

Prevention and protection of minors and vulnerable people in the Order of Augustinian Recollects

Rome, 2022



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Introduction

The mission assigned by the Church to the Augustinian Recollects is fundamentally developed in the parishes, educational centers, mission areas, and social projects. Everyday in all these ministries, life and the mission are shared with thousands of people who trust us to accompany them in living the faith and celebrating the sacraments, as well as to help them raise their children, live on tradition and Augustinian spirituality, or help build a world more just for everyone. We Augustinian Recollects want to make sure that all these spaces of human relations and convivial areas become true environments where human development develops integrally, and a culture of kindness is cultivated.

In 2015, the Prior General ordered that the *Protocol for the protection of children and adolescents and the prevention of child and adolescent abuse in the Augustinian Recollect Order*. Since then, the Order has taken steps in protecting minors and vulnerable people and preventing abuses against them.

In 2018, the Order's Committee for the Protection of Minors and Vulnerable Adults was formed and thanks to its work, it has revised canonical protocol in accordance with *Vos estis lux mundi* and *Vademecum*, updated other existing documents, and elaborated new ones that complement and respond to new needs faced by the communities, ministries, and Majors Superior. Furthermore, in collaboration with ARCORES and other organizations, it has boosted awareness and formation among educators, pastoral workers, and clergy. It is a continuing process of personal conversion and institutional reinforcement that requires effort to obtain greater commitment from everyone.

The Order's vision for preventing abuse and protecting minors and vulnerable adults is positive and anticipatory: proactive vs. reactive (scandals); transversal vs one-way (management only); educational vs. managerial (everyone's personal growth); preventative (encouraging values and opportunities for improvement); from various complementary approaches (right, resilience, pedagogy, spirituality).

As the Order's Constitutions reminds us, "*The Augustinian Recollect spirit stands out among apostolic activities by following the example of St. Augustine, the minister of the Church who always kept his eye on the universal Church's greater good and loved all men with vehement charity, promoting everyone's welfare with healthy diligence.*"¹ This is what we seek to encourage when we renew our commitment to the prevention of abuses and the protection of minors and vulnerable people.

Among the documents you will find are the following:

- The Committee for the Protection of Minors and Vulnerable Adults' *Statute and Rules and Regulation*;
- *Guidelines to the provinces for the formation of provincial committees for the protection of minors and vulnerable people*;
- *Protocol for addressing accusations of the sixth commandment violations with minors or vulnerable people*;
- *Guidelines for the prevention of abuse and protection of minors and vulnerable adults in the ministerial and missional apostolates and educational centers*;
- A list of key concepts used in the aforementioned documents;
- Various application forms for different situations and different people;
- Some *Guidelines for managing a crisis communication*.

1. Constitutions OAR, 278.

Except for the *Canonical protocol for addressing accusations of the sixth commandment violations with minors or vulnerable people*, whose application is mandatory for the entire Order, and the Order's Committee for the protection of minors' own organizational documents, the rest of these documents are provided as guidelines that should be adapted to every geographic and cultural reality. On the other hand, all these documents will require constant update due to changes and needs arising.

From the Order's Committee for the protection of minors, in collaboration with the provinces, we want to continue persisting in the mission assigned to us by the Church to look out for the welfare of children, the most vulnerable, and to continue building a better world for the present and future.

Committee for the protection of minors and vulnerable people
Augustinian Recollect Order

Flow chart on prevention and protection of minors and vulnerable people in the Augustinian Recollect Order

The Order's Committee for the Protection of Minors and Vulnerable People

- Under the Prior General.
- Its powers are described in the Statutes and the Committee's Rules and Regulations.



Provincial Committees for the Protection of Children and Vulnerable People

- Under the Priors Provincial.
- Performs its roles in coordination with the Order's Committee.
- Its powers are described in the Guidelines for the Formation of Committees for the Protection of Children and Vulnerable Adults in the Provinces:
 1. Awareness.
 2. Formation.
 3. Observation and application of Guidelines for educational centers and parishes.



Educational centers

Following educational centers guidelines.

Parishes and others ministers

Following parishes and others ministers guidelines.

Social projects

Following social projects guidelines.

Formations houses

Following formations houses guidelines.

Vocational work

Following vocational work guidelines.

Statute of the Augustinian Recollect Order's Committee for the Protection of Minors and Vulnerable People

1. Nature and General Objectives

1. The Augustinian Recollect Order's Committee for the Protection of Minors and Vulnerable People is an organization under the Prior General whose objectives are:

1.1. To promote a culture of prevention, coordinating plans and efforts² pursued in every province and at the local level.

1.2. 1.2. To address cases of child abuse reported to the Committee,³ or that took place in the atmosphere of the Augustinian Recollect Order, whether by clergy or hired/voluntary personnel.

1.3. To watch out for abuse of vulnerable people⁴ committed by clergy.

1.4. 1.3. To propose concrete measures for promoting abuse prevention and protection of minors and vulnerable people, among others:

- a) to supervise care of victims and persons affected;⁵
- b) to accompany the accused;
- c) to promote initial and permanent formation of clergy, hired personnel, and other pastoral agents;
- d) to guide clergy in administrative roles;
- e) to enforce the existence of spaces and fields for prevention and protection of everyone in our communities and ministries⁶.

1.5. 1.4. To advise the Prior General and Majors Superior in relevant cases in the protection of minors and vulnerable people.

1.6. Using proper, efficient methods, to assure that protocols and rules established by the Augustinian Recollect Order for protecting minors and vulnerable people, are being followed.

2. Specific objectives

2.1. To receive initial information from the Major Superior or his representative about accusations of abuse of minors and vulnerable people (using data forms) to be able to meet the Committee's objectives.

2.2. From when accusations are first made onward, the Committee will make sure that affected persons receive necessary assistance (psychological, spiritual, legal, etc.), and using the right means, that necessary costs are taken on in each jurisdiction.

2. Cf. Decision G.3. of the PVM OAR.

3. Cf. Through Prot. CG 187/2018 The Prior General established that "*reports of possible child abuse in the Order could also be directed to this Committee. For that, the following contact e-mail address was established: childprotection@oar.it*"

4. Cf. Vos estis lux mundi (Velm.) art. 1§2

5. Cf. Velm. art. 5.

6. Cf. *Guidelines for educational centers and Guidelines for parishes and other ministries.*

2.3. Once canonical proceedings besides the one established in 2.2. are finalized, the Committee will receive from the Prior General or will petition their respective Major Superior⁷ (using data forms) the measures imposed to submit a report to the Prior General every six months about their implementation.

2.4. To prepare materials and provide consultation to different formation leaders, particularly in the fields of Psychology, Law, communication, and prevention.

2.5. To guide and review other initiatives, means, or materials established in each province⁸ based on canonical protocol and Order-authorized guidelines.

2.6. In particular cases, the Prior General will be able to entrust the Committee with assuming other responsibilities in handling them.

3. Composition and membership

3.1. The Committee is composed of a minimum of five members appointed for periods of three years renewable by the Prior General with the permission of his Council. Among them, at least two will be unconnected to the Order to best guarantee transparency and independence.

3.2. Likewise, consultants will be named who, without being members of the Committee, can act in certain issues.

3.3. The members of the Committee are chosen among people of good and proven reputation as well as of recognized competence in issues regarding the protection of minors, psychology, canonical law, spirituality, and communication.

3.4. Among the members of the Committee, a President, Secretary, and Assistant Secretary will be appointed by the Prior General with his Council's approval.

4. Duties of Committee Members

4.1. President:

- a) To ensure the proper functioning of the Committee
- b) To achieve compliance of objectives established in the present Statute.
- c) To assign different responsibilities in particular cases among Committee members.
- d) To summon and gather Committee members in the manner he/she finds appropriate, at least once a year.
- e) To receive reports and accusations and pass them on to Committee members.
- f) To maintain active contact with the Prior General and informing him about each particular situation.

4.2. Secretary or Assistant Secretary:

- a) To aid the President in carrying out his/her duties.
- b) To endorse the President's reports or session minutes.
- c) To assume responsibilities that the President can entrust him/her with.

4.3. Other Committee members:

- a) To study reports received and present their observations and suggestions.
- b) To collaborate in elaborating and reviewing formation materials.

⁷ Included in this section are processes or other kinds of canonical measures related to any improper conduct by clergy with vulnerable people.

⁸ Cf. Prot. CG 187/2018.

- c) To meet particular responsibilities that the President can entrust them with.
- d) To address meetings held by the President.

4.4. Consultants:

- a) To meet the tasks entrusted by the President.
- b) To attend sessions.
- c) To collaborate in elaborating and reviewing formation materials.

5. Means

5.1. The Committee will have enough human and economic resources to adequately meet its objectives that will be integrated in the General Curia's annual budget.

5.2. Expenses incurred for measures adopted for specific cases shall be borne by the provinces.

6. Data protection and privacy of people

To ensure the confidentiality of information processed by the Committee protect the rights of those involve in cases:

6.1. All members will sign a confidentiality agreement in accordance with the European General Data Protection Regulation and the norms of the Holy See⁹.

6.2. Documentation of cases studied by the Committee will be kept in the General Curia's confidential archive.

7. Headquarters

Committee headquarters are located at the Order's General Curia, Viale dell'Astronomia, 27 in Rome, Italy.

⁹. Cf. Velm. art. 3, 4 y 19.

Rules and regulation of the Augustinian Recollect Order's Committee for the Protection of Minors and Vulnerable People

Procedure for handling specific situations

Nº 1.- The committee shall promote a culture of prevention. It shall coordinate its plans and efforts which, at every province and local level, shall be executed in partnership with the provincial Prior or whoever they appoint.

Nº 2.a.- The committee shall inform the Prior General of all accusations it received if they had not been reported to the respective Major Superior. The Prior General shall proceed as the law requires it.

Nº 2.b.- For its part, the committee—either through its president or another member—shall look out for the accused and the victim. For that, they could appeal to the Prior Provincial or his delegate in written form preferably. Likewise, the committee shall submit a report to the Prior General about each case's progress.

Nº 3.- The Committee shall advise the Prior General and Priors Provincial in all cases that can be settled regarding the protection of minors and/or vulnerable people. This consultation can be required by the Superior Major or suggested by the commission—in accordance with its members—when it is observed as necessary for any reason. In that case, they shall inform the Prior General in advance.

Nº 4.- In accordance with most of its members, in prior notice to the Prior General, and in coordination with the Priors Provincial, the Committee shall supervise the execution of school and parish policies and protocols, as well as securing the safety of our ministries for the prevention of abuses and the protection of all participants there. This can be done with appropriate measures such as requiring reports and information, and even, visits to the establishment. In such case, it is necessary to have the authorization of the corresponding superiors.

Nº 5.a.- The Committee—at least through the president and their secretary—shall be informed of any accusation it has not received directly using the designated file (Form A). It should only be sent confidentially to the Prior Provincial, who shall use it to coordinate the time and procedure for attending to the victim and accused. The president shall always record the actions taken or any reports they received about it in a designated book.

Nº 5.b.- The Committee must especially verify any physical health or psychological issues of those involved. Likewise, it shall provide the required spiritual attention and, if necessary, legal assistance as well. When any non-compliance or weaknesses are observed in any of these aspects, without attributing responsibility to the Major Superior, the Committee may offer different ways to correct these circumstances. In such case, the Prior General shall be informed of the situation.

Nº 6.- Every six (6) months, the President, along with the secretary, may confidentially request for an update from only the Prior Provincial about the measures placed on the clergy that have been punished through canonical procedures, using the relevant document (Form B). If any other element from the canonical file is necessary, they may request it from the Prior General. The Prior Provincial shall be informed that the Prior General is aware of the reports submitted and that no copies shall be kept by members of the Committee but only be stored in the General Curia's confidential file.

Nº 7.- The president shall inform the members of the Committee of any accusations received and their investigation, detailing any psychological and spiritual assistance provided to the victims and the accused. In such cases, they shall not give the name of those involved. Instead, the latter shall always use the same id code so that the members can provide the appropriate assistance, request clarification, or suggest actions to be taken.

Nº 8.- When the circumstances suggest the need for a public statement, the president shall coordinate with the respective Major Superior on whether they should take this step or postpone it to another time. Likewise, they shall also decide the form and means of communication, evaluating its content while always considering the opinion of the necessary experts. Only at the Prior General's approval shall the Committee sign this document, with the Prior Provincial or his delegate doing it on their behalf.

Collaboration and formation Procedure in the Provinces

Nº 9.- The Committee shall prepare and present to the Prior General the materials that will be used to carry out various activities assigned to it. These materials will be used and distributed after receiving approval from the Prior General.

Nº 10.- The Committee shall urge Priors Provincial of the need to present in advance any material, measure, commission, protocol, or other initiatives to implement in their areas to study what they received and give a response. It will specifically instruct the Major Superiors to proceed in a coordinated manner according to the criterion established by the Order.

Nº 11.- When the Committee deems it convenient to prepare formation workshops, it shall elaborate a plan and suggest to the Prior General how to promote and run them.

Communication Procedure for the Committee

Nº 12.- Communication among committee members shall be done through e-mail, with addresses given to each of them, or some other way, specifically indicated by the President and accepted by all committee members.

Nº 13.- When reports about accused or convicted clergy are sent, their names shall be omitted. Instead, they shall use an ID code used to preserve the due confidentiality.

Nº 14.- All the committee's proceedings must be reported to its members with the reports signed by the president and secretary in the appropriate register.

Nº 15.- Any documentation identifying accused or convicted clergy shall be kept in the Curia's confidential file.

Canonical protocol of action
before complaints of offences
against the sixth commandment
with minors or vulnerable
persons in the Order of
Augustinian Recollects

I. FORWARD

1. Perfect chastity for the Kingdom of Heaven is a choice gift of grace that leaves the heart free to devote to the things of God. By virtue of the evangelical council of chastity by the kingdom of heaven, undertaken under a vow, the religious is obliged to observe perfect continence in celibacy. The Order of Augustinian Recollects urges all religious to fully live chastity, and to always be attentive to as to avoid not only the imperfections in which our celibate lives may plummet into, but even the same occasions themselves, since it is something that not only affects each Augustinian Recollect but the whole of the Order, to its mission and its prophetic witness.

2. In response to the Church's concern about sexual abuse and the recommendation of Pope Francis, the Order of Augustinian Recollects drew up this *Protocol* in 2015. The present text constitutes a renewal of that document, which has incorporated the new pontifical legislation and expressly includes sexual actions against vulnerable persons.

3. The sexual abuse of minors is a disgraceful, cardinal sin that cries out to heaven. It is also a serious offence, both under the canon law and in national legislation. As a sin, it offends the Lord since it is an outrageous attack that threaten the physical and moral integrity of minors, and drops them of their human dignity¹⁰. From a moral perspective, a sin requires the sincere repentance of the sinner; however, from a legal perspective it also requires a legitimate punishment to redress the serious injustice committed, to provide adequate reparation for the harm caused and to facilitate the amendment of the offender¹¹. In the event that the canonical process and/or the process before the secular authorities leads to a conviction of the cleric or the religious, the latter must take full responsibility for the consequent reparations. Nevertheless, the Major Superiors shall lend themselves to pastoral assistance to the victim or victims, facilitating access to the appropriate means.

4. When the sexual abuse of a minor (male or female) is committed by a cleric or a religious, the offence is of particular seriousness. In addition to attacking the dignity and integrity of the victim, the offence also implies the desecration of the sacred ministry or its consecration conferred by the sacrament of Holy Orders and the profession of vows. As men consecrated to God, acts of this nature, harm and deeply shame us. I implore the Lord to grant all religious, particularly superiors, humility, wisdom, prudence, and charity, to act always seeking the truth in these situations.

5. This *Protocol* complements, without replacing them, all the rules of the Code of Canon Law (CDC), those of the Code of Canons of the Oriental Church (CCIO), those of the *Motu Proprio Sacramentorum Sanctitatis Tutela* in its ordered text of October 11, 2021 (SST 2021)¹², the reforms introduced by the *Motu Proprio Como una Madre Amorosa* (CUMA)¹³, *Vos Estis Lux Mundi* (VELM)¹⁴, and the rescripts *ex audiencia* of December 3 and 6, 2019¹⁵. The procedures indicated therein are imperative and not optional, and must therefore be followed by all religious.

10. Cf. CATECHISM OF THE CATHOLIC CHURCH, nn. 2389 y 2285.

11. Cf. CDC c. 1341.

12. *Motu Proprio Sacramentorum Sanctitatis Tutela*, on the rules on the most serious crimes reserved for the Congregation for the Doctrine of the Faith, October 2021 (It is located on the CDF website).

13. FRANCIS, Apostolic Letter in the form of *Motu Proprio As a loving mother*, of June 4, 2016, in: AAS 108 (2016) pp. 715-717, (CUMA).

14. FRANCIS, Apostolic Letter in the form of *Motu Proprio Vos estis lux mundi*, in: *L'Osservatore Romano*, ed. in Spanish, May 10, 2019, pp. 20-23 (VELM).

15. *Rescripto ex audiencia SS. MI.*, in: *L'Osservatore Romano*, ed. in Spanish, December 20, 2019, p. 2.

In addition, some procedural clarifications indicated in the *Vademecum* of the Congregation for the Doctrine of the Faith¹⁶ (CDF) are incorporated into this *Protocol*.

6. Consideration should also be given to the rules issued by the Episcopal Conference of the respective country, the criminal laws of the legal system of each nation, as well as any reforms to book VI: “On sanctions in the Church” which is under study for modification.

7. On the other hand, some pastoral guidance is offered, which we recommend taking into account as an aid to the Major Superiors.

8. The Church upholds vulnerability as an essential part of the human¹⁷ and as an expression of Jesus’ predilection for the people who suffer from it. For this reason, this *Protocol* explicitly includes sexual actions committed by religious against such persons¹⁸ and the ordinary canonical procedures to be followed.

9. In the annexes we will find the ecclesiastical regulations in force and the forms for the different situations contemplated in the *Protocol*.

10. We should recognize that the majority of religious live with joy their consecrated chastity. I encourage everyone, as they walk the arduous path of chaste and consecrated love, not to rely on their own strength, but rather in the Word and the help of the Lord¹⁹. The immoral conduct of a few does not disqualify or detract from the devoted consecration and service of the majority. I hope that this *Protocol* will be a contribution to a better experience of consecration and the exercise of priestly ministry in the mission of the whole Church.

11. I urge all religious to be involved in the task of protecting and promoting minors and vulnerable people within the institutions of the Order of Augustinian Recollects together with all the lay people who share our mission. This *Protocol* is yet a further means of ensuring safe environments for all, particularly minors and vulnerable people who approach our communities and ministries with confidence. Major Superiors shall study and, where necessary, apply this *Protocol*.

II. CANONICAL LEGAL ASPECTS

Proceedings against offences against the sixth commandment of the Decalogue committed by a religious cleric with a minor under the age of 18 (STT art. 6, §1, 1; c. 1398). STT art. 6, §1,1-2; CDC c. 1398 §1,1-3)

The canonical delict of “sexual abuse of minors”

12. Within the framework of this *Protocol*, the offence of *sexual abuse of minors* is defined as any external action that violates the sixth commandment of the Decalogue with a minor, whether these acts are heterosexual or homosexual, with the consent of the minor or without consent, and regardless of what is defined as an offence in civil legislation. Any verbal, non-verbal or bodily action that violates the sixth commandment of the Decalogue, carried out by a religious cleric with a child under the age of 18, is an offence²⁰. ““The Tradition of the Church has understood the sixth commandment as referring to the whole of human sexuality.”²¹ Therefore, the most objective way to understand a violation against the sixth *commandment of*

16. CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Vademecum on some procedural issues in cases of sexual abuse of minors committed by clerics*, of July 16, 2020..

17. “All this is his message, a world in which vulnerability is considered as the essence of the human... Because we are all vulnerable, all of us. Inside in the feelings, so many things that no longer work inside, but nobody sees them. And others see them, everyone. And we need that vulnerability to be respected, cherished, cured as much as possible, and to bear fruit for others. We are all vulnerable”: Words of the Holy Father at the Apostolic Nunciature of Bogotá, September 7, 2017.

18. Cf. VELM, art. 1, §1, a, ii.

19. Cf. *Constitutions*, n. 44.

20. Cf. *Vademecum*, I, n. 2.

21. CATECHISM OF THE CATHOLIC CHURCH, n. 2336.

the Decalogue is to take into account what the Magisterium of the Church teaches us on the matter. It is obvious that the offence is considered as having been committed, even if it has only been on one occasion.

13. Therefore:

- In cases reserved for the Congregation for the Doctrine of the Faith (CDF), the active subject of the criminal action is always and only a cleric²².
- The taxable person (victim) is a minor who has not reached the age of 18, regardless of sex, and whether or not he has consented to the act.
- Subjects who usually have an imperfect use of reason are considered equivalent to a minor²³.

14. Acts of “acquisition or possession or dissemination, for a libidinous purpose, of pornographic images of minors under the age of eighteen by a cleric, in any form and by any means” constitute an offence against the Sixth Commandment²⁴.

Reports and complaints

15. Any Major Superior, in coordination with the Prior General, can establish stable and easily accessible instance²⁵, where all the faithful can go in the event of having knowledge of the possible commission of the offences to which this *Protocol refers*²⁶. In the same way, religious and lay people outstanding for their prudence and experience, sense of justice and charity, must be assigned to receive such information inexcusably, without excluding the possibility of creating an ecclesiastical office for this purpose.²⁷

16. Any religious who has “knowledge” or well-founded reasons²⁸ of a possible sexual abuse committed by a religious cleric, and in which a minor or equivalent²⁹, is allegedly involved, shall immediately inform the Major Superior. The obligation to report also covers cases of gross negligence and/or cover-up of these offences, as well as interference, obstruction and/or evasion in the corresponding civil, canonical, administrative or criminal investigations by the competent authority.³⁰ Failure to comply with this obligation may lead to a sanction.³¹

17. Any person may submit a report or complaint on the conduct referred to in the nn. 12-14 and 18 of this *Protocol*,³² before the Major Superior or the offices created for this purpose.³³

18. The authority that receives the complaint or report, regarding possible sexual abuse or about alleged gross negligence or cover-up committed by Cardinals, Bishops, Supreme Moderators and other authorities included in the current legislation³⁴, will raise it to the appropriate person in accordance with the provisions of VELM arts. 7-11.

19. Wherever possible, care shall be taken to ensure that complaints are made in writing and

22. The present *protocol*, with regard to the sexual abuse of minors, contemplates exclusively the case of priests and deaconos, since in relation to bishops, the provisions of one's own legislation must be followed (cf. SST 2021, art. 1, §2; VELM, arts. 7-16; CUMA, art. 2). Seminarists and novices are also not covered here. Similarly, at this point, non-cleric religious are not included; in such cases, the superiors shall act in accordance with the paragraph indicated in this document: Procedure in the crimes against the sixth commandment of the Decalogue committed by religious non-clerics with a minor of 18 years.

23. Cf. SST 2021, art. 6, 1º; Cf. CDC, c.1398 §1,1º-3º.

24. Cf. SST 2021, art. 6, 2º; VELM, art. 1, §1, a, iii; *Rescripto ex audiencia*, December 3, 2019, art. 1; Cf. c.1398 §1,1º.

25. Cf. VELM, art. 2, §1; 3, §2.

26. Cf. SST 2021, art. 6; VELM, art. 1; CUMA, art. 1.

27. Cf. VELM, art. 2, §1.

28. Cf. VELM, art. 3, §1; *Vademécum*, II, nn. 9-14.

29. Cf. SST 2010, art. 6; VELM, art. 1.

30. Cf. VELM, art. 1, §1, b; art. 6; CUMA, art. 1.

31. Cf. CDC. C. 1371§6.

32. Cf. VELM, Art. 3, §2.

33. Cf. SST 2021, art. 6; VELM, art. 1; art. 2, §1; art. 3, §2; CUMA, art. 1.

34. Cf. VELM, art. 6.

signed³⁵. If this is not possible, they will be received orally, in the presence of the persons designated for it³⁶; a record shall be drawn up which shall bear the signature of the complainant — except in the event that he refuses to do so — that of the Major Superior or his delegate, and also that of the notary or witness. News can also be obtained *ex officio*³⁷.

20. The news received must be immediately brought to the attention of the competent Major Superior. If the latter considers that the news is credible and not manifestly false or superficial, it shall order the initiation of a so-called *initial* or *preliminary*³⁸ investigation. In each case the appropriate measures will be taken to safeguard the good reputation of all persons involved in the case³⁹, bearing in mind in particular that the accused is not obliged to confess to the offence, nor can an oath of *veritate dicenda*⁴⁰ be imposed on him. When it is necessary to listen to a minor or an equivalent person, the civil law of the country and the procedures appropriate to the age and condition of the minor or equivalent must be adopted.⁴¹

21. The Major Superior, even in the absence of an explicit legal obligation, shall give notice to the competent civil authorities whenever he considers that this is essential to protect minors from the danger of possible criminal acts⁴². In any case, the laws of the State⁴³ and also the will of the alleged victim will always be respected, when this is not in contradiction with the civil law.⁴⁴

22. Upon news of the offence, the Major Superior shall explain to the accused his right to request exemption from all the obligations inherent to the clerical state, including celibacy, and any religious vows. If the religious cleric decides to avail himself of this possibility, he must write the corresponding request, addressed to the Holy Father, presenting himself and briefly indicating the reasons for which he requests it. The application must be clearly dated and signed by the applicant. It will be delivered to the CDF, accompanied by the *votum* of the Prior General⁴⁵.

23. If the news of the offence refers to a religious cleric who has died, no criminal proceedings may be triggered⁴⁶. If a denounced cleric dies during the preliminary investigation, it will not be possible to initiate criminal proceedings successively⁴⁷. However, when the religious loses his canonical status for a dispensation or other penalty, the Major Superior may complete the preliminary investigation for reasons of pastoral charity or for the demand of justice with respect to the alleged victims.⁴⁸

Initial phase: Preliminary investigation

Confidentiality and privacy⁴⁹, the pontifical secret

24. Cases relating to offences reserved for the CDF are subject to *ex officio* secrecy⁵⁰. However, compliance with this rule should not be an impediment to carrying out the fulfilment of the

35. All the elements must be collected in the most detailed way possible, giving indications of the time, place of the facts, persons involved or with knowledge of them, as well as any other circumstance that may be useful to ensure the accurate assessment of the facts: Cf. VELM, art. 3, §4.

36. Cf. VELM, Art. 2, §1.

37. Cf. VELM, art. 2, §1.

38. Cf. SST 2021, art. 10; CDC c. 1717.

39. Cf. CDC c. 220; CCIO c. 23; VELM, art. 4, §2; *Rescripto ex audientia*, 6 december 2019, n. 3.

40. Cf. CDC c. 1728, §2; *Vademécum*, VI, n. 110.

41. Cf. *Vademécum*, III, n. 51.

42. Cf. *Vademécum*, II, n. 17.

43. Cf. VELM, Art. 19.

44. Cf. *Vademécum*, III, nn. 48-49.

45. Cf. *Vademécum*, IX, n. 157.

46. Cf. *Vademécum*, IX, n. 160.

47. Cf. *Vademécum*, IX, n. 161.

48. Cf. *Vademécum*, IX, n. 163.

49. Cf. *Rescripto ex audientia*, 6 december 2019, n. 3; *Vademécum*, II, n. 30.

50. Cf. CIC 471, 2°; *Rescripto ex audientia*, 6 december 2019, n. 3; *Vademécum*, II, n. 30; III, n. 47; VI, n. 140.

obligations established in each place by State legislation, as well as to follow up on the enforceable decisions determined by the civil judicial authorities.⁵¹

25. With regard to the legitimate provisions for the judicial delivery or seizure of documents relating to these canonical cases, the Major Superior shall cooperate with the civil authorities, taking into account the regulations in this regard, and due respect for the autonomy of the Church in matters of its own competence, but respecting the agreements in force in the respective country. In case of doubt as to the legitimacy of such actions, the Major Superior shall consult an expert.

26. Whenever possible, the confidentiality of declarations or documentation acquired at canonical headquarters shall be ensured. However, the persons involved must be informed that these guarantees cannot be maintained when the state authority issues a legitimate executive order or determines their seizure.⁵²

27. It is forbidden to impose any kind of veto or link of silence, with respect to the facts accused, on the complainant, on the person who claims to have been harmed or on witnesses⁵³. In any case, the information collected will be treated in a way that guarantees the security, integrity and confidentiality of the persons involved, protecting the good reputation, image and privacy of all of them.⁵⁴

28. The victim, his guardians or legal representatives may be informed about the status of the previous investigation or the canonical proceedings against the accused⁵⁵. The Major Superior, always respecting the right that every individual has to privacy and good reputation, will prudently judge what specific information can be transmitted to other people.⁵⁶

Initial decree

29. In order to begin the investigation, the Major Superior of the accused⁵⁷ must issue a Decree stating:

- a) A brief report of the reason.
- b) The appointment of an investigator to collect the allegations, testimonies and other evidence that proves or contradicts the “plausible news” that led to the investigation.
- c) The appointment of a notary, if possible, a priest⁵⁸, to certify the proceedings.

30. The investigator must be a suitable person for this office, and his choice shall be made according to the criteria of c. 1428 §§1-2⁵⁹. They may or may not be under the jurisdiction of the Senior Superior who orders the investigation. In any case, with the approval of the Prior General, recourse may be had to priests knowledgeable in canon law who do not belong to the Order.

31. Prior investigation can only be omitted in the event that it is superfluous or unnecessary, such as when there is certainty about the offence committed and its perpetrator⁶⁰, or if it turns out that, on the dates on which the offence was alleged to have been committed, the person

51. Cf. VELM, art. 19; *Rescripto ex audiencia*, 6 december 2019, n. 4; *Vademécum*, II, n. 27.

52. Cf. *Vademécum*, III, n. 44.

53. Cf. *Rescripto ex audiencia*, 6 december 2019, n. 5; *Vademécum*, II, n. 30.

54. Cf. *Rescripto ex audiencia*, 6 december 2019, n. 3; *Vademécum*, III, n. 45.

55. Cf. *Vademécum*, IX, n. 164.

56. CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Circular Letter-subsidy for Episcopal Conferences in the preparation of Guidelines to deal with cases of sexual abuse of minors by clergy*, 3 may 2011 (II, 2) (CDF, *The duty of an adequate response*).

57. *Vademécum*, II, n. 22: “The Ordinary or the Hierarch to whom this task corresponds may be that of the denounced cleric or, if different, the Ordinary or the Hierarch of the place where the alleged crimes were committed. In this case, it is easy to understand that it is appropriate to activate a channel of communication and collaboration between the different Ordinaries involved, in order to avoid conflicts of competence and duplication of work, especially if the cleric is a religious”; Cf. *Vademécum* II, n. 31.

58. Cf. CDC c. 483, §2; CCIO c. 253, §2; SST 2010, art. 14; *Rescripto ex audiencia*, 3 december 2019, art. 2, §2; *Vademécum*, III, n. 41.

59. Cf. *Vademécum*, III, nn. 38-40.

60. Cf. CDC c. 1717; CCIO c. 1468; *Vademécum*, II, n. 18; III, n. 37.

was not yet a cleric, or if it is clear that the alleged victim was not a minor, or if the person named could not be present at the scene of the offence at the time when the acts charged against him would have occurred⁶¹. In such cases, however, it is advisable for the Prior General to communicate to the CDF the news of the offence and the decision not to conduct the preliminary investigation.⁶²

Information to the interested party

32. Unless serious reasons advise otherwise, which must be expressly stated in the proceedings, the person concerned shall be informed of the accusation presented, in order to give him the opportunity to respond to it and defend himself⁶³. However, the Major Superior shall judge prudently what specific information he shall communicate to him at this stage of the proceedings.⁶⁴

Imposition of precautionary measures

33. From the outset of the preliminary investigation, the Major Superior may wish to implement the precautionary measures he deems appropriate under the rule of c. 1722⁶⁵, or other disciplinary measures by virtue of his authority⁶⁶. Among others, these may include excluding the accused from the sacred ministry, or forbidding all contact with minors, especially the administration of the sacrament of reconciliation. If the religious is a parish priest or has another ecclesiastical office, the Major Superior, will go to the diocesan Bishop to evaluate the advisability of continuing in said office or, eventually, removing the accused temporarily, as a preventive measure, until the situation is resolved. In any case, the diocesan Bishop will be informed of the accusations received.

34. The Superior Major will always take care not to harm the good name of the accused. Precautionary measures must be imposed in a decree citing the accused. Its content may be modified by the Major Superior if circumstances so require. It is important to highlight that precautionary measures are not penalties, but disciplinary measures aimed at promoting the development of the investigation and the possible proceedings. They also tend to avoid possible scandals and put minors at risk.

35. The Major Superior may assign the cleric involved to a house where his safety is guaranteed and the necessary investigation is facilitated, communicating to the local Prior the precautionary measures that were imposed on the defendant so that compliance with them is guaranteed. The local Prior must be reminded that these cases are subject to pontifical secrecy to safeguard the right to privacy of the people involved. Likewise, he will ask the religious to go to a professional to carry out the study of his person and present, with his consent, a diagnosis⁶⁷. Likewise, he will ask the religious to go to a professional to carry out the study of his person and present him, with his consent, a diagnosis.

36. The Major Superior will offer the necessary spiritual help to the accused cleric, and if the accusation is brought simultaneously before State authorities, will arrange the intervention of a lawyer.

37. The Major Superior shall inform the Prior General in writing of the initiation of the preliminary investigation and of the precautionary measures imposed on the accused religious cleric.

61. Cf. *Vademécum*, II, n. 18; III, n. 37

62. Cf. *Vademécum*, II, n. 19.

63. Cf. CDC c. 695, §2.

64. Cf. CDF, *The duty of an adequate response*, II, 2. Prior research is not a process, but is equivalent to what in secular law is called *summary*: for this reason it can be carried out in a reserved manner, without infringing the rights of the defence; *Vademécum*, III, n. 52; IX, n. 164.

65. Cf. CDC c. 1722; CCIO c. 1473; SST 2010, art. 19; *Vademécum*, III, nn. 58-65.

66. Cf. *Vademécum*, III, n. 60.

67. Cf. CDC cc. 1719-1720; CCIO cc. 1468-1470; *Rescripto ex audiencia*, 6 december 2019, n. 3.

The investigator is the investigator

38. The investigator of this initial phase is a true researcher. They shall not be limited to the mere receipt of complaints. They shall endeavour to identify, with the initiatives which they prudently decide:

- a) Whether the facts reported actually existed and appear to have constituted an offence.
- b) Whether the accused is liable for the alleged offences.
- c) Whether the defendant was involved with them.
- d) If the people involved, especially the accusing party/parties, have credibility.⁶⁸
- e) Whether the allegations are consistent, both in the accounts of the circumstances of the events, and in their chronology.
- f) Whether or not the alleged offences have prescribed or not.
- g) If there are elements (other testimonies, contradictions, etc.) that make us prudently doubt the veracity of the allegations.
- h) If there are elements or indications that lead to the thought of a slanderous accusation.
- i) He will request the Provincial Prior the reports and examinations from the period of formation of the accused religious.

Safeguarding the good name of the interested parties

39. The investigator shall act in accordance with the provisions of the cc. 1719-1720 of the CDC and the cc. 1468-1470 of the CCIO. In any case, both he and the notary will keep the due secrecy about what has been done and will seek to safeguard the good name of all interested parties..

Records certified by the notary

40. Of everything investigated, a written record will be drawn up, in correlative folios, dated and signed by those who intervene, with the action of the notary (who must be present and attest with his signature in all the proceedings and in each of the folios).

Possibility of other offences

41. If in the course of the investigation the possibility arises that any other canonical offence has been committed, the investigator shall immediately pass the news on to the accused's Major Superior, so that he may decide whether these should be investigated in the same investigation or under different proceedings.

Admission of the facts by the accused

42. In the event that, before or during the preliminary investigation, the cleric acknowledges the facts he's been accused of and his own responsibility, the Major Superior will request him to make such a statement in writing, stating his willingness to accept the measures (canonical and of possible spiritual and psychological help) that are arranged accordingly, and will state whether he will renounce his ecclesiastical offices or other entrusted responsibilities entrusted to him⁶⁹, as well as their willingness to collaborate in the process determined by the CDF. It must not fail to point out its pain at the criminal acts for which it is held responsible. In these cases, the Major Superior will inform the Prior General who will have to evaluate whether it is appropriate to close the investigation (or not to initiate it) and to raise the action without further ado to the CDF, or to continue the investigation for the possibility that other offences not mentioned by the accused cleric have been committed.

68. Cf. CDC c. 1572; *Vademécum*, III, 34; VI, n. 113

69. In the event that the accused is unwilling to renounce his offices, the Ordinary shall act in accordance with the law (cf. CDC cc. 184, 192-196; CCIO cc. 965, 974-978) and, in any case, may provide for the appropriate precautionary measures (cf. CDC c. 1722 y CCIO c. 1473).

Presumption of innocence

43. Unless the accused cleric has acknowledged the facts and his responsibility, during the preliminary investigation and until the conclusion of any criminal proceedings (whether administrative or judicial) the accused enjoys the presumption of innocence⁷⁰, and therefore has the right to have his good name and privacy protected, which must not be harmed in any way⁷¹. In compliance with these rules, the Major Superior shall offer the accused spiritual and/or psychological help. However, his refusal to receive it cannot be taken as a presumption of guilt.

Help for the alleged victims

44. The Major Superior, from the outset, must offer spiritual and/or psychological help to all persons who claim to have been affected by a offence of sexual abuse committed by a religious cleric⁷². To this end, it will be advisable to be able to count on truly competent people — formed in upright anthropological conception and Catholic doctrine — to whom they can turn immediately.

