

Prelature of the Holy Cross and Opus Dei

Guidelines for the Protection of Minors and Other Vulnerable Persons

From 2013 the Regional Vicars of the various circumscriptions of the Prelature have issued norms for the investigation of allegations of sexual abuse of minors by faithful of the Prelature. In issuing these norms, they have followed the guidelines from the Congregation for the Doctrine of the Faith contained in the letter of May 3, 2011, the indications of the various episcopal conferences, and the laws of each country.

On March 26, 2019, the Supreme Pontiff, Francis, promulgated the Motu Proprio *On the Protection of Minors and Vulnerable Persons* (followed on the same date by Law no. 297 for the Vatican City, *On the Protection of Minors and Vulnerable Persons and Guidelines for the Protection of Minors and Vulnerable Persons for the Vicariate of the Vatican City*) and on May 7, 2019 the Motu Proprio *Vos estis lux mundi* with the goal of strengthening even more the Church's institutional and legal structures and in order to prevent and combat abuses against minors and vulnerable persons.

Having seen the content of these norms and fully supporting their elevated goals, I direct to all the faithful of the Prelature these guidelines, which gather together the indications given by the Roman Pontiff and apply them to the specific pastoral activity of the Prelature.

I. General Principles

1. The measures and procedures contained in these guidelines aim to establish and maintain an environment which manifests awareness of and respect for the rights and needs of minors and vulnerable persons and which avoids any risk of exploitation, sexual abuse, and mistreatment in activities carried out in the ambit of the Prelature.
2. Accordingly, these guidelines are directed to all the faithful of the Prelature and also to those persons who in some way collaborate in its undertakings of apostolate and Christian formation (see *Statuta*, n. 121).
3. In these guidelines, where not precluded by the nature of the matter in question, vulnerable persons are treated equivalently with minors, even where this may not be stated expressly.

A “minor” is anyone under the age of eighteen years. Equivalent to a minor is any person who habitually has an imperfect use of his or her reason (see Motu Proprio *Sacramentorum sanctitatis tutela*, art. 6 §1, 1°).

For the purposes of these guidelines a “vulnerable person” is any person in a state of infirmity, physical or psychological deficiency, or deprivation of personal freedom which, in fact, limits even occasionally his or her capacity to understand, to will or otherwise to resist an offense (see *Vos estis lux mundi*, art. 1 § 2 a, b).

4. The following are the goals and principles that, in the ambit of the Prelature, will guide all norms and actions directed to preventing and combating abuse against minors and vulnerable persons:

a) Goals:

- To promote awareness of and respect for the rights and needs of minors and vulnerable persons, and also to ensure adequate training for their protection;
- To prevent all forms of violence, physical or psychological abuse, mistreatment, exploitation, or negligence;
- To raise awareness of the obligation to make abuses known to the competent authorities and to cooperate with these authorities in activities that are directed to preventing and combatting abuses;
- To respond effectively to any abuse or mistreatment against minors or vulnerable persons;
- To offer victims and their families adequate pastoral attention and, to the extent necessary, suitable medical, psychological, and legal assistance.

b) General principles of action:

- To grant those who claim to be victims as well as their families the right to be welcomed, listened to and supported, as well as to provide them adequate channels for presenting their allegations;
- To guarantee to all those involved a procedure that follows due process of law (CIC, c. 221 § 3), respects the presumption of innocence, respecting as well the principles of legality and proportionate penalties;
- To remove persons who have been found guilty of abusing a minor or vulnerable person from their pastoral tasks, to offer them adequate support for their psychological and spiritual rehabilitation, including aiding them in their social reintegration;
- To take all practical steps to restore the reputation of those who have been unjustly accused.

5. The authorities of the Prelature must be committed to ensuring that those who claim that they have been harmed and their families are treated with dignity and respect. In particular they must offer them:

a) To be welcomed, listened to and supported, including in some cases by means of specific services;

b) Spiritual attention;

c) Medical, therapeutic, and psychological help as may be needed.

6. Any images or likenesses (photographs, videos, etc.) of the persons involved as well as the privacy and confidentiality of information about these persons must be protected.

II. Norms for Preventing Abuse

7. Apostolic undertakings that receive pastoral assistance from the Prelature (see *Statuta*, n. 121) in whose programs minors or vulnerable persons participate should adopt policies of good practices and guidelines for the protection of these persons.

