

GUIDELINES FOR THE PROTECTION OF MINORS AND OTHER VULNERABLE PERSONS

Since 2013, the Regional Vicars of the different circumscriptions of the Prelature of Opus Dei have given Norms for the investigation of accusations of sexual abuse of minors attributed to faithful of the Prelature, in conformity to the orientations of the Congregations for the Doctrine of the Faith, contained in the Letter of 3 May 2011, the indications of the different episcopal conferences and the laws of each State.

The Roman Pontiff Francis recently promulgated the Motu Proprio *On the Protection of Minors and Other Vulnerable Persons*, dated 26 March 2019 (with the corresponding Law for the Vatican State, number CCXVII, *On the Protection of Minors and Vulnerable Persons* (Vatican City, 26.III.2019) and the Guidelines for the Protection of Minors and Vulnerable Persons for the Vicariate of the Vatican City, dated 26 March 2019 and the Motu proprio *Vos estis lux mundi* dated 7 May 2019, with the aim of strengthening further the institutional and normative framework of the Church to prevent and combat the abuses against minors and vulnerable persons.

I GENERAL PRINCIPLES

1. The measures and procedures contained in these **Guidelines** have for their objective to contribute to establish and maintain an environment that is respectful and conscious of the rights and needs of minors and vulnerable persons, which eliminates the risks of exploitation, sexual abuse and maltreatment in the activities that are carried out in the ambit of the Prelature.
2. Therefore, these indications are directed not only to all the faithful of the Prelature, but also to the persons, who in one way or another collaborate in its initiatives of apostolate and Christian formation.
3. In these Guidelines, whenever the nature of the matter does not warrant otherwise, vulnerable persons are made equivalent to minors, even if in some cases this may not be expressly stated.
 - a) By “*minor*” is understood any person below 18 years of age. Considered a minor is a person who habitually has imperfect use of reason (cf. M.P. *Sacramentorum sanctitatis tutela*, Art. 6, §1, 1°).
 - b) By “*vulnerable person*” is understood, insofar as this Protocol is concerned, any person in a state of infirmity, physical or psychological deficiency, or lack of personal freedom, which in fact limits even occasionally his capacity to understand and to will, or in any case, to resist the offense (cf. M.P. *Vos estis lux mundi*, Art.1, §2, a, b).
4. The objectives and principles that guide all the norms and actions directed at preventing and combatting abuses against minors and vulnerable persons in the context of the Prelature are:

a) Objectives:

- foster the awareness of and respect for the rights and needs of minors and vulnerable persons; and to provide the adequate formation for their protection;
- prevent any form of violence, physical or psychological abuse, neglect, abandonment, maltreatment or exploitation;
- raise awareness of the obligation to make abuses known to the competent authorities and to cooperate with them in the actions directed at preventing and combatting them;
- effectively prosecute any abuse or maltreatment of minors and vulnerable persons;
- offer the victims and their families adequate pastoral attention, as well as the opportune medical, psychological and legal support.

b) General Principles for Action

- acknowledge for those who allege having been victims, as well as for their families, the right to be received, listened to and accompanied; and for their information or denunciation to be adequately channeled;
- guarantee due process for all those implicated according to the norms of Law (CIC, c.221, §3), which respects both the presumption of innocence as well as the principles of penal legality and proportionality;
- upon suspension from his tasks, for having abused a minor or vulnerable person, the guilty person must be offered the adequate support for his psychological and spiritual rehabilitation, towards his social reintegration;
- to do everything possible for the recovery of the good name of whoever has been unjustly accused.

5. The authorities of the Prelature commit themselves to assure that whoever claims to have been affected and their respective families are treated with dignity and respect. Specifically, they should be:

- a) received, listened to and accompanied, including—if indicated—specific services;
- b) offered spiritual attention;
- c) offered medical, therapeutic and psychological assistance, according to each case;

6. The reputation, image, privacy and confidentiality of the data of the persons implicated should be protected.

II Preventive Norms

7. Apostolic undertakings with pastoral care provided by the Prelature (cf. *Statuta*, n.121), in which minors and vulnerable persons take part, should adopt best practice protocols and guidelines for their protection.

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

1st Receive any type of denunciation or information—directly from the alleged victim or from third parties—that is related to the conduct that is referred to by these guidelines. The proper receipt of all such material shall be issued to the one denouncing or—in its case—the alleged victim.

2nd Gather whatever data may be necessary as regards the identification of the one denouncing and the possible victims, as well as other undisclosed data related to the alleged deeds and persons involved.