The investigator's final report

45. After the investigation, the investigator will write a statement with his result and will raise everything done to his Major Superior who, with his *votum* on the cause, will raise it to the Prior General. If the allegations were revealed to be manifestly false, slanderous or implausible, the Prior General will order their filing⁷³. However, he will communicate what has been done, having listened to his Council, to the Congregation for the Doctrine of the Faith. In these cases, especially if the investigation has taken public status, it matters a lot to restore the defendant to his eventually harmed good name⁷⁴. In addition, a copy of the proceedings will also be transmitted to the CDF⁷⁵.

False or slanderous accusations

46. Likewise, if the allegations are manifestly false, both in the previous investigation and in the process, the Major Superior will verify if he is not facing the assumptions contemplated in the CDC c. 1390⁷⁶, and in the CCIO cc. 1452 and 1454. A person who has been falsely accused has a strict right to have his reputation and good name restored and, eventually, to be compensated, also financially, for any injuries he may have suffered as a result of the slander raised against him.

The Major Superior's final report

47. If the previous investigation shows that there are elements for initiating criminal proceedings⁷⁷, this preliminary phase will be concluded with a report from the Major Superior⁷⁸ stating:

- a) The facts reported and the evidence gathered.

70. Cf. c. 1321§1.

71. Cf. CDC cc. 220; 221; 1717.

72. Cf. VELM, art. 5, §1.

73. Cf. CDC c. 489, §§ 1 y 2; CCIO c. 259, §§ 1 y 2.

74. Cf. CDF, *The duty of an adequate response*, I, d, 3.

75. Cf. *Vademécum*, III, n. 69.

76. CDC c. 1390: §1. Who falsely denounces before an Ecclesiastical Superior to a confessor, for the crime in question in the can. 1385, incurs in question *latae sententiae*; and, if he is a clergyman, also in suspension. §2. Whoever submits to the Ecclesiastical Superior another slanderous complaint for some crime, or otherwise damages the good reputation of the neighbor, can be punished with a just penalty, without excluding censorship. §3. The slanderer can also be obligated to give suitable satisfaction.

77. Cf. *Vademécum*, III, n. 33: "This serves: a) to collect useful data that serve to deepen the *notitia of delicto*; and (b) to prove plausibility, i.e. to define what is called *Fumus, Fus Delicti*, that is to say, a sufficient basis in fact and in law to enable the content of the complaint to be assumed to be credible."

78. Cf. *Vademécum*, III, n. 68.

- b) The statement of the religious cleric.
- c) The precautionary measures ordered.
- d) The eventual resignation of the cleric to his ecclesiastical offices or other entrusted responsibilities.
- e) The situation of the accused cleric in relation to the secular legal system and its possible consequences.
- f) The imputability of the accused.
- g) The prescription for alleged offences.
- h) Conclusions of the Investigator.
- i) The Major Superior's votum.

Notifying the Accused of the final report

48. Although at the preliminary investigation stage the religious cleric should be informed of the allegations against him, and must be listened to, the intervention of a defence lawyers is not yet necessary. However, the cleric may request the Major Superior for the personal assistance of a canonical advisor.⁷⁹ Only after the Prior General has dealt with the case with his Council, the accused religious can be informed of the outcome of the Major Superior's report with which the preliminary investigation is concluded.

49. All the records and three notarized copies of the final report (which shall contain the votum of the Major Superior on the case) shall be sent to the Prior General.

Elevation of proceedings to the Congregation for the Doctrine of the Faith

50. The Prior General will immediately submit a certified copy of all the proceedings to the CDF⁸⁰, together with his own votum and that of his Council on the evaluation of the case and on the procedure they consider most appropriate to follow.

51. When the accused is the Prior General, the procedure shall be as stipulated in the ecclesiastical regulations in force.⁸¹

52. The authenticated copy of the proceedings shall be sent to the CDF through the Procurator of the Order before the Holy See.

53. The file or "dossier" must include the *tabulatum* (schematic summary), and must be accompanied by a letter from the Prior General in which he will state:

- a) The facts and circumstances surrounding them.
- b) The alleged imputability of the accused.
- c) The prescription.
- d) The attitude of the accused during the investigation.
- e) The precautionary measures imposed.
- f) The measures arranged in order to safeguard the good name of the cleric and the privacy of the complainants.
- g) The measures taken to deal with the situation of the alleged victims.
- h) If this led to any scandal in the community.
- i) If the accusations had significance in the media.
- j) The situation of the cleric before the secular legal system.
- k) The result of any expert examinations carried out on the accused and the alleged victims (stating the scientific anthropology used by the experts).
- l) His opinion and that of his Council on the desirability of an administrative-criminal pro-

⁷⁹ Cf. *Vademécum*, III, n. 54.

⁸⁰ Cf. *Vademécum*, III, n. 72.

⁸¹ Cf. CDC c. 1405; CCIO c. 1060; SST 2021, art. 1, §2; VELM, arts. 7, 11-18.

cess or a judicial process. In this second case, it will state whether there are special circumstances that seem to make it convenient for the CDF to invoke the case.

m) If it considers that the seriousness of the case and the incontrovertible nature of the evidence makes it necessary to resort to the provisions of article 26 of SST 2021 (ex officio resignation of the clerical state or removal).

n) The dossier is completed with the personal data and the complete curriculum of the accused, the specification of each accusation, his response to the accusations and what his economic support is.

o) The votum of the Prior General⁸². (It is added to the file in the General Curia).

Response of the Congregation for the Doctrine of the Faith

54. The CDF can determine, among other possibilities, the following options⁸³, the following options, which will be communicated through the Prior General to the Prior Provincial:

- The lack of sufficient merit to initiate a canonical proceedings.
- Require additional information, considering that what was sent is insufficient to make a decision.
- Decree the initiation of a process at the seat of the same CDF, advocating the cause (*nisi ob pecularia rerum adiuncta causam sibi advocet*⁸⁴), whether judicial or administrative.
- Order to proceed locally through an administrative-criminal process⁸⁵.
- Order the initiation of a judicial process locally⁸⁶.
- Decree that the request for resignation of the clerical state or deposition, along with the dispensation of the law of celibacy, shall be presented to the Holy Father⁸⁷.
- Transmit to the Holy Father, through the CDF, the voluntary request for dispensation from the clerical state along with the dispensation from the law of celibacy⁸⁸.
- Special situations: death and other reasons for loss of the clerical state⁸⁹.
- Apply non-criminal disciplinary measures⁹⁰.

First premise

55. There is not enough merit to initiate a canonical process. In that case, the Prior General, by means of a decree, will order the deposit of the proceedings in the secret file of the general curia and will lift the precautionary measures imposed. With regard to the offices and other responsibilities performed by the accused, he shall evaluate by himself or through the Provincial Prior, and if applicable, with the diocesan Bishop, the appropriateness or not of the permanence of the religious in said offices or responsibilities, taking into account the good of the cleric and the common good. It shall also take appropriate measures to restore the defendant's reputation if it has been damaged.

Second premise

56. The CDF requires additional information, because it considers that what has been sent is insufficient to make a decision. In this case, the Prior General, by decree, will arrange an investigation supplement, being able to replace the investigator and / or the notary, if it seems prudent to do so. It will give precise instructions about the elements to be gathered, as requested by the CDF.

82. Cf. *Vademécum*, III, n. 69.

83. Cf. *Vademécum*, IV, n. 77.

84. Cf. SST 2021, art. 10.

85. Cf. SST 2021, art. 19, §§ 1-2.

86. Cf. SST 2021, art. 12-18.

87. Cf. SST 2021, art. 26.

88. Cf. CDC c. 290, 3°; CCIO c. 394, 3°; Cf. *Vademécum*, IX, n. 157.

89. Cf. *Vademécum*, IX, nn. 162-163.

90. Cf. *Vademécum*, IV, n. 77.

Third premise

57. The CDF determines the initiation of a process at the headquarters of the same Congregation, avoking the cause, whether judicial or administrative. In such a case, the Prior General by himself or through the Prior Provincial, will reliably notify the accused and urge him to appoint a defense lawyer. If the defendant could not afford the expense, the Provincial Prior will provide, so that the right of defense is duly guaranteed⁹¹.

Fourth premise

58. The CDF orders that local action be taken through an administrative-criminal⁹² process. In this case, the Prior General:

a) By means of a Decree, if he does not decide to take the case himself, he will appoint an investigator and a notary, preferably with knowledge of canon law, to whom he will entrust the task of carrying out an administrative-criminal process with reference to the cleric accused of the offences previously investigated. Whenever possible, the investigator and the notary⁹³ must be priests.⁹⁴ The accused must be notified of the charge and must be instructed to appoint a defense counsellor⁹⁵. If he does not appear⁹⁶, refuses to appoint a lawyer, the Prior General by himself or through the Provincial Prior will provide ex officio, so that the right of defense is guaranteed⁹⁷.

b) It shall provide in the same or another Decree for the beginning of the administrative-criminal process, stating the precautionary measures to be applied, in accordance with the law⁹⁸. Once the investigation has been completed, the evidence has been gathered and the defence has presented its arguments after becoming aware of the evidence incorporated into the proceedings, the Prior-General will issue another Decree declaring the proceedings to be concluded. Then the Prior General, in a personal and non-delegable basis, in a joint session or requesting the opinion in writing⁹⁹, will carefully weigh with two advisers the evidence and arguments¹⁰⁰. Whenever possible, one of the advisers must be a doctor or graduate in Canon Law.¹⁰¹

c) The conclusions of the evaluation carried out will be turned into a final decree, which will set out the factual and legal reasons that support the imposition of a sanction or the absence of merit to impose it¹⁰². It should be borne in mind that the sentences of life atonement penalties can only be imposed with a mandate from the CDF, so that if it is considered that such a sanction is the one that corresponds, in the absence of a mandate, it is necessary to wait for confirmation from the CDF before notifying the accused¹⁰³. Expulsion from the Institute cannot be applied as a sanction. If the Prior General with his Council considers that the religious should be expelled, in a different procedure, he will act in accordance with c. 695-699 diligently weighing the evidence, reasons and defenses with its Council which, for the validity of the act, will consist of at least four members; and if the expulsion is decided by secret ballot, it will give the Expulsion Decree, which, for its validity, must contain the legal and factual reasons, at least summarily. The decree of expulsion against a professed is in force from the moment in which the interested party is notified, however, for the decree to be valid it must indicate the right enjoyed by the expelled per-

91. "A faithful, doctorate in canon law, approved by the president of the association, serves as a lawyer and solicitor": SST 2021, art. 13; *Rescripto ex audiencia*, December 3, 2019, art. 2, §1; Cf. *Vademécum*, VI, n. 98.

92. Cf. CDC c. 1720; CCIO c. 1486.

93. Cf. *Vademécum*, III, n. 41.

94. Cf. CDC c. 483, §2.

95. Cf. SST 2010, art 13; *Rescripto ex audiencia*, December 3, 2019, art. 2, §1.

96. Cf. *Vademécum*, VI, n. 98: "If the accused refuses to appear or disregards the summons, the Ordinary—or his delegate— assess the advisability of quoting him a second time."

97. Cf. CDC c. 1723; CCIO c. 1474; *Vademécum*, VI, n. 100.

98. Cf. SST 2021, art. 10§2; CDC c. 1722; CCIO c. 1473.

99. Cf. *Vademécum*, VI, nn. 116-117.

100. Cf. CDC c. 1720, §2; CCIO c. 1486, §2; *Vademécum*, VI, nn. 115-118.

101. *Vademécum*, VI, n. 95: "He must also appoint two Advisers, to assist him or his delegate in the evaluation phase. In choosing them, it may be appropriate to follow the criteria listed in the cc. 1424 CDC y 1448 §1 CIC".

102. Cf. CDC c. 1720, 3°; *Vademécum*, VI, nn. 124-127.

103. Cf. SST 2021, art. 19, §2.

son to appeal, within ten days after having received the notification to the competent authority. The appeal has suspensive effect.¹⁰⁴.

d) The final decision, set out by decree, can be of three types¹⁰⁵:

- Conviction ("*constat*"), if it is ascertained with moral certainty that the accused is guilty of the offence attributed to him. In this case, the type of canonical sanction inflicted or declared must be specifically indicated.
- Acquittal ("*constat de non*"), if it is established with moral certainty that the accused is not guilty, in that the act does not exist, or the accused has not committed it, or the act is not classified by law as a offence or was committed by a not imputable person.
- Resignation ("*non constat*"), if it has not been possible to reach moral certainty as to the guilt of the accused, because of the absence of evidence, because the evidence is insufficient or contradictory, or because it has not been possible to determine whether the accused is the one who has committed the wrongdoing or because of the impossibility of knowing whether the offence was committed by a non-imputable person.

The Prior General, in addition, when issuing this Decree, will consider the possibility of providing the public good and the good of the accused with timely admonitions, criminal remedies, and other means dictated by the pastoral request¹⁰⁶.

e) The Decree must state how any damage is to be repaired..

f) Copies of all the proceedings of the process, together with the Final Decree, are to be sent to the CDF and *ex officio* to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life.

g) The Prior General must notify the defendant¹⁰⁷ of the complete Decree. He shall also inform the complainants and the diocesan Bishop of the religious's home about the result of the criminal proceedings, and if the public good requires it, respecting the regulations in force in this regard¹⁰⁸, it may extend this information to other people.

h) Against the Decree of the Prior General, the defense of the accused may file a letter of *appeal* to request the modification of that decision, in accordance with the rule of the cc. 1734-1736¹⁰⁹. Once the new decree has been received or the thirty (30) day period¹¹⁰, has elapsed without a response, you may file an administrative appeal with the CDF within the peremptory period of sixty (60) working days¹¹¹. The Prior General must explicitly state this possibility when issuing the decree. It should be borne in mind that this appeal has suspensive effect¹¹², but the precautionary measures remain in force¹¹³.

Fifth premise

59. The CDF determines that a judicial process is initiated. In this case, the Prior General or his Delegate will act as follows:

- a) When the CDF indicates to which court it assigns the case¹¹⁴, the Prior General or his Delegate will refer everything done to that Court.
- b) If the CDF orders the constitution of an *ad hoc*¹¹⁵, tribunal, the Prior General shall do so

104. Cf. CDC c. 700.

105. Cf. *Vademécum*, V, n. 84.

106. Cf. CDC c. 1348; *Vademécum*, V, n. 84.

107. Cf. CDC cc. 54-56; *Vademécum*, VI, nn. 127, 141.

108. Cf. *Rescripto ex audiencia*, 6 de diciembre de 2019, n. 3; *Vademécum*, IX, n. 164.

109. Cf. *Vademécum*, VII, n. 147.

110. Cf. CDC c. 1735; *Vademécum*, VIII, n. 152: "The author, according to c. 1735 CIC, within thirty days of receiving the request may respond by correcting his decree—but, before proceeding in this case, it is appropriate to immediately consult the CDF—, or by rejecting the request. He has the power not to respond in any way".

111. Cf. CDC c. 1737, §2; SST 2021, art. 24.

112. Cf. CDC c. 1353.

113. Cf. *Vademécum*, VII, n. 149.

114. Cf. CDC cc. 103; 1408; 1427.

115. *Rescripto ex audiencia*, , December 3, 2019, art. 2, §1: "In the other courts, however, for the cases dealt with in

in accordance with the principles established in the CDC¹¹⁶, in the CCIO¹¹⁷ and in articles 12 to 18 of SST 2021.

c) The Tribunal assigned by the CDF or the one formed *ad hoc* at the request of the same Dicastery, can decree the resignation from the Order and even the resignation of the clerical state.

d) The accused must be notified of the decision to initiate the judicial process and will be urged to appoint a lawyer¹¹⁸. If the accused does not do so, the Prior General or the Prior Provincial will appoint a court-appointed lawyer to guarantee his right to a defense.

e) The CDF, in cases that are legitimately submitted to it, can sanction invalid acts, if purely ecclesiastical laws were violated by lower courts acting by mandate of the CDF itself¹¹⁹. The same does not apply to the violation of the right of defense, which is a natural right: the CDF cannot remedy its possible violation.

f) The compensation of damages is governed by the provisions of the cc. 1729 2 200 p.m. of the CDC and c. 1483 1483 ins. of the CCIO.

g) It is necessary to reliably notify the sentence to the accused, to the complainants, to the Provincial Prior of the accused and to the Bishop of the address where the religious cleric resides and of the Bishop where he has ecclesiastical offices. In the event that the Prior General prudently judges that the public good demands it, he may extend the notification to other people¹²⁰.

h) All proceedings in the process must be transmitted as soon as possible and ex officio to the CDF. When actions, such as notifications, are entrusted to the Superior Major, he will submit everything to the General Curia so that through the Procurator before the Holy See they are elevated to the CDF.

i) The sentence, duly notified, can be challenged through an appeal that must be filed within a period of sixty days (60) before the Supreme Court of the CDF¹²¹.

j) j) In the event of conviction, the costs of the trial shall be paid in accordance with the judgement. If it is not possible for the convicted person to do so, the Major Superior of the accused shall provide for this¹²².

Sixth premise

60. The CDF decrees that the request for resignation of the clerical state or opposition will be presented to the Holy Father, together with the dispensation of the law of celibacy¹²³: this case takes place when the case is very serious and manifestly records the commission of the offence. In such a case, the CDF, if it deems it appropriate, may submit the request ex officio or at the request of the Prior General with the vote of its Council¹²⁴. However, such a decision must be communicated to the accused in order to give him the opportunity to defend himself. The accused may avail himself of the assistance of a lawyer¹²⁵. If the accused is unable to meet the costs of his defence, the Superior Major shall provide the necessary.

Seventh premise

61. The CDF transmits to the Prior General the acceptance of the Holy Father to the voluntary request for dispensation of the clerical state together with the dispensation from the

these rules, only priests may validly perform the offices of judge, promoter of justice and notary".

116. Cf. CDC c. 1421.

117. Cf. CDC c. 1087.

118. Cf. SST 2021, art 13; *Rescripto ex audiencia*, December 3, 2019, art. 2, §1.

119. Cf. SST 2021, art. 11

120. Cf. *Rescripto ex audiencia*, December 6, 2019, n. 3; CDF, *The duty of an adequate response*, II, 2; *Vademécum*, IX, n. 164.

121. Cf. SST 2021, art. 16§§2-4.

122. Cf. SST 2010, art. 29. (in the 2021 version there are no provisions in this regard).

123. Cf. SST 2021, art. 26.

124. Cf. CDC c. 699.

125. Cf. SST 2021, art. 20§7; *Rescripto ex audiencia*, 3 de diciembre de 2019, art. 2, §1.

law of celibacy¹²⁶ presented by the interested party: in this case the Prior General will receive the rescript of concession through the CDF. The same must be notified to the cleric by double copy and sending one of them to the CDF.

62. When a sanction other than the resignation of the Order is imposed on the cleric, the Provincial Prior or the Superior Major delegate will be in charge of executing it. When it is found necessary, the local Prior will be informed to ensure compliance. In any case, the punished religious will be asked to go to a professional of psychology and will be offered the necessary spiritual help.

Eighth premise

63. Special situations: death and other reasons for loss of clerical status: If an accused religious dies during the criminal process, the fact must be reported to the CDF¹²⁷. If, on the other hand, the latter loses his clerical status, by dispensation or by a penalty imposed by a procedure other than that of sexual abuse, the Superior Major may complete this process, if only to define the responsibility for the possible offence and to impose the possible penalties.¹²⁸

Ninth premise

64. The CDF determines to apply non-criminal disciplinary measures: In certain circumstances, to guarantee and protect the common good, ecclesial discipline and to avoid the scandal of the faithful, it may act through acts of government, such as imposing non-criminal disciplinary measures, criminal remedies or penances, or also warnings or reprimands.

Statute of limitations for criminal proceedings

65. Offences of sexual abuse of minors committed by religious clerics after 21 May 2010 are time-barred at the age of 20, counted from the day the minor turned 18¹²⁹. Offences committed before that date are time-barred in accordance with the regulations in force at the time of the commission of the offence. In the case of offences not reserved for CDF, the provisions of ordinary law¹³⁰ shall apply. However, the CDF has the power to repeal the statute of limitations for criminal proceedings for singular cases, in the cases of offences contemplated in *Motu Proprio Sacramentorum Sanctitatis Tutela* and its modifications, making, in this case, the offence imprescriptible¹³¹. The Prior General may indicate to the CDF his opinion on the advisability or otherwise of the repeal in a singular case.

66. The fact that the criminal action is time-barred does not exempt the Superior from conducting the preliminary investigation and submitting the proceedings to the CDF, if he considers the news he received about the commission of the offence or offences, and about the perpetrator or perpetrators, to be credible.

Procedure in the offences of improper sexual conduct committed by a religious or cleric against vulnerable persons¹³²

Definition and subjects

67. 67. This Protocol understands as a vulnerable person “*any person in a state of illness, physical or psychological impairment, or deprivation of personal liberty who, in fact, even occasionally limits his ability to understand or to want, in any case, to resist the offence*”¹³³.

126. CDC c. 290, 3rd; CCIO c. 394, 3rd.

127. Cf. *Vademécum*, IX, n. 162.

128. Cf. *Vademécum*, IX, n. 163.

129. Cf. SST 2021, art. 8.

130. Cf. CDC cc. 695; 1362; 1395; 1398.

131. Cf. CDC cc1362-1363; Cf. SST 2021, art. 8; VELM, art. 19§2; *Rescripto ex audiencia*, December 6, 2019, n.4.

132. Cf. VELM, art. 1, §1, a, ii; Cf. CDC c. 1398§1, 1°.

133. Cf. VELM, art. 1, §2, c; keep in mind that persons of legal age who do not use a legal reason are not considered

68. Therefore:

- a) The active subject of improper sexual action is a religious, whether cleric or not.
- b) The taxable person (victim) is a vulnerable adult.

Reports and complaints

69. Even in the absence of an explicit state legal obligation,¹³⁴ any religious who has “news” or well-founded reasons¹³⁵ of possible sexual abuse, and in which a vulnerable person¹³⁶, or someone is forced to perform or suffer sexual acts with violence, threat or abuse of authority¹³⁷ is allegedly involved, shall immediately inform the Superior Major or the stable bodies for this purpose¹³⁸. The obligation to report also covers cases of gross negligence and/or cover-up of these offences, as well as interference, obstruction and/or evasion in the corresponding civil, canonical, administrative or criminal investigations by the competent authority¹³⁹. Failure to comply with this obligation may lead to a sanction¹⁴⁰.

70. Any person¹⁴¹ may submit a report or complaint on the conduct mentioned in the previous issue, to the Superior Major or the offices created for this purpose¹⁴².

71. The news that has been received must be immediately brought to the attention of the Superior Major; if it considers the news to be credible and not manifestly false or superficial, it shall carry out a preliminary investigation¹⁴³. In each case the appropriate measures will be taken to safeguard the good reputation of all persons involved in the case¹⁴⁴, *teniendo particularmente presente que el acusado no está obligado a confesar el delito, ni se le puede imponer un juramento de veritate dicenda*¹⁴⁵.

72. Toda aquella denuncia o informe acerca de conductas sexuales impropias de un religioso o un clérigo contra una persona vulnerable¹⁴⁶, o acerca de supuestos de grave negligencia, encubrimiento, evasión, intervención u obstrucción en investigaciones judiciales por parte de la autoridad competente¹⁴⁷, should, to the extent possible, be collected in accordance with paragraph 19 of this *Protocol*.

73. The Superior Major shall provide assistance to persons who claim to have been affected in accordance with point 44 of this *Protocol*.

Legal provisions during the Preliminary Investigation

74. The Superior Major may assign the accused to a house where his safety is guaranteed and the necessary investigation is facilitated, communicating to the local Prior any disposition that has been taken with respect to the investigated so that compliance with them is guaranteed. The local Prior must be reminded that these cases are subject to ex officio secrecy to safe-

vulnerable adults, but are equated with minors and, therefore, these actions constitute a crime reserved for the CDF, governing the provisions for sexual crimes with minors in this *protocol*.

134. Cf. *Vademécum*, II, n. 17.

135. Cf. VELM, Art. 3, §§1-2.

136. Cf. CDC c. 1371 §6; Cf. VELM, art. 1, §1, a, ii; art. 1, §2, b. Cf. SST 2021, art. 6; VELM, art. 1. It should be remembered that religious and clergy are also obliged to report the crimes described in motu proprio VELM Art. 1º § 1º a, I y II.

137. Cf. VELM Art. 1§1a) I-III.

138. Cf. VELM, Art. 2, §1; 3, §2.

139. Cf. VELM, Art. 1, §1, b; Art. 6; CUMA, Art. 1.

140. Cf. CDC c. 1371§6.

141. Cf. VELM, art. 3, §2.

142. Cf. SST 2021, Art. 6; VELM, Article 1; Art. 2, §1; art. 3, §2; CUMA, Article 1.

143. Cf. CDC c. 1717; VELM, arts. 7-16; CUMA, art. 2.

144. Cf. CDC c. 220; CCIO c. 23; VELM, art. 4, §2; CUMA, art. 2, §2; *Rescripto ex audiencia*, December 6, 2019, n. 3.

145. Cf. CDC c. 1728, §2; *Vademécum*, VI, n. 110.

146. Cf. VELM, art. 1, §1, a, ii; art. 1, §2, b.

147. Cf. VELM, art. 1, §1, b; art. 6; CUMA, art. 1.

guard the right to privacy of the people involved¹⁴⁸. Likewise, he will ask the religious, to go to a professional to carry out the study of his person and present him, with his consent, a diagnosis.

75. The Superior Major will offer the necessary spiritual help to the accused, and, if the complaint is made simultaneously before the authorities of the State, he will arrange for the intervention of a lawyer.

76. The Superior Major shall inform the Prior General in writing of the initiation of the preliminary investigation and of the provisions imposed on the accused religious.

77. Unless the accused has acknowledged the facts and their responsibility, during the preliminary investigation and until the end of any criminal proceedings (whether administrative or judicial), the religious enjoys the presumption of innocence and, therefore, has the right to have his good reputation and privacy respected, which must not be damaged in any way¹⁴⁹.

78. Once the preliminary investigation has been completed, the Superior Major may proceed in accordance with the means offered by ordinary law¹⁵⁰, including by means of a judicial process or by means of an extrajudicial *decree*¹⁵¹.

79. 79. Where the complaint involves one of the authorities referred to in Nos 18 and 51 of this *Protocol*, the procedure shall be in accordance with the provisions of this *Protocol*.

Other sexual offences committed by religious, whether these are clerics or not

80. This *Protocol* does not set out the procedure in relation to other offences of a sexual nature committed by religious, whether these clerics or not, but shall proceed in accordance with the legislation in force¹⁵². However, there is an obligation to report them in accordance with Nos 16 and 51 of this *Protocol*.

Procedure in offences against the sixth commandment of the Decalogue committed by religious non-clerics with a child under the age of 18

81. A offence against the sixth commandment of the Decalogue between a non-clergyman and a minor is not an offence reserved for the Congregation for the Doctrine of the Faith, however it is an offence under the *Code of Canon Law*¹⁵³, in c. 1398.

82. The person is considered a minor within the framework of No 13 (b) and (c) of this *Protocol*.

83. The offence of “sexual abuse of minors” is understood as the provisions of the nn. 12 and 14 of this *Protocol*.

84. The Major Superiors will bear in mind, as a means of prevention, the provisions of c. 1339, admonishing those who are on the next occasion to commit a offence or those who, after an investigation, have a serious suspicion that they have committed a offence. They may also apply a criminal precept or subject the religious to surveillance¹⁵⁴.

85. Any religious who has “news” or well-founded¹⁵⁵ reasons for these alleged offences must immediately report it to his Superior Major¹⁵⁶.

86. Likewise, any person may submit a report or complaint on the conduct mentioned in the

148. Cf. CDC cc. 1719-1720; CCIO cc. 1468-1470; *Rescripto ex audiencia*, December 6, 2019, n. 3; *Vademecum*, III, n. 45.

149. Cf. CDC cc. 220; 221; 1717, §2; CCIO cc. 23; 24; 1468, §2.

150. Cf. CDC cc. 695; 1312, §3; 1319; 1339; 1340.

151. Cf. CDC cc. 1341-1342.

152. Cf. CDC cc. 695; 1312, §3; 1319; 1339; 1340; 1395; 1398; 1399; 1717-1720; 1721-1728.

153. Cf. CDC c. 1395, §2; 695, §1.

154. 1339 §§ 3-4, CIC 21

155. Cf. VELM, art. 3, §§1-2; *Vademecum*, II, nn. 9-14.

156. Cf. VELM, art. 2, §1; 3, §2.

previous issues, to the Superior Major or the offices created for this purpose¹⁵⁷.

87. When the Major Superior has, in any case, news about a conduct against the sixth commandment of the Decalogue allegedly committed by a non-clergy religious with a minor, the following shall be done:

- a) If the Superior Major is not the Provincial Prior, he will be informed of the beginning of the investigation.
- b) He will initiate a preliminary investigation by decree, (cc. 1717-1719) appointing an investigator and a notary.

88. Once the investigation has been completed and the result has been communicated to the Prior General, the Provincial Prior of the accused, or his delegate may:

- a) First case: To file the case if the complaint is implausible or manifestly false.
- b) Second case: Initiate, by decree, a criminal administrative process.
- c) Third case: Order the initiation of a judicial process in local headquarters¹⁵⁸.

89. First case: **File the case.**

- a) Action shall be taken in accordance with No 55 of this *Protocol*.
- b) The Superior Major will communicate the filing of the case to the Provincial Prior and this to the Prior General.

90. Second case: **Initiate a criminal administrative process**¹⁵⁹: If the seriousness of the case does not require a perpetual sanction, the Provincial Prior can impose a just penalty, with the consent of his Council¹⁶⁰, by extrajudicial¹⁶¹ decree. In this case, it shall act as follows:

- a) By means of a Decree, the Provincial Prior, if he does not decide to take the case himself, will appoint an investigator and a notary, to whom he will entrust the task of carrying out an administrative-criminal process with reference to the religious non-cleric accused of the offences previously investigated.
- b) Both the investigator and the notary must preferably be priests, and as far as possible with a degree in Canon Law.
- c) The accused must be notified of the charge and must be instructed to appoint a defence counsel. If he does not appear or refuses to appoint a lawyer, the Superior Major must assign him one ex officio.
- d) The accused must always be summoned to testify. Their lawyer may be present at the interrogations, but only the investigator will ask the questions, however the lawyer may suggest to the investigator any questions he deems appropriate. The investigator will evaluate the advisability of asking them.
- e) It shall state in the same or another Decree the beginning of the administrative-criminal process, stating the precautionary measures to be applied, in accordance with *the law*. It will communicate such measures to the Prior General, and if applicable to the Provincial Vicar or Provincial Delegate of the accused.
- f) Once the investigation has been completed, the evidence has been gathered and the defence has presented its arguments after becoming aware of the evidence incorporated into the proceedings, the Provincial Prior shall issue another Decree declaring the proceedings to be concluded.
- g) If the result of the Process finds the non-cleric religious guilty, and the criminal action has not extinguished, the Provincial Prior, with the vote of his Council¹⁶², will apply the sanction he deems just, excluding life sentences. The sanction will be communicated to the Prior General and, if applicable, to the Provincial Vicar or Provincial Delegate..

157. Cf. SST 2021, art. 6; VELM, art. 1; art. 2, §1 y art. 3, §2; CUMA, art. 1.

158. Cf. CDC cc. 103; 1408; 1427.

159. Cf. CDC c. 1720.

160. Cf. CDC c. 1718, 3rd; *Constitutions* n. 501

161. Cf. CDC c. 1342.

162. Cf. CDC. C. 1720, 2º.

h) The accused may appeal the Decree in accordance with the cc. 1734-1738.

i) If the Provincial Prior with his Council consider that the just sanction should be the resignation of the Order, he will act in accordance with c. 695, raising, together with his vote and that of his Council, everything acted to the Prior General, who will act in accordance with c. 699 §1, diligently weighing the evidence, reasons and defenses with his Council that, for the validity of the act, shall consist of at least four members; and if expulsion is decided by secret ballot, it shall give the Decree of expulsion, which, for its validity, must contain the grounds of law and fact, at least summarily.

j) The decree of expulsion against a professed is in force from the moment in which the interested party is notified; however, for the decree to be valid, it must indicate the right of the expelled person to appeal, within the following ten days, of having received the notification to the competent authority. The appeal has suspensive effect¹⁶³.

k) Whenever the penalty of resignation from the Order is imposed on a religious, it will be provided in the best possible way if he is in a state of true indigence due to this penalty¹⁶⁴. In the same way, if the former religious requires it, psychological help will be provided by a professional.

91. Third assumption: **Order the initiation of a judicial process in local headquarters**¹⁶⁵:

a) The competent court may act of its own motion if the complaint is lodged directly there.

b) If the Major Superior, with the vote of his Council, deems it convenient, with the prior consent of the Prior General with his Council, he will submit all the proceedings to the corresponding Tribunal¹⁶⁶. Likewise, the Major Superior will urge the accused to appoint a lawyer or will assign one ex officio, and will also communicate to the Court the address and name of the Major Superior of the accused, in order to receive the corresponding information.

c) Once the sentence has been received, the Provincial Prior will communicate it, by letter, to the Prior General so that he may proceed as appropriate.

92. The Prior General may consider, for peculiar circumstances or at the request of the Provincial Prior, to invoke the cause to himself; in such a case, once the preliminary investigation has been concluded, the Prior-General shall, with the vote of his Council, arrange for how to proceed, in accordance with the *law* and this *Protocol*.

93. Whenever a non-clergyman is sentenced to resign from the Order, he shall be provided in the best possible way if he is in a state of genuine destitution by reason of this penalty. Similarly, if the religious requires it, psychological help will be provided through a professional¹⁶⁷.

94. The statute of limitations for offences not reserved for the Congregation for the Doctrine of the Faith is governed by the cc. 1362-1363.

95. The provisions of this *Protocol* in relation to the offence against the sixth commandment between a non-clergy religious and a minor and/or vulnerable person are complementary to the rules established in the *Code of Canon Law* and to the determinations of the Episcopal Conference of each country.

III. STATE LEGAL ORDER

96. With due respect for the autonomy of both legal and criminal systems (secular and canonical)¹⁶⁸, in the face of accusations or proceedings of sexual abuse committed by a religious

163. Cf. c. 700 (Motu proprio *Competentias quasdam decernere* february 11, 2022)

164. Cf. CDC c. 1350, §2

165. Cf. CDC cc. 103; 1408; 1427.

166. Cf. CDC cc.; 1341; 1408; 1427; 1718, 3°

167. Cf. CDC c. 1350, §2.

168. Cf. CDC c. 1401, 2°

(whether cleric or not) with a minor, any Major Superior shall cooperate with the secular judicial authority as appropriate¹⁶⁹, in accordance with the Code of Criminal Procedure of the respective country. In any case, when there is an obligation to make the notice or complaint to a state entity, the superiors will comply with this regulation, giving prior notice to the respective Major Superior.

97. The Major Superiors will act in relation to the “sexual abuse” allegedly committed by religious of our Order with minors and / or vulnerable persons according to the law of each country. In any case, they must distinguish when one is facing a canonical offence and when one is facing a offence according to secular law or both.

98. In cases where the criminal action is a private one, that is to say, that only the interested parties or their parents or guardians can make the complaint, as is the case in some countries, the Superior Of the accused religious will clearly state to the interested parties that it is up to them to take the decision whether or not to urge such criminal action , by means of an accusation or complaint to the judicial authority of the State. In any case, the Superior Major will always welcome with the utmost pastoral delicacy the alleged victims and their representatives¹⁷⁰, without imposing or forcing them to maintain any kind of silence about the events that occurred¹⁷¹.

99. All religious should be aware of and enforce state laws that require reporting situations where minors may be in an abusive situation.

Fr. Miguel Miró Miró
Prior General
Order of Augustinian Recollects

¹⁶⁹. Cf. VELM, art. 19; *Vademécum*, III, nn. 48-49.

¹⁷⁰. Cf. VELM, art. 5, §1.

¹⁷¹. Cf. SST 2021 art. 28; Cf. VELM, art. 4, §3; *Rescripto ex audiencia*, December 6, 2019, n. 5; *Vademécum*, II, n. 30.

APPENDIX I

Normae delictis Congregationi pro Doctrina Fidei reservatis seu Normae delictis contra fidem necnon de gravioribus delictis

Norms regarding delicts reserved to the Congregation for the Doctrine of the Faith

Part I SUBSTANTIVE NORMS

Art. 1.-

§1. The Congregation for the Doctrine of the Faith, according to art. 52 of the Apostolic Constitution *Pastor bonus*, judges delicts against the faith, in accordance with art. 2 §2, and also the more grave delicts committed against morals and in the celebration of the sacraments and, whenever necessary, proceeds to declare or impose canonical sanctions according to the norm of both common and proper law, with due regard for the competence of the Apostolic Penitentiary and in keeping with the *Agendi ratio in doctrinarum examine*.

§ 2. With regard to the delicts mentioned above in §1, the Congregation for the Doctrine of the Faith, by prior mandate of the Roman Pontiff, may judge Cardinals, Patriarchs, Legates of the Apostolic See, Bishops, as well as other physical persons mentioned in can. 1405 §3 of the Code of Canon Law (=CIC), and in can. 1061 of the Code of Canons of the Eastern Churches (=CCEO).

§ 3. The Congregation for the Doctrine of the Faith judges the reserved delicts mentioned in §1 according to the following norms.

Art. 2.-

§ 1. The delicts against the faith mentioned in art. 1 are heresy, apostasy, and schism according to the norm of cann. 751 and 1364 CIC, and cann. 1436 and 1437 CCEO.

§ 2. In the above-mentioned cases referred to in §1, it pertains to the Ordinary or Hierarchy, according to the norm of law, to undertake either a judicial trial in the first instance or an extrajudicial process concluding with a decree, with due regard for the right of appeal or of recourse to the Congregation for the Doctrine of the Faith.