8. In accord with *Motu Proprio Vos estis lux mundi*, art. 2, the Office of the Safe Environment Coordinator for the protection of minors has been established with the following functions and obligations:

a) Receive any allegation related to the behaviors dealt with in these guidelines, whether directly from the alleged victim or from third parties. The Coordinator will acknowledge receipt of the information to the person making the allegation and, if necessary, to the alleged victim or his or her parents or guardians.

b) Gather whatever information is needed to identify the accused and the possible victims, as well as any further information related to the alleged facts and to the persons involved.

c) Orient the accuser and, if applicable, the alleged victim about the process to be followed, both with respect to Canon Law as well as civil law.

d) Give initial help to the alleged victims along with any ongoing personal attention that may be needed or helpful.

e) Keep a record of all the steps taken in the course of handling an allegation. In the case of a verbal accusation, he should write a statement of all the claims that are being made and have this statement signed by the accuser in the presence of a canonical notary.

f) Send to the Regional Vicar a written report of the allegation and the actions taken, and do this quickly and with discretion. He should record in writing that he has sent the report with the date it was sent. He will inform the person making the allegation that he has sent it.

g) Preserve confidentiality in accord with CIC, c. 1455 § 3.

h) Periodically inform the Regional Vicar of the activities he has carried out.

9. Each Regional Vicar, within his circumscription, will appoint a) a Safe

Environment Coordinator for the protection of minors and vulnerable persons; b) an assistant Coordinator, who will assist the Coordinator in implementing these guidelines and will perform his functions if necessary; c) a Review Board composed of at least five persons. The Safe Environment Coordinator will organize activities of prevention and training for those dealing with minors and vulnerable persons. Likewise, he will take responsibility especially to receive and follow those persons who claim that they have been victims of exploitation, sexual abuse, or mistreatment, as well as their families.

10. Before appointing a person to work with minors or vulnerable persons in an apostolic undertaking which receives pastoral assistance from the Prelature, even though it may be only an occasional collaboration, the following should be done:

a) The person's suitability for interacting with minors or vulnerable persons should be determined by means of an adequate investigation including a criminal background check.

b) The person should be given adequate training in identifying and preventing risks of exploitation and sexual abuse.

III. Norms of Conduct

11. In the apostolic undertakings that serve minors, priority should be given to their protection. Therefore, during the activities of these undertakings, the faithful of the Prelature and their collaborators should:

- Be prudent and respectful when they deal with minors;
- Serve as positive role models for the minors;
- Remain in view of other people whenever they are with minors;
- Inform those who are in charge of any behavior they see that could be potentially dangerous;
- Respect the area of the minor's confidentiality;
- Inform parents or guardians of the activities that are planned and how they will be carried out;
- Be prudent in communicating with minors, including by telephone and through social media;
- Carry out activities in rooms (spaces) suitable for the minors' age and stage of development, especially ensuring, to the extent possible, that minors do not enter or remain in areas that are hidden from view or unsupervised.

- Avoid all improper physical or verbal contact, including any that can give rise to ambiguities (caresses, kisses, or hugs that are imprudent, unjustified, or could be interpreted badly).

12. The following are strictly prohibited to the faithful of the Prelature and their collaborators in apostolic undertakings of the Prelature in which minors or vulnerable persons participate:

- Using corporal punishments of any kind;
- Establishing a preferential relationship with any of the persons who are covered by these guidelines;
- Placing or leaving a minor in a situation that is potentially dangerous for his or her physical or mental safety;
- Addressing a minor in an offensive manner;
- Engaging or participating in inappropriate or sexually suggestive behaviors;
- Discriminating unfairly against a person or group of persons who are covered by these guidelines;
- Asking a minor to keep a secret;
- Giving to any minor gifts that would single them out from the rest of the group;
- Driving alone in a vehicle with a minor;
- Photographing or filming persons covered by these guidelines without the written consent of their parents or guardians;
- Publishing or sharing through the internet or social media, without the consent of their parents or guardians, images in which persons covered by these guidelines can be recognized;
- Contacting any of these persons, including by telephone or social media, without the consent of their parents or guardians.

13. Any inappropriate conduct or bullying that might occur between persons who are subject to these norms, even if it does not appear to be especially serious, should be dealt with quickly, calmly, prudently and with due sensitivity. The parents or guardians of the persons involved should be informed immediately.

14. The written consent of the parents or guardians is required for the participation of minors or vulnerable persons in activities within the pastoral ambit of the

Prelature. These written authorizations are to be kept in a way that duly protects any confidential information. The parents or guardians must receive information about the proposed activity as well as the names and contact information of those who are responsible for it.

IV. Receiving Allegations

15. Those who claim to have been victims of the kinds of abuse covered in these guidelines as well as their families have a right to be welcomed, listened to, and given ongoing personal attention. The Regional Vicar, himself directly or through the Safe Environment Coordinator, will hear them and assure them that the situation will be handled in the manner prescribed by Canon Law. He will ensure that they have adequate spiritual help and may offer them spiritual counseling by a qualified priest. He will also protect all photographic images of them as well as the confidentiality of their personal information.

16. If necessary, these persons will also be offered medical, psychological, and social help, as well as information about legal matters.

