

# **GUIDELINES FOR THE PROTECTION OF MINORS AND OTHER VULNERABLE PEOPLE**

Since 2013, the Regional Vicars of the various circumscriptions of the Prelature have issued norms for the investigation of accusations of sexual abuse of children attributed to faithful of the Prelature of Opus Dei. These norms were issued in conformity with the orientations of 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 State.

Recently, the Supreme Pontiff Francis promulgated the *Motu Proprio On the protection of minors and vulnerable persons* of 26 March 2019 (with the consecutive Law for Vatican City, number CCXCVII, *On the protection of minors and vulnerable persons*, of Vatican City State, of 26 March 2019 and the *Guidelines for the Protection of Minors and Vulnerable Persons for the Vicariate of Vatican City* of 26 March 2019) as well as the *Motu proprio “ Vos estis lux mundi”* of 7 May 2019, in order to further strengthen the institutional and normative framework of the Church and to prevent and combat the abuse of minors and vulnerable persons.

In view of the content of these norms and with full adherence to their lofty purpose, I address to all the faithful of the Prelature these directives in which the indications given by the Roman Pontiff are taken up and adapted to the specific pastoral activity of the Prelature.

## **I**

### **General principles**

1. The measures and procedures contained in these guidelines are intended to contribute to establishing and maintaining an environment that is respectful and aware of the rights and needs of minors and vulnerable persons, which excludes the risks of exploitation, sexual abuse and mistreatment in the activity carried out in the sphere of the Prelature.
2. Therefore, these guidelines are addressed not only to all the faithful of the Prelature, but also to those persons who in one way or another collaborate in its apostolic initiatives and Christian formation.
3. In these guidelines, provided that the nature of the matter does not prevent it, vulnerable persons are equated to minors, even if in some cases this is not expressly stated.
  - a) The term “*minor*” means any person under the age of eighteen. To the minor is equated the person who habitually has an imperfect use of reason (cf. m.p. *Sacramentorum sanctitatis tutela*, art. 6 §1, 1°).
  - b) For the purposes of this protocol, “*vulnerable person*” means any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offence (cf. m.p. *Vos estis lux mundi*, art. 1 § 2 a, b).
4. The objectives and principles that will guide all norms and actions aimed at preventing and combating the abuse of minors and vulnerable persons in the ambit of the Prelature are

a) Objectives:

- to promote awareness and respect for the rights and needs of minors and vulnerable persons and provide appropriate training for their protection;
- to prevent any form of violence, physical or mental abuse, neglect, abandonment, mistreatment or exploitation;
- to raise awareness of the obligation to report abuses to the competent authorities and to cooperate with them in activities to prevent and combat such abuse;
- to effectively pursue any abuse or mistreatment of children or vulnerable persons;
- to provide victims and their families with adequate pastoral care, as well as, where appropriate, medical, psychological and legal support.

b) General principles of action:

- to recognise the right of those who say that they are victims to be received, heard and accompanied, as well as their families, and to have their information or complaints properly channelled;
- to guarantee to those involved a procedure that conforms to the rule of law (can. 221 § 3 CIC) and respects both the presumption of innocence and the principles of criminal legality and proportionality;
- to on removing the person convicted of abusing a minor or another vulnerable person from his duties, provide him with adequate support for his psychological and spiritual rehabilitation, including his social reintegration;
- to do everything possible to rehabilitate the reputation of those unjustly accused.

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

- a) welcomed, listened to and supported, including through the provision of specific services according to each case;
- b) offered spiritual assistance;
- c) offered medical, therapeutic and psychological assistance, as required by the specific case.

6. The good name and the privacy of the persons involved, as well as the confidentiality of their personal data, must be protected.

## **II**

### **Prevention rules**

7. Apostolic initiatives with pastoral assistance from the Prelature (cf. *Statutes*, no. 121) in which minors or vulnerable persons participate should adopt protocols of good practice and guidelines for their protection.

8. In accordance with article 2 of the *Motu Proprio Vos estis lux mundi*, the Office of Coordinator for the Protection of Minors is established in the Prelature, with the following functions and duties:

- 1° to receive any type of complaint or information - directly from the presumed victim or third parties - related to the conduct referred to in these guidelines. The complainant and, where appropriate, the presumed victim will be notified of this.
- 2° to collect any data necessary for the purpose of identifying the accused and possible victims, as well as any further data related to the facts invoked and the persons affected.
- 3° to provide guidance to the complainant and, where appropriate, to the alleged victim on the procedural steps to be taken, both in the canonical and in the civil proceedings.
- 4° initially to assist the alleged victims with attentive personal accompaniment.
- 5° in the case of a verbal denunciation, a record of all that is affirmed must be drawn up and signed by the denouncing party. The actions taken must also be stated and therefore the presence of a canonical notary is required.
- 6° to send to the Regional Vicar the record of the complaint and the actions taken, all with speed and discretion, leaving a documentary record of the sending and the date of the same, of which the complainant will be notified.
- 7° to keep the secret of office in accordance with can. 1455 § 3 of the CIC.
- 8° to periodically inform the Regional Vicar of the activity carried out.