3rd Orient the one denouncing and in his/her case the alleged victim, as regards the processal steps to be taken, both in the canonical and in the civil forum.

4th Initially help the alleged victims with an attentive personal accompaniment.

5th In the case of an oral denunciation, all items affirmed must be documented in writing—which should be signed by the denouncer—which should also attest to all actions taken, for which the presence of a Canonical Notary is required.

6th Transmit to the Regional Vicar—with speed and discretion—the documentation of the denunciation and the actions carried out, documenting the transmittal and the date thereof, of which the denouncer shall be informed.

7th Observe due silence of office, in accordance with c.1455, §3 of the CIC.

8th Update the Regional Vicar regularly about the actions carried out.

9. Every Regional Vicar shall designate, in the ambit of his circumscription, a Coordinator for the protection of minors and vulnerable persons, at least one Assistant Coordinator to assist the former in the implementation of these directives and substitute him when needed, and an Advisory Committee composed of at least five persons. The Coordinator shall promote activities for the prevention of abuse and training of personnel to deal with minors and vulnerable persons. He shall take charge especially of receiving and accompanying persons who allege having been victims of exploitation, sexual abuse or maltreatment, as well as members of their families.

10. Before assigning persons to work with minors and vulnerable persons in the apostolic undertakings in which the Prelature provides pastoral care, even if only on part-time basis:

- a) The aptness of the candidates to interact with such persons should be determined, through adequate investigation, and to assure the absence of penal antecedents according to current legislation.
- b) They should be given, through opportune means, adequate training to know, identify and prevent any risk of exploitation and sexual abuse.

III Norms of Conduct

11. In the apostolic undertakings involving minors, priority should be given to their protection. Hence, in the course of their activities, the faithful of the Prelature and their collaborators should:

- be prudent and respectful in their dealings with minors;
- be positive models for them;
- maintain public visibility when in the presence of minors;
- inform the ones responsible of any behavior that they perceive as dangerous;
- respect the sphere of confidentiality of the minor;

- inform the parents or guardians of the activities being planned and their respective methodology;
- exercise due prudence in communicating with minors, including through telephone and social media;
- carry out activities in rooms adequate for the age and stage of development of minors, taking special care to guarantee to the extent possible that minors do not enter or stay in places that are not publicly visible or not under the control of authorities;
- avoid all inadequate or unnecessary contact—physical or verbal—that may lead to ambiguities (imprudent caresses, kisses or hugs that are unjustified or are open to misinterpretation).

12. It is absolutely prohibited for faithful of the Prelature and for those who are admitted to collaborate in apostolic undertakings of the Prelature in which minors or vulnerable persons participate:

- to inflict corporal punishment of any kind;
- to establish a preferential relationship with persons who are the subject of these norms;
- to put any such persons in any situation that may be potentially dangerous to their physical or mental safety;
- to address them in an offensive manner;
- to act in an inappropriate or sexually suggestive manner, or to participate in such actions;
- to discriminate against any of the persons who are the object of these norms;
- to ask any such persons to keep a secret;
- to give directly to any such persons gifts that discriminate against the rest of the group;
- to transport in a vehicle one such person without the company of anyone else;
- to photograph or film one such person without the written consent of his/her parents or guardians;
- to publish or spread through the internet or social media clearly identifiable images of any such persons who are the subject of these norms, without the consent of their parents or guardians.
- to contact any such persons, including through telephone or the social media, without the consent of their parents or tutors.

13. Whatever inappropriate or aggressive conduct that may happen between persons who are the object of these norms, even when not especially serious, should be dealt with promptly, with equanimity, prudence and refinement, immediately informing the concerned parents or guardians.

14. The written consent of parents or guardians is an indispensable requirement for minors or vulnerable persons to participate in activities under the pastoral attention of the Prelature. Parents or guardians should receive information regarding proposed activities as well as the names and contact information of the people in charge of those activities. Authorizations that contain confidential information are kept confidential.

IV Receipt of Denunciations

15. Whoever allege having been victims of the kind of abuse that is treated herein, as well as members of their families, have the right to be received, heard and accompanied. The Regional Vicar, directly or through the Coordinator for the Protection of Minors, shall listen to them, assuring them that the matter will be treated according to what the law indicates; trying to provide them adequate spiritual help; and protecting their reputation and the confidentiality of their personal data. The Regional Vicar may entrust to a qualified priest the spiritual accompaniment of the offended persons and their families.