17. While respecting the sacramental seal, any of the faithful of the Prelature or those who collaborate with them who knows or has a well-founded suspicion that a minor or vulnerable person is a victim of any abuse dealt with in these guidelines will inform the Regional Vicar directly or through the Safe Environment Coordinator.

18. When the allegations are not manifestly false, the Regional Vicar will remove the alleged abuser from the apostolic activities of the Prelature until the completion of the process which will determine his permanent situation.

19. In accord with applicable civil law and Canon Law, civil authorities should be informed of accusations of sexual abuse of minors that are considered possible, unless this would violate the confidentiality of spiritual direction, the seal of the sacrament of Reconciliation or falls among the other cases foreseen in CIC, c. 1548 § 2.

This right and duty to report abuses to civil authorities will always be respected. For no reason will there be any attempt to dissuade alleged victims or their families from reporting cases to the civil authorities. Rather, the Safe Environment Coordinator should inform the alleged victims or their parents or guardians about this right and duty and encourage them to exercise it.

If the alleged victim or his legal representatives (parents, guardians, legal counsel) express opposition (written or otherwise) to having an allegation reported to the civil authorities, the Regional Vicar will report the allegation whenever the law requires it. If the law does not require it, the Regional Vicar will nevertheless report the allegation if he considers it necessary for the protection of the alleged victim or other minors and after having consulted the Review Board.

V. Investigating Accusations

20. Independently of the investigations and procedures carried out by civil authorities, the Regional Vicar, in cases within his competence, and in accord with CIC, c. 1717, will promptly ask the Promoter of Justice of his circumscription or another delegate to carry out the Preliminary Investigation. If this is not possible, he himself will carry it out.

21. During this investigation, among other relevant facts, as much as possible should be learned about the actions and the circumstances involved, the personal information and age of the persons involved, the harm that has been caused, and any involvement of the sacramental forum. Testimonies, documents, and other forms of evidence can be gathered from the various places and surroundings where the accused person has been active. The person who carries out the investigation can also use declarations, testimonies, documents, and reports from experts collected in the civil realm to which they may have access, as well as any sentence or decision of the civil courts related to the facts being investigated. To this end, the Regional Vicar, if he thinks it prudent, may suspend all canonical actions until the conclusion of any civil or criminal proceedings.

22. In the course of the Preliminary Investigation, the person carrying it out will:

- a) Advise the person who is allegedly harmed to seek the assistance of civil and canonical counsel;
- b) Make clear to the alleged victim or to his or her legal representatives their rights and how they can have them be respected, including the possibility of presenting evidence and making statements, either directly or through an intermediary;
- c) Obtain the testimony of the alleged victim without unnecessary delay and in a manner suitable for the particular case;
- d) Inform the alleged victim or his or her representatives, if they ask for it, about the conclusions of the investigation and the actions that will be taken as a consequence;
- e) Preserve the alleged harmed person and his or her family from any sort of intimidation or retaliation;
- f) Protect the privacy, any confidential personal information, and images or likenesses of the people involved.

Throughout the investigation efforts will be made to achieve the spiritual and psychological recuperation of each person who is involved.

23. The presumption of innocence of the person being investigated should always be guaranteed and his or her reputation should not be put in danger. Unless there are serious reasons to the contrary, he or she should be informed promptly of the investigation that has been opened and the reasons for it. He or she should be

encouraged to obtain civil and canonical counsel and will also be offered spiritual and psychological assistance.

24. When there is reason to believe that the crimes could be repeated, adequate measures of precaution should be taken in accord with Canon Law.

25. If the investigation confirms the probability (i.e., more likely than not) of the possible crime, the Regional Vicar will follow the appropriate canonical procedure and he will inform the competent civil authorities (if not previously informed). If the investigation finds that the crime is not probable, the Regional Vicar should issue a decree (which includes reasons for his decision) in order to archive the file. The documentation that certifies the actions carried out and the reasons for the decision made should be kept in the secret archive. In any case, even when it has been decided to archive the case, if the accused is a cleric the Congregation for the Doctrine of the Faith will be informed (see Norms *de gravioribus delictis*, arts. 6 and 16). To this end, as soon as possible, the Regional Vicar will send an authenticated copy of the acts (documents) of the investigation and the corresponding decree to the Curia of the Prelature.

26. All persons who are declared guilty of committing a crime of abuse against a minor or a vulnerable person will be removed from their apostolic or pastoral positions and assignments. They will, however, be offered adequate help for their psychological and spiritual recuperation as well as their social reintegration.

In applying these guidelines, each Regional Vicar will revise the policy for investigating allegations of abuse of minors for his region, taking into account the model policy that is attached to these guidelines, any indications that have been given by the Episcopal Conference, and current civil laws.

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