

Guidelines for the Safeguarding of Minors and Vulnerable Persons

Prelature of the Holy Cross and Opus Dei

22 February 2020

Guidelines issued by the Prelate of Opus Dei, Mgr. Fernando Ocariz, for the Prelature at a global level, on 22 February 2020. For the particular application of these Guidelines in Australia and New Zealand, a review of the regional Safeguarding policies and procedures was completed on 24 September 2020, taking into account also the relevant civil legislation and the relevant documents of the local Episcopal Conferences (cf. Guidelines, n. 27).

Since 2013, the Regional Vicars of the various regions of the Prelature have issued protocols for the investigation of allegations of sexual abuse of minors, made against members of the Prelature of Opus Dei, in accordance with the guidelines of the Congregation for the Doctrine of the Faith contained in the *Letter* of 3 May 2011, the indications of the various Episcopal Conferences, and the laws of each country.

The Supreme Pontiff, Pope Francis, has recently issued the Motu Proprio “*On the Protection of Minors and Vulnerable Persons*”, of 26 March 2019 (followed by Law No. CCXCVII of Vatican City State, *On the Protection of Minors and Vulnerable Persons*, 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), and the Motu Proprio “*Vos estis lux mundi*”, of 7 May 2019, in order to give additional strength to the institutional and regulatory framework of the Church and to prevent and combat abuses against children and vulnerable persons.

Having regard to the content of these norms and with full commitment to their high purpose, I address the following Guidelines to all the faithful of the Prelature, in which the indications given by the Roman Pontiff are gathered together and adapted to the specific pastoral activities of the Prelature.

I

General principles

1. The measures and procedures set out in these Guidelines have as their objective to foster and maintain an ethos that is respectful of and sensitive to the rights and needs of minors and vulnerable persons, and excludes the risk of exploitation, sexual abuse or ill-treatment occurring in the course of activities carried out within the pastoral scope of the Prelature.

2. Accordingly, these indications are addressed not only to all the members of the Prelature, but also to those who in one way or another collaborate in their initiatives of apostolic and Christian formation.

3. In these Guidelines, unless the nature of the matter excludes it, vulnerable persons are to be taken as equivalent to minors, even if they are not expressly mentioned.

a) “*Minor*” means any person under the age of eighteen years. A person with a habitually imperfect use of reason is equivalent to a minor (cf. Motu Proprio “*Sacramentorum sanctitatis tutela*”, Art. 6 §1, 1°).

b) “*Vulnerable person*” means, for the purposes of these Guidelines, any person in a state of infirmity, physical or psychological deficiency, or deprivation of personal liberty, which in fact limits his or her ability, albeit occasionally, to understand, or want, or in any case resist, an offence (cf. Motu Proprio “*Vos estis lux mundi*”, Art. 1 §2a, b).

4. The following objectives and principles inform every norm and procedure aimed at preventing and combating abuses against minors and vulnerable persons within the pastoral scope of the Prelature:

a) Objectives:

- to promote the awareness and respect for the rights and needs of children and vulnerable persons, and suitable training to protect them;
- to prevent any manner of violence, physical or psychological abuse, negligence, neglect, ill-treatment or exploitation;
- to make everyone aware of the obligation to report any abuse to the relevant authorities and to cooperate with them in the programmes to prevent and combat them;
- to effectively pursue any abuse or ill-treatment of children and vulnerable persons;
- to offer the victims and their families adequate pastoral care, as well as, when required, medical, psychological and legal support;

b) Guiding principles:

- to acknowledge the right to be welcome, heard and supported of those who claim to be a victim, as well as their families; and to give proper course to the information they provide or their complaints;
- to guarantee to those implicated a process that is in accordance with the rule of law, and respectful of both the presumption of innocence and the principles of legality and penal proportionality;
- to remove the person found guilty of abuse of a child or a vulnerable person from their position without delay, and provide him or her the appropriate support for his or her psychological and spiritual

rehabilitation, including the resolve to achieve their reinsertion into society;

- to do everything possible to rehabilitate the reputation of those who have been accused unjustly.

5. The authorities of the Prelature are to undertake that those who claim that they have been affected, and their families, will be treated with dignity and respect. In particular, they must offer:

- a) to welcome, listen to, and accompany them, using specialist services where appropriate;
- b) to provide spiritual care;
- c) to provide medical, therapeutic and psychological care, as the case may require.

6. The good name, privacy and confidentiality of the personal data of those involved must be protected.

II

Safeguarding Rules

7. Apostolic initiatives which receive pastoral support from the Prelature (cf. *Statuta*, n. 121) and in which minors or vulnerable persons take part should follow codes of good practice and safeguarding guidelines.