§ 3. In the above-mentioned cases referred to in §1, it pertains to the Ordinary or Hierarchy, according to the norm of law, to remit the *latae sententiae* excommunication or major excommunication, respectively, in the external forum.

Art. 3.-

§ 1. The more grave delicts against the sanctity of the most Holy Sacrifice and Sacrament of the Eucharist reserved to the Congregation for the Doctrine of the Faith for judgment are:

1° the taking or retaining for a sacrilegious purpose or the throwing away of the consecrated species, as mentioned in can. 1382 §1 CIC and in can. 1442 CCEO;

2° attempting the liturgical action of the Eucharistic Sacrifice as mentioned in can. 1379 §1, 1° CIC;

3° the simulation of the liturgical action of the Eucharistic Sacrifice, as mentioned can. 1379 §5 CIC and in can. 1443 CCEO;

4° the concelebration of the Eucharistic Sacrifice prohibited according to the norm of can. 908 CIC and can. 702 CCEO, as mentioned in can. 1381 CIC and in can. 1440 CCEO, with ministers of ecclesial communities which do not have apostolic succession and do not acknowledge the sacramental dignity of priestly ordination.

§ 2. Also reserved to the Congregation for the Doctrine of the Faith is the delict which consists in the consecration for a sacrilegious purpose of one matter without the other or even of both, either within or outside of the Eucharistic celebration, which is mentioned in can. 1382 §2 CIC.

Art. 4.-

§1. The more grave delicts against the sanctity of the Sacrament of Penance reserved to the judgment of the Congregation for the Doctrine of the Faith are:

- 1° the absolution of an accomplice in a sin against the sixth commandment of the Decalogue, mentioned in can. 1384 *CIC* and in can. 1457 *CCEO*;
- 2° the attempted sacramental absolution or the prohibited hearing of confession, mentioned in can. 1379 §1, 2° *CIC*;
- 3° simulated sacramental absolution, as mentioned in can. 1379 §5 *CIC* and in can. 1443 *CCEO*;
- 4° the solicitation to a sin against the sixth commandment of the Decalogue in the act, on the occasion, or under the pretext of confession, as mentioned in can. 1385 *CIC* and in can. 1458 *CCEO*, if it is directed to sinning with the confessor himself;
- 5° the direct and indirect violation of the sacramental seal, as mentioned in can. 1386 §1 *CIC* and in can. 1456 §1 *CCEO*;
- 6° the recording, made by any technical means whatsoever, or the malicious diffusion through any form of communications media, of what is said in sacramental confession, whether actual or simulated, by the confessor or the penitent, as mentioned in can. 1386 §3 *CIC*.

§2. In the cases concerning the delicts mentioned in §1, it is not permitted for anyone to indicate the name of the accuser or the penitent either to the accused or to his or her patron, unless the one making the accusation or the penitent has expressly consented; the question of the credibility of the accuser is to be considered attentively; and any danger of violating the sacramental seal is to be altogether avoided, taking care, however, that the right of defense of the accused remains intact.

Art. 5.-

The more grave delict of the attempted sacred ordination of a woman is also reserved to the Congregation for the Doctrine of the Faith:

- 1° if the one who attempts to confer sacred ordination or the woman who attempts to receive sacred ordination are members of the Christian faithful subject to the *CIC*, they shall incur excommunication *latae sententiae*, the remission of which is reserved to the Apostolic See according to the norm of can. 1379 §3 *CIC*;
- 2° if the one who attempts to confer sacred ordination on a woman or the woman who attempts to receive sacred ordination are members of the Christian faithful subject to the *CCEO*, they are to be punished by a major excommunication, the remission of which is reserved to the Apostolic See.

Art. 6.-

§1. The more grave delicts against morals which are reserved to the judgment of the Congregation for the Doctrine of the Faith are:

- 1° the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years or with a person who habitually has the imperfect use of reason; ignorance or error on the part of the cleric regarding the age of the minor does not constitute an extenuating or exonerating circumstance;
- 2° the acquisition, possession, exhibition, or distribution, for purposes of sexual gratification or profit, of pornographic images of minors under the age of eighteen years, in any manner and by any means whatsoever, by a cleric.

Art. 7.-

Whoever commits the delicts mentioned in artt. 2-6, besides what is established for individual delicts in the *CIC* and in the *CCEO*, as well as in these present Norms, is to be punished, as the case warrants, with a just penalty according to the gravity of the crime; if committed by a cleric, he may also be punished by dismissal or deposition from the clerical state.

Art. 8.-

§ 1. Criminal action concerning delicts reserved to the Congregation for the Doctrine of the Faith is extinguished by prescription after twenty years.

§ 2. Prescription runs according to the norm of can. 1362 §2 *CIC* and can. 1152 §3 *CCEO*. However, in the case of the delict mentioned in art. 6 n. 1, prescription begins on the day the minor reaches the age of eighteen.

§ 3. The Congregation for the Doctrine of the Faith has the right to derogate from prescription for all individual cases of reserved delicts, even if they regard delicts committed prior to the coming into force of the present Norms.

Part II PROCEDURAL NORMS

TITLE ONE PROCEDURAL NORMS

Art. 9.-

§ 1. The Congregation for the Doctrine of the Faith is the Supreme Apostolic Tribunal for the Latin Church as well as the Eastern Catholic Churches, for the judgment of the delicts defined in the preceding articles.

§ 2. This Supreme Tribunal, only in conjunction with the delicts reserved to it, also judges other delicts for which a defendant is accused by reason of connection of person and of complicity in a delict.

§ 3. Delicts reserved to this Supreme Tribunal are to be tried in a judicial process or by means of an extrajudicial decree.

§ 4. The pronouncements of this Supreme Tribunal, rendered within the limits of its proper competence, do not need to be submitted for the approval of the Supreme Pontiff.

Art. 10.-

§ 1. Whenever the Ordinary or Hierarchy receives a report of a more grave delict, which has at least the semblance of truth, and after having completed the preliminary investigation according to the norm of can. 1717 *CIC* and can. 1468 *CCEO*, he is to communicate the matter to the Congregation for the Doctrine of the Faith which, unless it calls the case to itself due to particular circumstances, will direct the Ordinary or Hierarchy how to proceed further.

§ 2. The Ordinary or Hierarchy may impose, from the beginning of the preliminary investigation, those measures which are established in can. 1722 *CIC* or in can. 1473 *CCEO*.

§ 3. If a case is referred directly to the Congregation without a preliminary investigation having been undertaken, the initial steps of the process, which fall by common law to the Ordinary or Hierarchy, may be carried out by the Congregation itself, which will provide for those matters either directly or through its Delegate.

Art. 11.-

With full respect for the right of defense, the Congregation for the Doctrine of the Faith may sanate the acts in cases involving delicts reserved to itself, if merely procedural laws have been violated.

TITLE TWO CONCERNING THE JUDICIAL PROCESS

Art. 12.-

§ 1. The Members of the Congregation for the Doctrine of the Faith are ipso iure the judges

of this Supreme Tribunal.

§ 2. The Prefect of the Congregation presides as first among equals over the Tribunal, and, if the office of the Prefect is vacant or if the Prefect himself is impeded, the Secretary of the Congregation carries out his duties.

§ 3. It is likewise the responsibility of the Prefect of the Congregation to appoint other judges.

Art. 13.-

In all Tribunals dealing with the cases which are mentioned in these Norms, the following are able to validly fulfill the functions of:

- 1° Judge and Promoter of Justice, only priests possessing a doctoral degree or at least a license in canon law, outstanding in good morals, prudence, and expertise in the law;
- 2° Notary and Chancellor, only priests with a blameless reputation and above all suspicion;
- 3° Advocate and Procurator, members of the faithful possessing a doctoral degree or at least a license in canon law, who are to be admitted by the presiding judge of the college.

Art. 14.-

In individual cases, the Congregation for the Doctrine of the Faith is able to grant dispensations from the requirement of priesthood.

Art. 15.-

The presiding judge of the tribunal, having heard the Promoter of Justice, enjoys the same power mentioned in art. 10 §2.

Art. 16.-

§ 1. Once an instance before another Tribunal has been finished in any manner, all of the acts of the case are to be transmitted *ex officio* to the Congregation for the Doctrine of the Faith as soon as possible.

§ 2. The accused and the Promoter of Justice of the Supreme Tribunal of the Congregation for the Doctrine of the Faith may lodge an appeal to the Tribunal within the peremptory time limit of sixty useful days from the publication of the sentence of first instance.

§ 3. The appeal must be proposed before the Supreme Tribunal of the Congregation which, except in the case of conferral of this responsibility to another Tribunal, judges in the second instance cases having been determined in the first instance by other Tribunals, or by the Supreme Apostolic Tribunal itself in another collegial composition.

§ 4. No appeal is admitted before the Supreme Tribunal of the Congregation against a sentence if it relates solely to other delicts mentioned in art. 9 §2..

Art. 17.-

If, in the appellate stage, the Promoter of Justice brings forth a specifically different accusation, this Supreme Tribunal may admit and judge it, as if it were in the first instance.

Art. 18.-

A res iudicata occurs::

- 1° if a sentence has been rendered in second instance;
- 2° if an appeal was not proposed within the time limit mentioned in art. 16 §2;
- 3° if, in the appellate grade, the instance is abated or is renounced.

TITLE THREE CONCERNING THE EXTRAJUDICIAL PROCESS

Art. 19.-

§ 1. Whenever the Congregation for the Doctrine of the Faith has decided that an extrajudi-

cial process should be initiated, can. 1720 *CIC* or can. 1486 *CCEO* is to be applied.

§ 2. With the prior mandate of the Congregation for the Doctrine of the Faith, perpetual ex-piatory penalties may be imposed.

Art. 20.-

§ 1. The extrajudicial process may be carried out by the Congregation for the Doctrine of the Faith or by an Ordinary or Hierarch or by their Delegate.

§ 2. The function of Delegate can be discharged only by priests possessing a doctoral degree or at least a license in canon law, outstanding in good morals, prudence, and expertise in the law.

§ 3. According to the norm of can. 1720 *CIC*, the requirements mentioned in can. 1424 *CIC* apply to the function of the Assessor in this process.

§ 4. The one who conducts the investigation cannot undertake the functions mentioned in §§2 and 3.

§ 5. According to the norm of can. 1486 *CCEO*, only priests possessing a doctoral degree or at least a license in canon law, outstanding in good morals, prudence, and expertise in the law are able to carry out the function of Promoter of Justice.

§ 6. Only priests with a blameless reputation and above all suspicion are able to carry out the function of Notary.

§ 7. The defendant must always utilize an Advocate or Procurator, who must be a member of the faithful with a doctoral degree or at least a license in canon law, admitted by the Congregation for the Doctrine of the Faith or by the Ordinary or the Hierarch or by their Delegate. Should the defendant not provide one for himself, the competent authority shall name one who will remain in office only until such time as the defendant appoints one himself.

Art. 21.-

The Congregation for the Doctrine of the Faith may grant dispensations from the requirements of priesthood and of academic degrees mentioned in art. 20.

Art. 22.-

With the extrajudicial process having been completed in any manner, all of the acts of the case are to be transmitted *ex officio* to the Congregation for the Doctrine of the Faith as soon as possible.

Art. 23.-

§ 1. In accord with the norm of can. 1734 *CIC*, the Promoter of Justice of the Congregation for the Doctrine of the Faith and the defendant have the right to petition in writing for the revocation or correction of the decree issued by the Ordinary or by his Delegate in accordance with can. 1720, 3° *CIC*.

§ 2. Only afterwards may the Promoter of Justice of the Congregation for the Doctrine of the Faith and the defendant, having observed the provisions of can. 1735 *CIC*, make hierarchical recourse to the *Congresso* of the same Dicastery according to the norm of can. 1737 *CIC*.

§ 3. Against the decree issued by the Hierarch or by his Delegate ex can. 1486, §1, 3° *CCEO*, the Promoter of Justice of the Congregation for the Doctrine of the Faith and the defendant may present hierarchical recourse to the *Congresso* of the same Dicastery, in accord with can. 1487 *CCEO*.

§ 4. No recourse is admitted before the *Congresso* of the Congregation for the Doctrine of the Faith against a decree if it pertains solely to the other delicts mentioned in art. 9 §2.

Art. 24.-

§ 1. Against singular administrative acts of the Congregation for the Doctrine of the Faith in cases of reserved delicts, the Promoter of Justice of the Dicastery and the accused have the right to present recourse within the peremptory term of sixty useful days to the same Congregation, which judges the merits and legitimacy of the recourse, excluding any further recourse whatsoever as described in art. 123 of the Apostolic Constitution *Pastor bonus*.

§ 2. In order to present the recourse referred to in §1, the accused must, on pain of the inadmissibility of the same recourse, always avail himself of the services of an Advocate who should be a member of the faithful, possessing the appropriate mandate and possessing a doctorate or at least a licentiate in canon law.

§ 3. The recourse mentioned in §1, in order to be admitted, must clearly indicate the *petitum* and contain the reasons *in iure* and *in facto* on which it is based.

Art. 25.-

An extrajudicial penal decree becomes definitive:

1° where the period of time mentioned in can. 1734 §2 *CIC* or in can. 1737 §2 *CIC* has elapsed without action;

2° where the period of time mentioned in can. 1487 §1 *CCEO* has elapsed without action;

3° where the period of time mentioned in art. 24 §1 of the present Norms has elapsed without action;

4° when it has been issued by the Congregation for the Doctrine of the Faith pursuant to art. 24 §1 of these present Norms.

TITLE FOUR FINAL DISPOSITIONS

Art. 26.-

It is the right of the Congregation for the Doctrine of the Faith, in whatever stage and grade of the unfolding of the proceedings, to present directly the most grave cases mentioned above in artt. 2-6 to the decision of the Supreme Pontiff with regard to dismissal or deposition from the clerical state, together with dispensation from the law of celibacy, when it is manifestly evident that the delict has been committed, after having given the guilty party the possibility of defending himself.

Art. 27.-

It is the right of the accused, in whatever moment, to request from the Supreme Pontiff, through the Congregation for the Doctrine of the Faith, a dispensation from all the obligations deriving from sacred ordination, including celibacy, and, should it be the case, from religious profession.

Art. 28.-

§1 With the exception of allegations, processes, and decisions concerning the delicts mentioned in art. 6, cases involving delicts regulated by these Norms are subject to the pontifical secret.

§2 Whoever has violated the secret, whether deliberately (*ex dolo*) or through grave negligence, or has caused some harm to the accused or to witnesses or to those involved in the penal case in any manner, at the request of the injured party or even *ex officio*, shall be punished by means of suitable penalties.

Art. 29.-

In these cases, together with the prescripts of these Norms, the canons concerning delicts and penalties as well as the canons concerning the penal process of each Code also must be applied.

APPENDIX II

Litterae Apostolicae Motu Proprio Datae «Come una madre amorevole», 4 de junio de 2016, AAS 108 (2016), 715-717

Apostolic letter in the form of “motu proprio” of the Supreme Pontiff Francis “As a loving mother”

The Church loves all her children like a loving mother, but cares for all and protects with a special affection those who are smallest and defenseless. This is the duty that Christ him-self entrusted to the entire Christian community as a whole. Aware of this, the Church is especially vigilant in protecting children and vulnerable adults.

This duty of care and protection devolves upon the whole Church, yet it is especially through her Pastors that it must be exercised. Therefore diocesan Bishops, Eparchs and those who have the responsibility for a Particular Church must pay vigilant attention to protecting the weakest of those entrusted to her care.

Canon Law already provides for the possibility of removal from ecclesiastical office “for grave reasons”. This pertains to diocesan Bishops and Eparchs as well, and those who are by law equal to them (cf. can. 193 § 1 CIC; can. 975 § 1 CCEO). With this Letter my intention is to underline that among the aforesaid “grave reasons” is the negligence of a Bishop in the exercise of his office, and in particular in relation to cases of sexual abuse inflicted on minors and vulnerable adults, as stated in the Motu Proprio Sacramentorum Sanctitatis Tutela promulgated by St John Paul II and amended by my beloved Predecessor, Benedict XVI. In such cases the following procedure is to be observed:

Article 1.-

§ 1. The diocesan Bishop or Eparch, or one who even holds a temporary title and is responsible for a Particular Church, or other community of faithful that is its legal equivalent, according to can. 368 CIC or can. 313 CCEO, can be legitimately removed from this office if he has through negligence committed or through omission facilitated acts that have caused grave harm to others, either to physical persons or to the community as a whole. The harm may be physical, moral, spiritual or through the use of patrimony.

§ 2. The diocesan Bishop or Eparch can only be removed if he is objectively lacking in a very grave manner the diligence that his pastoral office demands of him, even without serious moral fault on his part.

§ 3. In the case of the abuse of minors and vulnerable adults it is enough that the lack of diligence be grave.

§ 4. The Major Superiors of Religious Institutes and Societies of Apostolic Life of Pontifical Right are equivalent to diocesan Bishops and Eparchs.

Article 2.-

§ 1. In all cases in which there is foundational proof of what is contained in the previous article, the competent Congregation of the Roman Curia can open an inquiry into the case, informing the subject involved and giving the accused the possibility of providing documentation and testimony.

§ 2. The Bishop will be given the possibility to defend himself, something he can do by the means provided for by law. All stages of the inquiry will be communicated and he will always be given the possibility of meeting with the Superiors of the Congregation. This meeting will be proposed by the appropriate dicastery even should the Bishop himself take no initiative.

§ 3. In view of the arguments presented by the Bishop, the Congregation may decide to open a supplementary investigation.

Article 3.-

§ 1. Before making a decision, the Congregation may meet, when appropriate, with other Bishops or Eparchs belonging to the same Bishops' Conference or Synod of Bishops of the *sui*

iuris Church as the Bishop or Eparch in question, with the purpose of discussing the said case.
 § 2. The Congregation will adopt its determination when gathered in an Ordinary Session.

Article 4.-

Whenever the removal of a Bishop is held to be opportune, the Congregation, depending on the circumstances of the case, will establish whether:

- 1°. to issue, and in the briefest possible amount of time, a decree of removal;
- 2°. to fraternally exhort the Bishop to present his letter of resignation within a period of fifteen days. If the Bishop does not give his response within this period of time the Congregation can proceed to issue the decree of removal.

Article 5.-

The decision of the Congregation as stated in articles 3–4 must be submitted for the specific approval of the Roman Pontiff, who before making a definitive decision will take counsel with a special College of Jurists designated for this purpose.

Everything that I have deliberated in this Apostolic Letter given *Motu Proprio* must be observed in all its parts, notwithstanding anything to the contrary, even if it be worthy of particular mention, and I hereby set forth that it be published in the official records of *Acta Apostolicae Sedis* and promulgated in the daily edition of *L'Osservatore Romano*, and enter into force on 5 September 2016.

Vatican, 4 June 2016

APPENDIX III

Apostolic Letter in the form of Motu Proprio “Vos Estis Lux Mundi”, May 10, 2019, L’Osservatore Romano, ed. Española, 20-23.

“You are the light of the world. A city set on a hill cannot be hidden” (Mt 5:14). Our Lord Jesus Christ calls every believer to be a shining example of virtue, integrity and holiness. All of us, in fact, are called to give concrete witness of faith in Christ in our lives and, in particular, in our relationship with others.

The offences of sexual abuse offend Our Lord, cause physical, psychological and spiritual damage to the victims and harm the community of the faithful. In order that these phenomena, in all their forms, never happen again, a continuous and profound conversion of hearts is needed, attested by concrete and effective actions that involve everyone in the Church, so that personal sanctity and moral commitment can contribute to promoting the full credibility of the Gospel message and the effectiveness of the Church’s mission. This becomes possible only with the grace of the Holy Spirit poured into our hearts, as we must always keep in mind the words of Jesus: “Apart from me you can do nothing” (Jn 15:5). Even if so much has already been accomplished, we must continue to learn from the bitter lessons of the past, looking with hope towards the future.

This responsibility falls, above all, on the successors of the Apostles, chosen by God to be pastoral leaders of his People, and demands from them a commitment to follow closely the path of the Divine Master. Because of their ministry, in fact, Bishops, “as vicars and legates of Christ, govern the particular churches entrusted to them by their counsel, exhortations, example, and even by their authority and sacred power, which indeed they use only for the edification of their flock in truth and holiness, remembering that he who is greater should become as the lesser and he who is the chief become as the servant” (Second Vatican Council, Dogmatic Constitution Lumen Gentium, 27). What more closely concerns the successors of the Apostles concerns all those who, in various ways, assume ministries in the Church, or profess the evangelical counsels, or are called to serve the Christian People. Therefore, it is good that procedures be universally adopted to prevent and combat these offences that betray the trust of the faithful.

I desire that this commitment be implemented in a fully ecclesial manner, so that it may express the communion that keeps us united, in mutual listening and open to the contributions of those who care deeply about this process of conversion.

Therefore, I decree:

TITLE I GENERAL PROVISIONS

Art. 1.- Scope of application

§1. These norms apply to reports regarding clerics or members of Institutes of Consecrated Life or Societies of Apostolic Life and concerning:

- a) delicts against the sixth commandment of the Decalogue consisting of:
 - i. forcing someone, by violence or threat or through abuse of authority, to perform or submit to sexual acts;
 - ii. performing sexual acts with a minor or a vulnerable person;
 - iii. the production, exhibition, possession or distribution, including by electronic means, of child pornography, as well as by the recruitment of or inducement of a minor or a vulnerable person to participate in pornographic exhibitions;
- b) conduct carried out by the subjects referred to in article 6, consisting of actions or omissions intended to interfere with or avoid civil investigations or canonical investigations, whether administrative or penal, against a cleric or a religious regarding the delicts referred to in letter a) of this paragraph.

§2. For the purposes of these norms:

- a) «minor»: means: any person under the age of eighteen, or who is considered by law to

be the equivalent of a minor;

b) «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;

c) «child pornography»: means: any representation of a minor, regardless of the means used, involved in explicit sexual activities, whether real or simulated, and any representation of sexual organs of minors for primarily sexual purposes.

Art. 2.- Reception of reports and data protection

§1. Taking into account the provisions that may be adopted by the respective Episcopal Conferences, by the Synods of the Bishops of the Patriarchal Churches and the Major Archiepiscopal Churches, or by the Councils of Hierarchs of the Metropolitan Churches *sui iuris*, the Dioceses or the Eparchies, individually or together, must establish within a year from the entry into force of these norms, one or more public, stable and easily accessible systems for submission of reports, even through the institution of a specific ecclesiastical office. The Dioceses and the Eparchies shall inform the Pontifical Representative of the establishment of the systems referred to in this paragraph.

§2. The information referred to in this article is protected and treated in such a way as to guarantee its safety, integrity and confidentiality pursuant to canons 471, 2° CIC and 244 §2, 2° CCEO.

§3. Except as provided for by article 3 §3, the Ordinary who received the report shall transmit it without delay to the Ordinary of the place where the events are said to have occurred, as well as to the Ordinary of the person reported, who proceed according to the law provided for the specific case.

§4. For the purposes of this title, Eparchies are equated with Dioceses and the Hierarch is equated with the Ordinary.

Art. 3.- Reporting

§1. Except as provided for by canons 1548 §2 CIC and 1229 §2 CCEO, whenever a cleric or a member of an Institute of Consecrated Life or of a Society of Apostolic Life has notice of, or well-founded motives to believe that, one of the facts referred to in article 1 has been committed, that person is obliged to report promptly the fact to the local Ordinary where the events are said to have occurred or to another Ordinary among those referred to in canons 134 CIC and 984 CCEO, except for what is established by §3 of the present article.

§2. Any person can submit a report concerning the conduct referred to in article 1, using the methods referred to in the preceding article, or by any other appropriate means.

§3. When the report concerns one of the persons indicated in article 6, it is to be addressed to the Authority identified based upon articles 8 and 9. The report can always be sent to the Holy See directly or through the Pontifical Representative.

§4. The report shall include as many particulars as possible, such as indications of time and place of the facts, of the persons involved or informed, as well as any other circumstance that may be useful in order to ensure an accurate assessment of the facts.

§5. Information can also be acquired ex officio.

Art. 4.- Protection of the person submitting the report

§1. Making a report pursuant to article 3 shall not constitute a violation of office confidentiality.

§2. Except as provided for by canons 1390 CIC and 1452 and 1454 CCEO, prejudice, retaliation or discrimination as a consequence of having submitted a report is prohibited and may constitute the conduct referred to in article 1 §1, letter b).

§3. An obligation to keep silent may not be imposed on any person with regard to the contents of his or her report.

Art. 5.- Care for persons

§1. The ecclesiastical Authorities shall commit themselves to ensuring that those who state that they have been harmed, together with their families, are to be treated with dignity and respect, and, in particular, are to be:

- a) welcomed, listened to and supported, including through provision of specific services;
- b) offered spiritual assistance;

c) offered medical assistance, including therapeutic and psychological assistance, as required by the specific case.

§2. The good name and the privacy of the persons involved, as well as the confidentiality of their personal data, shall be protected.

TITLE II PROVISIONS CONCERNING BISHOPS AND THEIR EQUIVALENTS

Art. 6.- Subjective scope of application

The procedural norms referred to in this title concern the conduct referred to in article 1, carried out by:

- a) Cardinals, Patriarchs, Bishops and Legates of the Roman Pontiff;
- b) clerics who are, or who have been, the pastoral heads of a particular Church or of an entity assimilated to it, Latin or Oriental, including the Personal Ordinariates, for the acts committed *durante munere*;
- c) clerics who are or who have been in the past leaders of a Personal Prelature, for the acts committed *durante munere*;
- d) those who are, or who have been, supreme moderators of Institutes of Consecrated Life or of Societies of Apostolic Life of Pontifical right, as well as of monasteries *sui iuris*, with respect to the acts committed *durante munere*.

Art. 7.- Competent Dicastery

§1. For the purposes of this title, “competent Dicastery” means the Congregation for the Doctrine of the Faith, regarding the delicts reserved to it by the norms in force, as well as, in all other cases and as far as their respective jurisdiction is concerned, based on the proper law of the Roman Curia:

- the Congregation for the Oriental Churches;
- the Congregation for Bishops;
- the Congregation for the Evangelization of Peoples;
- the Congregation for the Clergy;
- the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life.

§2. In order to ensure the best coordination, the competent Dicastery informs the Secretariat of State, and the other Dicasteries directly concerned, of the report and the outcome of the investigation.

§3. The communications referred to in this title between the Metropolitan and the Holy See take place through the Pontifical Representative.

Art. 8.- Procedure applicable in the event of a report concerning a Bishop of the Latin Church

§1. The Authority that receives a report transmits it both to the Holy See and to the Metropolitan of the Ecclesiastical Province where the person reported is domiciled.

§2. If the report concerns the Metropolitan, or the Metropolitan See is vacant, it shall be forwarded to the Holy See, as well as to the senior suffragan Bishop by promotion, to whom, if such is the case, the following provisions regarding the Metropolitan apply.

§3. In the event that the report concerns a Papal Legate, it shall be transmitted directly to the Secretariat of State.

Art. 9.- Procedure applicable to Bishops of Eastern Catholic Churches

§1. Reports concerning a Bishop of a Patriarchal, Major Archiepiscopal or Metropolitan Church *sui iuris* shall be forwarded to the respective Patriarch, Major Archbishop or Metropolitan of the Church *sui iuris*.

§2. If the report concerns a Metropolitan of a Patriarchal or Major Archiepiscopal Church, who exercises his office within the territory of these Churches, it is forwarded to the respective Patriarch or Major Archbishop.

§3. In the preceding cases, the Authority who receives the report shall also forward it to the Holy See.

§4. If the person reported is a Bishop or a Metropolitan outside the territory of the Patriarchal,

the Major Archiepiscopal or the Metropolitan Church *sui iuris*, the report shall be forwarded to the Holy See.

§5. In the event that the report concerns a Patriarch, a Major Archbishop, a Metropolitan of a Church *sui iuris* or a Bishop of the other Eastern Catholic Churches *sui iuris*, it shall be forwarded to the Holy See.

§6. The following provisions relating to the Metropolitan apply to the ecclesiastical Authority to which the report is to be forwarded based on this article.

Art. 10.- Initial duties of the Metropolitan

§1. Unless the report is manifestly unfounded, the Metropolitan immediately requests, from the competent Dicastery, that he be assigned to commence the investigation. If the Metropolitan considers the report manifestly unfounded, he shall so inform the Pontifical Representative.

§2. The Dicastery shall proceed without delay, and in any case within thirty days from the receipt of the first report by the Pontifical Representative or the request for the assignment by the Metropolitan, providing the appropriate instructions on how to proceed in the specific case.

Art. 11.- Entrusting the investigation to a person other than the Metropolitan

§1. If the competent Dicastery considers it appropriate to entrust the investigation to a person other than the Metropolitan, the Metropolitan is so informed. The Metropolitan delivers all relevant information and documents to the person appointed by the Dicastery.

§2. In the case referred to in the previous paragraph, the following provisions relating to the Metropolitan apply to the person charged with conducting the investigation.

Art. 12.- Carrying out the investigation

§1. Once he has been appointed by the competent Dicastery and acting in compliance with the instructions received, the Metropolitan, either personally or through one or more suitable persons:

- a) collects relevant information regarding the facts;
- b) accesses the information and documents necessary for the purpose of the investigation kept in the archives of ecclesiastical offices;
- c) obtains the cooperation of other Ordinaries or Hierarchs whenever necessary;
- d) requests information from individuals and institutions, including civil institutions, that are able to provide useful elements for the investigation.

§2. If it is necessary to hear from a minor or a vulnerable person, the Metropolitan shall adopt appropriate procedures, which take into account their status.

§3. In the event that there are well-founded motives to conclude that information or documents concerning the investigation are at risk of being removed or destroyed, the Metropolitan shall take the necessary measures for their preservation.

§4. Even when making use of other persons, the Metropolitan nevertheless remains responsible for the direction and conduct of the investigation, as well as for the timely execution of the instructions referred to in article 10 §2.

§5. The Metropolitan shall be assisted by a notary freely appointed pursuant to canons 483 §2 CIC and 253 §2 CCEO.

§6. The Metropolitan is required to act impartially and free of conflicts of interest. If he considers himself to be in a conflict of interest or is unable to maintain the necessary impartiality to guarantee the integrity of the investigation, he is obliged to recuse him-self and report the circumstance to the competent Dicastery.

§7. The person under investigation enjoys the presumption of innocence.

§8. The Metropolitan, if requested by the competent Dicastery, informs the person of the investigation concerning him/her, hears his/her account of the facts and invites him/her to present a brief in defence. In such cases, the investigated person may be assisted by legal counsel.

§9. Every thirty days, the Metropolitan sends a status report on the state of the investigation to the competent Dicastery.

Art. 13.- Involvement of qualified persons

§1. In accordance with any eventual directives of the Episcopal Conference, of the Synod of Bishops or of the Council of Hierarchs regarding how to assist the Metropolitan in conducting

the investigation, the Bishops of the respective Province, individually or together, may establish lists of qualified persons from which the Metropolitan may choose those most suitable to assist in the investigation, according to the needs of the individual case and, in particular, taking into account the cooperation that can be offered by the lay faithful pursuant to canons 228 CIC and 408 CCEO.

§2. The Metropolitan, however, is free to choose other equally qualified persons.

§3. Any person assisting the Metropolitan in the investigation is required to act impartially and must be free of conflicts of interest. If he considers himself to be in a conflict of interest or be unable to maintain the necessary impartiality required to guarantee the integrity of the investigation, he is obliged to recuse himself and report the circumstances to the Metropolitan.

§4. The persons assisting the Metropolitan shall take an oath to fulfil their charge properly.

Art. 14.- Duration of the investigation

§1. The investigation is to be completed within the term of ninety days or within a term otherwise provided for by the instructions referred to in article 10 §2.

§2. Where there are just reasons, the Metropolitan may request that the competent Dicastery extend the term.

Art. 15.- Precautionary measures

Should the facts or circumstances require it, the Metropolitan shall propose to the competent Dicastery the adoption of provisions or appropriate precautionary measures with regard to the person under investigation.

Art. 16.- Establishment of a fund

§1. Ecclesiastical Provinces, Episcopal Conferences, Synods of Bishops and Councils of Hierarchs may create a fund, to be established according to the norms of canons 116 and 1303 §1, 1° CIC and 1047 CCEO and administered according to the norms of canon law, whose purpose is to sustain the costs of the investigations.

§2. At the request of the appointed Metropolitan, the funds necessary for the purpose of the investigation are made available to him by the administrator of the fund; the Metropolitan remain duty-bound to present an account to the administrator at the conclusion of the investigation.

Art. 17.- Transmission of the documents and the *votum*

§1. Having completed the investigation, the Metropolitan shall transmit the acts to the competent Dicastery, together with his *votum* regarding the results of the investigation and in response to any queries contained in the instructions issued under article 10 §2.

§2. Unless there are further instructions from the competent Dicastery, the faculties of the Metropolitan cease once the investigation is completed.

§3. In compliance with the instructions of the competent Dicastery, the Metropolitan, upon request, shall inform the person who has alleged an offence, or his/her legal representatives, of the outcome of the investigation.

Art. 18.- Subsequent measures

Unless it decides to provide for a supplementary investigation, the competent Dicastery proceeds in accordance with the law provided for the specific case.

Art. 19.- Compliance with state laws

These norms apply without prejudice to the rights and obligations established in each place by state laws, particularly those concerning any reporting obligations to the competent civil authorities.

The present norms are approved ad experimentum for three years.

I establish that the present Apostolic Letter in the form of Motu Proprio be promulgated by means of publication in the Osservatore Romano, entering into force on 1 June 2019, and then published in the Acta Apostolicae Sedis.

Given in Rome, at Saint Peter's, on 7 May 2019, the seventh year of my Pontificate.

APPENDIX IV

Rescriptum ex audientia SS.MI Sobre la confidencialidad de las causas, 6 de diciembre de 2019, *L'Osservatore Romano*, ed. Española, 2

INSTRUCTION ON THE CONFIDENTIALITY OF LEGAL PROCEEDINGS (6 december 2019)

1. The pontifical secret does not apply to accusations, trials and decisions involving the offences referred to in:
 - a) Article 1 of the Motu proprio "*Vos estis lux mundi*" (7 may 2019;
 - b) Article 6 of the *Normae de gravioribus delictis* reserved to the judgement of the Congregation for the Doctrine of the Faith, in accordance with the Motu proprio "*Sacramentorum Sanctitatis Tutela*" of Saint John Paul II (30 April 2001), and subsequent amendments.
2. Nor does the pontifical secret apply when such offenses were committed in conjunction with other offences.
3. In the cases referred to in No. 1, the information is to be treated in such a way as to ensure its security, integrity and confidentiality in accordance with the prescriptions of canons 471, 2° CIC and 244 §2, 2° CCEO, for the sake of protecting the good name, image and privacy of all persons involved.
4. Office confidentiality shall not prevent the fulfilment of the obligations laid down in all places by civil laws, including any reporting obligations, and the execution of enforceable requests of civil judicial authorities.
5. The person who files the report, the person who alleges to have been harmed and the

witnesses shall not be bound by any obligation of silence with regard to matters in-volving the case.

APPENDIX V

Trasgresiones de los religiosos y remedios

“TRANSGRESSIONS BY THE RELIGIOUS AND THEIR REMEDIES” Procedural Manual of the Order of Augustinian Recollects

Capítulo X

Considerations to be taken into account in the application of sanctions to religious non-clerics who have committed an offence against the sixth commandment of the Decalogue.

“When necessary, within their own jurisdiction superiors are to apply disciplinary and educational measures, penal remedies and penances, according to the seriousness of the offence. They are also to apply penalties as such, respecting in each case the demands of Justice” (*Const.* 500).

When applying a canonical sanction, the Superior shall take into account:

- 1) Safeguarding the good name of the religious and always giving him the opportunity to justify himself and to consider amending his ways by himself (Cf. *Const.* 500; *Codedic.* 503).
- 2) Ensuring that he acts with great charity, always seeking the amendment and rehabilitation of the brothers (Cf. *Codedic.* 502).
- 3) Always exercising the greatest understanding and seeking at all times to win back the person (Cf. *Codedic.* 503).
- 4) Before removing the brother concerned from his post, always giving him the opportunity to resign voluntarily, to preserve his good name (cfr. *Const.* 505).

As a general rule, it can be said that **canonical penalties** – which are stronger than other measures in that they obey more serious cases – give rise to a change in the juridical status of the religious on whom they are imposed. Indeed, it seems reasonable to admit that a religious subjected to certain types of disciplinary and educational measures, penal remedies and penances, and also to penalties as such, without them being canonical, may continue in a “normal” juridical situation within the Order.

With the exception of those offences which the canon law indicates must be sanctioned according to that law itself –either by the major superiors or by the competent ecclesiastical authority– (Cf. cc. 1364-1365, 1367-1371, 1373-1379, 1381, 1384-1397 and 1399; *Codedic.* 503), the main canonical penalties contained in our own laws are removal and exclusion from office, and the deprivation of active and passive voice¹⁷².

With regard to **removal and exclusion from office** (cf. *Codedic.* 362, 9 and 415, 12), should the canonical penalty refer solely to such a sentence and does not additionally imply deprivation of active and passive voices, or only one of them, it is obvious that the person concerned will not thereby enter into special situation within the Order. He will simply have been removed and suspended from office. In other respects, he will preserve his “normal” status in the province.

On the contrary, when it comes to the **deprivation of active and passive voice**, or only one of them, an extraordinary situation emerges for the province. This development is obvious, since the canonical penalty imposed affects the fundamental rights and duties of the religious as such. Only in this case would the affected person be in a special situation, unless this special situation may also imply the application of sanctions in accord with the Canon Law for the

¹⁷². Cf. *Constitutions* nn. 504-505; *Additional code*, nn. 362, 9; 415, 12-13.

offences indicated therein (Cf. cc. 1364-1365, 1367-1371, 1373-1379, 1381, 1384-1397 and 1399).

