unless the accuser gives consent, and in any case where there is a risk of breaking the seal of confession²².

There are time limits for beginning a penal trial. The normal statute of limitations is three years from the date at which the events in question took place²³, while crimes referred to the Congregation of the Doctrine of the Faith as *delicta graviora* have a time limit of twenty years from the date at which the events in question took place. For minors, the calculation of time begins when they reach 18 years old. It is also possible for the Congregation for the Doctrine of the Faith to make exceptions to this twenty-year time limit²⁴. When it does not do so, no trial can be held, and so no penal punishment can be given. However, a bishop could still impose a precept or admonishment with restrictions of activity etc.

4.

This leads me to talk briefly about punishment in the Church. There are three reasons for punishing someone in Church penal law: to eliminate the scandal attached to a crime (and therefore to protect the community); to re-establish justice (and therefore to repair the evil done); and to allow the correction and the conversion of the guilty²⁵.

¹⁹ CIC 1983, c. 1399.

²⁰ CIC 1983, c. 1319; cc. 1339-1340.

²¹ CIC 1983, c.1717§3.

²² 2010 Norms, art. 24.

²³ CIC 1983, c. 1362.

²⁴ 2010 Norms, art. 7.

²⁵ CIC 1983, cc. 1341.

Any punishment given for a crime has all three of these reasons to satisfy. Most punishments are, therefore, not intended to be permanent: to give two examples, the exclusion from the sacraments that comes with excommunication, and a cleric's suspension from dispensing the sacraments²⁶. Among the more striking punishments are dismissal from the clerical state and restriction of residence to a specific place. All of these punishments, however, demonstrate the limits on the power of the Church, as a voluntary society with almost no means of coercion, to punish. The Church has no prisons, and it has no absolute means of compelling someone to obey. Exclusion from the sacraments is irrelevant to someone who does not seek the sacraments; restriction to a place of residency in order to do penance is ineffective against someone who decides to defy the authority of the Church to limit his or her movements; dismissal from the clerical state is a blunt instrument which, at the same time as it imposes a quasi-permanent punishment on someone, also deprives the Church of the means at its disposal to watch over a cleric and control his actions: because, thereafter, he is no longer a cleric.

Also, by its nature, the Church cannot allow itself to simply expel and forget those convicted of crimes. It has a duty to lead them to salvation and give them the means for this. They remain part of the Body of Christ, and they never become undeserving of the Church's help or deprived of their fundamental baptismal dignity.

5.

As well as the system for investigation and for canonical trials, there are other instruments available to the Church in facing the challenge of protecting children and vulnerable adults from sexual abuse.

The Pontifical Commission for the Protection of Minors. Bishops' Conferences and also Dicasteries of the Roman Curia receive invaluable help from the Pontifical Commission for the Protection of Minors, particularly through the work of its permanent secretariat here in Rome. The PCPM assisted and advised this Dicastery over several years in the development of the "Orientations" sent to each of your associations last year. The Commission also drew up the guidelines for bishops' conferences that we attached with our own orientations, and is currently working on ways of harmonising approaches between bishops' conferences and institutes of consecrated life. The Commission will also be involved in evaluating the norms and guidelines this Dicastery has received from your associations up until now, in order to help us determine how adequate they are.

Diocesan vetting and training offices. Many bishops' conferences have developed offices and structures for vetting people who either work or volunteer with children or vulnerable adults. Some have gone further, and actively train these workers and volunteers: in awareness to questions of protecting minors and the vulnerable; and in good practice for receiving and transmitting news of possible abuse. Often the work is organised at a diocesan level. Generally, this has happened in countries where State law requires

²⁶ CIC 1983, c. 1331 and 1333.

vetting and training, and where State agencies evaluate the adequacy of child protection measures within all voluntary or charitable organisations.

Listening and advice services. In some bishops' conferences there are offices or listening services whose purpose is to receive news of possible abuse, to relay it to the Church authorities, and also to advise bishops, religious congregations and associations in the Church on how to proceed in investigating canonically, and in how to fulfil obligations to report possible crimes to State or Civil authorities. When fully functioning, these services cover questions of sexual abuse not only concerning clerics or religious, but also within Catholic schools and parishes, and, therefore, concerning laity too.

It is clear from the meeting held in the Vatican in February 2019 with the Presidents of bishops' conferences from across the world, that the Church in many countries has much work to do in developing these instruments for protection of children and the vulnerable. Often, this is the case where civil society has itself been slow to acknowledge the need for such measures. In these cases, it is to be hoped that the work the Church will do can serve as a reference point for governments and legislators.