8. In accordance with Article 2 of the *Motu Proprio* “*Vos estis lux mundi*”, there should be a Safeguarding Coordinator in the Prelature, with the following functions and obligations:

- a) To receive every kind of complaint or report—whether received directly from the alleged victim or from third parties—regarding conduct to which these rules apply. Receipt of every such report will be acknowledged to the complainant and also to the alleged victim, where applicable.
- b) To collect whatever data may be necessary for the purpose of identifying the person accused and the possible victims, as well as any subsequent data relating to the facts asserted and the persons affected.
- c) To inform the complainant and, where applicable, the alleged victim, about the procedural steps, both in canon law and in civil law.
- d) To provide initial assistance to the alleged victims, with careful personal accompaniment.
- e) In the case of an oral complaint, to prepare an authenticated statement—which should be signed by the complainant—noting everything that has been alleged, as well as the steps that have been taken, for which purpose the presence of a canonical notary will be required.

- f) To send to the Regional Vicar, speedily and discreetly, the authenticated statement of the complaint and of the steps taken, making a written note of having sent it and of the date of same, and notifying the complainant to this effect.
- g) To observe confidentiality in accordance with can. 1455 §3 of the Code of Canon Law.
- h) To inform the Regional Vicar periodically of the work carried out.

9. Each Regional Vicar is to designate, within the area of his circumscription, a Safeguarding Coordinator, at least one Deputy Coordinator, who will assist the Coordinator in the implementation of these Guidelines and substitute for the Coordinator when necessary, and an Advisory Committee composed of at least five persons. The Coordinator will arrange safeguarding and training activities for those involved with minors and vulnerable persons. The Coordinator will also be especially responsible for welcoming and accompanying persons who claim to be victims of exploitation, sexual abuse, or ill-treatment, as well as their families.

10. Before designating persons who will work with minors or vulnerable persons in apostolic initiatives which receive pastoral support from the Prelature, albeit with an occasional collaboration:

- a) the suitability of the candidates to interact with such persons should be ascertained through appropriate inquiry and by establishing, in accordance with current legislation, the absence of any criminal record;
- b) the candidates are to be provided with adequate training, using the most appropriate means, so as to know, identify, and prevent risks of sexual exploitation and abuse.

III

Code of conduct

11. In apostolic initiatives involving minors, priority should be given to their safeguarding. Accordingly, in the course of their activities, the members of the Prelature and their collaborators must:

- be prudent and respectful in dealing with minors;
- be positive role models for them;
- always be visible to other adults when in the presence of minors;
- report to those in charge any potentially dangerous behaviour they may notice;
- respect the sphere of privacy of minors;
- inform parents or guardians about the activities they propose will take place and the way in which they will be carried out;

- exercise the necessary prudence in communicating with minors, including by telephone and on social media;
- carry out activities in rooms suited to the age and level of development of the minors, taking special care to ensure, so far as is possible, that minors do not enter or remain in places hidden from view or without supervision;
- avoid any inappropriate or unnecessary physical or verbal contact which could lend itself to ambiguities (signs of affection, kisses or hugs which are imprudent, unjustified or capable of misinterpretation).

12. The members of the Prelature—and those admitted as collaborators in apostolic initiatives of the Prelature in which minors or vulnerable adults take part—are strictly forbidden:

- to inflict corporal punishment of any kind;
- to establish a preferential relationship with any of the persons covered by these rules;
- to leave any such person in a situation which is potentially dangerous to their physical or mental safety;
- to address them in an offensive manner;
- to conduct themselves in a manner or participate in behaviour which is inappropriate or sexually suggestive;
- to discriminate against any individual or group of persons covered by these rules;
- to ask any such person to keep a secret;
- to make gifts directly to any person covered by these rules which discriminate against the rest of the group;
- to transport any such person in a vehicle without any other person being present;
- to photograph or film any of the persons covered by these rules without the written consent of their parents or guardians, where applicable;
- to publish or disseminate via the internet or on social networks, without the consent of the parents, or guardians where applicable, images in which any of the persons covered by these rules can be recognised;
- to contact any such person, including by phone or social media, without the consent of the parents, or guardians where applicable.

13. Any inappropriate or bullying behaviour that might take place between persons covered by these rules—even if it does not have particularly serious characteristics—should be acted on promptly, in a measured way, and with prudence and refinement, immediately informing the parents or guardians concerned.

14. The written consent of parents or guardians is indispensable for the participation of minors or vulnerable adults in activities which come within the pastoral scope of the Prelature. Parents or guardians must receive information about the proposed activity, as well as the names and contact details of those responsible. Parental consent forms which contain confidential details are to be kept on file with appropriate safeguards.

IV

Reception of complaints

15. Those who claim to be victims of abuses covered by these Guidelines, as well as their families, have the right to be welcomed, listened to and accompanied. The Regional Vicar, directly or through the Safeguarding Coordinator, will listen to them, assure them that the situation will be addressed in the manner indicated by law, ensure that they are offered appropriate spiritual assistance, and protect their good name and the confidentiality of their personal data. The Regional Vicar may entrust the spiritual accompaniment of offended persons and their families to a qualified priest.