9. Each Regional Vicar shall appoint, within his or her constituency, a Coordinator for the protection of minors and vulnerable persons, at least one Deputy Coordinator, who shall assist him or her in the implementation of these guidelines and stand in for him or her if necessary, and an Advisory Committee composed of at least five persons. The Coordinator shall promote prevention and training activities for dealing with minors and vulnerable persons. He or she will also be especially responsible for receiving and accompanying persons who state that they are victims of exploitation, sexual abuse or mistreatment, as well as their families.

10. Before designating the persons who will work with minors or vulnerable persons in the apostolic initiatives that receive the pastoral assistance of the Prelature, even if it is only an occasional collaboration:

- a) The suitability of candidates to interact with such persons shall be determined through appropriate screening and also by verifying the absence of a criminal record in accordance with the legislation in force.
- b) Adequate training to understand, identify and prevent the risks of sexual exploitation and abuse shall be provided to them by the most appropriate means.

### **III**

#### **Rules of conduct**

11. In apostolic initiatives involving minors, priority must be given to their protection. Therefore, in the course of their activities, the faithful of the Prelature and their collaborators should

- be prudent and respectful in dealing with minors;
- provide them with positive role models;
- always remain in view of others when in the presence of minors;
- inform those responsible of any potentially dangerous behaviour they perceive;

- respect the child's confidentiality;
- inform the parents or guardians of the activities they intend to carry out and their planned method;
- use due care in communicating with minors, including on telephone and on social networks;
- conduct activities in rooms that are appropriate to the age and stage of development of the children, taking particular care to ensure, as far as possible, that children do not enter or remain in places that are hidden from view or without supervision;
- avoid any inappropriate or unnecessary physical or verbal contact that may lend itself to ambiguity (caresses, unjustified or imprudent kisses or hugs).

12. It is strictly forbidden for the faithful of the Prelature and those who are admitted to collaborate in apostolic initiatives of the Prelature in which minors or other vulnerable persons participate:

- to inflict corporal punishment of any kind;
- to establish a preferential relationship with one of the persons who is protected by these rules;
- to leave any such person in a potentially dangerous situation to their physical or mental safety;
- to address them in an offensive manner;
- to engage in or participate in inappropriate or sexually suggestive behaviour;
- to discriminate against any of the persons or a group of them protected by these rules;
- to ask one of them to keep a secret;
- to give directly to one of the persons protected by these rules gifts that discriminate against the rest of the group;
- to transporting one of these people in a vehicle without anyone else's company;
- to photograph or film any of the persons protected by these rules without the written consent of their parents or guardians, when required;
- to publish or disseminate, through the Internet or social networks, images in which any of the persons protected by these rules are recognised without the consent of parents or guardians, when required.
- to contact any of these people, including by telephone or on social networks, without the consent of parents or guardians, when required.

13. Any inappropriate behaviour or harassment that may occur between any of the persons protected by these rules, even if it does not present particularly serious characteristics, must be dealt with promptly, with delicacy and in a balanced and prudent manner. The parents or guardians concerned must be immediately informed of any such incidents.

14. The written consent of parents or guardians is indispensable for the participation of minors or other vulnerable persons in activities in the pastoral field of the Prelature. The parents or guardians must receive information about the proposed activity, as well as the names and contact

details of those in charge. The permissions that contain confidential data are to be stored with due discretion.

#### **IV**

#### **Receipt of complaints**

15. Those who claim to have been victims of the abuses discussed here, as well as their families, have the right to be welcomed, heard and accompanied. The Regional Vicar, directly or through the Coordinator for the Protection of Minors, will listen to them, assuring them that the situation will be treated in the manner indicated by law. He should ensure that adequate spiritual assistance is provided that their good name, privacy and confidentiality of their personal data is protected. The Regional Vicar may entrust the spiritual accompaniment of the offended persons and their families to a qualified priest.

16. These persons shall also be offered, where appropriate, medical, psychological and social assistance, as well as information of a legal nature.