6.

Last month, as we have already mentioned, the Pope promulgated new norms on this question: *Vos estis lux mundi*, effective as of June 1st 2019, valid for the whole Church, with minimum criteria to be applied in all countries, explicitly as a way of making future progress in protecting the vulnerable from sexual abuse. In some cases, what the Church requires of its members applies a higher standard than that required by State or Civil law. *Vos estis* gives bishops one year, either alone or in concert with other dioceses, to guarantee: "one or more public, stable, easily accessible systems for submission of reports", requires them to keep the Nuncio informed of their progress²⁷ and requires that these systems respect the duty of confidentiality currently applied to all diocesan curial offices²⁸. *Vos estis* also introduces duties to report news of sexual abuse perpetrated by a cleric or by a member of an institute of consecrated life or a society of apostolic life; and introduces duties to report news of an obstruction or interference with civil or canonical investigations into sexual abuse against a cleric or a member of an institute²⁹. It does so specifically where this obstruction is by a cardinal, bishop or papal legate, and - relative to the period where they were in charge - by the head of a personal ordinariate or prelate, by the supreme moderators of Pontifical right institutes of consecrated life or societies of apostolic life, and the heads of *sui iuris* monasteries.

Vos estis imposes this duty to report upon all clerics and all members of institutes of consecrated life or societies of apostolic life³⁰. It applies where he or she receives news, or otherwise has well-founded motives for believing, that either sexual abuse or a cover-

²⁷ VE, art. 2§1.

²⁸ CIC 1983, c. 471 °2.

²⁹ VE, art. 6, and art. 1§1, b.

³⁰ VE, art. 3.

up of sexual abuse has taken place. *Vos estis* requires that they report this to the competent Church authority, and it sets out which authorities are competent in which cases. It excludes the possibility of divulging something heard in confession³¹. It also makes it not compulsory to report where the information was received during a cleric's sacred ministry or otherwise involves professional confidentiality³², but allows information received in situations of sacred ministry or professional confidentiality to be used in a report without this constituting a violation of duties of ministerial or professional confidentiality³³.

Vos estis sets out extensive provisions for how an investigation of a superior for a cover-up or for sexual abuse is to be done: generally by the local archbishop, under instructions given by the relevant dicastery of the Roman Curia, with precisions for time-limits, for hiring personnel and for costs, and with final decisions after investigation all being made in Rome³⁴. If the news is manifestly unfounded in the archbishop's opinion, he must still inform the nuncio; if it is not manifestly unfounded - a lower standard of proof even that 'reasonably plausible' - then he must contact the Roman Curia, and ask to be allowed to investigate, and ask for specific instructions on how to proceed.

7.

How can the Ecclesial Movements be part of this response

Some of the points set out in this most recent Papal document correspond to elements contained in the orientations sent to you in summer 2018. These are, therefore, the first points where the work you do in protecting children and vulnerable adults can interconnect with the Church's response, set out above.

Firstly, a preamble. Our own experience in the Dicastery, consistent with statistics at all levels of the Church and society, tells us that sexual abuse within ecclesial movements is committed by laity also, and not only by clergy. Families in our communities must know that the movement expects them to tell it about abuse committed against a child by a member of the movement, be it a lay person or a cleric. Adults should know that the movement expects them to tell it about abuse, by a lay person or by a cleric, committed against them or another adult. They should know that they will be listened to in confidentiality and that the movement will not hide the accusation. They should know that the movement will take the necessary precautionary steps to separate an accused person from situations of potential risk in community life and in apostolate. They should know that the movement will inform this Dicastery, as the competent authority in canon law for vigilance over their government, of any canonical or civil investigations when they are begun. They should know that a person guilty of sexual abuse will be expelled from the movement.

³¹ CIC 1983, c. 1550 § 2, 2°; c. 1548 § 2.

³² VE, art. 3§1.

³³ VE, art. 4§1.

³⁴ VE, arts. 7-18. We should note that there is no preliminary investigation here before the local archbishop reports the news to the Roman Curia (VE, art. 10).

Now let me mention several points of interconnection.

The first: *creating clear pathways for reporting abuse*. It is clear from what the Prefect has already said that this is a priority. Given the time already elapsed since the orientations were sent to you, it seems reasonable to give ourselves another six months, at most, to make sure that, at every level of your movement's apostolate and its community life, these pathways for reporting are clear, are known, and are staffed with competent people.