16. Such persons shall likewise be offered, as needed, medical, psychological and social assistance, as well as legal information.

17. Without prejudice to the sacramental seal, the faithful of the Prelature and their collaborators, who may have information or founded suspicion that a minor or a vulnerable person may have been the victim of the abuses treated herein, shall 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 shall remove the alleged perpetrator of the abuses from the apostolic activities of the Prelature, for the duration of the actions regarding the case, which shall determine his definitive situation.

19. Unless the confidentiality of spiritual direction or the seal of the sacrament of Reconciliation would be violated, or in any of the cases foreseen by the CIC, c.1548, §2, in accordance with the civil and canonical legislations in force, the civil authorities should be informed of the accusations of sexual abuse of minors that are deemed plausible.

This is a right and obligation that should always be respected. Under no circumstance should there be an attempt to dissuade the alleged victim or his/her family members from denouncing the case to the civil authorities. The Coordinator should rather inform the alleged victim or his/her parents or guardians of this right and shall encourage them to exercise it.

In the case of justified and written opposition by the alleged victim or his/her legal representatives, or the refusal to formalize such oppositions in writing, the Regional Vicar shall take charge of proceeding with what is disposed by civil norms. In either case, after asking for the opinion of the Advisory Committee, if he deems it necessary in order to protect the alleged victim or other minors, he shall inform the civil authorities of the denunciation or information received.

V. Processing of Denunciations

20. Without prejudice to the investigations carried out in civil proceedings, the Regional Vicar—in the cases under his competence—shall with the greatest diligence entrust the previous investigation, according to can.1717 of the CIC, to the Promoter of Justice of his circumscription or his delegate, or when this is not possible, he shall carry it out personally.

21. During the investigation, among other things that may be relevant, the following must be ascertained as far as possible: the behavior under investigation and the circumstances thereof, the harm done and the possible implication in the sacramental forum. Documents, proofs and testimonies in the different areas and environs where the person under investigation could have acted. Whoever carries out the investigation can also make use of declarations, testimonies, documents and information of experts gathered in the civil forum to which he may have access, as well as any other sentence or decisions of the jurisdictional organs of the State relative to the acts being investigated. To this end, if he deems it prudent, the Regional Vicar can suspend the canonical proceedings to await the conclusion of the civil investigation.

22. In the course of the previous investigation, the following should be aimed at:

- a) work towards the spiritual and psychological recovery of every person involved;
- b) gather the declaration of the alleged victim without delay and in the most appropriate manner;
- c) explain to the alleged victim or his/her representatives his/her rights and how to make them respected, including the possibility of presenting proofs and making depositions either directly or through an intermediary;
- d) inform the same persons, if they have so requested, about the conclusion of the investigation and posterior developments;
- e) advise the person harmed to seek the help of civil and canonical consultants;
- f) protect the person harmed and his/her family from any intimidation or reprisal;
- g) protect the reputation, privacy and confidentiality of the personal data of all parties involved;

23. The presumption of innocence must always be guaranteed and the reputation of the people investigated should not be put in danger. Unless serious reasons exist to the contrary, the accused must be informed promptly of the investigation that has been initiated and its motives. He should be encouraged to make use of the help of civil and canonical advisers.

24. When there are reasons to believe that the delicts might be repeated, the adequate precautionary measures according to Canon Law should be taken without delay.

25. If the investigation verifies at least the plausibility of the alleged delict that led to its opening, the Regional Vicar shall proceed to the corresponding canonical process according to Canon Law and shall inform the competent civil authorities. Otherwise, the Regional Vicar should issue a decree to archive the dossier, keeping in his secret archive the documentation that certify the actions taken and the reasons for the decision made. Nevertheless, when the accused is a cleric, even if the decision has been made to archive the case, the Congregation for the Doctrine of the Faith has to be informed (cf. Norms for *De Gravioribus delictis*, Art. 6 & 16), for which the Regional Vicar shall send to the Prelatic Curia, inasmuch as is possible an authentic copy of the *actae* of the investigation and the corresponding decree.

26. Any person who is declared culpable of a delict of abuse of a minor or vulnerable person shall be stripped of his apostolic or pastoral office or tasks. However, he should be offered adequate support for his psychological and spiritual recovery, as well as for his social reintegration.

27. For the concrete application of these Guidelines, each Regional Vicar shall review the Protocol of his circumscription for the protection of minors, keeping present the Protocol that is attached to these Guidelines, the indications of the Episcopal Conference of the place and the civil norms in force.

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