17. Without prejudicing the sacramental seal, the faithful of the Prelature and those who have news or well-founded suspicion that a minor or a vulnerable person could be a victim of any of the abuses dealt with here will inform the Regional Vicar, directly or through the Coordinator for the Protection of Minors.

18. When the denunciations or reports are not manifestly unfounded, the Regional Vicar will remove the alleged offender from the apostolic activities of the Prelature for the duration of the proceedings of the case which will determine his definitive situation.

19. Allegations of sexual abuse of minors that are considered credible must be reported to civil authorities in conformity with current civil and canon law legislation unless the confidentiality of spiritual direction or the sacramental seal of Confession are violated or in any case provided for in CIC, can. 1548 § 2.

This right and duty will always be respected. Under no circumstances shall attempts be made to dissuade the alleged victim or his/her family from reporting the case to the civil authorities.

Rather, the Coordinator shall inform the alleged victim or his/her parents or guardians of this right and duty and encourage them to exercise it.

In the event of written and justified opposition from the alleged victim or his legal representatives, or a refusal to formalize such opposition in writing, the Regional Vicar will abide by the provisions of civil law. In any case, after seeking the opinion of the Advisory Committee, if he considers it necessary to protect the alleged victim or other minors, he shall inform the civil authorities of the complaint or information received.

#### **V**

#### **Processing of complaints**

20. Without prejudice to investigations conducted in civil proceedings, the Regional Vicar, in cases within his competence, shall, with the utmost diligence, entrust the preliminary investigation, in accordance with CIC canon 1717, to the Promoter of Justice of his circumscription or to a delegate, or if this is not possible, he shall conduct it personally.

21. The investigation should also seek to find out as much as possible, among other things that may be relevant, the conduct under investigation and the circumstances surrounding such conduct, the personal data and age of the persons concerned, the harm caused and the likely involvement of the sacramental forum. Documents and other evidence and testimonies may be collected from the various areas and settings where the person under investigation may have acted. The person conducting the investigation may also make use of statements, testimonies, documents and expert reports collected in the civil sphere, to which they may have access, as well as any judgments or decisions of the State's courts relating to the facts under investigation. To this end, the Regional Vicar may, if he judges it prudent, suspend the canonical proceedings pending the conclusion of the civil investigation.

22. In the course of the preliminary investigation, efforts will be made:

- a) to work towards the spiritual and psychological recovery of each person involved;
- b) to collect the statement of the person appearing as the victim without delay and in a manner appropriate to the case;
- c) to enlighten the person appearing as the victim or his or her representatives as to what his or her rights are and how to enforce them, including the possibility of presenting evidence and requesting to be heard, directly or through an intermediary;
- d) to inform the same persons, if they so request, of the conclusion of the investigation and the next course of action;
- e) to advise the injured person to avail himself of the assistance of civil and canonical advisors;
- f) to protect the injured person and his or her family from any intimidation or retaliation;
- g) to protect the good name, privacy and confidentiality of the personal data of the parties involved.

23. The presumption of innocence must always be guaranteed and the reputation of the person under investigation must not be jeopardized. Unless there are serious reasons to act in a contrary manner, the person under investigation should be informed promptly of the investigation being conducted and the reasons. He or she should be encouraged to make use of the assistance of civil and canonical advisors. She should also be offered spiritual and psychological assistance.

24. Where there is reason to believe that the offences may be repeated, appropriate precautionary measures should be taken without delay in accordance with the law.

25. If the investigation confirms at least the plausibility of a possible crime which was the cause of the commencement of the investigation, the Regional Vicar will follow the proper canonical procedure according to law and will inform the competent civil authorities. Otherwise, the Regional Vicar must issue a decree expressing the reasons for his decision to close the file, keeping

in his secret archive the documentation certifying the actions taken and the reasons for the decision. However, when the accused is a cleric, even if he has decided to file the case, the Congregation for the Doctrine of the Faith is to be informed (cf. *Normae de Gravioribus Delictis*, arts. 6 and 16), in which case the Regional Vicar is to send to the Prelatic Curia as soon as possible an authentic copy of the acts of the investigation and the corresponding decree.

26. Any person found guilty of committing a crime of abuse against a minor or a vulnerable person shall be removed from office or from apostolic or pastoral duties. However, he shall be offered appropriate support for his psychological and spiritual rehabilitation and social reintegration.

27. For the concrete application of these guidelines, each Regional Vicar will review the Protocol for the protection of minors in his circumscription, taking into account the model protocol attached to these guidelines, the indications given by the Episcopal Conference of the place and the norms of the State in force.

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