Secondly, *the duty to comply with State and Civil law duties on reporting*. You are international realities, and so we know that this is not an easy task, because it requires knowledge of so many jurisdictions. Nonetheless, this is an urgent requirement, also needed in order to protect your own members. However, you are not alone in this task and here, country by country, you can often work with the structures and offices already set up by dioceses or bishops' conferences. Indeed, I am sure that in many countries, in order to do apostolate currently, you are already complying with national laws for vetting and for child protection. Similarly, the orientations we sent you also indicate your duty to comply with requirements set out by the bishops locally, and these requirements themselves generally comply with State and Civil law.

We will talk more this afternoon about programmes and practices for training, and how your own movements' pedagogy and experience can contribute to their development. Clearly, the diocesan and national programmes that exist for training volunteers are a resource for your movements and communities too, as you seek to fulfil your own duties in this field.

Thirdly, let me talk a little more about *the canonical duty to report*, as set out in the most recent norms, and about how to apply this logic in your own movements. In these considerations, I wish to look at the question of how we reconcile duties to report with duties of confidentiality.

The first canonical requirement for clerics, and for members of institutes, is that civil law on reporting, country by country, must be complied with. This is, therefore, a canonical norm, and those who disregard civil law duties here break canon law too.

The second canonical requirement, for clerics and for members of institutes, is to report. As we have already said, this duty does not affect the secrecy of confession: nothing in confession is to be reported. The new norms underline that duties of confidentiality are maintained for information received in other forms of sacred ministry and in ecclesiastical office. So there is no canonical duty to report here, but there is a permission to report things said in a confidential pastoral setting or in ecclesiastical office, when they concern sexual abuse. This means, therefore, that there is no breach of confidence if, in order to comply with a State or Civil law duty to report, information about sexual abuse is transmitted or

reported. Similarly, it is legitimate to report news of sexual abuse here, even if no State or Civil duty requires this.

It is clear that this leaves a margin of personal appreciation for a cleric in ministry or for all people, including laity, exercising ecclesiastical office. Is this information reasonably plausible? Has the person already reported it to either State or Church authorities? Can I be certain they will report it soon? Is there a current risk to others from the person accused of abuse?

However, there are others questions that the person receiving the report really should pass on to other people, perhaps with specific competency in State or Canon law. Is this conduct criminal? Can the accused person be convicted? Do I have a duty to report this conduct in civil law? Are there other legal criteria to take account of, such as time limits, criminal responsibility, age, fitness to stand trial, etc.? In all of this, there is a need to connect a person's duty or right to report, with the spaces available for reporting, staffed by people trained to analyse reports and to give advice.

Therefore, it seems reasonable within our own spheres of community life and of apostolate, to apply these same criteria for laity who learn of sexual abuse or receive news about sexual abuse. In civil law, is there a duty to report this information, given the seriousness of the allegation, that supersedes any duty of confidentiality I might have? In canon law, given the seriousness of the allegation, is there a duty to report, or a justification for reporting, that supersedes any duty of confidentiality? Are there not circumstances where a confidence received requires an immediate reaction, saying to the person: 'what you are telling me is something I cannot keep for myself, and it is something you should tell the authorities about too'?

Fourthly, *to listen is not to judge*. identifying these pathways for reporting also allows us to distinguish between different activities: listening and reporting on one hand; and judging reports on the other hand. It is important that within our movements and communities there is a broadly-shared, and real, availability to listen to people who come to give news or make accusations concerning sexual abuse. Unfortunately, for too long and in too many places, there are people who have not been listened to. We need to play our part in developing the Church's ability to change this. At the same time, we need to be secure and trusting in the knowledge that the people we report news to are able to evaluate what we tell them with prudence and according to objective criteria, to apply presumptions of innocence, to distinguish between a credible allegation and a proven allegation, and to protect the right to defence from false accusations³⁵. To listen is not to judge. To report is not to judge. The reporter is not the judge.

³⁵ Much work is required in the difficult task of protecting reputations and the presumption of innocence, in cultural contexts where Church authorities might be tempted to infringe on the rights of those accused in order to demonstrate they are taking accusations seriously.