APPENDIX VI

Model Decrees

Decree 1 Beginning a Preliminary investigation with precautionary measures

FR.
PRIOR GENERAL OF THE ORDER OF AUGUSTINIAN RECOLLECTS
(or, as appropriate)
FR.
PRIOR PROVINCIAL OF THE PROVINCE OF
OF THE ORDER OF AUGUSTINIAN RECOLLECTS

SINCE Information has been received concerning the possibly criminal behaviour against minors (cf. cc. 695; 1398; art. 6, of SST.. (NAME OF RELIGIOUS);
WHEREAS it is necessary to shed light upon the behaviour of the afore-mentioned religious;
BY VIRTUE of c. 1717 and article 10 of the SST;

BY THIS DOCUMENT

I DECREE that a preliminary investigation is to be initiated (c. 1717);
I APPOINT as investigator, with the necessary powers to carry out the investigation of the facts, (NAME OF RELIGIOUS) and, as a notary, (NAME OF RELIGIOUS)
I STIPULATE by virtue of c. 1722 and of article 10§2 of SST:
— (name of religious) is forbidden from exercising the public ministry.
— The obligatory place of residence of the religious shall be
— • He shall be suspended from the office of parish priest until the events in question have been clarified¹⁷³

NOTIFICATION of this document is to be sent to those concerned, and it is to be kept in the archive.

GIVEN at the Seat of this General (or Provincial) Curia, the of the of the year of the Lord (DATE)

SIGNATURE OF THE PRIOR GENERAL OR PROVINCIAL

SIGNATURE OF THE SECRETARY-GENERAL OR PROVINCIAL

SEAL OF THE ORDER OR PROVINCE

¹⁷³. These precautionary measures are by way of example, these or some of these may be imposed, or others appropriate. In case of sexual abuse of vulnerable persons (cf. VELM, art. 1, §1, ii), does not apply c. 1722, however, the Superior Major may have some convenient measure and according to the scope of his competence.

Decree 2

Investigator's Oath

PRELIMINARY INVESTIGATION (c. 1717) OR ADMINISTRATIVE PROCEEDINGS (c. 1720) CONCERNING Fr.

I,(NAME OF THE RELIGIOUS) swear that I will properly and judiciously carry out the office of INVESTIGATOR entrusted to me by the Rev. Father Fr....., Prior Provincial (Prior General) of the Province (or of the Order of Augustinian Recollects), in the Preliminary Investigation or Administrative Proceedings (as appropriate) that is being followed concerning(NAME OF RELIGIOUS)

I also swear that I shall maintain the secrecy of the proceedings.

Given in (location), on the day of of the year of the Lord(DATE)

Before me:

SIGNATURE OF THE PRIOR GENERAL OR PROVINCIAL
INVESTIGATOR'S SIGNATURE
SIGNATURE OF THE SECRETARY-GENERAL OR PROVINCIAL SECRETARY
SEAL OF THE ORDER OR PROVINCE

Decree 3 Notary's oath

PRELIMINARY INVESTIGATION (c. 1717) OR ADMINISTRATIVE PROCEEDINGS (c. 1720) CONCERNING

I,(NAME OF THE RELIGIOUS) swear that I will properly and judiciously carry out the office of NOTARY entrusted to me by the Rev. Father Fr., Prior Provincial (Prior General) of the Province (or of the Order of Augustinian Recollects), in the Preliminary Investigation or Administrative Proceedings (as appropriate) that is being followed concerning(NAME OF RELIGIOS)

I also swear that I shall maintain the secrecy of the proceedings.

Given in (location), on the day of of the year of the Lord(DATE)

Before me:

SIGNATURE OF THE PRIOR GENERAL OR PROVINCIAL

NOTARY'S SIGNATURE

SIGNATURE OF THE SECRETARY-GENERAL OR PROVINCIAL SECRETARY

SEAL OF THE ORDER OR PROVINCE

Decree 4

Conclusion of the Preliminary Investigation

FR.

PRIOR GENERAL OF THE ORDER OF AUGUSTINIAN RECOLLECTS

(or as appropriate)

FR.

PROVINCIAL PRIOR OF THE PROVINCE

OF THE ORDER OF AUGUSTINIAN RECOLLECTS

SINCE the Investigator Fr. has presented the result of the Preliminary Investigation into the credibility of events concerning possible criminal behaviour against minors (cf. cc. 695; 1398; art. 6, SST).(NAME);

WHEREAS the Investigator considers that the process has been carried out adequately, and that (name) has been allowed enough time to mount a proper defence and offer the evidence that he considered appropriate;

BY THE PRESENT DOCUMENT

I DECREE: that the Preliminary Investigation has come to an end;

This is to be **NOTIFIED** to those concerned and retained in the archives.

GIVEN at the office of this General Curia, on the day.... of of the year of the Lord

SIGNATURE OF THE PRIOR GENERAL OR PROVINCIAL
SIGNATURE OF THE SECRETARY-GENERAL OR PROVINCIAL
SEAL OF THE ORDER OR PROVINCE

Decree 5

Initiation a Penall Administrative Process

FR.
PRIOR GENERAL OF THE ORDER OF AUGUSTINIAN RECOLLECTS
(or, as appropriate)
 FR.
**PROVINCIAL PRIOR OF THE PROVINCE
 OF THE ORDER OF AUGUSTINIAN RECOLLECTS**

SINCE the Congregation for the Doctrine of the Faith (Prot.) has ordered to proceed by means of a Penal Administrative Procedure (c. 1720) against Br. for alleged canonical offences against minors (cf. cc. 695; 1398; art. 6, SST;

WHEREAS it is necessary to establish the veracity of the facts and responsibility for them;

IN VIRTUE c. 1720;

I APPOINT Fr. as an investigator, and Fr. as notary, with all the necessary faculties to carry out due proceedings;

I GRANT days, from the publication of this decree, for (name). to acquaint himself with the charges personally, or by means of a lawyer duly appointed by him, and to present his evidence;

I STIPULATE lthe precautionary measures of c. 1722 and article 10§2 of SST: *(Here list what measures are to be applied)*;

NOTIFICATION of this document is to be sent to those concerned, and is to be kept in the archive.

GIVEN in the seat of this General (or Provincial) Curia, on the day.... of of the year of the Lord

SIGNATURE OF THE PRIOR GENERAL OR PROVINCIAL
 SIGNATURE OF THE SECRETARY-GENERAL OR PROVINCIAL

SEAL OF THE ORDER OR PROVINCE

Decree 6

Decree of Initiation of the Penal Judicial Process directing to proceed to the competent Tribunal

FR.
PRIOR GENERAL OF THE ORDER OF AUGUSTINIAN RECOLLECTS

SINCE the Congregation for the Doctrine of the Faith (Prot.) has ordered this Curia to proceed through a Penal Judicial Process against Br. for alleged canonical offences against minors (cf. cc. 695; 1398; art. 6, of motu proprio SST;

WHEREAS it is necessary to establish the veracity of the facts and responsibility for them;

IN VIRTUE of what has been ordered by the Congregation for the Doctrine of the Faith;

I SUBMIT the present case to theTRIBUNAL, so that the due proceedings may be brought forward;

I GRANT a period of..... days, from the publication of this decree, to Br. acquaint himself with the charges informed personally, or through a lawyer validly appointed by him, in the office of the said Tribunal;

I IMPOSE the precautionary measures in accordance with c. 1722 and article 10§2 of motu proprio SST already established in the Preliminary Investigation (other measures may be imposed that must be set out in detail).

This is to be **NOTIFIED** to those concerned and retained in the archives.

GIVEN in the office of this General Curia, on the day..... of..... of the year of the Lord

SIGNATURE OF THE PRIOR GENERAL
SIGNATURE OF THE SECRETARY-GENERAL

SEAL OF THE ORDER

Decree 7

Decree of Initiation of a Penal Judicial Process directing the appointment of an “ad hoc” court

FR.

PRIOR GENERAL OF THE ORDER OF AUGUSTINIAN RECOLLECTS

SINCE the Congregation for the Doctrine of the Faith (Prot) has ordered this General Curia to proceed with a Penal Judicial Process against Br. for alleged canonical offences against minors (cf. cc. 695; 1398; art. 6, of the motu proprio SST;

WHEREAS it is necessary to establish the veracity of the facts and responsibility for them;

IN VIRTUE of c. 1721, and the faculties granted by the Congregation of the Faith (Prot. no.....) to set up a Tribunal;

I APPOINT as Presiding Judge Br....., as assistant judges Br. and Br.....; as Promoter of Justice Br., and as a notary Br., with all the necessary faculties to carry out the due proceedings;

I GRANT a period of..... days, from the publication of this decree, to Br. acquaint himself with the charges informed personally, or through a lawyer validly appointed by him.

I IMPOSE the precautionary measures of c. 1722 and article 10 of motu proprio SST: (Detail of the measures taken are to be given),

This is to be **NOTIFIED** to those concerned and retained in the archives.

GIVEN in the office of this General Curia, the day of..... of the year of the Lord

SIGNATURE OF THE PRIOR GENERAL

SIGNATURE OF THE SECRETARY-GENERAL

SEAL OF THE ORDER

Decree 8 Conclusion of the Administrative Penal Process with non-permanent expiatory punishment¹⁷⁴

FR.
PRIOR GENERAL OF THE ORDER OF AUGUSTINIAN RECOLLECTS

SINCE it is certain that Br. committed an offence against the sixth commandment with a minor (cf. cc. 695; 1398; art. 6, of motu proprio SST), based on the following facts: (account of the facts and the evidence are to be listed, setting out the basis of the accusation);

WHEREAS the provisions of the law: (description of the legal bases that sustain the offence(s) committed);

HAVING weighed with the two advisers (c. 1720, 2nd) the evidence and arguments in the above-mentioned case, as well as the defence statement;

HAVING ESTABLISHED with moral certainty the charges against Br. ;

TAKING INTO ACCOUNT that the statute of limitations for the offence has not expired [or there has been a dispensation from the statute granted by decree No. of the Congregation for the Doctrine of the Faith (art. 7 of motu proprio SST);

IN VIRTUE OF c.1720, No. 3;

I DECREE

1. The sentence established in c. 1336, (describe the sanction/sanctions)....., is to be imposed on (name) ;
2. (name) is to be advised that in conformity with art. 16§2 of SST" he has a limit of 60 working days to appeal to the Congregation for the Doctrine of the Faith.

This is to be **NOTIFIED** to those concerned and retained in the archives.

GIVEN in the office of the General Curia, on the day of in the year of the Lord 20.....

SIGNATURE OF THE PRIOR GENERAL
SIGNATURE OF THE SECRETARY-GENERAL
SEAL OF THE ORDER

¹⁷⁴. Cf. Vademecum, V, n. 84: condemnatory ("*report*"), if it is known with moral certainty that the accused is guilty of the offence attributed to him. In this case, the type of canonical sanction inflicted or declared must be specifically indicated.

Decree 9

Conclusion of the Penal administrative process with permanent penal sanctions¹⁷⁵

FR.
PRIOR GENERAL OF THE ORDER OF AUGUSTINIAN RECOLLECTS

SINCE it is established with certainty that (name) committed an offence with a minor against the Sixth Commandment (art 6 of motu proprio SST), based on the following facts: (describe briefly);

HAVING DELIBERATED with the Councillors (c. 1720, No. 2, cf. c. 699) the evidence and the arguments in the afore-mentioned case;

CONSIDERING what the Law establishes: (describe the bases of law that concern the offenses committed);

HAVING ESTABLISHED with moral certainty the charges against (name);

TAKING INTO ACCOUNT that the statute of limitations for the offence has not expired [or there has been a dispensation from the statute granted by decree No..... of the Congregation for the Doctrine of the Faith (art. 8§3 of motu proprio SST);

IN VIRTUE OF c.1720, No. 3;

I DECREE

1. The sentence established in c. 1336, (describe the sanction/sanctions), is to be imposed on (name);
2. The Congregation for the Doctrine of the Faith is to be informed in accordance with art. 21, §1 of "Modifications to Normae de Gravioribus Delictis", given that only by order of this Congregation can permanent penal sanctions be imposed. The congregation may confirm this decree, or otherwise indicate how to proceed.

This is to be **NOTIFIED** to those concerned and retained in the archives. GIVEN in the office of the General Curia, on the day of in the year of the Lord 20.....

DADO en la Sede de esta Curia General, el día del mes de del año del Señor

SIGNATURE OF THE PRIOR GENERAL
SIGNATURE OF THE SECRETARY-GENERAL
SEAL OF THE ORDER

¹⁷⁵. Life sentences by extrajudicial decree may only be awarded with the authorization of the Congregation for the Doctrine of the Faith in accordance with the art. 19, §2, 1st of motu proprio SST. Therefore, this Decree cannot be made known to the accused until the CDF has confirmed it.

Decree 10

End of the Administrative Criminal Process declaring the accused innocent¹⁷⁶

FR.
 PRIOR GENERAL OF THE ORDER OF AUGUSTINIAN RECOLLECTS

GIVEN THAT

- (First assumption): it is recorded with moral certainty that Br. ... **did not commit the offence** against the sixth commandment with a minor (cc. 695;1395 §2; art. 6, of Motu proprio Sacramentorum Sanctitatis Tutela), based on the following facts: (account of the facts and evidence presented, setting out the basis of the accusation);
- (Second assumption): it is recorded with moral certainty that **the act is not classified as an offence in the canonical regulations**, acquitted Br. ... the offence against the sixth commandment with a minor (cc. 695; 1395; art. 6, 1° of the MP. SST), based on the following facts: (account of the facts and evidence presented, setting out the basis of the accusation);
- (Third assumption): it is recorded with moral certainty that the offence against the sixth commandment with a minor (cc. 695; 1398; art. 6° MP. SST), cannot **be attributable** to Br., the acquitted based on the following facts: (account of the facts and the evidence presented, reasoning with basis the non-responsibility);

WHEREAS the Law establishes: (describe the bases of law that concern the offenses committed);

HAVING CONSIDERED the evidence and the arguments in the abovementioned case with the two assessors (c. 1720, No. 2), as well as the defence statement;

HAVING ESTABLISHED with moral certainty the non-imputability of the charges against (name); (only if he has been cleared because of non-imputability);

IN VIRTUE of c. 1720, No. 3

I DECREE

- 1st. **DECLARE** Fras innocent.
- 2nd. **TO SUSPEND** all precautionary measures imposed;
- 3rd. **APPLY** the necessary provisions to restore the accused's good name

This is to be **NOTIFIED** to those concerned and retained in the archives.

GIVEN in the office of this General Curia, the day of..... of the year of the Lord

SIGNATURE OF THE PRIOR GENERAL
 SIGNATURE OF THE SECRETARY-GENERAL
 SEAL OF THE ORDER

¹⁷⁶. Cf. Vademecum, V, n. 84: acquittal ("*report of no*"), if it is established with moral certainty that the accused is not guilty, in so far as the act does not exist, or the accused has not committed it, or the act is not classified by law as a crime or was committed by a non-imputable person.

Decree 11

Conclusion of the Administrative Penal Process acquitting for absence, insufficiency or contradiction of evidence¹⁷⁷

FR.
PRIOR GENERAL OF THE ORDER OF AUGUSTINIAN RECOLLECTS

SINCE it does not record with moral certainty the guilt of Br. ... (due to lack of evidence / because the evidence is insufficient or contradictory / impossibility of determining that the accused is the one who committed the offence / impossibility of knowing whether the offence was committed by a non-imputable person) absolved him of the offence against the sixth commandment with a minor (cc. 695; 1398; art. 6° of Motu proprio Sacramentorum Sanctitatis Tutela), based on the following facts: (account of the facts and evidence presented, setting out the basis of the accusation);

WHEREAS the provisions of the law: (description of the legal bases that maintain that the offence(s) are not such, or were not committed, or were committed by an unimpeachable person);

HAVING weighed with the two assessors (c. 1720, 2nd) the evidence and arguments in the above-mentioned case, as well as the defence statement;

IN VIRTUE OF c. 1720, 3rd;

I DECREE

1st. DECLARE Fras innocent.

2nd. TO SUSPEND all precautionary measures imposed;

3rd. APPLY the necessary provisions to restore the accused's good name

This is to be **NOTIFIED** to those concerned and retained in the archives.

GIVEN in the office of this General Curia, the day of..... of the year of the Lord

SIGNATURE OF THE PRIOR GENERAL
SIGNATURE OF THE SECRETARY-GENERAL
SEAL OF THE ORDER

¹⁷⁷. Cf. Vademécum, V, n. 84: dimisoria ("*non constat*"), si no ha sido posible alcanzar la certeza moral respecto a la culpabilidad del acusado, por ausencia de pruebas, porque las pruebas sean insuficientes o contradictorias, o porque no haya sido posible determinar si el imputado es quien ha cometido el ilícito o por la imposibilidad de saber si el delito haya sido cometido por una persona no imputable.

APPENDIX VIII

Forms for cases of religious non-clerical in offences against the sixth commandment with minors and religious (clergy or not) in offences with vulnerable persons

Decree 1 Beginning a Preliminary Investigation with precautionary measures

FR.
PRIOR GENERAL
OF THE ORDER OF AUGUSTINIAN RECOLLECTS
(or, as appropriate)
FR.
PRIOR PROVINCIAL OF THE PROVINCE OF.....
OF THE ORDER OF AUGUSTINIAN RECOLLECTS

SINCE: information has been received concerning the possibly criminal behaviour (cf. c.1395/

VELM, art. 1, §1, II; cf. c.1398) of (name of religious).

WHEREAS: it is necessary to shed light upon the behaviour of the afore-mentioned religious;

BY VIRTUE of c.1717

BY THIS DOCUMENT

I DECREE: that a Preliminary Investigation (c.1717) is to be initiated;

I APPOINT: as investigator, with the necessary faculties to undertake the investigation,
... (name of religious), and as notary, (name of religious);

I STIPULATE that the obligatory place of residence of (name) shall be
(address). (Other appropriate measures may be imposed, such as forbidding contact with minors).

This is to be **NOTIFIED** to those concerned and retained in the archives.

GIVEN in the seat of the General Curia (or of the Provincial Curia), the of (date) of the year of the Lord

SIGNATURE OF THE PRIOR GENERAL OR PROVINCIAL
SIGNATURE OF THE SECRETARY-GENERAL OR PROVINCIAL
SEAL OF THE ORDER OR PROVINCE

Decree 2

Conclusion of the Preliminary Investigation

FR.
PRIOR GENERAL OF THE ORDER OF AUGUSTINIAN RECOLLECTS
(or, as appropriate)
 FR.
**PROVINCIAL PRIOR OF THE PROVINCE
 OF THE ORDER OF AUGUSTINIAN RECOLLECTS**

SINCE the Investigator, (name) has submitted the results of the Preliminary Investigation into the credibility of events concerning possible criminal behaviour with a vulnerable person (cf. c.1395/ VELM, art. 1, §1, II; cf. c.1398) allegedly committed by (name);

WHEREAS the Investigator considers that the process has been carried out adequately, and that (name) has been allowed enough time to mount a proper defence and offer the evidence that he considered appropriate;

BY THIS PRESENT DOCUMENT

I DECREE that the Preliminary Investigation has come to an end.

This is to be **NOTIFIED** to those concerned and retained in the archives.

GIVEN in the office of the General Curia, on the day of in the year of the Lord 20.....

SIGNATURE OF THE PRIOR GENERAL OR PROVINCIAL
 SIGNATURE OF THE SECRETARY-GENERAL OR PROVINCIAL

SEAL OF THE ORDER OR PROVINCE

Decree 3 Initiation of a Penal Administrative Process

FR.
PRIOR GENERAL OF THE ORDER OF AUGUSTINIAN RECOLLECTS
(or, as appropriate)
FR.
PROVINCIAL PRIOR OF THE PROVINCE
OF THE ORDER OF AUGUSTINIAN RECOLLECTS

SINCE the Preliminary Investigation has determined the credibility of the accusation that (name) has committed a canonical offence (cf. c.1395/VELM, art. 1, §1, II; cf. c.1398).

WHEREAS it is necessary to establish the truth concerning the events, and responsibility for them;

IN VIRTUE of c.1720.

I APPOINT (name of religious) as investigator and (name of religious) as notary, with all necessary faculties for carrying out the correct proceedings.

I GRANT a period of days from the publication of this decree for (name of religious) to acquaint himself with the charges, either personally or by means of a lawyer duly appointed by him, and to present his evidence.

I STIPULATE the following precautionary measures of c.1722: (here list which measures are to be applied)

This is to be **NOTIFIED** to those concerned and retained in the archives.

GIVEN in the seat of the General Curia (or of the Provincial Curia), the of (date) of the year of the Lord

SIGNATURE OF THE PRIOR GENERAL OR PROVINCIAL
SIGNATURE OF THE SECRETARY-GENERAL OR PROVINCIAL

SEAL OF THE ORDER OR PROVINCE

Decree 4

Conclusion of the Penal Administrative Process with the imposition of a sanction

FR.
PRIOR GENERAL OF THE ORDER OF AUGUSTINIAN RECOLLECTS
(or, as appropriate)
 FR.
**PROVINCIAL PRIOR OF THE PROVINCE
 OF THE ORDER OF AUGUSTINIAN RECOLLECTS**

SINCE it is established with certainty that (name) committed an offence with a minor against the Sixth Commandment con una persona vulnerable (VELM, art. 1, §1, II; c.1398), based on the following facts: (here the events concerned are to be listed, as is the evidence put forward, setting out the basis of the accusation);

WHEREAS the Law establishes: (describe the bases of law that concern the offenses committed)

HAVING CONSIDERED the evidence and the arguments in the above-mentioned case with the two assessors (c. 1720, No. 2), as well as the defence statement;

HAVING ESTABLISHED with moral certainty the charges against (name);

TAKING INTO ACCOUNT that the statute of limitations for the offence has not expired (cf. c.1362);

IN VIRTUE OF c.1720, No. 3;

I DECREE

1. The sentence of deprivation of passive and active voice for a period of (Const. 505), or the penalty proposed in c.1336 (e.g. residence for fixed period of time in a particular place; or other sanction: removal from a position, prohibition of contact with minors, or removal from positions that involve dealing with minors, etc.) is to be imposed on (name)

2. The Prior general is to be informed of the sanction imposed.

ALL THIS is to be **NOTIFIED** to those concerned and retained in the archives.

GIVEN in the office of the General (or Provincial) Curia, on the day of in the year of the Lord 20.....

SIGNATURE OF THE PRIOR GENERAL OR PROVINCIAL
 SIGNATURE OF THE SECRETARY-GENERAL OR PROVINCIAL
 SEAL OF THE ORDER OR PROVINCE

Decree 5

Conclusion of the Penal Administrative Process with declaration of innocence of the accused

FR.

PRIOR GENERAL

OF THE ORDER OF AUGUSTINIAN RECOLLECTS

(or, as appropriate)

FR.

PROVINCIAL PRIOR OF THE PROVINCE

OF THE ORDER OF AUGUSTINIAN RECOLLECTS

GIVEN THAT there is no certain proof that (name) committed the offence against the sixth commandment with a minor (c.1398): (here the events concerned are to be listed, as is the evidence put forward, setting out the basis of the accusation);

HAVING CONSIDERED the evidence and the arguments in the above-mentioned case with my Counselors (c. 1720, No. 2; cf. Const. 500-501);

WHEREAS the Law establishes: (describe the bases of law that concern the offenses committed);

HAVING ESTABLISHED with certainty the innocence of (name);

CONSIDERING that the statute of limitations for the offence has expired (cf. c.1362) IN VIRTUE of c. 1720, No. 3.

I DECREE

1. That (name) is declared innocent
2. That all the precautionary measures imposed are suspended.

This is to be **NOTIFIED** to those concerned and retained in the archives.

GIVEN in the office of the General (or Provincial) Curia , on the day of in the year of the Lord 20.....

SIGNATURE OF THE PRIOR GENERAL OR PROVINCIAL

SIGNATURE OF THE SECRETARY-GENERAL OR PROVINCIAL

SEAL OF THE ORDER OR PROVINCE

Guidelines for the prevention and protection of minors and vulnerable persons in the Ministerial and Missionary Apostolate of the Order of Augustinian Recollects

PART ONE Doctrinal Principles

1.1. Introduction

The respect and promotion of the dignity of the person, human rights and, among them, the rights of the child are basic principles of action with minors in parishes, missions, social projects, and JAR communities served by the Augustinian Recollects. To these are added, as a particular way of understanding and / or substantiating them, the lines marked in the Augustinian Recollect Ideology of the Ministerial Pastoral, the national and international legal system and the social sensitivity that exists in relation to child abuse.

In order to assert this interest, the Augustinian Recollect family tries to ensure that minors and vulnerable people¹⁷⁸ to be evangelized from our charismatic identity. This positive dimension of evangelization with minors requires, for its full development, that the recipients of our pastoral action be freed from those circumstances that impede their personal growth and endanger their well-being. The forms of mistreatment are an impediment to working on these dimensions. Without an environment of physical and emotional well-being, it will be difficult for a person to mature and learn to be a better Christian. All this has a special impact on the pastoral reality of our apostolic and missionary action, where evangelical principles are the starting point.

This present document has been prepared in accordance with the provisions of the *Declaration of the Rights of the Child*, adopted by United Nations General Assembly Resolution 1386 (XIV) on 20 November 1959; the New York International Covenant on Civil and Political Rights, adopted by Resolution 2200 (XXI), 19 December 1966; and the Convention on the Rights of the Child, adopted by the United Nations on 20 November 1989. It relies on particularly on principle 9 of the Declaration, article 24.1 of the Covenant and articles 3 and 19 of the Convention, concerning:

- *“The child must be protected from all forms of neglect, cruelty and exploitation. He shall not be subjected to any form of trafficking”* (Principle 9 of the Declaration).
- *“Every child has the right, without discrimination of any kind on the grounds of race, color, sex, language, religion, national or social origin, economic position or birth, to the protective measures which his or her status as a minor requires, both on the part of his or her family, society and the State”* (art. 24.1 of the Covenant).
- Respect for the best interests and well-being of each child (Based on Art. 3.1. Convention).
- Right of the child to be protected in all circumstances *“against all forms of physical or mental harm or abuse, neglect or negligent treatment, ill-treatment or exploitation, including sexual abuse”* (art. 19. Convention), which implies a duty of protection on the part of the entire parish community, witnesses, and competent authorities.

In addition, the Guidelines are also based on the *Council of Europe Convention for the Protection of Children against Child Exploitation and Sexual Abuse*, commonly called the Lanzarote Convention, signed on 25 October 2007 and in force in Spain since 1 December 2010 (BOE No. 274, of 12 November 2010).

¹⁷⁸. In these Guidelines, any mention of a minor shall also apply to vulnerable persons.

Finally, the Order of Augustinian Recollects published in 2015 a *Protocol for the Protection and Prevention of Children and Adolescents in the Order of Augustinian Recollects*, which has been communicated to all religious and that is in force in all communities and ministries of the Order¹⁷⁹.

These guidelines and their implementation are complementary to the other social, moral, religious, diocesan and family controls that must exist in the parish community. In addition, they are intended to expand the mechanisms foreseen in the diocesan protocols¹⁸⁰ and for action in the case of abuse of minors and vulnerable persons and other documents of the Order. The facts have shown the need for the implementation of a prevention plan and code of conduct that help the various institutions, and in particular, the parishes, in addressing the abuse of minors and vulnerable people, especially that which occurs from an adult towards a minor, among other cases when their sexual freedom is violated.

Within the scope of the legal system, maximum intervention or protection is advocated when it comes to people who are susceptible to being manipulated because of their immaturity or incapacity. This principle of maximum intervention justifies these Guidelines and must guide any activity with minors and vulnerable persons, where diligence is the success factor in protection.

This objective requires the discernment and proper selection of persons assigned within evangelization for the care of minors. This aspect justifies the measures that can be introduced in the selection processes of catechists, youth leaders, volunteers, or contracted personnel for our ministerial and missionary apostolates.

In the same vein, Senior Superiors and parish priests, collaborators with the diocesan bishop, who is ultimately responsible for pastoral works, should see to it that the work is carried out in a consistent manner (CIC § 678-679, 681-683). They are to use the means at their disposal to prevent, detect and, when necessary, provide adequate guidance to establish the appropriate route against child abuse. This requires the establishment of not only preventive measures, mainly codes of conduct and formation, but also detection and intervention in cases of child abuse in relation to minors and pastoral agents in parish/missionary ministries entrusted to the Augustinian Recollects.

Given the general nature of this document, it will be applied throughout the reality of the ministerial and missionary pastoral care of the provinces, taking into account that it is in this area where there is a close connection with work with minors.

In each geographical area of the provinces, these Guidelines should be adapted to their respective realities, terminologies, and legislations.

1.2. Scope of the Guidelines

The present Guidelines are applicable to the following areas of influence:

- Parishes, Rectories, Pastoral Centers, and mission areas.
- Augustinian Recollect youth.
- Other groups linked to parishes: Brotherhoods, Scout groups, youth movements, etcetera.
- Pastoral and catechetical activities: camps, retreats, pilgrimages, retreats, prayer groups, children's choir, etcetera.
- Volunteering, collaborations, altar servers.

1.3. Declarations

The Order of Augustinian Recollects promotes people in their inalienable dignity, accompan-

179. This protocol has been revised in 2020, presented together with the guidelines for educational, ministerial, and missionary apostolate.

180. In the event that there are no national and/or diocesan regulations in this regard, these Guidelines are suggested.

ying and promoting their integral development.

1.3.1. Principles of Augustinian Recollect Ministerial Ministry

The mission of the Augustinian Recollects in ministerial ministry is based on the *Augustinian Recollect Ideology of Ministerial Pastoral* [=IPM], the *Guidelines for the Missionary Apostolate* [=OAM] and the *JAR Manual*.

a. Mission

The pastoral mission of the Order of Augustinian Recollects, as a participant in a special way in the sacramental nature of the Church (*Mutuae relationes*, 10), is based on our apostolic vocation which stems from incorporation into the salvific mission of Christ and the source of its dynamism is the vital union with Him through prayer and the communal living of the vows (IPM 5). We want to develop this mission from the values of the Gospel, the diocesan pastoral projects and from a Christian humanist project.

Hence, our communities can and should be centers of prayer, recollection, and personal and community dialogue with God, generously offering concrete initiatives and services along contemplative and communitarian lines, so that the People of God may find in us true teachers of prayer and agents of communion and peace in the Church and in the world (*Const.* 279).

b. Vision

We want the Augustinian Recollect spirit to shine forth in apostolic activities following the example of St. Augustine, pastor of the Church, who, always attentive to the greater good of the universal Church, loved all men with vehement charity, promoting with healthy diligence the good of all (*Const.* 278).

In this mission entrusted to us by the Church, we want to be Prophets of the Kingdom to proclaim with joy and hope the Gospel that gives life. We witness with our lives to the realization, not yet complete, of the Father's plan for creation; we denounce injustices, and we are committed to poor appearances among the poor and needy (IPM 30).

c. Challenges

In the evangelizing task we contemplate the following challenges:

- o Pastoral conversion: from a pastoral care of conservation to a missionary ministry.
- o Evangelize from our Augustinian Recollect identity.
- o Open and welcoming parishes and missions in contact with the life of the people.
- o Shared mission with the laity.
- o Exercise of charity in solidarity.
- o Create safe spaces for the proper development of pastoral activity.
- o o Encourage the pastoral care of prevention in parishes and missions.

1.3.2. An integral and interdisciplinary approach to the commitment to the protection of minors

The present Guidelines, in accordance with the BICE approach¹⁸¹, are based on three dimensions: children's rights, resilience and spirituality. Together, these three points of view form a solid and coherent basis for the protection and promotion of children's rights.

181. BICE stands for Bureau International Catholique of Childhood (in French), i.e. the International Catholic Children's Office. It is an institution that defends the dignity and rights of the child. For more information you can access www.bice.org

These three components and the way in which they complement each other constitute the approach that inspires our actions. All organizations are invited to build a protection policy that is based on their own values of respect for and defense of children's rights.

a. Right

The protection of children is first and foremost a right. Parishes – as well as their organs and collaborating staff – by their own vocation and mission, promote this right especially through their active participation in the elaboration of the universal legal framework in favor of the rights of the child.

According to the preamble to the *Convention on the Rights of the Child*: ***“the child, by reason of his physical and mental immaturity, needs special protection and care, including appropriate legal protection, both before and after birth”***.

Within the framework of an internal policy for the protection of children, their protection against all types of maltreatment is, above all, a right that religious, pastoral workers and volunteers have the obligation to ensure.

b. Resilience

The ministerial and missionary ministry of the provinces – as well as their organs and collaborating personnel – is concerned, by its principles, with all minors, vulnerable persons, and their well-being. How to positively support these vulnerable minors in their development? What can we learn from them? We are looking for a life dynamic that has been tested in real life. It is about observing in fact how children, adolescents and their environment seek and find their well-being in a very complex situation. This life dynamic is called resilience. In this way, resilience can be thought of as the **ability to grow through great difficulties**. However, this is a notion that must be progressively appropriated.

Resilience is a concept of development richer than a simple resurgence. It implies looking at reality with different eyes, with a perspective that consists of seeing the problems with lucidity, seeking, at the same time, the positive points and the resources that can be mobilized, if necessary, even outside the framework of pastoral agents. These positive points should not be perfect, but they are necessary to be able to rebuild a life, beyond simple recovery.

The change of perspective also means never reducing a child or a family to their difficulties. A diagnosis cannot be limited to problems, but must contain the positive aspects, including the resources of the child, the family or the child's environment that will allow us to rebuild his or her life.

c. Spirituality

Spirituality is a deep exploration of life. It is an important element because it always invites us to go beyond the appearances and the material limits of our life. It helps us to seek real values and not the various pseudo-values or idols of society, such as money, prestige, power, the desire to control everything. It allows us to remain open to beauty, solidarity, volunteerism, simplicity.

All this becomes even more important from our Augustinian Recollect spiritual tradition, which has its roots in St. Augustine and is based on interiority, community, and the apostolate. From there he intends to respond to the needs of the Church by following Jesus Christ as the only Teacher.

In line with the BICE, we offer some points of orientation regarding spirituality that must be adapted to most situations:

- We remain open (with children and adults) to the deep exploration of life, searching for fundamental values, such as beauty, respect, solidarity, volunteerism, lucid trust, simplicity, search, encounter with transcendence, etc.

- This exploration should be done without forcing consciences and in a non-sectarian manner.
- This exploration is done based on respect for the child's convictions, without proselytizing.

The challenge of carrying out this exploration is not easy, knowing that the position of each adult has an influence on the child, be it religious, philosophical, ideological, including the fact of not proposing anything with the illusion that the child will have more freedom to choose for himself.

d. Three complementary approaches in the search for respect for the best interests of the child

The three perspectives analyzed have a clear interrelation and effective application. First, the regulatory framework and resilience are intimately related. The normative approach consists in defining criteria, establishing standards that must be respected to guarantee the well-being of the child, while the empirical approach consists in observing, first of all, the facts that show us what seems to contribute to the well-being of children, or at least to a better being. The legislative framework gives objectives that must be achieved to ensure the basis of well-being, without indicating the concrete path that must be followed in the development and life of the child. But the dynamics of life and the normative framework complete with each other. Respect for *the Convention on the Rights of the Child* (CRC) has in many cases contributed to the resilience and well-being of the child. The CRC must be combined with a life dimension, otherwise it is a dead letter. Rights and resilience must therefore complement each other.

Resilience and spirituality encourage us never to limit the rights of the child to a mechanism that must be applied without further ado, but on the contrary they encourage us to see them as a path to the dignity of the child. They make us reflect on the fundamental values that inspire life, human dignity, and rights.

Together, these three approaches can be represented by a triangle at the center of which we place *the protection and dignity of the child* as the goal of these Guidelines.

PART TWO Performances

Action of the ministerial and missionary ministry in matters of protection of minors and vulnerable adults

The actions contemplated in these Guidelines are twofold: first, the actions for the prevention and detection of abuse; secondly, the intervention protocol to be observed when the existence of abuse is suspected.

2.1. Prevention and detection

2.1.1. Actions with pastoral workers

The characteristic notes of prevention in relation to pastoral workers should be inspired by the following elements:

- A pastoral care of prevention and a culture of good treatment.
- Clear and public regulations.
- Training for pastoral workers and contracted personnel.
- An ecclesial culture of transparency.
- A work of communion with the corresponding diocese.
- Involve the rest of the ecclesial organizations and movements that collaborate in the parish in protection policies.

2.1.1.1. Code of Good Practice

The Code of Good Practices constitutes a set of rules that must be mandatory knowledge and compliance by all those involved in the areas of influence indicated in 1.2.

The indications are mandatory as to their aims and objectives, leaving the means and concrete actions to the prudent judgment of the staff.

The rules are mandatory in terms of the means and actions they prescribe.