16. Medical, psychological and social support, as appropriate, will also be made available to such persons, as well as information of a legal nature.

17. Without prejudice to the sacramental seal, any faithful of the Prelature or collaborators who may have information or a grounded suspicion that a minor or vulnerable person may be suffering any of the abuses addressed in these Guidelines, is to inform the Regional Vicar, directly or through the Safeguarding Coordinator.

18. When the complaints or reports are not manifestly unfounded, the Regional Vicar is to remove the person alleged to have committed the acts from involvement in the apostolic activities of the Prelature for the duration of the proceedings in the case, the outcome of which will determine his or her final situation.

19. Unless the confidentiality of spiritual guidance or the seal of the Sacrament of Reconciliation would be violated, or the circumstances addressed in can. 1548 §2 of the Code of Canon Law obtain, the civil authorities must be informed in accordance with current civil and canonical legislation of allegations of sexual abuse of minors which are deemed credible.

This right and duty is always to be respected. No attempt shall be made, for any motive, to dissuade the alleged victim or his or her family from reporting the case to the civil authorities. The Coordinator should instead inform the alleged victim or his or her parents or guardians of this right and duty and encourage them to exercise it.

In the event of a reasoned refusal in writing from the alleged victim or his or her legal representatives, or a refusal to formalise such an objection in writing, the Regional Vicar is to abide by the relevant requirements of the civil law. In any case, having requested the opinion of the Advisory Committee, if he considers it necessary to protect the alleged victim or other minors, he is to inform the civil authorities of the complaint or information received.

V

Processing of complaints

20. Without prejudice to investigations being carried out in civil procedures, the Regional Vicar shall, in cases within his competence, diligently entrust a preliminary investigation—in accordance with can. 1717 of the Code of Canon Law—to the Promoter of Justice of his circumscription or to a delegate, or if this is not possible, he is to carry it out personally.

21. During the preliminary investigation, among other things that might be relevant, as much as possible should be ascertained about the conduct which is being investigated and its circumstances, the personal details and ages of the persons concerned, the harm caused and the possible involvement of the sacramental forum. Documents, evidence and testimonies may be gathered from the various contexts and environments in which the person under investigation may have acted. The person conducting the investigation may also make use of any statements, testimonies, documents, and reports of experts collected in the civil sphere, to which they may have access, as well as any judgment or decision of the courts of the State concerning the matters under investigation. To this end, the Regional Vicar may, if he deems it prudent, suspend the canonical proceedings pending the conclusion of the civil investigation.

22. In the course of the preliminary investigation, the following objectives are to be pursued:

- a) to work towards achieving the spiritual and psychological recovery of each person involved;
- b) to obtain, without delay and in whatever manner may be appropriate to the case, the statement of the party appearing as the victim;
- c) to enlighten the party appearing as the victim, or his or her representatives, as to their rights 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 outcome of the investigation and of the situation regarding actions taken subsequently;
- e) to advise the injured person to make use of the services of civil and canonical advisers;

- f) to safeguard the injured person and his or her family from any intimidation or retaliation;
- g) to protect the good name, privacy, and confidentiality of personal data of the parties involved.

23. The presumption of innocence must always be guaranteed, and the calling into question of the good name of the person under investigation to be avoided. Unless there are serious reasons to the contrary, the person under investigation must be promptly informed of the opening of the investigation and of what has occasioned it. The person being investigated should be encouraged to make use of the services of civil and canonical advisers, and should also be offered spiritual and psychological support.

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

25. If the preliminary investigation establishes at least the plausibility of the alleged offence which gave rise to it, the Regional Vicar is to pursue the canonical procedure established by law, and inform the competent civil authorities. Otherwise, the Regional Vicar should issue a decree setting out his reasons for dismissing the case, preserving in his confidential archive the documentation which certifies the steps taken and the reasons for the decision made. Nevertheless, when the accused is a cleric, the Congregation for the Doctrine of the Faith (cf. *Normae de gravioribus delictis*, arts. 6 and 16) is to be informed even when it has been decided to archive the case. For this purpose the Regional Vicar is to send to the Curia of the Prelature as soon as possible an authenticated copy of the acts of the investigation and the corresponding decree.

26. Any person who is found guilty of committing a crime of abuse against a child or vulnerable person is to be dismissed from his or her apostolic or pastoral tasks or responsibilities. Nevertheless, such a person is to be offered appropriate support for their psychological and spiritual rehabilitation, as well as for their social reintegration.

27. For the particular application of these Guidelines, each Regional Vicar is to revise the protocol for the safeguarding of minors in his region, having regard to the model protocol attached to these Guidelines, the indications given by the local Episcopal Conference, and the civil legislation in force.

Rome, 22 February 2020