Fifthly, *vulnerable adults*. sexual abuse is often thought of in the narrow context of a) clerical abuse, b) against children or people psychologically equivalent to children. Together, *Vos estis*, the orientations given by the Dicastery and the work we will do together today, should help us understand, on one hand, that sexual abuse is not reserved to clerics and, on the other hand, that adults can suffer from it too. The broad definition of ‘vulnerable adult’ given in the new papal norms should give us pause. It requires us to better train our members in order to avoid situations of risk, and in order to identify situations of abuse. It should make us more aware of how seemingly consensual sexual activity between adults can, because of the state of mind or the situation of one of the persons, actually be a situation of sexual abuse. The new norms make such abuse punishable in canon law when it is done by a cleric or by a member of an institute; but the definition of vulnerable person is still valid for cases involving laity who might be considered to have abused a position of authority.

Conclusion

We have looked briefly at the concrete measures and instruments developed by the Church to provide a pastoral response to the problem of sexual abuse. Undeniably, the Church has much, much more to do in this field. We have also seen how these instruments are in tune with what is being asked of the international ecclesial movements and new communities. In your attention to these points, you are part of how the Church as a whole attempts to authentically respect and care for the People of God, and in doing so give an evangelical witness that rejects sin and embraces holiness.



INTRODUCTION

Pope Francis, in his letter of 2 February 2015 to the Presidents of Episcopal Conferences and Conferences of Major Superiors, wrote that the Pontifical Commission for the Protection of Minors “can be a new, important and effective means for helping me to encourage and advance the commitment of the Church at every level – Episcopal Conferences, Dioceses, Institutes of Consecrated Life and Societies of Apostolic Life, and others – to take whatever steps are necessary to ensure the protection of minors and vulnerable adults.”

The following Guidelines Template is provided to Episcopal Conferences and Religious Congregations to assist their development and implementation of policies and procedures for the protection of minors and vulnerable adults from sexual abuse, for responding to abuse in the Church and for demonstrating integrity in this work.

These Guidelines build on the work already undertaken by many Conferences and on guidance in the Circular Letter of the Congregation for the Doctrine of the Faith of 3 May 2011. The Commission hopes to assist local Churches in establishing and maintaining a comprehensive set of local Guidelines for the protection of minors and vulnerable adults.

PCPM

GUIDELINES TEMPLATE

1. An introductory statement setting the guidelines in a faith context.

The Commission considers it very important that the safeguarding of minors and vulnerable adults is seen as an integral part of the mission of the church, one that it is firmly rooted in our belief that each individual has a unique worth created in the image and likeness of God. This opening section should make it clear that what follows is gospel based.

2. A statement of commitment to Article 3.1 and Article 19 of the United Nations Convention on the Rights of the Child.

The protection of children recognises their human rights as expressed in this United Nations Convention:

Article 3

"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."

Article 19

"1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s), or any other person who has the care of the child.

Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate for judicial involvement."

The Holy See is a signatory to this Convention.

3. A statement of commitment by the Church.

An example of such a statement:

The Catholic Church is committed to:

- the care, nurture of, and respectful ministry with all children, young people and adults
- the safeguarding of all children, young people and adults when they are vulnerable
- the establishing of safe, caring communities which provide a loving environment where there is an informed vigilance as to the dangers of abuse

The Catholic Church will:

- carefully select and train all those with any responsibility in the Church in line with safe recruitment policies outlined below
- respond to every complaint of abuse against Church personnel in accordance with agreed procedures outlined below
- seek to offer an appropriate ministry of informed pastoral care to those who have suffered abuse.
- seek to offer pastoral care and support, including supervision and referral to the proper authorities, to any member of the church community known to have offended against a child, young person or vulnerable adult

in all these principles follow legislation of the country, guidance and recognised good practice

4. A statement that the guidelines apply to the whole Church in the territory covered by the Episcopal Conference.

The Commission strongly recommends that the ideal to be attained is one set of guidelines for the protection of minors and vulnerable adults to which all dioceses, religious orders and Catholic organisations in the territory adhere.

The scope of the territory to which the guidelines apply should be made clear particularly where there are different countries and groups within one conference. Additionally it should include information about which languages the Guidelines and associated material have been published in.

5. Safe Recruitment

The Guidelines should include or refer to procedures to be followed in the recruitment of clergy, religious, employees and volunteers.

Pope St John Paul II said that “there is no place in the priesthood or religious life for those who would harm the young.” Bishops and Religious Superiors have “a specific responsibility for assuring a proper discernment of vocations.” (CDF Circular Letter 2011) The Guidelines should reflect that responsibility and include identity verification, vetting (i.e. checking with police or

equivalent agency for any criminal record), screening assessment, use of references.