As a general principle, in order to achieve the respect and safety of minors, as well as to avoid misunderstandings and the generation of rumors, pastoral workers will always maintain an appropriate and correct treatment with minors, avoiding attitudes and behaviors that can be interpreted on the threshold of breach of trust.

a. Indications

- The pastoral agents of our provincial ministerial and missionary apostolates carry out professional or institutional work and, therefore, the persons with whom they deal trust in their good work and professionalism, which carries with it a responsibility and the need to act in accordance with this trust.
- The pastoral workers of the ministerial apostolates of the provinces shall treat all persons and minors in particular, a manner that respects their dignity, rights and physical, psychological and moral integrity.
- All pastoral workers in our ministerial apostolates should be aware of their own vulnerability and seek to be aware of it whenever possible:
 - o Team action in the evangelizing mission.
 - o The transparency and physical visibility of these evangelizing tasks.
 - o The evaluation of their work by the upper levels.
- It is necessary to be prudent, avoiding situations that may imply risks of being misinterpreted, in situations of personal interaction and, in a particular way, with respect to minors and vulnerable people.
- Dealing with minors and other persons who make up the parish community must be respectful and cordial; patient and courteous.
- Dealing with minors and families should try to generate a climate of trust and listening, both for the time spent and for the receptive attitude of the parish community.
- Displays of affection are relevant and even necessary for the proper development of the evangelizing mission. However, such manifestations should be restricted to welcome, approval, understanding, empathic listening and appreciation, avoiding any physical or verbal contact that may lend itself to ambiguities, misinterpretations or that invade the privacy of the other person.
- The verbal or body language with the minors will be the correct and the appropriate one for the generation of a dialogue and trust, but without going beyond the limits of the professional relationship.
- Corrections and reprimands to minors must be frank, respectful, and loyal, without invoking racist, anti-Semitic, or other grounds relating to ideology, religion or belief, family status, ethnicity, race, sex, sexual orientation or identity, illness, physical or mental defects, or disability.
- The information that pastoral workers receive from minors and families will be treated confidentially and in accordance with the destination that such information must have in the scope of their work, not in any other.

b. Rules

1. Pastoral workers shall avoid any kind of relationship with minors that distorts their evangelizing action and shall observe due care when the minor promotes them. Pastoral workers

of the ministerial and missionary apostolates may not take advantage themselves of their connection in order to establish personal relations with minors outside the evangelizing and catechetical action, inside or outside the parish.

2. The sentimental and/or sexual relations of pastoral workers of ministerial and missionary apostolates and the minors they care for are totally and expressly prohibited, regardless of age and sexual condition. Special care should be taken in affective relationships within youth groups, especially among young adults and minors.

3. Pastoral workers of the ministerial and missionary apostolates may not make use of the personal means of communication of minors such as their personal mobile phone, their personal email accounts, and their profiles on the social networks that they habitually use for the relationship with their relatives and friends, without there being an express knowledge and authorization (better in writing) on the part of their parents or legal guardians. For the use of the media in pastoral action, follow what is indicated in n. 5.

4. The use of electronic media to discuss confidential matters between a pastoral worker and a minor is prohibited. Such matters, if any, have to be dealt with face-to-face, as they are more appropriate and professional.

5. The impact of information and communication technologies (ICT) on the evangelizing mission has increased progressively in recent years, incorporating this type of tool at all levels of pastoral ministry. For this reason, the Order believes it is important to take all the necessary precautions in relation to the following situations:

5.1. Media and social networks:

- Pastoral workers, volunteers and contract staff should try to communicate with minors using parish accounts or web portals managed by the parish. If this is not possible, pastoral workers, with the consent of the parish Prevention Team, will create an account that is different from their personal one.
- When a message is sent to multiple minors, the means that reveals the least identity of the minors' accounts, such as a blind copy, should be used; in the same vein, a distribution list will be preferred over the creation of a group in instant messaging systems.
- If minors need to be in contact with each other by means other than the official parish means (via email, cell phone, etcetera), written permission must be obtained from the parents or legal guardians before the minors share data with each other.
- When a pastoral worker writes to a minor, the idea of including a copy (visible or not) for parents or legal guardians, a supervisor, management, or another colleague may be appropriate. This demonstrates a willingness to be transparent and correct in dealing with the child. Any message sent to a minor must be because it is relevant to the action taken in the pastoral center with the minor.
- Electronic messages to minors should, in general, be short, specific to the subject matter and related to parish activity.
- If a minor sends an inappropriate message to a pastoral worker using ICTs, the adult should not reply. Rather, he or she should print out or save it in the most appropriate form and notify his immediate superior. If the message contains something that suggests that the safety or health of the minor is at risk, he or she shall also notify the superior.
- Use of videoconferencing. ICTs today allow these means for pastoral uses and are very beneficial. Reasons of distance or availability can create the conditions in which these means are necessary. When a minor enters a video session or chat with a pastoral agent, make sure that the parents or guardians are aware and give their permission. Another adult may supervise the communication, either by being with the minor or with the adult. The rest of the above guidelines also apply here.
- Social networks. Some have very low levels of privacy and are prohibited by some institutions in some areas of work with minors. To make use of these media there must be an expressed permission from the Parish Protection and Prevention Team and these conditions must be met: at least there must be two responsible adults with access to the site; there must be frequent monitoring of their use and any inappropriate or harmful

comments must be removed; the highest privacy settings available should be used; before a minor participates in a parish-sponsored social network, written permission must be obtained from the parents or legal guardians.

5.2. Websites, blogs, and other digital platforms.

- Blogs and microblogs are public and can be accessed by anyone. They can be used for many purposes such as catechetical training, posting materials, and expressing opinions. Those who wish to use a blog in the scope of their evangelizing work in the parish or Pastoral Center for work with minors, should inform the Parish Protection and Prevention Team or the parish priest.
- The blog should be set up so that the comments are not published until they are reviewed by the owner of the blog; this prevents the publication of potentially inappropriate or harmful comments.
- Personal blogs should not be shared with minors in the scope of or through evangelistic work.
- Websites or social networking profiles used in the parish and for parish activities must be owned and controlled by the parish. Any website that purports to represent the parish must obtain permission from the parish priest or ultimate steward of the ministry.
- Sites may have links to other sites. A notice should appear on the parish website indicating that they are not endorsed by the parish.

5.3. Data protection.

The use of these technologies supposes for the ministries an additional responsibility in the measure in which personal data is processed is treated, both of minors, and of the pastoral agents that make up the ministries attended by the Augustinian Recollects. It is for this reason that, by virtue of the current regulations in force on the Protection of Personal Data, national laws establish certain measures of obligatory compliance¹⁸². As responsible for the files that collect and process the personal data of minors, parishes are obliged to:

- Obtain the consent of the interested party for the processing or transfer of his or her personal data.
- Inform them about the rights, the identity and address of the data controller and the purpose for which the data is collected (pastoral purposes, statistics purposes of the parish or diocese, etcetera.). Information addressed to minors should be expressed in a comprehensible way so that they can easily understand it.
- In the case of minors under 14 years of age, they must have parental or guardian consent for such processing or disclosure.
- Ensure that the consent of the parents or guardians is authentic.
- Do not collect from the minor, in any case, data relating to the professional activity of the parents, financial information, etcetera. without the consent of the parents who are the owners of those data. The data may only be collected from the minor's parents for the purpose of contacting them in order to request their consent to the processing of personal data.
- The ministerial and missionary apostolates have the obligation to prove that they have scrupulously complied with the requirements of informing and seeking consent. The data controller must be able to prove that he or she has carried out the task of informing the data subject and keep the support that proves that he/she has actually informed him or her.

6. Individual interviews (spiritual direction, confession, etcetera) with minors shall be conducted in the places and times customarily used, without giving rise to ambiguities arising from unusual places or times. The place will have to be a visible area (courtyard or outside corridor) or in an office where you can be clearly seen from the outside. Along the same lines, when the other types of meetings with minors take place, consisting of their stay in the parish, they will be held in places previously established and known by pastoral workers.

¹⁸². This section should be adapted in different national contexts. European legislation is taken as a reference: Law of Protection of Personal Data, Organic Law 15/1999 of 13 December.

7. It is forbidden to use the personal domicile of families and pastoral workers to have a relationship with the minors of the parish.

8. When a catechist or other pastoral workers, in the context of tutorial action formation, catechetical or other action, has to deal personally with a minor who is not of his immediate scope, but is the responsibility of another member, he shall notify the latter in advance or communicate the intervention to him as soon as possible, informing him of the fact and briefly of the content of what has been discussed (motivation and conclusions).

9. Pastoral workers shall not meet with minors during leisure time for activities not scheduled by the parish without the prior knowledge of the families and the competent authorities of the parish or missionary ministry.

10. It is forbidden to offer lodging to minors of the parish, whether in private or shared parish or non-parish facilities, or any other place where there is no supervision by at least one other adult, and never outside the scope of parish evangelization. When a member of the parish community has his or her regular living quarters in the parish, he shall absolutely avoid meeting minors in his or her room or living quarters.

11. Unfounded flattery of minors is to be avoided, as well as any exaltation of their virtues that could generate in them a relationship of dependence due to the demand for such positive reinforcements, which could be used in their own favor.

12. A minor should not be pressured by means of threats or denied by denying him or her due respect or affection.

13. It is forbidden to ask a minor to keep secrets from his or her parents, legal guardians, or pastoral coordinators.

14. A minor cannot be treated as a confidant. A pastoral worker should not reveal his or her problems or difficulties to minors.

15. Avoid giving personal gifts to a minor without parental consent.

16. In the apostolate the pastoral worker should be open to all, acting with purity of intention, and for this reason personal “fan clubs” should be avoided.

17. Physical contact with minors when alone with them is prohibited.

18. Pastoral workers should never offer alcohol or narcotic substances to minors.

19. A pastoral worker is prohibited from producing, displaying, possessing, or distributing, including by telematic means, child pornographic material, as well as from detaining or inducing a minor or a vulnerable person to engage in pornographic exhibitions.

20. When it is necessary to perform any medical treatment, as far as possible, it shall be done in a place in the presence of another minor or adult.

21. When the work of evangelization requires a personal, individual relationship between a pastoral worker and a minor, it shall be done in a space that can be controlled from the outside, either by leaving the door open, with windows in between, or by another system that allows an external supervision, even by surprise.

22. During liturgical activities, it is prohibited for a priest or other pastoral worker and a minor or altar server to stay in the sacristy, unless another adult is present, or the space is controllable from the outside.

23. In sacramental activities, especially in the sacrament of penance, make sure that confessionals can be controlled from the outside. Physical contact is prohibited.

24. The entrance into restrooms, locker rooms or any other area for the exclusive use of minors should be made by knocking on the door, greeting in a loud tone of voice even before passing by to alert of the presence of a pastoral worker, and justifying the entrance. The stay must meet the following conditions: it will be for the minimum time necessary to fulfill the reason for the entry, such as supervising the dressing of minors, helping in a jammed door, checking presence before closing or turning off lights, being a place of passage for other rooms that must be accessed, etcetera.

25. In the case of sports activities organized by the parish, the presence of at least two adult pastoral workers, including a parent, will be required. However, coaches may enter the locker rooms to give technical talks. They should enter as indicated above and will remain there for the duration of the talk and should not be alone with the players; if they are to have a private conversation, it must be in an open place or in a very accessible manner, complying with the general norms of these Guidelines. If they have to administer cures, bandages or other similar actions, they will do so in the presence of the other players or in an open place. In any case, the application of creams and gels, as well as muscle recovery contacts, shall be avoided, unless it is of extreme urgency.

26. Minors will always use the bathrooms and locker rooms assigned to their stage and time of the schedule. The pastoral workers shall ensure that this is the case and shall never invite non-compliance with this rule under any pretext.

27. Pastoral workers shall never invite a minor to use spaces for the exclusive use of the staff, nor shall they allow others to do so.

28. When a minor has to change his clothes, he/she shall do so in a place that guarantees his/her privacy, without the presence of adults. In any case, the minor must be out of the adult's arc of vision. Pastoral workers should not change their clothes in the presence of minors, but they should do so in appropriate private places.

29. When there is space in pastoral centers for overnight stays, or when you spend the night outside of these centers because the activity so provides (coexistence, retreats, camps, missions, etcetera.), the following rules must be observed:

- In dormitories of minors, the staff will never stay with the door closed if there is only one minor inside.
- When there are several minors, they shall also remain with the door open and, if this cannot be the case, the adult will never be in the toilet with another minor (the latter should leave first).
- An adult shall not spend the night in the same room or bedroom of minors (same room, tent, etcetera); if this is necessary, it shall be in the presence of another adult.

30. The transportation of minors in their own vehicles or those of the ministerial and missionary apostolates will be done with the authorization of the parents or legal guardians and with the knowledge of the Parish Protection and Prevention Team, the minors must be seated in the back seats. If possible, they should be accompanied by another adult or another minor. If possible, inform the minor's parents or legal guardians that this is being done.

All pastoral workers of the ministerial and missionary apostolates have the obligation to communicate to the competent superior, in the most reliable and prompt manner possible, of the violation of these norms.

In the activities that minors carry out outside pastoral centers, the same rules are to be respected. When other personnel from outside the parish, in an activity inside or outside the parish, carry out a catechetical or supervision of minors (example: cultural trip, pilgrimages with outside monitors, camp held in an enclosure of the province or by an external company, etcetera), the parish administration will guarantee one of the following two extremes:

- The contracted company declares that its staff has assumed the present code (by signing the contract).
- The pastoral agents of the parish who accompany the minors will supervise the activities to ensure compliance with this code.

The Parish Protection and Prevention Team shall ensure that all pastoral agents, not only those immediately below them in the hierarchy or in their charge, are aware of and comply with this code. The entire pastoral team of the parish should adhere to it in order to carry out the evangelizing mission. The substantial modifications of the same will require a new formative action of the staff and new assumption.

c. Exceptions to the Code of Good Practice

The specific nature of each ministry, as well as the varied circumstances that may arise, make it necessary to contemplate exceptions to the code of conduct. One such exception, however obvious, is the case of pastoral workers whose children are minors and have a catechetical instruction in the parish. Some others are listed below.

c.1. Catechesis of Christian Initiation. In the case of places where there is catechesis of religious awakening (6-7 years), even with older children, it may eventually occur the assistance in cleaning or personal hygiene of children. Examples are the cleaning of a child who has not controlled sphincters, or the presence of mixed bathrooms in the classrooms of these stages. For these cases, the exception to the rules that would apply and prevent this assistance may be contemplated. However, all other rules that do not have to be exempted to perform such work, such as having the door open, the staff assigned for such work and informing parents or legal guardians must be met.

c.2. Use of ICT for communication in pastoral activities. This is usually the case for pastoral and/or catechetical activities. Another case is excursions or pilgrimages. Some current free instant messaging systems for mobile phones, which allow group communications or the use of distribution lists, are extremely useful tools. There are also social networks for these purposes, which can fulfill the same function if the minors have terminals that allow bidirectional messages. This is the case of WhatsApp, Telegram or Twitter profiles that are created for youth groups.

In any case, if, despite this, it is deemed necessary for reasons of effectiveness to use the minor's data (cell phone, email, etcetera), the following procedure should be followed:

- Obtain permission from the parish to proceed to do so.
- Obtain written permission from the parents or legal guardians authorizing the monitor or person who is going to use them. This authorization could be done in the same activity registration form. Each parish will develop its model in this regard, using the criteria of efficiency and agility.
- Consult with the data protection officer of the parish.
- Cease using the data of the minors and destroy them as soon as the activity ends for which they were collected and leave a record for this.

2.1.1.2. Appointment of Pastoral workers

In recognizing the responsibility of pastoral workers in the quality of formation, the importance of the mechanisms for the appointment and training of the entire human team involved is recognized.

These Guidelines aim to reinforce these mechanisms and to regulate catechetical action to promote the safety and well-being of minors.

a) Appointment Criteria

The criteria for the appointment of pastoral workers for the parochial and missionary ministries entrusted to the Augustinian Recollects will take into account those already established by the province, by the Episcopal Conferences and by the dioceses, ensuring that the candidates meet the suitability for the protection of the minor sought by these guidelines.

Qualification criteria will be given for the integral profiles of each position, which are to be reinforced so that the candidates guarantee their performance with empathy, capacity for teamwork, psychological and emotional balance, as well as implicit coherence with the ecclesial task entrusted to them.

Therefore:

1) Any acceptance of a person as a collaborator in the parish or missionary ministries shall be carried out in accordance with the requirements of international child protection law and the requirements of the human profiles of pastoral workers required by Episcopal Conferences and dioceses.

Article 5§3 of the Council of Europe Convention for the Protection of Children against Child Exploitation and Sexual Abuse (hereinafter the Lanzarote Convention) stipulates that a candidate who has a mission that puts him in regular contact with children *“has never been convicted of acts of sexual exploitation or abuse of children”*. Provincial communities extend this requirement to all other forms of significant abuse.

2) The parish that accepts the candidate as a pastoral worker undertakes to obtain all available information and to take the necessary steps to verify and respect these requirements during the time that the pastoral worker renders his services to the parish.

[The following paragraph, will need to be adapted to the reality of the country and province concerned]

(3) The candidate shall undertake to provide all information regarding his or her criminal record¹⁸³. In any case, the guidance provided here, in compliance with the provisions of section 5 of article 13 of Organic Law 1/1996, of January 15, on the legal protection of minors (modified by Law 26/2015, of July 28, 2015 amending the system of protection of children and adolescents¹⁸⁴); *“it shall be a requirement for access and exercise to professions, trades and activities that involve regular contact with minors, not to have been convicted by a final sentence for any crime against sexual freedom and indemnity, which includes sexual assault and abuse, sexual harassment, exhibitionism and sexual provocation, prostitution and sexual exploitation and corruption of minors, as well as human trafficking. To this effect, anyone seeking access to such professions, trades or activities must prove this circumstance by providing a negative certification from the Central Registry of Sex Offenders.”*

Consequently, any pastoral worker who seeks access to and exercise of any activity that involves regular contact with minors in any ministerial and missionary apostolate belonging to the province, as part of the Order of Augustinian Recollects, must provide the negative certification of the Central Registry of sex offenders of the Ministry of Justice¹⁸⁵. In the event that the legislation of the country does not have this certificate of criminal record in sexual nature, the candidate for pastoral worker must sign an affidavit of not having such a record¹⁸⁶.

4) The candidate adheres to and signs the objectives described in these Guidelines for the Protection of Minors, thereby committing himself/herself to their strict compliance in the commitment contracted with the parish or in the adhesion document in other cases¹⁸⁷.

183. This requirement is already mandatory in some countries. However, the legislation in force must be taken into account, adapting this paragraph to the specific national reality.

184. This requirement is already mandatory in some countries. However, the legislation in force must be taken into account, adapting this paragraph to the specific national reality.

185. Id.

186. See criminal history form page 145.

187. See volunteer staff form page 144.

The provisions of these Guidelines also apply to the personnel of external companies that subcontract services with the ministerial and missionary apostolates of the province affected by the same, being obliged those in charge of them to bring these Guidelines known to the personnel and request their adherence and signature, especially when said personnel have to deal with minors¹⁸⁸.

b) Controls

Pastoral workers, workers, and collaborators of the ministerial and missionary apostolates of the province must submit to the various control mechanisms and measures provided for by the legislation and regulations in force in the country and those established by the Dioceses and/or the Episcopal Conferences.

2.1.1.3. Formation

The formation plans of the ministerial and missionary apostolates of the province – as well as its organs and collaborating personnel – will include formative actions aimed at the formation of pastoral workers in their didactic training and, also, in their personal dimension. In this second line, the formation plans must also foresee, together with other objectives that they have already assumed, the development of a training of pastoral workers, in the following fields:

- Empathy and ability to listen to minors.
- Training and emotional management of minors and of the teacher himself.
- Training for the formation of minors in affective and sexual issues.
- Sexuality from the point of view of Catholic doctrine.
- Positive vision of human relationships, to help minors develop their own criteria to help them assess the health and correctness of human relationships in which they are immersed.

In relation to child abuse, pastoral workers must receive training that includes the following aspects:

- Typology of child abuse.
- Knowledge of the most common physical, behavioral, and other indicators of child abuse (physical and emotional abuse, physical and emotional neglect, sexual abuse, bullying).
- Criteria for the detection of possible cases, especially in the family environment.
- Basic knowledge of questionnaires for detection.
- Preventive actions with minors in the different types of maltreatment.
- Training to develop with minors the actions included in these Guidelines.
- Continuous formation in child psychology and psycho-affective consequences of malpractice on child development.
- Knowledge of good catechetical and organizational practices that improve the well-being of minors in all its dimensions.

Training proposals for pastoral workers include: the E-Learning program for the prevention and protection of minors and the diploma course on the protection of minors, both from the *Centre for Child Protection* of the Pontifical Gregorian University; the diploma courses and courses both face-to-face and online, of the Center for Interdisciplinary Research and Training for the Protection of Minors (of CEPROME) of the Pontifical University of Mexico, and of the Emmaus Centre of the Philippines; the UNIPSI training proposals of the Comillas Pontifical University. Finally, as a result of the collaboration of ARCORES and the EDUCAR network, we propose a series of formative workshops¹⁸⁹ adaptados a la realidad ministerial y misional dirigidos a menores, agentes de pastoral y familias que forman parte de nuestros apostolados.

¹⁸⁸. See form for contract staff page 143.

¹⁸⁹. For more information on the implementation of these training workshops contact the technical office of ARCORES international: info@arcORES.org

2.1.2. Actions with minors

a) Prevention. Prevention activities with minors have the mission of minimizing the possibility of abuse cases occurring. However, the possibility of their occurrence is not null and void and, therefore, the existence of procedures that can serve as detectors of a possible case of abuse makes sense.

The elements of prevention with minors that should be part of an effective protection policy are:

- Clear regulations and written statements.
- Prevention activities to equip minors with strategies.
- A transparent internal protection policy.
- Involve all other church groups that collaborate in the parish and in the parish's child protection policy.
- Creation of safe environments in the parish environment.
- Implement a Child Protection and Prevention Team in the parish.

The preventive actions to be carried out with minors will be differentiated by catechetical stages and will take into consideration the evolutionary development of the minors. These actions will be gathered in the following points:

- Conducting workshops or other activities that can be used to detect possible cases.
- Use of materials adapted to their age and designed to prevent child abuse, with particular attention to sexual abuse.
- Training of minors to reduce their vulnerability by providing them with knowledge, discrimination, and defense skills.
- Use of materials specially designed for this age group to help children distinguish between appropriate and inappropriate treatment by adults.

The training work with minors will be carried out preferably by pastoral workers whether with or without the help of other professionals who prepare them for it. On the other hand, affective-sexual education actions will be carried out by external specialists or by the center's personnel, with prior training to enable them to do so. Intervention in these fields should be avoided without prior training or advice.

Work of the pastoral worker

The work of the pastoral worker, especially the catechist, who has a close knowledge of the personal and family situation of each minor, is an area especially suited to serve as a prevention of abuse. When catechists become aware of alleged child abuse, they will diligently inform the parish Protection and Prevention Team so that they can take the necessary measures according to what is stipulated.

Work from the Parish Protection and Prevention Team

The Parish Child Protection and Prevention Team will program the actions to be carried out, will advise, and manage the elements for the correct prevention of child abuse in the parish, providing those responsible for minors and their families with the necessary resources to do so. Help will be provided by external persons and/or institutions when necessary.

b) Detection. By detection we mean the discovery, through the collection of signs of or evidence, of the possible existence of a hidden case of maltreatment. In most cases, the detection of child abuse in general, and sexual abuse in particular, occurs because the minor informs someone that it is happening. These people may be family members or a catechist. At other times, they refer it to peers. In the case that any member of the parish becomes aware of the existence of the abuse, even if it is only circumstantial, he or she proceed as set forth in these guidelines.

In the case of minors, the condition of abused sometimes generates feelings that lead to silence about what has happened, and other symptoms that alert caregivers to what is happening. Such symptoms can be somatizations, nightmares, phobias, drawings with unusual signs in children who do not suffer abuse, stories that derive in unusual topics and that could indicate the existence of maltreatment, etcetera. To detect these more silent cases, measures to detect maltreatment are required. These measures must be inserted in pastoral actions that do not have as their first mission the detection of abuse, but that include activities that can bring it to light.

Rumors may also circulate that indicate the existence of mistreatment or sexual abuse. When such rumors come to the attention of any member of the parish, immediate action should be taken he or she must act immediately in accordance with these Guidelines.

The catechetical setting is a privileged place for observing behavior or risk indicators of minors. In this sense, the catechetical context plays an important role in detecting possible situations of lack of protection. For this, it is necessary that pastoral workers know the signs or indicators of the possible situations of risk of the minor. These are:

PHYSICAL INDICATORS: Inappropriate clothing for their age and the season of the year, inadequate food, lack of hygiene, frequent wounds, injuries in the genital area, physical fatigue, burns, bites, etcetera.

BEHAVIORAL INDICATORS: Caution before physical contact with adults, sign of sadness, elusive behavior, lack of relationship with peers at recess, aggressiveness, passivity, behaviors, knowledge of and sexual statements inappropriate to the child's age, hostile and distant relationships, antisocial behavior and aggressiveness, absenteeism, petty theft, repeated reports of discipline. He appears tired in class.

ACADEMIC INDICATORS: sudden changes in their performance, attention problems, learning difficulties, delay in their physical, cognitive, or emotional development, lack of motivation, language disorder.

FAMILY INDICATORS: the child's concern for the information given to the family by the parish; absence of parents. Difficulty sleeping or frequent nightmares. They do not care about the education of the child. They use a discipline that is too rigid and authoritarian.

Work of pastoral workers

Catechists should pay special attention to physical and behavioral indicators of different types of abuse. If they observe the presence of these indicators, they should consider using screening questionnaires.

On the other hand, the minor-catechist relationship is called to constitute an area of special trust for minors. For this reason, a climate of trust and communication must be generated in this relationship that provides the child with a channel for expressing personal situations, knowing the he or she will be listened to confidentiality, but at the same time he will find the necessary help.

Work from the Parish Protection Team

The Protection Team will have the mission of supporting the parish priest and pastoral workers in the development of the actions with minors, families, and catechists of these present Guidelines. It will be assisted by external persons and /or institutions when necessary.

They should develop simple tests or questionnaires, easy to apply by catechists, so that they themselves can help distinguish the symptoms of abuse from others that need to be. In the same vein, it will have foreseen the protocol of action in cases of detection of abuse. It shall have contact with the social services, the Minors Group of the National Police, or any other institution in charge of the protection of minors, in case it is necessary. In the same way, within its already usual collaboration in the orientation tasks and the PAT, it will help in the management and in the preparation and development of the training actions foreseen in

these Guidelines.

2.1.3. Actions with families

a) Prevention and detection. Prevention and detection in the family environment is crucial to prevent abuse from occurring. The family is the most trusted environment of minors, so it is there where a victim can more easily report a possible case of abuse if it occurs outside the family environment.

At the same time, it allows active prevention in the family environment in which situations of abuse sometimes occur. From the parish, the prevention work has to consist in enabling families to:

Establish positive relationships among its members.

- Help to understand the phenomenon of child abuse in general, covering all its types.
- To help create a climate that allows for effective communication to prevent abuse and, if it does occur, to detect and communicate it as soon as possible.

The parishes will offer annual training to families on child abuse, covering all its dimensions and types. It is advisable that the training given to parents who participate voluntarily, should be done in stages.

b) The Work of pastoral workers

- Facilitate information to families by fostering a climate of trust between catechists, families, and minors.

c) Work of the Parish Protection Team

- Coordinate the actions of information and training to families on the subject of mistreatment.
- Adaptation of protocols for the detection of abuse to the specific situations of minors.

2.2 Intervention

2.2.1. Intervention protocol in case of maltreatment

Article 19 of the United Nations *Convention on the Rights of the Child* of 20 November 1989: *"1. States Parties shall take all appropriate legislative, administrative, social, and educational measures to protect the child against all forms of physical or mental harm or abuse, neglect or negligent treatment, ill-treatment, or exploitation, including sexual abuse, while the child is in the care of the parents, a legal guardian or any other person who has the care of the child.*

2. Such protective measures should include as appropriate, effective procedures for the establishment of social programs in order to provide the necessary assistance for the child and those who have the care of the child, as well as for other forms of prevention and for the identification, reporting, referral, investigation, treatment and follow-up of the above-described cases of child abuse and, as appropriate, judicial involvement."

a. Objective

The purpose of this protocol is to establish common and publicly known guidelines for action in cases of suspected and/or confirmed child abuse within the ministerial and missionary apostolates of the province. It is a complementary tool, distinct from the procedures for the prevention and detection of abuse but managed and interpreted within a general framework for integral protection of minors within those institutions.

Then present protocol is intended to establish clear and common norms of action for all those members of the parish community who detect or suspect the existence of child abuse.

b. Guiding principles that should regulate the application of the protocol for action in case of abuse

- 1) All action taken in application of this Protocol should be governed and guided by the BEST INTERESTS OF THE CHILD.
- 2) The intervention in cases or suspicions of ill-treatment of a minor should be given the highest PRIORITY AND SPEED by those responsible for its management and by anyone else who has knowledge or suspicion of the fact.
- 3) The CONFIDENTIALITY of the process must be guaranteed in order to preserve the privacy and integrity of the minor, as well as to respect the constitutional principle (or rather be democratic, principle, as it will be applied in different countries) of presumption of innocence and to make it compatible with the strictest transparency and diligence in the management of the process.
- 4) From the initial moment, the FAMILY must be informed of the fact detected, except in justified cases of suspicion of mistreatment within the FAMILY. At the same time, and according to the extent of the abuse, the competent judicial, administrative and health authorities must be informed.
- 5) The present is protocol must be PUBLIC and of obligatory knowledge of all the religious of the Order and to all those people who are part of the parish communities: families, minors, pastoral agents, catechists, monitors, volunteers, and other related persons.
- 6) In each territorial area and objective of application, the indication of abuse will be communicated to the different RESPONSIBLE AND MANAGERS, previously designated, to deal with situations of mistreatment. This does not preclude the maintenance of the responsibility, during all phases of the process, of the adult who has made known or suspected, due to his or her relationship with the child, of the existence of maltreatment.

c. Action to be taken upon the suspicion and/or knowledge of maltreatment

- Any person, member of the parish community who has knowledge or mere suspicion of a situation of mistreatment must immediately report the fact to the competent authorities, duly identified in the organization chart publicized in the various ministerial or missionary apostolates of the Order.
- This communication does not exempt pastoral workers from watching over the minor, following the process, and verifying and guaranteeing that the opportune measures are adopted for the protection of the minor and the denunciation of the fact to the competent authorities.
- In case of suspicion, due to the nature of the mistreatment, of the commission of a criminal act, the judicial and police authorities should be informed immediately, and the necessary measures should be taken to guarantee the stability and tranquility of the minor.
- Likewise, if injuries are found to exist, the minor must be taken urgently to the health center; except for the urgent stabilization measures that may be indispensable, the minor must NEVER be attended, diagnosed, or treated by health personnel that may be assigned to the center itself.
- Upon receipt of a report of suspicion, the competent authority shall prevent the continuation of the crime and temporarily remove the alleged perpetrator from the pastoral exercise.
- If there is one, the Parish Prevention Team is obliged to issue a report on the overall situation of the child and the measures to be adopted, within the scope of its competencies, to channel the problems raised and determine the needs for immediate attention. This action will have a preferential and urgent character over any other action being carried out by said team.

- The reporting of suspected abuse is obligatory for every member, worker, or collaborator of the ministerial or missionary apostolates of the province.
- It is not the responsibility of the parish to judge or conclude on the real existence of the abuse in those cases that the facts denounced constitute a crime.
- In cases of minor mistreatment, without criminal relevance, those responsible for the parishes of the province will seek help and advice, if justified, from the Social Services of each locality.

d. Follow-up

In each parish or ministerial or missionary apostolate, a Child Protection and Prevention Team will be formed, which will have the primary objective to ensure compliance with all the measures implemented for the protection of the abused minor or vulnerable adult, and the extreme diligence of the members of the parish community in this regard.

e. Organizational Chart and Hotline numbers

This competency organization chart should be specified in each country, designating the people responsible for each ministry and the telephone numbers of interest. The following model is offered:

Ministerial and missionary apostolates of the Province
_____ at _____ (country)

- Name of the ministry and name of the person in charge or parish priest (add in the list all the ministries and responsible persons).

Telephone numbers and addresses of interest:

- Juvenile Prosecutor's Office: (include telephone number)
- Police: (include phone number)
- Duty Court: (include telephone number)
- Child Protective Service: (include phone number)
- Prevention and Family Support Service: (include telephone number)
- City Hall Social Services: (include telephone number)
- Other:

2.2.2. Parish Prevention Team

a. Constitution, nature and members

- The Parish Prevention Team is a body dedicated to the animation, guidance, and formation on the protection of minors and vulnerable people in the pastoral context. It will have a consultative status.
- The Provincial Commission for the Protection of Minors will be in charge of supervising the appointment and functions of the persons who are part of this Parish Team. The appointment will be made from the Provincial Commission for the Protection of Minors at the proposal of the Parish Council.
- The Team will be formed by at least three members who shall receive adequate training for the fulfillment of their functions. As references for the performance of its functions, it will have the Commission of Protection of Minors of the province and the Commission for the Protection of Minors of the Order, dependent on the Prior General.
- The Team will be integrated into the organizational structure of the parish in the most convenient way (it is suggested that its members be part of the Parish Council or similar body).

b. Purposes

The team will have three purposes:

1. ANIMATION: To make known the Guidelines for the Protection of Minors of the ministerial and mission apostolates of the province and to guarantee their compliance, ensuring that:
 - a) All persons linked to the evangelizing activity are aware of the said document, adhere to it and give their conformity by signing it.
 - (b) All persons involved in the ministerial and missionary apostolates of the province put into practice the Guidelines for the protection of Minors.
 - c) These Guidelines are disseminated through all the supports and means of communication of the ministry.
2. GUIDANCE: To assist in case of a situation of maltreatment.
 - a) The Team will inform those affected in such a way that all allegations of mistreatment and all complaints can reach the appropriate instances.
 - b) It will have a mission of accompaniment: issuing an opinion on the acts committed and, on the aid, granted to the victims.
3. FORMATION: To promote spaces for growth and formation on the prevention of abuse within pastoral contexts.

The proposed update will be submitted to the Provincial Commission for the Protection of Minors.

c. Reporting and Confidentiality

The information related to the possible violation of the Rights of the Child within the ministerial and missionary apostolates of the Order will be treated with confidentiality, without prejudice to the collaboration with the competent administrative, social, health and / or judicial authorities, in the development of the procedures of denunciation and assistance officially foreseen for according to the Law.

The Team will inform the Provincial Commission for the Protection of Minors of any situation brought to its attention and the steps taken.

The Team will prepare an annual report on its activities, which will be submitted to the Provincial Commission for the Protection of Minors.

Guidelines for the prevention and protection of minors and vulnerable persons in educational centers of the Order of Augustinian Recollects

PART ONE

Doctrinal Principles

1.1. Introduction

The respect and promotion of the dignity of the person, human rights and, among them, the rights of the child are basic principles of the actions of our educational centers. To these are added, as a particular way of understanding and/or basing them, the lines marked in the *character* of our centers, of the national and international legal system and of the social sensitivity that exists in relation to child abuse. As far as the legal system is concerned, the *United Nations Convention on the Rights of the Child* establishes the principle of the best *interest of the child*, which is the basis of these guidelines.

In the interest of promoting this interest, the Augustinian Recollect family tries to ensure that children learn to be, being educated in interiority, freedom and truth; and that they learn to love and share, through an education in friendship, community and solidarity. This positive dimension of education requires, for its full development, that the recipients of education be free from those circumstances that impede their personal growth and endanger their well-being. Forms of mistreatment are an impediment to working on these dimensions. Without an environment of physical and emotional well-being, it is difficult for the person to mature and learn to be and share. All this has a special impact on the pastoral reality of our educational centers, where the Gospel principles are the starting point.

In many countries, the public authorities have legislated with the intention of promoting the development of children and protecting them from dangers. For example, Spain's Organic Law 1/1996 of January 15, 1996, on the legal protection of minors includes the obligation to report and provide immediate assistance. Article 13 establishes the obligations of citizens and the duty of confidentiality: *"Any person or authority, and especially those who, due to their profession or function, detect a situation of risk or possible neglect of a minor, shall inform the authority or its closest agents, without prejudice to providing the immediate assistance required"*. For their part, the autonomous communities have established their own regulations in this area.

In another order of things, also in the Spanish context, Royal Decree 732/1995 on the Rights and Duties of the students establishes that *"the educational centers will be obliged to keep confidential all the information they have about the personal and family circumstances of the student. However, the centers will communicate to the competent authority the circumstances that may imply ill-treatment of the student or any other breach of the duties established by the laws for the protection of minors"* (article 18).

This guidelines document and its implementation are complementary to the other social, moral, religious, educational and family controls that must exist in the different countries. In particular, this document aims to expand the mechanisms provided for in the internal regulations and other plans in use, such as the coexistence plan (which generally includes protocols for action in the case of abuse among peers), school self-protection manual, telematic conduct manual, etc. The facts have shown the need for the implementation of a prevention plan and code of conduct to help the various institutions, and in particular, educational centers, in dealing with child abuse, especially that which occurs from an adult to a minor, among other cases when it is an attempt against their sexual freedom.

Within the scope of the legal system, maximum intervention or protection is advocated when dealing with persons susceptible to manipulation due to their immaturity or incapacity. This principle of maximum intervention justifies these Guidelines and must guide any activity with minors, where diligence is the success factor in protection.

This objective requires us to find the best people within our reach to educate and care for our children. This justifies the care we take in the selection process of our employees. Along with this proactive aspect of selection, we must be diligent in the selection and hiring of people in order to minimize the contingencies of child abuse, in a double sense: negative, that is, that the candidate does not show signs that suggest that he/she could present the profiles of an abuser; positive, that he/she is a responsibly active person with personal qualities that allow him/her to play a decisive role in the protection of minors. This aspect justifies the measures that can be introduced in the selection processes of the personnel, labor or not, of our educational centers.

In the same line, as Titular Entity of the educational centers, the provinces and vicariates of the Order, ultimately responsible for the educational works, must see to it that the work is carried out in a coherent manner. It will put the means within its reach to prevent, detect and, when necessary, give the adequate treatment to the suppositions that could exist of child abuse. This requires the establishment of not only preventive measures, mainly codes of conduct and training, but also detection and intervention in cases of child abuse in relation to students and staff of schools.

Given the general nature of these Guidelines, they will be applicable to the entire educational reality of the province or vicariate, taking into account that it is in these areas where there is a clearer connection with children and adolescents.

This document of orientations has as a reference the Spanish legislation in the European context. It will be the task of each of the geographical areas of the provinces and vicariates to adapt it to their respective realities, terminologies and legislation.

1.2. Areas of application of the Guidelines

These Guidelines are applicable to the following areas of influence:

- Educational centers in academic and extracurricular settings.
- Pastoral and catechetical activities during the academic year and during vacation periods: retreats, camps, pilgrimages, retreats, etc.
- Volunteering and collaborations.

1.3. Declarations

The Order of Augustinian Recollects promotes persons in their inalienable dignity by accompanying and promoting their integral development:

- All interventions are based on the concept of the person developed by Christian and Augustinian humanism:
 - A being with an end in itself.
 - Subject to inalienable rights and duties.
 - Free and, therefore, responsible.
 - Rational and relational being.
 - On an equal footing with others.
 - In a continuous process of personal and social construction.
- The mission of the Augustinian Recollects in education is based on the philosophical and pedagogical principles described below.

1.3.1. Philosophical-pedagogical principles and purpose of Augustinian Recollect Education

Our Proper Character defines the apostolate of the Order of Augustinian Recollects, concreti-

zed in the MISSION, VISION, VALUES and IDENTITY.

a. Mission

The educational mission of the Order of Augustinian Recollects, as an integral part of the Church (*Vita Consecrata*, 96), consists in the integral education of the person as a proposal to society in order to tend to the great common project in which we all feel as brothers and sisters (*Vita Consecrata*, 79). We want to develop this mission from the values of the Gospel and from a Christian humanist project.

The ultimate reason for our presence in the educational world is to provide a service to society that fosters an environment of evangelization (humanization of persons and structures; faith-culture dialogue; transmission of Augustinian Recollect Christian values).

Our motto is LOVE AND SCIENCE (SAINT AUGUSTINE, s. 53, 15: “*supereminentem scientiae caritatem Christi*” -Eph 3, 17-19-); Educate the mind and the heart.

b. Vision

We want to be educational communities that, in a dynamic and meaningful environment, are inspired by Augustinian pedagogy and Recollect spirituality, allowing the student:

- acquire the necessary competencies for life,
- to build a more fraternal and supportive society,
- with the objective of being happier persons

c. Values

The values that characterize our educational style are inspired by the life journey and doctrine of St. Augustine and respond to the deepest aspirations of the human being: interiority, truth, freedom, friendship, community and justice in solidarity.

d. Identity

In short, the living of Augustinian values, the joy of living and living together, solidarity, responsibility, openness to transcendence, technical and ethical quality, pedagogical innovation and transparency constitutes the binding elements of our own character.

1.3.2. An integrated and interdisciplinary approach to child protection commitments

The present Guidelines, in accordance with BICE’s approach, are based on three dimensions: children’s rights, resilience and spirituality. Together, these three points of view form a solid and coherent basis for the protection and promotion of children’s rights.

These three components and the way in which they complement each other constitute the approach that inspires our actions. All organizations are invited to build a protection policy based on their own values of respect and defense of children’s rights..

a. Right

The protection of children is, above all, a right that educational communities - as well as their organs and collaborating personnel - have a vocation and a mission of their own, especially through their active participation in the development of the universal legal framework in favor of children’s rights.

According to the preamble of the Convention on the Rights of the Child: “*the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth*”.

Within the framework of an internal child protection policy, the protection of children against all types of abuse is, above all, a right that parents, educators and professionals have the obligation to ensure.

b. Resilience

The educational communities of the Order - as well as its organs and collaborating personnel - are interested, by their principles, in all children but more particularly in the most vulnerable and in their well-being. How can we positively support these vulnerable children in their development? What can we learn from them? We are in search of a life dynamic that has been tested in real life. It is about observing in facts how children and their environment seek and find their well-being in a very complex situation. This life dynamic is called resilience. In this way, resilience can be thought of as the **ability to grow through great difficulties**. However, it is a notion that must be progressively appropriated.

Resilience is a concept of development that is richer than a simple resurgence. It implies looking at reality with different eyes, with a perspective that consists in seeing the problems with lucidity, looking at, at the same time, for the positive points and resources that can be mobilized, if necessary, even outside the framework of the educational staff. These positive points must not be perfect, but they are necessary to be able to rebuild a life, beyond simple recovery.

This change of perspective also implies never reducing a child or a family to their difficulties. A diagnosis cannot be limited to the problems, but must contain the positive aspects, including the resources of the child, the family or the child's environment that will allow us to rebuild his or her life. BICE believes in the child's ability to assume his or her responsibilities, which is why it encourages dialogue and listening. As Korczak wrote in 1899: *"children will not become people, they already are"*.

c. Spirituality

Spirituality is a deep exploration of life. It is an important element because it always invites us to go beyond appearances and the material limits of our life. It helps us to seek real values and not the various pseudo-values or idols of society, such as money, prestige, power, the desire to control everything. It allows us to remain open to beauty, to solidarity, to volunteerism, to simplicity.

All this takes on even more importance from our Augustinian Recollect spiritual tradition, which has its roots in St. Augustine and is based on interiority, community and apostolate. From there it seeks to respond to the needs of the Church following Jesus Christ as the only Master.

In line with BICE, we offer some points of orientation regarding spirituality that should be adapted to most situations:

- We remain open (with children and adults) to the deep exploration of life, searching for fundamental values, such as beauty, respect, solidarity, volunteerism, trust without naivety, simplicity, search, encounter with transcendence, etc.
- This exploration must be carried out without forcing consciences, in a non-sectarian manner, since all forms of sectarianism, religious or secular, sooner or later go against life.
- This exploration is done with respect for the child's convictions, without proselytism.

The challenge of carrying out this exploration is not easy, knowing that the position of each adult has an influence on the child, be it religious, philosophical, atheistic, agnostic, including the fact of not proposing anything with the illusion that the child will have more freedom to choose for him/herself.

Several elements can help us in this exploration:

- Children's artistic expression.
- Discovering beauty in everyday life.
- A well-accompanied walk in a natural area.
- Giving children responsibility for a garden, an animal, an object or other children.
- Building on their basic faith in an open way, etc.

d. Three complementary approaches in the search for respect for the best interests of the child

The three perspectives analyzed have a clear interrelationship and effective application. First, the normative framework and resilience are intimately related. The normative approach consists of defining criteria, establishing standards that must be respected to ensure the well-being of the child, while the empirical approach consists of observing, first of all, the facts that show us what seems to contribute to the well-being of children, or at least to a better being. The legislative framework gives objectives to be achieved in order to guarantee the basis of well-being, without indicating the concrete path to follow in the child's development and life. But the dynamics of life and the normative framework complement each other. Respect for the *Convention on the Rights of the Child* has in many cases contributed to the resilience and well-being of the child. The CRC must be combined with a life dimension, otherwise it is a dead letter. Rights and resilience must therefore complement each other.

So resilience is in some ways a spiritual concept since the discovery of meaning can be a key element of spirituality. The acceptance that life is made up of good and bad things is also a part of spirituality. Concretely, it can be said that everything that binds a person in a positive way to life can contribute to the discovery of meaning in life: positive encounters, the beauty of nature or man-made beauty, responsibilities, a non-sectarian faith.

Finally, resilience and spirituality encourage us never to limit children's rights to a mechanism to be applied without further ado, but on the contrary, they stimulate us to see them as a path towards the child's dignity. They make us reflect on the fundamental values that inspire life, human dignity and rights.

Together, these three approaches can be represented by a triangle at the center of which we place the protection and dignity of the child as the ultimate goal of these Guidelines.

PART TWO Actions

Actions taken by educational centers for the protection of minors and vulnerable adults

The actions contemplated in these guidelines are twofold: firstly, actions for the prevention and detection of abuse; secondly, the intervention protocol to be observed when abuse is suspected.

2.1. Prevention and detection

2.1.1. Actions with personnel

The characteristic notes of prevention in relation to personnel must be inspired by the following elements:

- A safe and reliable human resources policy.
- Clear and written regulations.
- Training for personnel.
- A transparent internal protection policy.

- Involve the rest of the organizations and partners working in the center in the center's protection policy.

These principles shall apply to teachers in educational centers, pastoral agents in educational contexts, personnel in sports activities and any other person in contact with minors in any of the Order's educational centers.

2.1.1.1. Code of Best Practices

Aware that education professionals often do not have sufficient preparation and training, both theoretical and practical, to deal with such sensitive issues as these, it is necessary to establish guidelines to help us avoid situations in which the aforementioned vulnerability is exacerbated. It is in this spirit that the present set of rules and indications that the personnel of our centers must foresee must be understood.

This code of conduct constitutes a set of these indications, rules and recommendations, which must be known and complied with by all personnel. It has its own entity within the strategy foreseen in these Guidelines and, therefore, can be treated and implemented independently from the rest of these Guidelines.

The indications are obligatory in terms of their aims and objectives, while the specific means and actions are left to the prudent judgment of the personnel.

The rules are mandatory in terms of the means and actions they prescribe.

As a general principle, in order to achieve the respect and safety of minors, as well as to avoid misunderstandings and the generation of rumors, the staff of the educational center will always maintain an appropriate and correct treatment with minors, avoiding attitudes and behaviors that could be interpreted on the threshold of abuse of trust.

a. Indications

- The personnel of the Order's educational communities carry out professional or institutional work and, therefore, the people with whom they deal trust in their good work and professionalism, which carries with it a responsibility and the need to act in accordance with this trust.
- The personnel of the educational communities of the Order shall treat all persons, especially minors, in a manner that respects their dignity, rights and physical, psychological and moral integrity.
- All the personnel of the educational communities should be aware of their own vulnerability and seek whenever possible:
 - o Team performance in educational tasks.
 - o Transparency and physical visibility of these educational tasks.
 - o The evaluation of their work by the higher levels
- It is necessary to be prudent, avoiding situations that may involve risks of being misinterpreted, in situations of personal interaction and, in particular, with regard to minors.
- The treatment with minors and other people who form the educational communities must be respectful and cordial; patient and courteous.
- Dealing with children and families should try to generate in them the feeling of being listened to in a climate of trust, both for the time dedicated and for the receptive attitude of the centers' personnel.
- Displays of affection are relevant and even necessary for the proper development of the educational work. However, such manifestations should be restricted to welco-

ming, approval, understanding, empathetic listening and appreciation, avoiding any physical or verbal contact that may lend itself to ambiguities, misinterpretations or invade the privacy of the other person.

- Verbal or body language with minors shall be correct and appropriate for the generation of a climate of dialogue and trust, but without going beyond the limits of the professional relationship.
- Corrections and reprimands to minors must be frank, respectful and loyal, without invoking racist, anti-Semitic or other motives referring to ideology, religion or beliefs, family situation, belonging to an ethnic group, race, sex, sexual orientation or identity, illness, physical or mental defects, or disability.
- The information that the staff receives from students and families will be treated confidentially and in accordance with the destination that such information must have in the scope of their work, not in any other.

b. Rules

1. The personnel of the center will avoid any type of relationship with the minors that distorts their educational action and will observe due care when the minor promotes them. The personnel of the educational communities of the Order will not take advantage of their relationship to establish personal relationships with minors outside the educational and formative action, inside or outside the center itself.

2. Sentimental and/or sexual relations between personnel of the educational communities of the Order and minors of the same, regardless of age and sexual condition, are totally and expressly prohibited.

3. The personnel of the educational communities of the Order may not make use of the personal means of communication of minors such as their personal cell phones, their personal email accounts and their profiles in social networks that they habitually use for relationships with their family and friends. If for any reason derived from an educational action this is necessary, parents or legal guardians and the center will be informed, informing the reasons for doing so, seeking their written approval and ceasing the use of such communication channel as soon as the circumstance that originated it ends. This exception will always be punctual.

4. The use of electronic media to discuss confidential matters between an adult at the center and a minor is prohibited. Such matters, if any, must be dealt with face-to-face as more appropriate and professional.

5. The impact of information and communication technologies (ICT) in educational processes has increased progressively in recent years, incorporating this type of tools at all levels of education. For this reason, the Order believes it is important to take all necessary precautions in relation to the following situations:

5.1. Media and Social Networking:

- Teachers and staff members should attempt to communicate with students using school accounts or web portals managed by the school. If this is not possible, staff will create an account that is distinct from their personal account, with the knowledge of school officials.
- When a message is sent to several minors, the means that least reveals the identity of the minors' accounts, such as blind copy, should be used; in the same vein, a distribution list should be preferred to the creation of a group in instant messaging systems.
- If it is necessary for minors to be in contact with each other by means other than the school platform (via email, cell phone, etc.), written permission must be obtained from parents or legal guardians before students share data with each other.
- When a staff member writes to a minor, the idea of including copy (visible or not) for

parents, a supervisor, management or another colleague may be appropriate. This demonstrates a willingness to be transparent and correct in dealing with the child. Any message sent to a child must be because it is relevant to the action developed in the center with the child. Keep in mind that adolescents often see electronic communications as more private and sometimes have a false sense of anonymity and availability. An adult should never consider written conversations by electronic means (email, text message, social network) as totally private.

- Electronic messages to minors should, in general, be short, specific to the subject matter and related to professional activity.
- If a minor sends a member of school staff an inappropriate message using ICT, the recipient should not reply. Rather, he/she shall print it out or save it in the most appropriate form and notify his/her immediate superior. If the message contains anything that suggests that the safety or health of the child is at risk, he/she shall also notify the superior.
- Use of videoconferencing. ICTs today allow these means for educational uses and are very beneficial. Reasons of distance or availability may create the conditions in which these means are necessary. When a minor enters into a video or chat session with a staff member, make sure that parents or guardians are aware and give their permission. Another adult can supervise the communication either by being with the minor or with the adult. The rest of the above guidelines also apply in this case.
- Social networks. Some have very low levels of privacy and are prohibited by some institutions in some areas of work with minors. To make use of these media there must be express permission from the management team and these conditions must be met: at least two adults must be responsible and have access to the site; there must be frequent monitoring of their use and any inappropriate or harmful comments must be removed; the highest privacy setting available must be used; written permission from parents or legal guardians must be obtained before a minor participates in a school-sponsored social network.

5.2. Websites, blogs and other digital platforms:

- Blogs and microblogs are public and can be accessed by anyone. They can be used for many things such as educating, posting materials, and expressing opinions. Those who wish to use a blog in the scope of their professional work at the school should bring it to the attention of the management team and make the content easily accessible. The blog should be set up so that comments are not posted until they are reviewed by the blog owner; this prevents the posting of potentially inappropriate or harmful comments.
- Personal blogs are not to be shared with students in a professional setting or through professional work.
- Websites used in school and for school activities must be owned and controlled by the school. Any website that purports to represent the school must obtain express permission from the school's management team. Sites may have links to other sites. A notice should appear on the school's website indicating that they are not endorsed by the school.

5.3. Data protection:

The use of these technologies implies for the Centers a plus of responsibility in the measure in which personal data is treated, both of students (who are mostly under age), as well as of the professionals who make up our educational community. That is why, under the current regulations on Personal Data Protection, the Organic Law 15/1999 of December 13, 1999 establishes certain mandatory measures. As responsible for the files that collect and treat the personal data of minors, the educational centers belonging to the Order are obliged to:

- Obtain the consent of the person concerned for the processing or transfer of their personal data.
- Inform them of their rights, the identity and address of the data controller and the purpose for which the data is collected. The information addressed to minors must be expressed in an understandable way so that they can easily understand it.
- In the case of minors under 14 years of age, they must have the consent of their parents or guardians for such processing or transfer.

- Ensure that the consent of parents or guardians is authentic.
- Guarantee that such personal data will not be processed for purposes other than those detailed in the data collection.
- Not to collect from the minor, in any case, data related to the professional activity of the parents, financial information, etc. without the consent of the parents who are the owners of such data. The data may only be collected from the child's parents for the purpose of contacting them to ask for their consent to the processing of personal data.
- Educational centers have the obligation to prove that they have scrupulously complied with the requirements of informing and obtaining consent. The data controller must be able to prove that he/she has carried out the task of informing the data subject, and keep the support that proves that he/she has actually informed him/her.

6. Individual interviews with minors shall be conducted in the places and times usually used, without giving rise to ambiguities arising from unusual places or times. In the same line, when there are corrections to minors consisting of their stay in the center to perform personal study or other tasks, they will be made in places previously established and known by the staff.

7. It is forbidden to use the personal domicile of families and staff to have relations with minors in the center.

8. When a teacher or other member of the staff of the educational communities, in the context of tutorial, teaching, catechetical or other action, has to deal personally with a minor who is not in his/her immediate area, but is the responsibility of another member of the staff, he/she shall notify the latter in advance or inform him/her of the intervention as soon as possible, informing him/her of the fact and briefly of the content of what has been discussed (motivation and conclusions).

9. The staff will not be able to meet with minors during leisure time to carry out activities not programmed by the center without the prior knowledge of the families and the management.

10. It is forbidden to offer lodging to minors in the center, whether in private or shared facilities, of the center or not, or any other place where there is no supervision of at least one other adult and never outside the scope of the educational work of the center. When a staff member has his/her regular living quarters at the center, he/she shall avoid meeting minors in his/her room or living quarters.

11. Unfounded flattery of minors shall be avoided, as well as any exaltation of their virtues that may generate in them a relationship of dependence by demand of such positive reinforcements, susceptible to be used in their own favor.

12. Physical contact with minors when alone with them is prohibited.

13. When it is necessary to carry out any medical treatment, as far as possible, it will be done in a place where another minor or adult is present (see specificity in sports).

14. When the educational work requires a personal, individual relationship between a member of the staff of the educational communities and a minor, it shall be done in a space that can be controlled from the outside, either by leaving the door open, with windows in between or by another system that allows external supervision, even by surprise.

15. The entrance to toilets, changing rooms or any other area for the exclusive use of minors shall be made by knocking on the door, greeting in a loud tone of voice even before passing to alert the presence of a staff member, and justifying the entry. The stay must comply with two conditions:

- It shall be for the minimum time necessary to fulfill the reason for entry, such as supervising the dressing room of minors, assisting in a door jam, checking for presence before closing or turning off lights, being a passageway to other rooms to be accessed, etc.
- It shall be as close to the access as possible in order to fulfill the purpose for which it was accessed.

16. In Physical Education classes, the presence of the teacher will be necessary for the exercise of due vigilance, without this obstructing compliance with the rest of the above rules.

17. To the sports teams the rules of the two previous numbers are applicable. However, coaches may enter the locker room to give technical talks. They must enter as indicated above and remain for the duration of the talk, being forbidden to be alone with players; if they have to have a private conversation, it will be held in an open place or in a very accessible way, complying with the general rules of these Guidelines. If they have to practice cures, bandages or other similar actions, they shall do so in the presence of other players or in an open place. In any case, the application of creams and gels, as well as muscle recovery contacts, shall be avoided, unless it is for extreme urgency.

18. Minors shall always use the bathrooms and changing rooms assigned to their stage and time of the schedule. The staff will ensure that this is the case and will never invite non-compliance with this rule under any pretext.

19. Staff will never invite a minor to use spaces for the exclusive use of staff, nor will they allow others to do so.

20. When a minor has to change clothes, he/she shall do so in a place that guarantees his/her privacy, without the presence of adults. In any case, the minor must be out of the adult's line of sight.

21. When in the educational communities there is a residence for minors, or when they spend the night outside the center because the activity foresees it, the following rules must be observed:

- In the dormitories of minors, the staff shall never remain with the door closed if there is only one minor inside.
- When there are several minors, they shall also remain with the door open and, if this is not possible, the adult shall never be in the toilet with another minor (the latter should leave first), nor shall they rest on personal items such as the bed. Even less when alone, not even with the door open.
- An adult alone will not spend the night in the same room or dormitory of minors (same room, tent, etc.); if it is essential, it will be with the presence of another adult.

22. When transporting minors in their own vehicles or those of the Order's educational communities, which must be done with the written authorization of the family or the center's management, minors must be seated in the back seats. If possible, they should be accompanied by another adult or another minor. If possible, inform the minor's parents or legal guardians that this is being done.

All personnel of the educational communities of the Order have the obligation to communicate to any member of the management team, in the most reliable and prompt manner possible, the violation of these norms. The omission of this duty will constitute a labor breach that may be sanctioned according to the seriousness of the omitted conduct and according to the provisions of the collective bargaining agreement in force regarding the qualification of labor misconduct.

In the activities that the minors carry out outside the premises of the educational centers of the Order, the same rules will be respected. When other personnel from outside the center, in an activity inside or outside the center, carry out educational work or supervision of the students (example: trip to a farm school, trip to the snow with external monitors, camp held on the premises of the educational centers by an external company, etc.), the center's management will guarantee one of the following two extremes:

- The contracted company declares that its personnel has assumed the present code (by signature on the contract).
- The center staff accompanying the students will supervise the activities to ensure compliance with this code.

The center's management, with the support of its entire management team, shall ensure that all personnel, not only those immediately below them in the hierarchy or under their charge, are aware of and comply with this code. Failure to comply with these Guidelines, and especially the code of conduct, constitutes professional malpractice that will be sanctioned in accordance with the applicable labor regulations. Non-compliance may result in the termination of the employment relationship. All the center's personnel must assume the same in order to be able to carry out the educational work in the center. Substantial modifications of the same will require a new training action of the personnel and new assumption.

c) Exceptions to the Code of Good Practice

The specific nature of each center, as well as the varied circumstances that may arise, make it necessary to contemplate exceptions to the code of conduct. One such exception, however obvious, is the case of personnel whose children are minors in the center. Some others are listed below.

c.1. Kindergarten students. In the case of kindergarten students, due to the assistance nature of this stage, it will be common for teachers to carry out cleaning or personal hygiene tasks for the children. Eventually this may occur in some Primary grades. Examples are the cleaning of a child who has not controlled sphincters, or the presence of mixed bathrooms in the classrooms of these stages. For these cases, an exception to the rules that would apply and prevent this assistance may be contemplated. However, all other rules that do not have to be excepted to perform such work, such as having the door open, must be complied with.

c.2. Use of TIC for communication in non-school activities. This is often the case with activities such as sports teams, which sometimes compete outside the center and at times known at short notice. It is also sometimes the case with pastoral and/or catechetical activities. Another case is excursions, sometimes abroad. Some of today's free instant messaging systems for cell phones, which allow group communications or the use of distribution lists, are extremely useful tools. There are also social networks for these purposes, which can fulfill the same function if the students have terminals that allow two-way messaging. This is the case of WhatsApp groups, Telegram or Twitter profiles that are created for sports teams or other activities as a means of internal group communication.

In any case if, despite this, it is considered necessary to use the child's data (cell phone, email, etc.) for reasons of effectiveness, the following procedure must be followed:

- Obtain permission from the center management to proceed to do so.
- Obtain written permission from the parents or legal guardians authorizing the monitor or person who is going to use them. This authorization could be made in the same activity registration form. Each educational center will develop its own model in this regard, using the criteria of efficiency and agility.
- Consult with the center's data protection officer.
- Cease the use of the children's data and destroy them at the end of the activity for which they were collected, and leave a record of it.

2.1.1.2. Selection of personnel

By recognizing the responsibility of educators in the quality of training, it is assumed the importance of selection and training mechanisms for the entire team involved.

The Guidelines are intended to reinforce these mechanisms and regulate educational action to promote the safety and well-being of minors.

a) Selection criteria

The selection criteria for the personnel of our educational centers will follow those already established by the Order, ensuring that the candidates meet the suitability for the protection of minors pursued with these Guidelines.

Qualification criteria will be given for the profiles of each position, which must be reinforced so that the candidates guarantee their performance with empathy, teamwork capacity, psychological and emotional balance, as well as implicit coherence with the Character of the center. Mechanisms for requesting references will be reinforced.

Therefore:

1) All recruitment shall be conducted in accordance with the requirements of international child protection law.

[In the following paragraph it will be necessary to adapt to the reality of the country and province concerned]

Article 5 §3 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (hereafter Lanzarote Convention) stipulates that a candidate who has a mission that brings him/her in regular contact with children *“has never been convicted of acts of sexual exploitation or sexual abuse of children”*. The provincial communities extend this requirement to all other significant forms of abuse.

2) The employing organization undertakes to obtain all available information and to make the necessary arrangements to verify and respect these requirements during the recruitment of personnel.

[In the following paragraph it will be necessary to adapt to the reality of the country and province concerned]

3) The candidate will undertake to provide all information regarding his or her criminal record. In any case and in compliance with the provisions of paragraph 5 of Article 13 of Organic Law 1/1996, of January 15, on the legal protection of minors (as amended by Law 26/2015, of July 28, amending the system for the protection of children and adolescents); *“it shall be a requirement for access to and exercise of professions, trades and activities involving regular contact with minors, not to have been convicted by final judgment for any crime against sexual freedom and indemnity, which includes sexual assault and abuse, sexual harassment, exhibitionism and sexual provocation, prostitution and sexual exploitation and corruption of minors, as well as human trafficking. To this effect, whoever seeks access to such professions, trades or activities must accredit this circumstance by providing a negative certification from the Central Registry of sex offenders.”*

Consequently, all personnel seeking access to and exercise of any activity involving regular contact with minors in any educational center belonging to the Order of Augustinian Recollects, must provide the negative certification of the Central Registry of sex offenders of the Ministry of Justice.

4) The candidate adheres to and signs the objectives described in these Guidelines, thereby committing to their strict compliance in the employment contract or document of adhesion in other cases.

The provisions of these Guidelines also apply to the personnel of external companies that subcontract services with the educational centers of the Order affected by the same, being obliged those in charge of the same to make these Guidelines known to their personnel and request their adherence and signature, especially when such personnel have to deal with minors.

b) Controls

The members, workers and collaborators of the Order's educational communities must submit to the various control mechanisms and measures provided for by the legislation and regulations in force in each country.

When these controls apply to minors residing in the center (as in the case of boarding schools or seminaries), they commit themselves to facilitate their proper development. In addition, they must ensure that all minors are regularly monitored medico-socially, with a frequency adapted to their needs.

2.1.1.3. Formation

The formation plans of the educational centers of the Order -as well as its organs and colla-

borating personnel-, will include formative actions directed to the formation of the personnel in their didactic qualification and, also, in their personal dimension. In this second line, the formation plans must also foresee, together with other objectives already assumed, the development of personnel training in the following fields:

- Empathy and ability to listen to children.
- Training and emotional management of children and teachers.
- Training for the formation of children in affective and sexual issues.
- Sexuality from the point of view of Catholic doctrine.
- Positive vision of human relationships, to help children develop their own criteria to help them assess the health and correctness of human relationships in which they are immersed.

In relation to child maltreatment, center staff should receive training that includes the following aspects:

- Typology of child abuse.
- Knowledge of the most common physical, behavioral and other indicators of child abuse (physical and emotional abuse, physical and emotional neglect, sexual abuse, bullying).
- Criteria for the detection of possible cases, especially in the family environment.
- Basic knowledge of questionnaires for detection.
- Preventive actions with students in the different types of abuse.
- Training to develop with students the actions included in these Guidelines.
- Permanent training in child psychology and psycho-affective consequences of malpractice (general and teaching) in the child's development.
- Knowledge of good teaching and organizational practices that improve the welfare of students in all its dimensions.

As a result of the collaboration between ARCORES and the EDUCAR network, the following training workshops are proposed for students, teachers and families who are part of our educational communities (the title of the workshop and the target audience are described in the table):

	Students 5 years	Students 6-8 years	Students 9-11 years	Students 12-14 years	Students 15-17 años	Staff	Families
Workshop 1: Introduction. Rights and needs of children	X	X	X	X	X	X	X
Workshop 2: Learning to take care of ourselves. Sexual abuse.	X	X	X	X	X	X	X
Workshop 3: Learning to take care of ourselves: Trust and secrets, learning to ask for help.	X	X	X	X	X	X	X
Workshop 4: Learning to take care of ourselves: Peer relationships. Bullying and cyberbullying.			X	X	X	X	X
Workshop 5: Learning to take care of ourselves: responsibilities and caring for others. Relationship with teachers and center staff.					X	X	X
Workshop 6: Internal protection systems NNA: protocols, guidelines, codes of conduct.						X	X
Workshop 7: Resources for educators' actions.						X	
Workshop 8: Detection and action outside the school environment.							X

2.1.2. Actions with minors

a) Prevention. Prevention activities with minors have the mission of minimizing the possibilities of abuse cases occurring. However, the possibility of their occurrence is not null and void and, therefore, the existence of procedures that can serve as detectors of a possible case of abuse makes sense.

The elements of prevention with minors that should be part of an effective protection policy are as follows:

- Clear and written regulations.
- Prevention activities to equip minors with strategies.
- A transparent internal protection policy.
- Involve all other agencies and partners working in the center in the center's protection policy.

Preventive actions to be carried out with minors will be differentiated by educational stages and will take into consideration the evolutionary development of the minors. These actions are included in the following points:

- Conducting workshops or other activities that can be used to detect possible cases.
- Use of age-appropriate materials designed to prevent child abuse, with particular attention to sexual abuse.
- Training of minors to reduce their vulnerability by providing them with knowledge, discrimination and advocacy skills:
 - Emotional management
 - Social skills: assertiveness, learning to say no, empathy...
 - Becoming aware of the right over their own body.
 - Becoming aware of the rights of minors.
 - Learning to differentiate gifts from bribes or coercion.
 - Learning to ask for help from parents, teachers or trusted family members.
 - To learn to distinguish situations in which abuse can take place.
- Use of materials especially indicated for these ages to help children distinguish between appropriate and inappropriate treatment by adults.

The training work with minors will be carried out preferably by teachers, whether or not with the help of other professionals who prepare them to do so. On the other hand, affective-sexual education activities will be carried out by external specialists or by the center's staff, after having received training to enable them to do so. Intervention in these fields should be avoided without prior training or advice.

The work of the educator

The work of the educator, who has a close knowledge of the personal and family situation of each student, is an area especially suitable for the prevention of abuse. The tutors will provide the children with strategies and information to prevent cases of violation of their rights.

Work from the Guidance Department

The management team, with the help of the Guidance Department, will program the actions to be carried out, advise and manage the elements for a correct prevention of mistreatment in the center, providing those responsible for the children and their families with the necessary resources to do so. It will be assisted by external persons and/or institutions when necessary.

b) Detection. By detection we mean the discovery, through the collection of signs or evidence, of the possible existence of a hidden case of maltreatment. In most cases, the detection of child maltreatment in general and sexual abuse in particular, occurs because the child informs someone that it is occurring. These people may be family members or staff of the center. On other occasions, they refer it to peers. In the event that any member of the center's staff becomes aware of the existence of abuse, even if it is only an indication, he/she should proceed as established in these Guidelines. In the case of children, the condition of being maltreated

sometimes generates feelings that derive in silence of what happened, being other symptoms that alert the caregivers of what is happening. Such symptoms can be somatizations, nightmares, phobias, drawings with unusual signs in children who do not suffer maltreatment, stories that derive in unusual topics and that could indicate the existence of maltreatment, etc. In order to detect these more silent cases, measures to detect maltreatment are required. These measures should be inserted in educational actions that do not have as their first mission the detection of maltreatment, but include activities that can bring it to light.

Rumors may also circulate that may indicate the existence of sexual abuse or mistreatment. When such rumors reach any staff member, he/she should act immediately in accordance with this Guidance.

The educational environment is a privileged place for the observation of behaviors or risk indicators in minors. In this sense, it plays an important role as an agent for detecting possible situations of lack of protection. To this end, it is necessary for professionals in the centers to know the signs or indicators of possible risk situations of minors. These are:

PHYSICAL INDICATORS: Inappropriate clothing for their age and the season of the year, inadequate food, lack of hygiene, frequent wounds, injuries in the genital area, physical fatigue, burns, bites, etc.

BEHAVIORAL INDICATORS: Caution before physical contact with adults, sadness, flighty behavior, lack of relationship with peers at recess, aggressiveness, passivity, behaviors, knowledge and sexual statements inappropriate to the child's age, hostile and distant relationships, antisocial behavior and aggressiveness, absenteeism, petty theft, repeated discipline reports. Tiredness in class.

ACADEMIC INDICATORS: sudden changes in performance, attention problems, learning difficulties, delay in physical, cognitive or emotional development, lack of motivation, language disorder. Expressing desire to not want to go to school.

FAMILY INDICATORS: concern of the child about the information that the center gives to the family, absence of parents. Difficulty sleeping or frequent nightmares. They do not care about the child's education, they use a discipline that is too rigid and authoritarian.

The work of educators

Educators should pay special attention to physical and behavioral indicators of different types of maltreatment. If they observe the presence of these indicators, they should consider using screening questionnaires.

On the other hand, the child-educator relationship should constitute an area of special trust for children. For this reason, a climate of trust and communication must be generated in this relationship to provide the child with a channel for expressing personal situations, knowing that he/she will be listened to confidentially, but at the same time will find the necessary help.

Work from the Guidance Department

The Guidance Department will have the mission of supporting the management team and the tutors in the development of the actions with students, families and teachers of the present Orientations. It will be assisted by external persons and/or institutions when necessary.

It will have to develop simple tests or questionnaires, easy to apply by their teaching colleagues, so that they themselves can help to distinguish the symptoms of abuse from others that do not have to be. In the same line, it will have foreseen the protocol of action in cases of detection of mistreatment. It will have contact with the social services, the Minors Group of the National Police or any other institution in charge of the protection of minors, in case it is necessary. In the same way, within its usual collaboration in the orientation tasks and the PAT, it will help the management in the preparation and development of the training actions foreseen in these Guidelines.

2.1.3. Actions with families

Frequently, the school centers are the place of manifestation of disputes of parents of separated students, divorced or subject of matrimonial nullity, and in the worst of the cases, the scope to wage a war on the guardianship and custody of the minors. From the Order we must avoid, as far as possible, such situations. Thus, in the educational field, the attribution of guardianship and custody to one of the parents does not exempt the other from his right and duty to watch over his child, nor does it deprive him of participating in the key decisions of his educational life, since both, sharing the parental authority, have the rights recognized in art. 4 of the Organic Law 8/1985 of July 3, 1985, Regulating the Right to Education. This fact is translated in that, for the enrollment of the minor, school grades, parties and celebrations to which the attendance of personnel outside the educational institution is authorized, changes of subjects, tutorials, school calendar, program of school and extracurricular activities, etc. it is convenient that both parents authorize all the activities.

The educational centers must therefore request from the parents the judicial resolution or the agreement that determines the parental authority and custody of the minor.

a) Prevention and detection. Prevention and detection in the family environment is crucial to prevent abuse from occurring. The family is the most trusted environment for minors, so it is there where a victim can more easily report a possible case of abuse if it occurs outside the family environment.

At the same time, it allows for active prevention in the family environment in which situations of abuse sometimes occur. From the educational center, the work of prevention has to consist of enabling families to:

- Establish positive relationships among its members.
- Help to understand the phenomenon of child abuse in general, covering all its types.
- To help in the creation of a climate that allows an effective preventive communication of the maltreatment and in case of occurrence, to be detected and communicated as soon as possible.

The centers will offer annual training to families on child abuse, covering all its dimensions and types. It will be convenient that the training given to parents who voluntarily participate is done in stages

b) The work of educators

- Facilitate information to families by fostering a climate of trust between educators, families and minors..

c) Work from the guidance department

- Coordinate the actions of information and training to the families on the subject of abuse.
- Adaptation of the protocols for the detection of maltreatment to the specific situations of the minors.

2.2. Intervention

2.2.1. Intervention protocol in case of maltreatment

Article 19 of the United Nations Convention on the Rights of the Child of November 20, 1989:
*"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.
 2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programs to provide necessary assistance to the child and those who have the care of the child, as well as for other forms of prevention and for the identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreat-*

ment described above and, as appropriate, for judicial involvement”.

a. Objective

The purpose of this document is to establish common and publicly known guidelines for action in cases of suspected and/or confirmed abuse of minors in the educational centers of the Order. It is a complementary and different tool to the procedures of prevention and detection of abuse, but managed and interpreted in a general framework of integral protection of minors within those institutions.

The present protocol is intended to establish clear and common rules of action for all those members of the educational community who detect or suspect the existence of child abuse.

b. Guiding principles that should regulate the application of the protocol for action in case of abuse

- 1) All actions carried out in application of this protocol must be presided over and guided by the BEST INTEREST OF THE CHILD.
- 2) Intervention in cases or suspicions of child abuse should be given the highest PRIORITY AND SPEED by those responsible for its management and by anyone else who has knowledge or suspicion of the fact.
- 3) The CONFIDENTIALITY of the process must be guaranteed in order to preserve the privacy and integrity of the minor as well as to respect the constitutional principle (or better democratic, as it will be applied in different countries) of presumption of innocence and to make it compatible with the strictest transparency and diligence in the management of the process.
- 4) From the initial moment, the FAMILY should be informed of the fact detected, except in justified cases of suspicion of mistreatment within the FAMILY. At the same time, and according to the extent of the abuse, the competent judicial, administrative and health authorities must be informed.
- 5) The present protocol must be PUBLIC and of obligatory knowledge of all the religious of the Order and all those who are part of the educational communities: families, students, teachers, catechists, coaches, monitors, volunteers and other related persons.
- 6) In each territorial area and objective of application, the indication of mistreatment will be communicated to the different RESPONSIBLE AND MANAGERS, previously designated, to deal with situations of mistreatment. This does not preclude the maintenance of the responsibility, during all phases of the process, of the adult who has made known or suspected, due to his or her relationship with the child, the existence of maltreatment.

c. Action upon suspicion and / or knowledge of abuse

- Any person, member of the educational community who has knowledge or mere suspicion of a situation of mistreatment must immediately report the fact to those responsible, duly identified in the organization chart publicized in the different educational centers of the Order.
- Such communication does not exempt him/her from watching over the minor, following the process and verifying that the appropriate measures are taken for the protection of the minor and reporting the fact to the competent authorities.
- In case of suspicion, due to the nature of the mistreatment, of the commission of a criminal act, the judicial and police authorities must be immediately informed, while the necessary measures are taken to guarantee the stability and tranquility of the minor.
- Likewise, if injuries are found to exist, the minor must be taken urgently to the health center; except for urgent stabilization measures that may be indispensable, the minor must NEVER be attended, diagnosed or treated by health personnel that may be attached to the center itself.