The guidelines should include a procedures for ensuring that there is full information sharing when a cleric seeks to transfer from one diocese to another, from religious life to a diocese or vice versa, from one religious order to another, temporarily or permanently. There should be similar procedures for seminarians and religious in formation seeking to transfer. The Guidelines should explicitly state the requirement for full information sharing for any transfer.

The Guidelines should also set out safe recruitment procedures for those employed by the Church and volunteers in the Church. These should include identity verification, checking with the police or equivalent agency for any criminal record, interview and assessment, contact with references.

6. Formation and Training

The Guidelines should include a commitment to providing a healthy human and spiritual formation for future clergy and religious.

Their training should include specific modules on sexual abuse covering issues such as the damage caused to victims by sexual abuse; the impact on families and communities; recognising the signs of abuse; ministry to those who have been abused; creating safe environments.

They should be made aware of their own responsibilities in this regard in both civil and canon law.

The Guidelines should also include a commitment to providing training, including training on sexual abuse for all employees and volunteers who work with minors and adults at risk in the name of the Church.

The guidelines should include a commitment to ongoing formation for priests, religious and those employed in ministry.

7. Creating a Safe Church Environment

The Guidelines should include clear and well-publicised diocesan standards of ministerial behaviour including appropriate boundaries in pastoral relationships given to priests, religious, teachers, staff, volunteers and all those in service to the church who have access to minors and vulnerable adults in the care of the Church.

These may be included in codes of conduct, codes of ministerial behavior, standards of behavior as well as policies and procedures or other such documents. Codes of conduct may properly cover actions which are not illegal in the country/state. For example they may require staff to avoid lone contact with children or apply a higher age for sexual relationships than state law.

Dioceses are to create and maintain safe environment training programmes. They are to be conducted cooperatively with parents, civil authorities, educators, and community organisations to provide education and training for children, youth, parents, ministers, educators, volunteers and others about ways to make and maintain a safe environment for minors and vulnerable adults.

This training should be age appropriate, including what sexual abuse is, how to identify it, as well

as what are grooming techniques and how to report suspected sexual abuse to civil and Church authorities. Again, all such training is to be age appropriate.

8. Community Awareness Raising/Education

The Guidelines should include a commitment to education of the community in parishes and schools, to help prevent abuse, to create a safe environment and enable an effective ministry to those who have been abused.

The use of special liturgies, the inclusion of appropriate prayers and homilies can be an important part of raising awareness in the Church. The Commission is preparing a range of materials to assist in this.

9. Responding to complaints of abuse

The Guidelines should include policies and procedures for responding to complaints and disclosures of abuse in the Church.

- These should be based on a commitment to establishing the truth and to working towards healing.
- There should be a clear statement about compliance with the requirements of civil authorities and Church authorities. Where episcopal conferences include more than one country or a country with a federal structure – it should be clearly stated that the Church will comply with the relevant authority. This should include any civil requirements on mandatory reporting.
- In defining sexual abuse the guidelines must refer to the definition in the Motu Proprio *Sacramentorum Sanctitatis Tutela* (SST).
- The procedures should make it clear that they are applied to clergy and religious.
- Procedures will also be necessary for all lay employees and volunteers who have access to minors and vulnerable adults in the course of their work for the Church. If there are separate policies and procedures for each category of personnel, all shall be compiled in one location such as a manual or booklet.
- There should be a clear statement about referral of criminal behaviour to the police or relevant authority.
- Procedures will be necessary for investigating complaints not referred to the police – for example when the accused person has died, when the behaviour complained of is not illegal in state law but breaches the Church's code of conduct, or when the police have investigated but are not intending to prosecute.
- Investigative procedures should be robust and transparent. Experience suggests that these should include suitably experienced and skilled lay people to ensure independence.
- There should be as little delay as possible in arranging for a person wishing to make a report to meet a Church representative and such meetings should be held in a place which the person making the report finds acceptable.
- There should always be the option for the person making the report to speak to a lay person

rather than a member of the clergy or a religious.