- If any, the Guidance Department of the center is obliged to issue a report on the overall situation of the minor and the measures to be adopted, within the scope of its competences, to channel the problems raised and determine the immediate care needs. Such action will be of a preferential and urgent nature over any other action being developed by said department.
- The reporting of suspected abuse is obligatory for any member, worker or collaborator of the centers of the Order. The omission of this duty or negligence in its application, will give rise to disciplinary responsibilities (previously typified) in the case of workers of the centers or termination of any professional relationship or collaboration that links the author with the center.
- It is not the center's responsibility to judge or conclude on the real existence of mistreatment in those cases in which the facts reported constitute a crime.
- In cases of minor mistreatment, without criminal relevance, those responsible for the centers of the Order will seek help and advice, if justified, from the Social Services of each locality.

d. Follow-up

In each educational center a Child Protection Team (or other denomination) will be constituted whose primary objective is to ensure compliance with all measures implemented for the protection of the abused child and the extreme diligence of the members of the educational community in it.

e. Organizational chart and useful telephone numbers

Educational centers of the Province _____ at _____ (country):

- • Name of the educational center and name of the director.
- ...

Telephone numbers and addresses of interest:

- Juvenile Prosecutor's Office: (include phone number)
- National Police: (include phone number)
- Duty Court: (include telephone number)
- Child Protection Service: (include telephone number)
- Prevention and Family Support Service: (include telephone number)
- City Hall Social Services: (include phone number)
- Others: include telephone number

2.2.2. Prevention Team of the educational center

a. Constitution, nature and members

- The Prevention Team of the educational center is a body for the animation and training on the protection of child abuse in the educational context. It has a consultative character.
- The Provincial Commission for the Protection of Minors will be in charge of supervising the appointment and functions of the persons who form part of this Team. The appointment will be made by the Provincial Commission for the Protection of Minors at the proposal of the management team of the educational center.
- The Team will be formed by at least three members who will receive adequate training for the fulfillment of their functions. As references for the performance of its functions it will have the Commission for the protection of minors of the province and the Commission for the protection of minors of the Order, dependent on the Prior General.
- The Team will be integrated into the organizational structure of the educational center in the most convenient way (it is suggested that its members form part of the School Council or similar organism).

b. Purposes

The Team will have three purposes:

1. ENCOURAGEMENT: to publicize these Guidelines in its educational community and to ensure compliance with them, ensuring that:

- a) All persons involved in the educational activity are aware of these Guidelines, adhere to them and give their agreement by signing them.
- b) All persons linked to the educational center put these Guidelines into practice.
- c) These Guidelines are disseminated through all the supports and means of communication of the school.

2. GUIDANCE: To assist in the event of an abuse situation.

- a) The Commission will ensure that all incidents, allegations of abuse and all complaints are recorded and followed up.
- b) It will have a mission of evaluation and accompaniment: assessing the situation that has been transmitted to it, eventually giving a hearing to the persons involved and giving an opinion on the facts committed and on the assistance given to the victims.
- c) The Commission shall inform the competent authorities of the reported facts of mistreatment in order to determine the responsibilities that may arise, independently of its own actions.

3. TRAINING: To promote spaces for growth and training on the prevention of abuse within educational contexts.

The proposal for updating will be presented to the Major Superior and his council for approval.

c. Reports and Confidentiality

The information related to the possible violation of the Rights of the Child within the educational centers of the Order will be treated with confidentiality, without detriment to the collaboration with the competent administrative, social, health and/or judicial authorities, in the development of the procedures of denunciation and assistance officially foreseen according to the Law.

The Team will inform the Provincial Commission of any situation brought to its attention and of the steps and decisions taken in this regard.

The Team will prepare an annual report on its activity, which will be presented to the Provincial Commission.

Actions for the prevention and protection of minors and vulnerable persons in works and social projects of the Augustinian Recollect Family

Introduction

The Augustinian Recollect International Solidarity Network ARCORES has as a priority to ensure that all its initiatives, works, programs and social projects guarantee the good treatment of minors and vulnerable people who participate and benefit from them.

Precisely, ARCORES' actions are developed in contexts of vulnerability and risk of social exclusion and the people who participate in them are especially vulnerable, being more defenseless to possible situations of mistreatment or abuse.

In fact, it has been widely documented that mistreatment or abuse occurs in situations in which social action entities develop their activities, such as emergencies due to natural or humanitarian catastrophes and social projects.

Likewise, it has been observed that potential abusers seek to join social and humanitarian action organizations in order to gain access to their potential victims in situations of superiority and impunity that are favorable to them.

ARCORES is aware of this reality and is committed to put all the means at its disposal to ensure that its projects are protective environments for children and vulnerable people that allow them to play a leading role in solving their problems or building their vital future with our accompaniment.

ARCORES bases its action for the prevention and protection of minors and vulnerable people on three pillars:

- Provision of organizational structures and protection assurance.
- Provision of protection system procedures and documents.
- Training and awareness-raising.

In addition, ARCORES incorporates two characteristic elements to its prevention and protection actions for minors and vulnerable people:

- La mejora continua.
- La búsqueda de la eficacia en la protección y su medición objetiva.

Application

The scope of application are all the initiatives, works, programs and social projects developed by the national ARCORES or other entities, mainly from the Augustinian Recollect family, with the support of ARCORES.

The scope of application of these actions also includes all those activities of any kind, in particular of education in justice and solidarity, that ARCORES carries out in collaboration with the EDUCAR network, the Augustinian Recollect parishes, the CEAR or any other entity or group of the Augustinian Recollect family.

Actions

ARCORES develops actions in the three areas that form the basis of its action for the prevention and protection of minors and vulnerable people:

1. FORMATION AND AWARENESS AREA: In this area, the ARCORES International network has carried out the following actions:

a) Formation of volunteers and contracted personnel. ARCORES is committed that all its volunteers who participate in social action projects with minors or vulnerable people, either in their own country or abroad, undergo specific training in “Self-care and culture of good treatment”. This is one of the basic training modules for all ARCORES volunteers. Staff recruited in the technical office of ARCORES International and ARCORES Spain have also undergone this training, as well as procedural training.

This training is continually being revised and expanded, based on evaluations made with volunteers who have participated in national and international volunteer experiences. It is also planned to adapt the training material for specific groups in vulnerable situations, other than minors, such as the elderly.

b) Training of social project leaders and managers. ARCORES International has designed and is carrying out together with UNI Augustiniana an online training course in “Project Management and Resource Development”. This course aims to train people in the network for the identification, development, implementation and operation of social projects, as well as to raise resources to finance both the implementation and sustainability of social projects.

The course includes a specific topic on “Protection of minors and vulnerable people in social projects”, whose main objective is that people with responsibilities in ARCORES social projects take into account in the identification, design, implementation and operation of their projects, that these must be safe and protective environments for minors and vulnerable people.

2. ORGANIZATIONAL STRUCTURES AREA: In this area, the experience is being developed by ARCORES Spain and offered to the rest of the National ARCORES of the network, for its timely adaptation.

The structure that ARCORES Spain has created as part of its actions for the prevention and protection of minors and vulnerable persons is the Commission for the Protection of Minors, which has the following functions:

- Attend and record possible cases of abuse. Reporting to management.
- Organize training for ARCORES volunteers and staff.
- Review and make relevant changes in procedures and documentation.
- Plan actions for the following year to strengthen and continuously improve the protection system.
- Report, at least once a year, to the ARCORES Spain Board of Directors.

3. PROTECTION SYSTEM PROCEDURES AND DOCUMENTS AREA: In this area, the experience is being developed by ARCORES Spain and offered to the rest of the national ARCORES of the network, for its timely adaptation.

Documents

ARCORES Spain's system for the protection of minors and vulnerable persons has developed the following procedures and documents:

ARCORES Spain's policy or commitment to the protection of minors and vulnerable persons (PPM y PV)

This is the central document, from which all the others derive. The aspects covered by this document are as follows:

- Statement of ARCORES' commitment to the proper treatment of children and vulnerable people.
- Purpose of the policy: to prevent and respond to child abuse.
- Guiding principles
- Context in which ARCORES operates and its social projects are developed.
- Definitions
- Risk management
- Code of conduct and procedure for reporting possible abuse
- Action after receiving a report
- Selection of staff and volunteers
- Involvement of children and vulnerable people
- Mechanisms and periodicity for policy review

ARCORES Spain's public statement on the protection of minors and vulnerable persons (PPMyPV)

Código de conducta o normas de comportamiento en la participación en los proyectos sociales de ARCORES

This document contains general rules of conduct and establishes how to act in the event of a possible case of abuse, taking into account the responsibility and role of each person. All volunteers and contracted personnel of ARCORES Spain who intervene in a social project with minors or vulnerable people, previously sign the knowledge and acceptance of this code of conduct.

Risk map

This document lists the activities or situations in which there may be a risk of mistreatment for children and vulnerable people. It describes the risks that could occur in the activities or situations analyzed. It typifies the risks described, by the probability of their occurrence and by the seriousness of their occurrence. Defines measures to be adopted to prevent the risks. It establishes indicators to evaluate the effectiveness of the prevention measures adopted.

It is the main diagnostic document of the organization and allows optimizing the investment of resources in the protection system, concentrating efforts on the most probable risks and those with the most serious potential effects. It is a document under continuous review. At least once a year.

Training plan

It establishes the need for continuous and specific training in this area for ARCORES volunteer and contracted personnel, as well as the contents or topics of the training.

Communication plan

Its purpose is to publicize ARCORES' commitment to the good treatment of minors and vulnerable people and the priority of this commitment in any ARCORES activity. The communication plan is developed at two levels:

- Internal:
 - Public declaration of the commitment on the ARCORES website.
 - E-mail communication of the policy or commitment.
- External:
 - Public declaration of commitment, code of conduct, criteria for collaboration with companies, on the ARCORES website.
 - Inform companies and suppliers with whom we have a relationship of our policy.

Implementation monitoring plan

This is the document that establishes ARCORES' commitment to monitor the implementation of the actions for the prevention and protection of minors and vulnerable persons that it carries out, including their evaluation and proposals for improvement. This monitoring, evaluation and proposal for improvement is the responsibility of the Commission for the Protection of Minors.

Criteria for collaboration with companies

ARCORES Spain, is committed to not collaborate with those companies of which it has duly contrasted information of negligence in the protection or mistreatment of minors or vulnerable people and makes this commitment public.

In addition to these procedures and documents of ARCORES Spain, the technical office of ARCORES International, has elaborated and makes available to all the National ARCORES and the entities of the Agustina Recoleta family, a form for the application of projects, which includes a section to describe the impact of the project in the improvement of the living conditions and guarantee of the rights of the children.

Future challenges

The ARCORES International network must undertake at least three challenges in the near future:

1.- Implementation of systems for the protection of minors and vulnerable persons in each of the National ARCORES.

To carry out an external evaluation of the actions of prevention and protection of minors and vulnerable persons of ARCORES Spain, which will allow the definition of indicators of effectiveness of the protection system.

3.- To develop internal capacities (preferably in collaboration with other entities of the Augustinian Recollect family) or external for the integral attention to the victims of mistreatment or abuse.

Guidelines for the prevention of abuse and protection of minors and vulnerable people in formative environments

1. Prevention works when formation works

The best method for prevention is adequate formation. In formative environments, this covers a wide range from the sexual area to the exercise of spiritual and conscience accompaniment, the use of authority and power, respect for intimacy, confidentiality, and good reputation. The area concerning the ministry exercised by its members is administered by its respective guidelines given by the Order¹⁹⁰. The Abuse of power and conscience and spiritual abuse are gateways to many other forms of mistreatment and abuses like sexual abuses.

Therefore,

- a.- Formation houses, as places for human, spiritual, and vocational growth, require chaperones/formators suitable and qualified for this job. Spiritual abuses, abuses of power and conscience, as well as violations of intimacy and confidentiality in formative contexts, happen to people unable to undergo a suitable process of accompaniment, development, and personal growth. It concerns a fundamental aspect concerning the selection of formators.
- b.- Special care must be placed in the personal identity formation of candidates, in the romantic and sexual lives of those in the church, and in a growing love understood as the respect and care for someone in need, from sincere dialogue between the formulator and the formandi, to workshop work and knowledge and skill formation.
- c.- All formation houses must create conditions necessary to form and accompany its members in the prevention of all kinds of abuse. This includes a communal environment of healthy freedom, a formation style based in trust, responsibility, and the exclusion of all sorts of clericalism or vocational "classism".
- d.- Formators and formed will be trained to protect minors and vulnerable adults in different ministries where they can collaborate pastorally (ministerial and missional¹⁹¹, educational¹⁹², youth and vocational¹⁹³)
- e.- Four assumptions for preventative exercise in formative communities:
 - 1.- Clear rules, protocols, and codes of conduct for formators and formandi.
 - 2.- Concrete, fair, and prudent penalties regarding the breaking of confidentiality without privilege.
 - 3.- The constant, close, and active presence of the formators.
 - 4.- Professional collaboration with the formators and formandi.

2. Style of formation and communal climate

Leniency and negligence in vocational discernment and mediocre, banal formation styles hide serious risks, both short-term and long-term. Lax formation styles open the doors to relationships with vague limits, role reversals, and unconscious or irresponsible exercise of liberty. Equally harmful are rigid, controlling formation styles based exclusively on rule compliance and observance, as they help reaffirm an external role in the candidates who think that wearing the habit or cassock can maintain their emotional balance.

We can state that these formative styles are perversions in themselves as they hide, promote, and encourage in the candidates a pseudo-reality of false self-affirmation and search for prestige and recognition, that will fall in time.

190. Augustinian Recollects, *Prevención y protección de menores y personas vulnerables en la Orden de Agustinos Recoletos*, Rome 2021.

191. *Id.*, 82-107.

192. *Id.*, 108-135.

193. *Id.*, 108-135.

An environment marked by envy, clericalism, “reverential” submissiveness to authority, or the need for power turns into a breeding ground for experiences of abuse. An unhealthy culture allows the formative system to spread the depravity of abuse.

Thus, the community dimension has a decisive role in the affective-sexual formation of the formandi, hence, the urgent need for a formation process based on responsibility and liberty, in trust and respect. Therefore, the formation style and community climate give the individual the opportunity for a happy and effective internal integration of the diverse dimensions of their person.

3. Formative accompaniment and personal talks

A process of adequate accompaniment of the psychoaffective field is essential throughout formation. Formative dialogue is one of the fundamental tools for this, where sincere dialogue between formator and the person in formation helps in the progressive integration of human dimensions. Special attention must be given in case of serious difficulties in relationships with others, uncertainty about sexual orientation, and past or present experiences of physical or sexual abuse.

Accompaniment places the accompanied in a situation of special vulnerability. If the formator has not undergone a personal road of growth in his psychoaffective and sexual dimension, then these talks become a potential tool for abuse, not necessarily physical or sexual abuse, but certainly to the level of emotional mistreatment, manipulation, dependence, and control and power over the accompanied persons.

The accompanied person has the right to confidentiality and good reputation, and to not have anything they shared in these talks exposed. It is abuse and lack of respect for intimacy when the formators make public (in formation teams, or to provincial councils or third parties) certain information about the lives and personalities of the formandi.

Pay special attention to development through stages of formation, especially periods of transition. When using reports about candidates that go from one formative stage to the next, make sure not to commit any interference that could be considered abusive. Absolute confidentiality will always be respected.

4. Protective places and spaces

Prevention starts from the physical layout of the home. Rooms must be personal and should be places where intimacy and privacy are respected. They can never be shared. Spaces where personal accompany talks, confessions or any aid relationship for human and spiritual growth are held, must guarantee privacy and be sufficiently in plain sight.

5. Attention towards abuse cases

In any credible case of abuse (of formators towards formandi, formandi towards other formandi, or formandi towards personal workers and other outsiders), Order protocol will be followed.

Guidelines for prevention and protection of minors and vulnerable peoples in vocational ministry

1. Introduction

Every Christian vocation comes from God. It is a gift from God. However, it is never granted outside or independently from the Church, but always in and through it. As “the creator and educator of vocations”, it is the Church’s task to discern vocation and suitability of the candidates for the religious and priestly life. By pursuing discernment and throughout the entire course of formation, the Church has double intentions: to protect the wellbeing of its own mission and that of the candidates¹⁹⁴.

For this reason, “every exercise of vocational assessment will have to favor capability in the subject to decide his vocation according to God’s calling. Therefore, it is necessary to have a much more attentive, meticulous process of discernment, capable of generating a ‘conscious’ response (that is, elaborated, well-thought out, and analyzed) from the one being called”¹⁹⁵. There is no doubt that the selection of candidates to the religious and priestly life cannot be a marginal element, but rather, a deciding element. Thus, the importance of verifying if the way to accompany young men who say that they are experiencing vocational anxiety is most adequate, since it cannot be denied that, on the contrary, “mediocrity is already perversion and is often the origin of sexual abuse. The banality and flippancy with which we act today without noticing the grave risk hidden in mediocre formative processes are terrible!”¹⁹⁶.

What the current reality of the Church demands from leaders of vocational ministry is a serious and fair process of discernment and accompaniment. Otherwise, It will almost be impossible to establish a hierarchy of vocational values, uncover the accompanying candidate’s own identity, and harmonize its values with its needs¹⁹⁷. «La prisa por tener vocaciones es el primer obstáculo para tener buenos (religiosos) y sacerdotes. Hurrying makes vocational discernment insufficient for discovering God’s calling and the signs of vocation.»¹⁹⁸

2. Vocational accompaniment

“Vocational accompaniment is the fundamental dimension of a discernment process by the person who has to make a decision.”¹⁹⁹. It is a time of mutual commitment between the one accompanying and the accompanied until the accompanied is absolutely sure that the Lord is calling him for something very concrete. According to the Synod about the youth, to properly conduct vocational accompaniment, it is important that the one accompanying carefully cultivate some fundamental dimensions of Christian life such as taking care of one’s spiritual life, receiving specific training for performing this ministry, and letting themselves be accompanied and enjoy supervision. For their part, the accompanied, from the responsibility of being called, must be sincere in their motivations, open to dialogue, and mature enough to let themselves be accompanied and formed²⁰⁰.

194. Cf. CONGREGATION FOR CATHOLIC EDUCATION. *Guidelines for the use of psychology in the admission and formation of candidates for the priesthood*. (June 29, 2008), 1.

195. PORTILLO T, Daniel. Psycho-theology of vocational discernment. *An attempted prevention of sexual abuse of children in the Catholic Church*, Buena Prensa, 2017, 95.

196. CENCINI, Amedeo. *Has there been any change in the Church after its sex scandals? Analysis and proposals for formation. Sígueme, Salamanca*, 2016, 144.

197. Cf. CAPELLARO, J.B. Discernment. Paulinas, México, 1979, 20.

198. PORTILLO T, Daniel. Psycho-theology of vocational discernment, 88.

199. SYNOD OF THE BISHOPS, XV General Assembly: final document. *The young, faith, and vocational discernment*, (October 3-28, 2018) 104.

200. Cf. AUGUSTINIAN RECOLLECTS. *The Plan for Vocational Encouragement*, Rome, 2020, 50-51.

The Augustinian Recollects are the Church. We feel with the Church and are at its service²⁰¹. Aware of the responsibility that entails the promotion and selection of aspirants for the religious and priestly life, we must take to heart that discernment, through vocational accompaniment, is our priority “before the challenges and realities presented in the integration of diverse dimensions of formation, and permits adequate selection of qualified aspirants, a patch to preventative and encouraging Christian and human growth that creates clergymen according to Christ’s heart”²⁰².

Vocational accompaniment’s complexity makes it integral “where spiritual aspects are properly integrated with human and social aspects. As Pope Francis explains, ‘Spiritual discernment does not exclude the contributions of human, existential, psychological, sociological, or moral wisdom, but it transcends them.’ (*Gaudete et exsultate*, 170). This refers to elements that must be understood dynamically while understanding different kinds of spirituality and cultures, without exclusion nor confusion.”²⁰³

2.1. The religious companion

The “Conclusive document of the Synod of the youth” pointed out that young people themselves have asked to revive the figure of the companion (n.99). It presented the profile of the companion needed and demanded by young people for this moment in history (n.102). Likewise, with realism and beauty, the Synod concludes that “only from liberty will one be able to serve instead of take the centerstage and assume possessive, manipulative, and executive activities, which lead to dependence and harms the liberty of those accompanied.”²⁰⁴.

2.2. Psychological accompaniment

Some candidates to the religious life come from peculiar backgrounds – human, familiar, professional, intellectual, emotional – that in different ways have left open wounds and which they often erroneously attribute to external causes without being able to face them properly. For this kind of situation, consulting psychologists may help the candidate overcome these wounds. For a correct assessment of the candidate’s personality, the psychologist will be able to test them using interviews with prior, explicit, informed, and free consent from the candidate. Under the spirit of reciprocal trust and collaboration in his own formation, the candidate may be invited to freely give his written consent so that the psychologist, sworn to professional secrecy, may report his findings to the Major Superior or the head of the vocational ministry²⁰⁵.

2.3. Spiritual accompaniment

The spiritual companion is assigned the difficult task of vocational discernment even in the sphere of consciousness. Of course, spiritual direction cannot in any way be replaced by forms of analysis or psychological aid and spiritual life, by itself, favors growth in human virtue if there are no psychological blockages. Considering this, to clear up any doubts that could not be cleared up in any other way, the spiritual companion may need to suggest but never impose psychological consultation to proceed more safely in discernment and spiritual accompaniment²⁰⁶. If the spiritual companion or director was consulted by the Major Superior or the head of the vocational ministry about a candidate, the former can submit a report about him in accordance with the Canonical Law Code about internal jurisdiction (cf. nn. 220, 240§2).

201. PRIOR GENERAL. *Prot. CG* 187/2018.

202. PATRÓN WONG J. C., «Candidates for the priesthood and religious life: selection, direction, and formation», en C. J. SCICLUNA – H. ZOLLNER – D.J. AYOTTE (eds), *Sexual abuse against children in the Church. Towards healing and renewal*, Sal Terrae, Santander, 2012, 101.

203. SYNOD OF THE BISHOPS, XV General Assembly: final documentI. *The young, faith, and vocational discernment*, 99.

204. SYNOD OF THE BISHOPS, XV General Assembly: final documentI. *The young, faith, and vocational discernment*, 102.

205. Cf. CONGREGATION FOR CATHOLIC EDUCATION. *Guidelines for the use of psychology in the admission and formation of candidates to the priesthood*, 5.13a.

206. Cf. CONGREGATION FOR CATHOLIC EDUCATION. *Guidelines for the use of psychology in the admission and formation of candidates to the priesthood*, 14.

3. The candidate's personal information and privacy

The vocational companion must keep everything they learn about the candidate/aspirant's life secret. "An honest accompaniment, balanced and respectful of liberty and consciousness of others, that helps them in their human and spiritual development, requires each companion to be competent and gifted with the necessary human, spiritual, pastoral, and professional resources. Therefore, those destined for vocational ministry are expected to undergo specific preparation and to possess generous dedication so such an important responsibility."²⁰⁷

3.1. Personal interviews

"Accompaniment must integrate all aspects of the human person through listening and dialogue in order to discover the true meaning of obedience and inner liberty."²⁰⁸ This process places the accompanied in a position of special vulnerability. If the vocational companion has not undergone a path of personal growth with regards to the psycho-affective and sexual, then discussion can turn into a potential tool for abuse. Perhaps not directly physical or sexual, but certainly on the level of emotional mistreatment, manipulation, dependence, control, and power over the accompanied person.

3.2. Psychological reports

In order to protect, in the present and future, the privacy and good name of the candidate, exceptional effort must be made in keeping the psychologist's professional report accessible only to the Major Superior and the head of the vocational ministry in the Province or the Order. Use by those not involved in the candidate's vocational discernment and formation is strictly prohibited²⁰⁹.

3.3. Reports from other seminaries and houses of formation

If the candidate comes from another formation center, reports from his previous superior are required. Requesting for a report about a former seminarian or clergymen about his departure or expulsion is an absolutely necessary precaution (cf. CIC n. 241§3). For this reason, the Major Superior or the head of Vocational Promotion in the Order or the Province "that evades, omits, or denies a perverse reality in the candidate becomes complicit in this perversion and may indirectly cause harm on God's People in the future. Therefore, it is important to provide precise, concrete information in the report about the candidate."²¹⁰

Accepting candidates without the required reports "allows the 'illegal trafficking' of vocationless youths. It hastens their entry without really knowing them, simply assuming good intentions from them. Like "wandering pilgrims," perverse aspirants of fragile personalities frequently seek institutions that would accept them without strict verification of their motivations, which could often be inauthentic or pathological. Every ecclesiastical-vocational institution must presume that not every subject is qualified for the priesthood."²¹¹ The contents of these reports are confidential, and so, must only be accessible to the Major Superior or head of vocational ministry in the Province or Order. Use by those not involved in the candidate's vocational discernment and formation is absolutely forbidden²¹².

3.4. Specialized examinations

It is the church's task to choose people it considers suitable for pastoral ministry. Furthermore, it is its right and duty to verify the presence of qualities required in those that it admits to its sacred ministry (cf. CIC n.241). However, the religious institution or the seminar's right and duty to acquire necessary information to make a prudent judgement of the candidate's qualifica-

207. CONGREGATION FOR THE CLERGY. *The gift of presbyteral vocation. Ratio fundamentalis institutionis sacerdotalis*, (December 7, 2016), 49.

208. CONGREGATION FOR THE CLERGY. *The gift of presbyteral vocation. Ratio fundamentalis institutionis sacerdotalis*, (December 7, 2016), 46.

209. CONGREGATION FOR CATHOLIC EDUCATION. *Guidelines for the use of psychology in the admission and formation of candidates for the priesthood*, 13a.

210. PORTILLO T, Daniel. *Psycho-theology of vocational discernment*, 98.

211. PORTILLO T, Daniel. *Psycho-theology of vocational discernment*, 97.

212. Cf. CONGREGATION FOR CATHOLIC EDUCATION. *Guidelines for the use of psychology in the admission and formation of candidates for the priesthood*, 13a.

tions, cannot harm a person's right to a good name nor his right to protect his own privacy²¹³, as written by canon 220 in the Canonical Law Code²¹⁴.

4. To form, not manipulate consciousness

«Reciprocal trust is a necessary element in the process of accompaniment. During formation, it is necessary to plan concrete measures to maintain and strengthen this trust. It is especially important to provide conditions that could help create a calm climate of trust: fraternal closeness, empathy, understanding, the capacity to listen and show sincere openness and, most of all, coherent life testimony»²¹⁵.

The Conclusive document of the Synod of the youth, dedicates four issues to describing the importance of consciousness in discernment since it is precisely at the heart where God speaks. In the first place, it states that discernment attracts attention about what happens in the heart of every man and woman, with the emphasis that the Bible uses the word "heart" to refer to the center of the inside of a person (n. 106). St. Paul carries on with this reflection and connects it to the word "consciousness" (taken from the culture of his time). In consciousness, the fruit of the encounter and communion with Christ is received: a saving transformation and the gift of a new kind of freedom. Consciousness is the privileged place for special intimacy with God and an encounter with Him, where his voice manifests (n. 107).

In the third place, the Document states that forming consciousness is a lifetime path, where one learns to fuel the sentiments of Jesus Christ himself, under the criteria of decisions and intentions behind his course of action (n.108). Lastly, number 109, concerning ecclesiastical consciousness, states that spiritual discernment is presented as a labor of consciousness, in its effort to know the possible good. Regarding this, it responsibly decides the correct exercise of practical reason in one's personal relationship with Jesus our Lord and the light in it (n. 109).

The vocational companion is absolutely prohibited from betraying the accompanied's privacy, imposing their own criteria, or taking advantage of their vulnerability to manipulate their consciousness. If the companion has unresolved psychological, affective, or sexual problems, they may use their role to manipulate the accompanied through abuse of power, rigidity, trust, seduction, intimidating language, isolation, and control, leading them to a total loss of freedom, self-alienation, and preventing them from being able to interact with other people. This may cause the accompanied to let them discern and decide for him ("whatever you say"). This initial takeover one another's consciousness requires a base of seduction. In this case, the vocational companion (abuser) occupies what should be God's place²¹⁶.

This type of behavior in the vocational companion does not allow a conscious discernment of vocation, since the abuser leads not guides (both are very different). The accompanied can only do what he is told and adopts the companion's ideas and desires as his own. At this point in the vocational process, everything that pertains to the aspirant (desire, discernment, and his own choices) is degraded by the companion (abuser) leading him to a road full of mistakes, an evil mindset, temptation...²¹⁷.

5. Protective places and spaces

During encounters or gatherings, priests and heads of the organization must make it clear that prevention starts from setting up the venue where the encounter takes place. If it is a

213. It is important to know the legislation in force in these countries regarding medical tests that candidates may be required to take to enter houses of formation, since some are voluntary and must be conducted with prior written consent of the person. (cf. HIV/AIDS test).

214. Cf. CONGREGATION FOR CATHOLIC EDUCATION. *Guidelines for the use of psychology in the admission and formation of candidates for the priesthood*, 11.12.

215. CONGREGATION FOR THE CLERGY. *The gift of presbyteral vocation. Ratio fundamentalis institutionis sacerdotalis*, 47.

216. Cf. KAST R. Hans. Some elements about abuse and consciousness manipulation, in: http://www.prevencion-formacion.cl/docs/ABUSO_DE_CONCIENCIA_25.4.2018.pdf

217. Cf. KAST R. Hans. Some elements about abuse and consciousness manipulation, in: http://www.prevencion-formacion.cl/docs/ABUSO_DE_CONCIENCIA_25.4.2018.pdf

house or a communal center, then it should have personal rooms for the participants where privacy is respected. If possible, they should only be single rooms. Spaces where personal dialogue, confessions, or any interaction useful for promoting human and spiritual growth are promoted, will have to guarantee privacy while at the same time, be within view.

As for the participants themselves, it is first important that they only be young people who are carrying out a process of accompaniment and are known by clergymen and members of vocational promotion teams. If it is necessary, for some reason, to hire an outsider for food and cleaning, then it should be someone trusted and well known by the heads of the encounter. If one of the participants is underage, then parents must provide written consent while clearly knowing who else will be involved, the venue, the duration of the encounter, and the type of activities that they will do, in order for their child to participate in the encounter or gathering. Lastly, these encounters will not be organized by a single priest, but the entire Vocational promotion team in the province or Order.

6. Treatment of cases of abuses

Regarding vocational promotion, full effort and formation as well as all resources must be used to create safe environments where vocational awakening is promoted respectfully accompanied by specific vocational decision-making.²¹⁸ Therefore, when there is any plausible case of abuse, the Major Superior will be informed and he will follow protocol established by the Order for these cases.

218. Cf. *Vocational promotion plan*, 26.

Key concepts used in the Guidelines

[This entire section will need to be adapted to the reality of the country and province concerned]

The key concepts considered in these guidelines are the following:

Person: as mentioned previously, our model of a person is one who, with self-identity, autonomy and freedom, achieves happiness in himself, in the encounter with the other, in the process of self-knowledge, self-esteem and growth in truth and love.

Child: any human being under 18 years of age, unless, by virtue of applicable law, he/she has attained the age of majority (article 1 of the Convention on the Rights of the Child). In this document, the concept of adolescent is also used in this document as a synonym for minors.

Vulnerable person: any person in a state of illness, physical or psychological impairment, or deprivation of personal liberty which, in fact, limits, even occasionally, his capacity to understand or to will or, in any case, to resist the offense.

Good treatment: a form of relationship between people, based on the feeling of respect and appreciation for the dignity of others. In reference to childhood, it implies building a comprehensive educational relationship based on the needs and potential of children.

Integral development: process of growth and learning of criteria and possibilities for life, combining all areas of the person: intellectual, cognitive, rational, technical, artistic, physical-sports, social, relational, emotional and spiritual.

Happiness: experience of satisfactory integral growth of the person, which occurs after reaching vital achievements, and which impels to give more of oneself towards fullness or the will to grow.

Maltreatment: we adopt the definition proposed by the World Health Organization (WHO), according to which *“child maltreatment means all forms of physical and/or emotional abuse, sexual assault, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power”*; as well as the definition of the CND (art. 19), *“any form of physical or mental harm or abuse, neglect or negligent treatment, maltreatment, exploitation, including sexual abuse...”* against the child.

Among the different types of abuse:

- **Physical abuse:** any aggression that may or may not result in physical injury, resulting from a single or repeated punishment, with varying magnitude and characteristics.
- **Emotional abuse:** habitual verbal harassment through insults, criticism, discrediting, ridicule, as well as indifference and explicit or implicit rejection of the child or adolescent.
- **Abandonment and neglect:** refer to the lack of protection and minimum care by those who have the duty and conditions to do so. Neglect exists when those responsible for meeting children's basic needs, both affective and material, fail to do so. Some educational styles can facilitate neglect or abandonment, as occurs in permissive or overprotective contexts.
- **Sexual abuse:** *“Contacts and interactions between a child and an adult when the adult (offender) uses the child to sexually stimulate himself, the child, or another person. Sexual abuse may also be committed by a person under the age of 18 when the person is significantly older than the child (victim) or when the offender is in a position of power*

or control over another.”

Sexual abuse includes sexual acts with or without physical contact, sexual contact with or without carnal access, with or without violence, and exploitative activities related to prostitution and child pornography.

- **Institutional mistreatment:** violation of the rights and dignity of the minor, produced by institutional action (regulations, program, procedure) or by the individual action of a professional within the institution, involving abuse, negligence and detriment to health, safety, emotional state, physical well-being and proper maturation. It includes the lack of agility in the adoption of measures and resources to protect the minor.

We also understand as an act of mistreatment, the passive attitude of any professional who, being aware and witness of any discriminatory or humiliating act carried out on a child, maintains a passive attitude towards such act.

Description and typification of each special form of abuse

The typologies and degrees of abuse can be very varied. They can be made into large groups or subdivided in more detail. On the other hand, the same type can be of greater or lesser intensity and effects. There are different established typologies.

- In these Guidelines, **child maltreatment** is understood as any form of harm, punishment, humiliation or physical and/or psychological abuse, as well as neglect, abandonment, omission or negligent treatment, including sexual abuse to any degree, of children or adolescents. Some of the forms of child maltreatment are the following: physical maltreatment (when an adult does not accidentally cause physical harm or illness to the child, or places the child in circumstances that put him/her in such a situation), physical neglect (situation in which the basic needs of hygiene, food, clothing, warmth, medical care, education or supervision are not met by those who should), sexual abuse (see below), emotional abuse (see below), emotional neglect (when the child does not receive affection and stimulation necessary for his or her affective and psychological development; lack of response from caregivers to his or her emotional expressions such as laughter, crying, etc., or attempts to approach and interact), labor exploitation.

- **Abuse among peers.** This is what is commonly known as *bullying*. This phenomenon is usually described as “a behavior of physical and/or psychological persecution carried out by one minor against another, who is chosen as the victim of repeated attacks. This action, negative and intentional, places the victim in a position from which it is difficult for him or her to escape by his or her own means” (Olweus definition). Notable characteristics are the intention to harm, the imbalance of power between the bully and the victim, and repetition.

- **Pedophilia:** is a sexual orientation, consisting of the attraction that an adult feels towards children or adolescents (canonically, up to 12 years of age, it is called pedophilia, and from 13 to 17 years of age it is called ephebophilia).

- **Pederasty:** is an external conduct in which a minor is used as a sexual object by another person.

[In the following paragraph it will be necessary to adapt to the reality of the country and province concerned]

- **Sexual assault:** Consists, according to Article 178 of the Penal Code (PC), in the attack against the sexual freedom of another person with violence or intimidation with sexual intentions. Violence is understood here as the use of physical force on the victim's body. Intimidation means the use of psychological force of a certain severity on the victim, consisting of acts such as threats (e.g. of expulsion, warning parents of a certain behavior, effects on grades, of false accusations against the victim, of suicide of the aggressor, etc.), or brushing aside (in such things as sports, class participation, parties, etc.) or other forms of coercion.

When the sexual aggression consists of carnal access through the vagina, anus or mouth, or the introduction of bodily members or objects through any of the first two ways, we are dealing with the case of rape.

[In the following paragraph it will be necessary to adapt to the reality of the country and province concerned]

- **Sexual abuse:** Consists, according to article 181 of the PC, in the attack against the sexual freedom or indemnity of another person, without violence or intimidation of the victim and without his consent. The victim does not consent, but the abuser or active subject achieves his purpose, albeit by non-violent or non-intimidating means. Abuse is committed when the conduct is carried out on persons who are sensory deprived - case of unconsciousness or sleepers-, whose will has been annulled -cases of use of chemical substances-, or is carried out on persons with a mental disorder that does not allow them neither to consent nor to oppose the abuser. Likewise, abuse is committed when consent has been obtained by the adult taking advantage of a situation of manifest superiority, which restricts the freedom of the victim, a superiority manifested by reason of age difference, hierarchical situation, emotional dependence, relationship of esteem, social bond, etc. The law contemplates several assumptions: (a) abuse of minors under 13 years of age; (b) abuse of prevalence; (c) fraudulent abuse or abuse by deception; (d) other abuses.