- The person making the report should be encouraged to have a companion of their own choice to accompany them when making a report.
- A support person should be made available to those who report abuse, if they wish to have one. The support person's priority is the welfare of the person reporting abuse and where necessary their family. The support person can liaise with the Church, provide information about the progress of the complaint and advise on access to appropriate support but is not a counsellor. The support person should be someone with a good understanding of the effects of child abuse and in particular the vulnerability of people at the time of making a disclosure. The person reporting abuse should have the option to request a lay support person rather than a member of the clergy or a religious.
- Reports should be heard in a spirit of acceptance and trust.
- The doctrine of mental Reservation should not be used in any interaction with those reporting abuse, victims/survivors or their representatives.
- It is very important that any promise of action or future contact made to a complainant is followed through.
- The procedures should include appropriate support for the accused person. These must follow the requirements of Canon Law and the Motu Proprio SST for clergy and the requirements of Canon Law for religious. For employees and volunteers these should follow their employment contract or volunteer agreement.
- The procedures should include precautionary measures, such as a temporary withdrawal from ministry, where the accused is a cleric (deacon, priest, bishop) the process must follow the requirements of SST.
- The procedures should set out the outcomes for complainants.
- The procedures should set out the how the outcome of all complaints will be shared with the complainant, the faithful and the public.
- The procedures should set out the outcomes for the accused – if the accused is a cleric then these must include the provisions of SST on reports to the Congregation for the Doctrine of the Faith.
- The procedures should include provision for the complainant and the accused to seek a review of the outcome.
- The Guidelines should make it clear that the Church does not wish hide complaints or buy a victims/survivor's silence and dioceses and religious congregations are not to enter into settlements that bind the parties to confidentiality, unless the victim/survivor requests confidentiality, and this request is noted in the text of the agreement.

10. Ministry to victims/survivors

The Church, in the person of the Bishop or his delegate, Religious Superior or his/her delegate should be prepared to listen to the victims and their families, and to be committed to their spiritual and psychological assistance. Dioceses and religious congregations are to reach out to victims/survivors and their families and demonstrate a sincere commitment to their spiritual and

emotional well-being. The first obligation of the Church with regard to the victims/survivors is for protection, healing and reconciliation. Each diocese and religious congregation is to continue its outreach to every person who has been the victim of sexual abuse as a minor or vulnerable adult by anyone in church service, whether the sexual abuse was recent or occurred many years in the past. This outreach may include provisions of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim/survivor and the diocese and/or religious congregation.

Through pastoral outreach to victims/survivors and their families, the diocesan bishop or his representative or the religious superior or his/her delegate is to offer to meet with them, to listen with patience and compassion to their experiences and concerns.

11. Ministry to offenders

The Guidelines should also include provision for ministry to sex offenders including those who have offended in the Church, which ensure that all provisions are consistent with the need to provide a safe environment

12. Monitoring/Accountability Arrangements

In order to ensure the integrity of the Church and its measures for the prevention of and response to abuse, the Guidelines should include a system of monitoring compliance with the Guidelines, and a procedure to ensure that such all compliance results are made public in a timely manner. The monitoring structure should demonstrate independent and informed leadership.

13. A Closing Statement of Commitment by the Bishops and Religious Leaders

Each set of Guidelines is only as strong as the commitment of church leadership behind it. For members of the church and the general public to accept and believe that the Catholic Church is sincere in creating and maintaining a safe environment for minors and vulnerable adults, each Bishop and each Religious Superior needs to affirm their commitment to this goal. Without this affirmation, the Guidelines are just words on a piece of paper. That alone will not keep minors and vulnerable adults safe.

**Model questionnaire to assess awareness among local and national
leaders regarding abuse within a faith-led organisation**

Questions for local and national leaders

1. Level of knowledge regarding the issue of child

abuse

Are you aware of cases of child abuse?

- in your area

YES

NO

if so, specify number and type

- within your organisation

YES

NO

if so, specify number and type

- as part of your service in favour of minors

YES

NO

if so, specify number and type

**2. Factors which have led to constraints/delays/hindrances in child
safeguarding actions**

(vote from 1 minimal constraint to 10 maximum constraint)

- no awareness of the issue _____
- shortage of policies/guidelines by the organisation _____
- underestimating the issue _____
- difficulty in intercepting abuse cases _____
- lack of specific training _____
- other (please specify _____) _____

3. Factors which have favoured/facilitated the child safeguarding actions

(vote from 1 minimal aid to 10 maximum aid)

- • knowledge of the issue _____
- • specific policies/guidelines by the organisation _____
- • sensitivity about the issue _____
- • specific training _____
- • other (please specify____)

Mention one positive/success case of evention/response

4. Priorities for child safeguarding actions within your organisation

(vote from 1 minimum priority to 10 maximum priority)

- specific policies/guidelines by the organisation ____
- disseminating information about the issue ____
- opening the organisation's own help desk ____
- opening approved help desks with the organisation _____
- support by experts/consultants
- specific training on the issue (communication skills) ____
- specific training on the issue (relational skills) ____
- specific training on the issue (context management) ____
- other (please specify_____)

POLICY	
Key Questions	Observations
Does the policy cover the different individuals who work in the organisations – staff, volunteers, trustees, contractors, partners?	
Does the policy should cover all aspects of the organisation’s work? Is it tailored to the specific context and beneficiaries?	
Is the policy reviewed and updated regularly? Does it reflect changes in lived practice and in the context where you are operating?	
RATING CRITERIA	
RED: <i>The policy is vague about who it applies to; the contents is very general – doesn’t reflect the organisation’s work; the policy has not been updated recently</i> AMBER: <i>All staff, volunteers and trustees are required to comply with the policy; the policy is not comprehensive but touches on key areas; the policy is reviewed every 3 years</i> GREEN: <i>The policy clearly explains how different stakeholders are informed about safeguarding; The policy is very comprehensive & reflects all aspects of work; The policy is reviewed annually</i>	
OVERALL RATING & EXPLANATION	

PEOPLE	
Key Questions	Observations
Are staff and volunteers assessed for skills and experience before joining the organisation? Are attitudes and values assessed?	
Are checks in place to ensure every candidate is suitable to work with children and/or vulnerable adults?	
Is there clear guidance on appropriate behaviour? How does your organisation ensure these expectations are followed?	
How does the organisation ensure staff, volunteers etc understand & feel confident to fulfil their safeguarding responsibilities?	
RATING CRITERIA	
RED: Staff and volunteers are appointed on an informal basis; no checks are made of suitability; no guidance on acceptable conduct; staff and volunteers have little awareness of safeguarding policy and procedures AMBER: Skills/experience checked prior to appointment; references or police checks are obtained; Guidance on conduct exists but is short or vague; Staff required to read the safeguarding policy GREEN: Roles have clearly defined criteria for selection; References & police checks obtained; Code of Conduct is clear & specific safeguarding inductions/ training in place on safeguarding	
OVERALL RATING & EXPLANATION	

PROCEDURES	
Key Questions	Observations
How can staff, beneficiaries report safeguarding concerns? How are concerns managed & who is involved?	
Is safeguarding in line with local laws & regulations? Is there evidence of collaboration with other agencies?	
Are there procedures in place to assess and mitigate risks? Are safeguarding risks monitored at an organisational level?	
If images of beneficiaries are used in external communications, are there clear processes in place to obtain consent, protect privacy & safety?	
RATING CRITERIA	
RED: <i>there is no clear requirement to report concerns nor guidance on how to make a report; no clear risk management processes; no guidance or consent processes for images & comms</i> AMBER: <i>Thee policy makes it clear that safeguarding concerns must be reported internally; There is some evidence that risks are considered; consent is obtained for use of images</i> GREEN: <i>Reporting procedure clearly identifies what should be reported, to whom and timescales for doing this; sets out how the organisation will liaise with other agencies; risk is integrated into the project cycle; clear guidelines on the images that can be taken & how these can be used</i>	
OVERALL RATING & EXPLANATION	

ACCOUNTABILITY	
Key Questions	Observations
Is there & responsibility for safeguarding at all levels of the organisation? Is sufficient capacity and expertise to manage safeguarding issues?	
Do managers have oversight of safeguarding practice? How do they support staff?	
How does your organisation ensure safeguarding measures are implemented? How do they learn from practice?	
If the organisation works through partners, are there clear arrangements to ensure partner organisations have adequate safeguards?	
RATING CRITERIA	
RED: No priority placed on safeguarding other than ensuring a policy is in place; Leadership have little or no oversight or understanding of safeguarding; arrangements with partners do not include safeguarding AMBER: Leadership have some oversight of safeguarding; staff with designated safeguarding responsibilities; safeguarding is included in partnership agreements GREEN: There are safeguarding leads with specialist knowledge; regular communication/reports to Leadership on safeguarding; monitoring of safeguarding implementation; partner's safeguarding forms part of due diligence	
OVERALL RATING & EXPLANATION	