[In the following paragraph it will be necessary to adapt to the reality of the country and province concerned]

- **Abuse of minors.** Cf. Article 183 of the PC. It occurs when the sexual relationship is established with a person under thirteen years of age (which the current government proposes to raise to sixteen), because it is considered that at that age the person is not fully in control of himself to make decisions in the sexual field and, therefore, cannot consent. In this sense, it does not matter if the minor in fact consents, because such consent has no value. The greater vulnerability and the severe consequences for the psyche that the act may entail, means that the legal right of their indemnity has been very firmly protected. The law is categorical: any sexual contact with a minor constitutes a crime, even if the minor provoked or demanded it.

[In the following paragraph it will be necessary to adapt to the reality of the country and province concerned]

- **Abuse with prevalence.** This qualifies as abuse committed with children over 13 years of age, if the active subject or abuser has a clear position of superiority over the victim or passive subject and, in addition, makes use of this superiority to achieve the objective of sexual contact. Superiority must be manifest and the subject must take precedence over it to achieve consent.

[In the following paragraph it will be necessary to adapt to the reality of the country and province concerned]

- **Sexual harassment.** Cf. Article 184.1 of the PC. It consists of the solicitation of an act or contact of a sexual nature, for oneself or for a third party, within the scope of an employment, teaching or service provision relationship, doing so in such a way as to provoke an intimidating, hostile or humiliating situation on the victim. It can be between equals, i.e. when there is a relationship of hierarchical symmetry (co-workers, child-child, etc.) or occur with prevalence, i.e. with hierarchical asymmetry. In the latter case, the request makes use of the situation of labor, teaching, organizational or hierarchical superiority in any term, or with the express or tacit announcement of causing the victim a harm related to the victim's legitimate expectations in the scope of the relationship (non-promotion, qualifications, etc.).

- **Asymmetrical sexual relationship:** That which, without corresponding to any of the previous types (sexual assault, sexual abuse, abuse with prevalence, abuse of minors), takes place between pastoral agents (staff, religious, volunteers, parents, service providers, catechists, collaborators, etc.) who work in the parish and a minor (between fourteen and seventeen years of age) between whom there are links through the parish. This relationship is not criminally punishable, except in the case of abuse with prevalence, without prejudice to the fact that it constitutes a labor misconduct or is typified as such by these Guidelines or the regulations of each center.

[In the following paragraph it will be necessary to adapt to the reality of the country and province concerned]

- **Cyberbullying or grooming:** Cf. Article 183 bis of the PC. It consists of the use of telephone communications or ICT by an adult to gain the trust of minors with the intention of achieving a sexual encounter, either physically or virtually. The methodology of this type of harassment consists of generating trust, obtaining personal data of the minor, obtaining images of erotic content of the minor and, if necessary, a personal meeting obtained using the above, with or without coercion. Cyberbullying as a crime occurs only when the proposal of a sexual encounter is materialized in material acts aimed at approaching and the victim is under thirteen years of age.

- **Pornographic material:** In the context of these Guidelines, pornographic material is any work (writing, drawing, photograph, symbol, video, etc.) that consists of an immersion in obscenity or eroticism, intended as such, for no other purpose than to obtain the sexual arousal of the recipient, without the work being of literary, artistic, scientific or pedagogical value. The use of a certain material, by virtue of the handling thereof, may make it pornographic, when used for lubricious and non-educational purposes, or the latter as a pretext for the former.

- **Possession of pornographic material:** Consists of possession for personal use of pornographic material.

[In the following paragraph it will be necessary to adapt to the reality of the country and province concerned]

- **Possession of pornographic material with content of minors and incapable persons:** It consists of the possession for personal use of pornographic material in the elaboration of which minors or incapable persons have been used. It is a criminal conduct according to article 189.2 of the PC. Possession implies a certain period of time, not something momentary.

[In the following paragraph it will be necessary to adapt to the reality of the country and province concerned]

- **Trafficking in pornography:** Consists of the production, sale, distribution or facilitation of pornographic material, or possession for such purposes, regardless of the origin, with special mention when such material has been elaborated using minors or incapable persons, in which case it constitutes a crime. According to article 186 of the PC, a crime is committed when by any direct means pornographic material is sold, disseminated or exhibited among minors or incapable persons. The passive subject is the minor under eighteen years of age, not the minor under thirteen years of age, regardless of consent. On the contrary, the dissemination, sale or exhibition of pornographic material among adults is a criminally atypical case.

- **Trafficking in virtual child pornography.** It is a variety of child pornography trafficking, in which minors are not directly used in acts of a sexual nature, but indirectly through the artificial insertion of their images or voices in a pornographic context. It is a criminal conduct.

- **Inappropriate verbal conduct:** Any conversation that contravenes the indications of these Guidelines.

- **Physical misconduct:** Any physical behavior that contravenes the indications of these Guidelines.

- **Position of ascendancy, advantage, prevalence or privilege:** Consists of the asymmetry of the relationship between two people that is likely to result in a situation of capacity to influence and dominate the will and/or reactions of another person.

- **Emotional abuse or maltreatment:** Consists of persistent emotional maltreatment of a minor in such a way as to cause permanent adverse effects on the minor's emotional development. It may be perpetrated by parents, catechists or others. It may consist of conveying denigrating messages to the minor, that he/she is useless or worthless, that no one loves him/her, that he/she is maladjusted or that he/she is only worthwhile if he/she

is useful for certain purposes. It may consist of imposing expectations on the child that are inconsistent with his or her development, either because they are beyond the child's developmental capacities or because, at the other extreme, the child is overprotected and his or her capacity for exploration and learning is limited, or the child is deprived of participating in normal social interaction for his or her age.

It can also consist of witnessing or hearing someone else being abused. It also consists of making the child feel frightened or fearful, as well as the corruption of minors. All of these possible scenarios, or just one, are likely to cause emotional harm.

- When we speak of parish **personnel** or pastoral agents, we include the parish staff (parish secretary, sacristan, service personnel, etc.), members of the parish, whether or not they are members of the parish, religious, catechists, volunteers, monitors, service providers, camp monitors, youth leaders, as well as the parents of minors who participate directly in the evangelizing work of the parish. In other words, all those who collaborate in the evangelizing mission of the parish for minors.

[In the following paragraph it will be necessary to adapt to the reality of the country and province concerned]

- **Child.** In these Orientations it will be persons up to thirteen years of age..

[In the following paragraph it will be necessary to adapt to the reality of the country and province concerned]

- **Adolescent** shall be those between 14 and 17 years of age, inclusive.

Forms

Contracted personnel

Receipt, knowledge and acceptance of the rules of action in relation to minors in order to avoid improper conduct

I, Mr. / Ms. _____, of legal age, with ID number _____, residing at _____, as (POSITION WITHIN PARISH) of the parish _____ of the Diocese of _____, declare:

- Have received, read and understood the RULES OF ACTION IN RELATION TO MINORS AND VULNERABLE ADULTS FOR THE PURPOSE OF AVOIDING IMPROPER CONDUCT, understanding the content of the same as guidelines for action by which any staff of the center should be governed.
- Understand the importance of observing its contents and especially those commitments and obligations inherent to my responsibilities.
- My personal and professional commitment to comply with these standards, and in accordance with them, to look after the interests of minors and vulnerable adults.

Therefore, I agree to comply with the rules set forth in these documents and to cooperate with the center for their correct application and respect.

Date and signature of employee

Volunteer personnel Receipt, knowledge and acceptance of the rules of action in relation to minors in order to avoid improper conduct

I, Mr. / Ms. _____, of legal age, with ID number _____, residing at _____, in my capacity as (catechist, social monitor, collaborator, coordinator, volunteer, etc.) of the parish _____ of the Diocese of _____, declare:

- To have received, read and understood the RULES OF ACTION IN RELATION TO MINORS AND VULNERABLE ADULTS FOR THE PURPOSE OF AVOIDING IMPROPER CONDITIONS, understanding the content of the same as guidelines for action by which any personnel of the institution should be governed.
- To understand the importance of observing its contents and especially those commitments and obligations inherent to my responsibilities.
- My personal commitment to comply with these rules, and according to them, to watch over the interests of the minors.

Therefore, I agree to comply with the rules set forth in these documents and to cooperate with the center for their correct application and respect.

Date and signature of employee

Form for criminal records

Affidavit of no criminal record for crimes of a sexual nature

In the event that the country of residence does not issue a criminal record certificate for crimes of a sexual nature, the pastoral agent, contracted personnel or volunteer must sign the following affidavit stating that he/she does not have such a record.

I, Mr. / Ms. _____, of legal age, with ID number _____, residing at _____, as (POSITION WITHIN PARISH) of the parish _____ of the Diocese of _____, declare:

that for the purpose of working or performing regular activities with minors I do not have a criminal record for crimes of a sexual nature (such as sexual assault and abuse; sexual harassment; indecent exposure; sexual provocation; prostitution; sexual exploitation; corruption of minors; etc.).

Given at (place and date).

(signature)

Sample letter of complaint

If you are concerned about possible mistreatment of a child, you have an obligation to protect the child and report the facts in accordance with the procedures described in the Code of Conduct. Among others, the BICE CPE should be advised by your hierarchy or by yourself. Below is a sample letter of complaint, with a number of key points, which we recommend you use.

1. What are the reasons for your complaint? (Please give a brief explanation)

- Have you witnessed child abuse?
- Do you suspect that someone is mistreating a child? What are the elements that justify your concern?
- Do you think a child is being abused? For what reasons?
- Has someone brought a suspected or actual child abuse to your attention? What did he or she tell you?
- Did a child confide in you that he/she was or had been abused? What did he/she tell you?

2. What are the facts? (Check the corresponding answers)

Sexual Abuse
Physical abuse
Psychological abuse
Neglect
Exploitation
Abandonment
Discrimination

Specify the facts and their date of commission:

3. Identity of the person suspected of committing the abuse:

- Name:
- Position:
- Place of work:

Registration form in case of suspicion or complaint of sexual violence²¹⁹

1. About the complaint/suspicion

Date of complaint/suspicion
 Time of complaint/suspicion
 How was the information received? (attach any written documents to this form) telephone / letter / email / in person / other which

2. Details of the complainant or the person expressing the concern

Name
 Address
 Telephone
 Email address
 What is your relationship to the affected person?

3. Data of the affected person

Name
 Address
 Date of birth
 Language (if there is an interpreter, he/she must sign)
 Phone
 Do you have a disability or are you a vulnerable person?

4. Mother's, father's or guardian's information

With whom does the affected person live? Mother and father / only with mother / only with father / other guardian / other which one?

Name of relative or guardian
 Age of relative or guardian
 Address
 Telephone

Father's name
 Father's age
 Address
 Phone

Mother's name
 Mother's age
 Mother's address
 Telephone

Guardian's name (if applicable)
 Guardian's age (if applicable)
 Phone

Has the mother, father, both or guardian (as the case may be) already been informed of the reported or suspected sexual violence situation? Yes / No

219. D. PORTILLO TREVIZO, «La prevención del abuso en la catequesis. Código de conducta y protocolo integral», en D. PORTILLO TREVIZO (coord.), *La prevención en la Iglesia. El entorno protector en la catequesis*, Ciudad de México 2019, 202-206.

5. Details of the alleged perpetrator of the violence

Name

Age

Address

Telephone

What is your relationship with the person affected (pastor, parochial vicar, catechist, companion, friend, acquaintance, relative, etc.)?

Describe the type of contact you have with the person concerned, for example: "is your catechist one day a week, two hours a week..."

Other relevant additional information, for example: if the person has been denounced on other occasions, if the violence was committed outside of curricular activities, etc.

6. Reasons for concern, suspicion or complaint

Describe the incident(s): dates, places, witnesses (if any).

Is the affected person aware that a report is being made?

What was the assault or suspected assault like?

7. Actions taken

Has the problem been referred to the appropriate civil authorities? Yes / No
To which one? Why?

What day?

At what time?

7.1 Details of the authority or official to whom the complaint was made

Name

Area and agency to which he/she belongs

Position held

Address

Telephone

E-mail address

Has the problem been referred to a member of the Church? Yes / No

Which one? Why?

What day?

What time?

7.2 Details of the Church member to whom the complaint was made

Name
Position held
Address
Telephone
E-mail address

8. Next steps

What actions were agreed upon and by whom, when the matter was referred to civil or ecclesiastical authorities?

Is there an immediate concern regarding preserving the physical, psycho-emotional, or social integrity of the persons involved (affected persons and the alleged perpetrator)?

If so, please indicate: what are the concerns, what actions have been taken and by whom?

9. Information from the pastor or catechetical coordinator or parish or provincial prevention commission:

Date form sent to bishop, major superior and pastor.

10. Information of the person filling out this form:

Name
Age
Phone
E-mail address
Role in the parish
Date form is completed

Signature

Communication guidelines for reputation crisis management

1. Introduction

Reputation is the measure of trust that an institution has. We understand reputation as “the recommendation that an organization deserves when there is coherence between what it is, what it does and what it says, maintains positive relations with all its stakeholders, knows how to navigate changing environments and makes a sincere effort to contribute to the society in which it lives”. It is day-to-day job to cultivate it and work to be perceived as a reliable, responsible, and coherent institution to its values²²⁰.

Reputation is affected when a crisis erupts and society in general, and stakeholders²²¹ feel that their trust has been betrayed. Every institution runs the risk of suffering a reputation risk, which may be due to internal, external, or circumstantial causes, and which will require an organized and coordinated management from the communication point of view. One of these crises, however minimal its impact, can seriously affect the reputation and public credibility of the institution, by highlighting the work done in a regular manner. Once exposed to public opinion, the facts spread with surprising speed causing perplexity, uncertainty, and confusion within any institution, as well as a negative perception in external audiences.

When an institution is not prepared to overcome a reputational crisis and it is unleashed, the attitude is usually reactive, disjointed, and ineffective. Such an attitude, far from helping to overcome the difficulty, can contribute to deepening it.

“When religious authorities are unwilling or unable to give information, they easily give more occasion to the spread of pernicious rumors than to the clarification of the truth. Those responsible in the Church must wisely anticipate this difficulty and not allow others to take the lead with their initiatives”
(Communio et Progressio, 1971, 121 and 124)

With the aim of being transparent in management and communication, the Communication and Publications Commission of the Order of Augustinian Recollects, following the indications of the Prior General, has prepared this document with general and practical criteria to facilitate an adequate management of institutional communication in the event of possible cases of communicative and reputational crisis.

These Guidelines aim to respond to three basic principles of crisis management, according to Professor Yago de la Cierva. The three principles are: foresee, prevent, and provide. The first means knowing the internal and external context of the organization to identify the conflicts that could affect it, with what probability and their consequences. The second involves being proactive to avoid the most plausible conflicts. The third requires an action plan²²².

This present document has taken into account possible risk factors that may lead a crisis in the Order, both at the general and provincial levels, in religious communities, in specific apostolic works (parish, educational or social), in the different geographical demarcations. The purpose is to provide the respective measures that can be taken and to generate an awareness of common responsibility in crisis management.

220. MORA, Juan Manuel (Ed.) (2020). *The value of reputation*. Navarra: EUNSA.

221. Edward Freeman defines the concept ‘stakeholder’ as “those groups of people without whose support the organization would cease to exist”. It refers to all the people involved in the day-to-day operations of the institution.

222. DE LA CIERVA, Yago (2015) *How to deal with a reputation crisis before, during and after* (<https://www.ieseinsight.com/doc.aspx?id=1690&idioma=1>)

2. General objective

The objective is to define the guidelines, processes, actions, and communication skills required for the management of those situations that affect the natural performance of the institution: the Order in general, the provinces, communities, or the different apostolic works. Likewise, these guidelines are intended to help maintain relationships of trust with stakeholders and institutional credibility with them.

We consider stakeholders, or interest groups, the internal public of the institution (members of the Order of Augustinian Recollects, workers, teachers, volunteers ...), external public (faithful, families of educational centers ...), media, authorities (civil and ecclesiastical), institutions (civil and ecclesiastical), social organizations and citizens in general.

3. Specific objectives

The specific objectives of this guideline document are as follows:

- Maintain the credibility and trust of the institution with its stakeholders, facilitating tools and protocols in the communicative management of the crisis.
- Establish a communication action plan that allow to manage, in a timely and truthful manner, the institutional communication in the event of possible crisis scenarios.
- Facilitate the delivery of timely information to the various stakeholders in the event of a possible crisis.
- Encourage a sense of commitment, solidarity, and support from the members of the institution for the communicative management of the crisis.

4. The relevance of reputational crises

By crisis we mean “a serious alteration of the social circumstances of the organization”²²³. It is any unexpected situation that alters the normal performance of the institution’s activities and can have a negative impact on its reputation, thus affecting its relations with its stakeholders. Depending on their relevance and repercussion, crises can affect an educational center or parish, or, to a greater extent, a province, or the Order itself, in a general sense.

Herman defined communication crises as “events characterized by threat, surprise, and lack of response time”²²⁴. In this sense, the threat – to the reputation or to the very mission of the institution – is the distinguishing feature. However, crises must also be faced as opportunities for change, in prevention or organization. Including both the threat and the opportunity in the definition of crisis, broadens the communicative possibilities of an organization during a crisis²²⁵.

We can only speak of crisis when what has happened is man-made. Accidents or natural disasters in themselves are not a crisis; the crisis will originate if a human action has caused the consequences of these unexpected events to be severe. Therefore, crises do not depend on the things that happen but, on the response, we give to the things that happen.

Another major feature is the lack of response time. Once the crisis has erupted, stakeholders – especially the media – demand an immediate response. This response must entail action, so organization and coordination must be highly effective.

223. DE LA CIERVA, Yago (2015). *Communicating in Troubled Waters: An Ethical Approach to Crisis Communication*. Navarra: EUNSA.

224. HERMANN, C. F. (1963). Some Consequences of Crisis Which Limit the Viability of Organizations. *Administrative Science Quarterly* 8. 61-82.

225. Robert R. ULMER, Timothy L. SELLNOW & Matthew W. Seeger (2007), *Effective Crisis Communication: Moving From Crisis to Opportunity*. SAGE Publications

Crisis communication seeks to mitigate existing communication aspects, clarify actions, and facilitate communication relations with the entity's stakeholders (social in general and ecclesial), as well as prevent negative impacts on the credibility of the institution's image with citizens in general.

In this sense, communication is a link in the chain of reputation crisis, but it is not the whole chain. In addition to the communication actions, the implementation of the protocols provided and the documents for the protection of minors are added, as well as the Guidelines that have been elaborated on this matter. In this sense, crisis prevention is a very important aspect. According to some statistics, most crises have been avoidable.

There is a simple classification to differentiate crises: avoidable crises and inevitable or accidental crises. The former could be avoided with timely and effective intervention by the organization. The latter are caused by natural causes or human error beyond the control of the institution²²⁶.

However, in our case, given the multidisciplinary and broad mission of the Order of Augustinian Recollects, we will classify the types of crises in a broader classification made by Lerbinger, which is presented in the following section.

5. Types of crises²²⁷

- a) Natural crises: they do not present causes attributable to man and, consequently, institutional responsibilities are limited to the prudence required in the forecast, the preparation prior to their arrival, and in the response given.
- b) Technological crises: these are caused by an error in the use of technology. They are serious because they can lead to problems in the processing of personal data.
- c) Confrontational crises: caused by an individual or a group that publicly opposes the institution and seeks to mobilize the population to prevent or reduce its activity.
- d) Malevolence crises: caused by illegal or external criminal acts, such as the kidnapping of an employee, a robbery, or a computer attack (hacking).
- e) Crisis due to erroneous values in the organization: these occur when the organization, or an institution, makes decisions contrary to its mission, vision, or values, contrary to its purpose or opposed to its ideals.
- f) Crisis due to the conduct of the members of the organization: they are caused by abuses of any kind, misconduct, misappropriation of money... In short, by immoral actions of any member of the institution (educational centers, parishes, communities...).

6. Principles of crisis communication

- | | |
|----------------|------------------|
| o Listening | o Clarity |
| o Timeliness | o Accountability |
| o Promptness | o Empathy |
| o Transparency | o Commitment |
| o Truthfulness | o Solidarity |

It must be taken into account that:

- 1.- Stakeholder perceptions are as important as the facts, as they measure reality.
- 2.- The objective of the management is to reduce the risks for our public and to make people feel protected.
- 3.- The objective of communication is to ensure that perception coincides with reality.
- 4.- Our first audience is always internal.

226. González Herrero, Alfonso (1998), *Preventive marketing: crisis communication in the company*, Bosch, Barcelona.

227. LERBINGER, Otto (1997), *The crisis manager*, LEA, Mahwah.

Key aspects

It is important to keep in mind three key aspects that are fundamental in decision making:

1. In any crisis, the people making decisions and coordinating the response should be calm and composed. Agreed actions must be carried out based on consensus and peaceful. It is also essential to think before acting.
2. Timing is key in managing a crisis. In an atmosphere of peace, decisions must be taken as a matter of urgency. In many cases, time is against us. Therefore, you cannot delay meetings or decision-making, but you must act on the fly.
3. In all decisions, the person must be at the center. Decisions should not be taken to safeguard the institution, but always placing the person at the center and taking actions that solve the problem or reduce its impact.

7. Scale of crisis management

To simplify the organization and management, we have organized the different crises on a scale from lesser to greatest relevance to the institution.

LEVEL 1

These are crises that have a particular significance in the local context, and affect the reputation of a specific pastoral work: educational center, parish...

They fall into this level:

- Abuse from one minor to another minor.
- Abuse from an adult student against a minor.
- Abuse of a minor by hired personnel of the center.
- Matters involving crimination: racial, cultural, sexual, disability, etc.
- Complaints by the management (correction of exams, increase in costs of a school, dismissals, elimination of masses or pastoral activities in a parish ...).
- Controversial actions denounced by an interest group or media (an activity that offends a social group ...).
- Aspects of general public order that threaten the life and integrity of the members of the institution.
- Health emergency (massive infections in the center).
- Violation of computer security.
- Liability in accidents.
- Confrontations of a group against the institution.

Heads of the Crisis Management Committee: Head of the ministry (Director of the educational center, parish priest or prior of parish or community ...), or the Senior Superior (depending on the degree of relevance of the crisis or if the person involved is responsible for the ministry).

Members of the Crisis Management Committee: Head of the Crisis Committee, Senior Superior (may delegate to the person he deems fit), external legal and communicative advisers of the Commission of the affected country, spokesperson (must be elected by the crisis management committee) and those who are considered appropriate, by their position or experience, for crisis management.

Scope: local (educational center, parish, mission...).

LEVEL 2

They are crises that highlight the work or mission of the entity that owns a pastoral work, or of a specific province or vicariate.

They fall into this level:

- Serious accidents involving religious, contracted or volunteer personnel of the institution, participants in activities, students of educational centers or indirect affected.
- Abuse of minors by religious.
- Scandals involving religious (detention, statements...).
- Economic scandals affecting several educational centers in a province.
- Justified complaints, published in the media and with the intervention of authorities.
- Complaints of poor management in a pastoral work that point directly to the titular entity.
- Liability in accidents with fatalities.
- Decisions protested by a collective or group of people.
- Any breach of the security of computer and digital media such as web pages, social network profiles, e-mail boxes, databases, etcetera ... that depend on the province.

Head of the Crisis Management Committee: Superior major

Members of the crisis management committee: Superior major, external legal and communications advisors from the commission of the affected country, spokesperson (to be elected by the crisis management committee) and those people deemed appropriate, by virtue of their position or experience, for the management of the crisis.

Scope: vicariate or provincial

LEVEL 3

They are crises that affect the Order in a general and international way, or that point out as guilty in general.

They enter this level:

- Economic, sexual, or other scandals affecting several countries - and several provinces - or the general reputation of the Order.
- Controversies or complaints about decisions taken by the General Council.
- Controversies over words or positions of the Prior General or persons linked to the General Curia.
- Any breach of the security of computer and digital media such as web pages, social network profiles, e-mail boxes, databases, etcetera ... that depend on the general Curia.

Head of the crisis management committee: Prior general

Members of the Crisis Management Committee: Prior General, legal expert (may be appointed by the crisis management committee), Director of the Communications Office, spokesperson (must be elected by the crisis management committee) and those persons deemed appropriate, by virtue of their position or experience, to handle the crisis. If the person in charge or the crisis management committee thinks it necessary, senior superiors of the geographical areas where the crisis has arisen may be present.

Scope: general/international

It should be noted that none of these three levels has more or less importance. This differentiation has been chosen to determine the degree of involvement of the internal structure in crisis management, although a crisis that arises in a local context may end up affecting the institution in a general sense.

It is necessary to omit out of this classification the crises of reduced level that do not entail an immediate reaction:

- Minor mishaps without media visibility
- Accusations without credibility or significance.
- Rumors without foundation or significance.

8. The crisis management committee

The Crisis Communication Committee is directly responsible, depending on the level of crisis described in the previous point. It will act in coordination with the senior management and the corresponding advisors. It is important that all crisis communication is centralized, with a single voice and a single criterion. This is why this committee is so important.

Crisis management committees are flexible. Taking into account the origin of the crisis, the Committee will appoint and rely on experts and advisors who will participate in the Crisis Committee to give specialized concepts, as well as the information required for the management of the crisis.

The functions of the Committee are:

- Articulate and coordinate crisis management and make timely decisions.
- To ensure an effective infrastructure to deal with the crisis (material and human resources).
- To guarantee the circulation of information to stakeholders with timeliness, truthfulness, transparency, speed, and efficiency.
- Promote necessary training for spokespersons, drills, communication skills and effective crisis communication management.
- Identify possible events that may generate a communications crisis and determine preventive actions, to minimize their impact if they occur.
- Establish strategies to control the crisis and neutralize the consequences.
- Define stakeholders considering the type of crisis.

9. Crisis action plan

Crises can be generated in multiple ways, depending on the type of crisis or the people involved. They are generally caused by information from a media that compromises the organization, by the public complaint (in social networks or before the media) of a person or a group of people, or by an unexpected event.

However, the event that would generate a crisis can be previously known in advance internally. The latter facilitates coordination and response because the organization takes the initiative in the first instance.

Either way, the crisis must be handled following an action plan that adequately coordinates the institutional response and that will go through three phases, all of them of equal importance.

PHASE 1. Diagnosis

The first step, once the crisis is known, is the meeting of the crisis management committee as soon as possible. It is necessary to take into account that immediacy and urgency are two key aspects in a crisis, so it is necessary to prioritize committee meetings and the execution of actions. It can be face-to-face or virtually through a platform.

As seen in the previous point, crisis management committees are flexible; the entry or exit of one of its members, by decision of the person responsible according to the typology of the crisis, must not stop the meeting or decision making.

At the first meeting, the committee should:

1. Gather and organize all available information. All the data, the people involved, the background information, etcetera, should be on the table.
2. Remember who I am. It is essential to remember the institutional identity and think about how this crisis can be an attack on the mission, vision, and values of the organization.
3. Identify the problem. Although it may seem simple, it is difficult to find the real problem, but the success of the overall effort will depend on it. Therefore, the problem must be defined, how it affects the institution and the stakeholders, all preferably summarized in one sentence.
4. Identify those responsible. It is very important to define the institutional response. Who has caused, directly or indirectly, the crisis?
5. Plan the possible evolution of the crisis. Normally crises are not usually a one-day problem but bring with them other events or possible decisions. It is necessary to think about the different paths it can take.
6. Decide on the institutional position on the problem. Once everything has been analyzed, the answer must be designed based on several questions: what does this crisis mean to me? How does it affect my audiences? What should I do about it? It has to be done in two or three lines.
7. Distribute the tasks within the committee, to clarify who is responsible for the different tasks that must be performed. It does not mean that each person is only responsible for his or her own tasks, but rather that it is a team effort.

PHASE 2. Development

Once all the information has been gathered, with a thorough knowledge of what has happened, an awareness is made of how this problem affects the company has been gained, and the institutional position has been decided, the response plan to the stakeholders begins to be built. Within this second phase, the most complete and executive phase, several decisive steps must be followed.

Communication to the public

The crisis management committee must draw up a map of audiences that are affected, directly or indirectly, or that need a response from the institution. In this sense, everyone must be considered. For example, in the case of educational centers: families of the students involved, students, teaching staff, families of the educational center and the media (the latter if they require a response).

Each of them will need a response, which in some cases could be the same. Due to the different degree of linkage with the institution, it is very important to take into account that their vision may be different. Therefore, the same document should not be considered for all audiences, unless it is believed that everyone can understand it in the same way.

It is necessary to put yourself in the shoes of the receiver of the message. The latter also mean keeping in mind the culture and customs of the country.

Differentiation of audiences, depending on the crisis:

- Internal public (families of the victims, religious of a province, teaching staff of an educational center, priests, and heads of pastoral council of a parish, volunteers of a mission ...).
- External public (families of an educational center, students, faithful of a parish, media ...).

Development of the messages

Once the target audiences are clear, you begin to prepare each of the messages. The first response is the most important, as it is the starting point and will guide us along the path, we will follow from that first communication.

The response should explain what has happened (and why) and what the institution's reaction is (what actions will be taken and what is the institutional position). The explanation of the facts is a fundamental element. The logical and institutional narrative of what happened is relevant to elaborate the story, preventing a media or other source from elaborating it in a biased, false or malicious way. During a crisis there is some competition between different versions of events.

Five important aspects must be explicitly stated in the institutional messages:

- Repudiate the harm caused to people. It is a matter of rejecting the misconduct or events that have affected people and caused the crisis.
- Acknowledge the facts. If the responsibility of the institution is clear, the facts must be confirmed and acknowledged. Asking for forgiveness is essential to close the wounds that have been opened with this problem.
- resolve the problem. Explain in an understandable manner the actions that have been or will be taken to solve the problem or minimize the damage caused.
- Restitute. In line with the above, report on the actions that will be taken to take care of the damage caused to people as result of institutional activities.
- Renew. Remember the institutional principles and values and implement actions to recover the lost trust and affected values.

The institutional response is articulated in three written documents:

- Position paper. It is presented in the form of an institutional statement. It is the text that contains the concrete facts, the vision of the institution and the decisions. It should be brief and direct, with clear sentences that leave no room for misinterpretations. You must think that it must be understandable even to those who know nothing about the institution or the facts.
- The document should follow a clear structure: narration of the facts (without specific details), institutional position (forgiveness, recognition ...), actions of solution and restitution (internal investigation, help to the family of the victim, work carried out in this line ...) and recovery of values (a quote from the Constitutions, the Pedagogical Plan or Pope Francis give strength and help in the recovery of identity). This document is the only one of the three that would be sent to the public, adapting it to each one.
- Question and Answer Paper. It is interesting to draw up a document that elaborates on the institutional position in detail, responding to the questions that interest groups ask themselves about the problem. It facilitates understanding and details the position adopted by the institution. The entire crisis management team participates in the preparation of the document and the person responsible for this action formulates, responds, and unifies them.

- **Argument.** This document is optional and depends on whether, among the responses decided upon, a media appearance will be made. In this case it is essential. It is a document that includes data and arguments about the problem in relation to the controversial issues for public opinion. This document also includes possible questions that journalists could ask and that the spokesperson - in charge of appearing before the media - should respond in a clear and timely manner.

In addition to the written document, you may choose to accompany the statement with a video of the head of the institution or the Senior Superior indicating what is said in the document, although it is not recommended due to the ease with which it can be taken out of context.

Choice of channels

To communicate the institutional position, the same instruments that the institution already uses in ordinary communication should be used. It is not recommended to open new channels during a crisis.

Whenever a crisis occurs, it is always advisable to make a communication channel available (telephone or mailbox) so that any other victim can inform and report it.

Direct communication channels (email, for example) are the most recommended for internal communication. It is direct and fast, also facilitating a potential interaction.

In the case of external communication, social networks and, especially the web, are the best tools. However, social media can be a new source of crisis (due to their responses) if the information is not published properly. Communicating the institutional position in the face of a crisis in social networks must be done in a firm and clear manner. Likewise, they are very effective to know the extent of the crisis generated.

In large-scale crises, it is very interesting and advisable to have a special and visible section on the web that includes the statement and some important elements in defense of the organization's position.

Election of spokesperson

The crisis management committee must choose a spokesperson, who will be the one who addresses, if necessary, the media. He or she, must be able to respectfully convey the institutional position.

In general, the choice of a spokesperson depends on the type of crisis, its relevance, or its duration:

- In severe crises (level 3 or, occasionally, level 2) it is essential to show the involvement and commitment of the institution. Therefore, the responsibility of spokesperson be given to the Prior General, or the head of the institution.
- In normal crises (level 1 and level 2), the spokesperson can be the person in charge for communication.
- In technical crises, the spokesperson may be the expert in the field, which helps to make their explanation more credible.
- In emergency crises, it is recommended that this task falls on those responsible for the rescue teams, and if it affects the institution, the Senior Superior.
- If the crisis is prolonged over time, the task can be assigned to two people: one for first-level communications (significant changes and major developments) and one for regular updates and information.

In any case, the spokesperson must comply with a number of essential requirements, some of which are described below:

- Master the subject on which you he or she is giving statements. Within his explanations he should include figures, statistics, measures taken, management of the situation and causes of the situation, among others.
- Have excellent handling of the media.
- Have a good attitude (the spokesperson can never be a reactive person).
- Have a good personal presentation (since the spokesman, in times of crisis, is the image of the entire Order).
- Can express himself correctly (good command of language).
- Master panic and nerves (cool head)
- Cordial and polite.
- To transmit security.

Facilitating the work of the media

The media are one of the most important audiences in a crisis because of the scope they will give to information. Therefore, it is important to take special care of them and, as far as possible, facilitate their work, so that they become allies or at least prevent them from being enemies.

A statement should be sent to those who are considered to be the key, as detailed in the section *Preparation of messages*. It is also advisable to also send the statement to press agencies, which will be in charge for getting the information to more media. In this sense, it is advisable that the media disseminate the position to the facts and not only the facts that occurred.

The communication department and the crisis management committee should always help the media and facilitate their work. It is not advisable to hinder their task, bas this will help to create a a non-transparent vision of the institution.

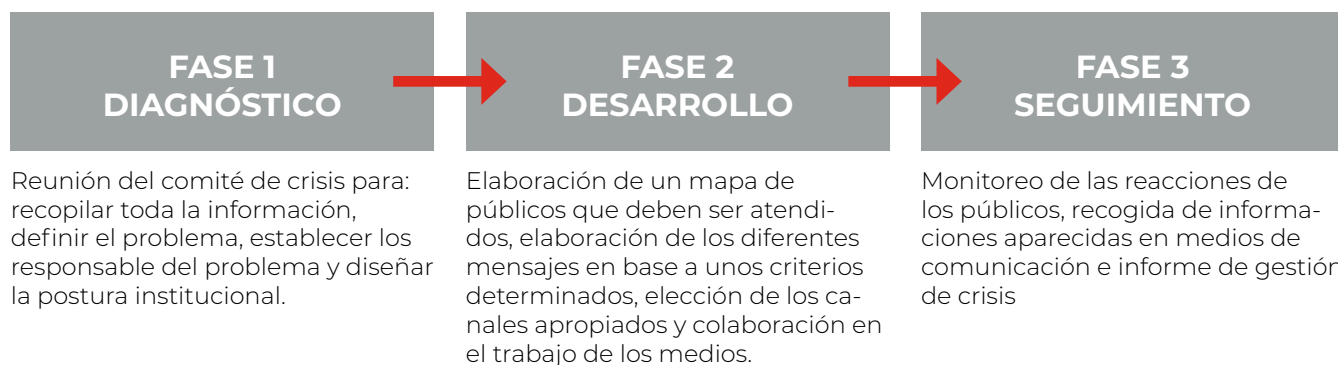
Perhaps some of them will request an interview with a member of the management or organization. In this regard, it is advisable to assess the media and the journalist requesting the interview. Likewise, it is not advisable to conduct numerous interviews, because it would broaden the approaches and points of view, which goes against the institutional unity of the statement.

PHASE 3. Follow-up

As soon as the crisis arises it is important to directly follow the reactions in the public, but this becomes a key factor once the first messages have been launched. The crisis management committee, or the team it designates, must monitor the impressions and opinions of the stakeholders, in order to know the positive or negative effect of the response given to the crisis.

Likewise, it is essential to carry out a press clipping to know the impressions that our problem has had in the media, as well as to know the approach that is being given in each medium. This work, among other things, will determine the success or failure of the response to the crisis.

Finally, once the most serious part of the crisis has passed, it is advisable to draw up a crisis management report that includes all the actions that have been carried out. Thus, with perspective, it will be possible to know the mistakes and successes and learn to face new crises in the future or if the crisis resurfaces again.



10. Possible crises according to stakeholders

RELIGIOUS

Risks

Natural crises: Victim of an accident, illness.
 Technological crises: Victim of hacking of their bank accounts or social networks.
 Confrontational crisis: Protagonist or victim of a by a smear campaign by a social group.
 Crisis of malevolence: Kidnapping, victim of an attack.
 Crisis due to erroneous values in the organization: Actions against the ideology, decisions taken, guilty of a dismissal.
 Crisis due to reprehensible behavior: Sexual scandal, economic scandal, controversy over statements or publications in social networks.

Causes

- Complaint of victims in the media.
- Internal information.
- Information from the media.
- Information in social networks.

Preventive actions

- Protocol for the Protection and Prevention of Children and Adolescents.
- Economic and Heritage Council training documents.
- Audit of the accounts of communities and institutions.
- Pastoral and Ministerial Ideology.
- Care of Facilities.
- Training.
- Care of people.

CONTRACT STAFF

Risk

Natural crises: Victim of an accident, illness.
 Technological crises: Victim of hacking of their bank accounts or social media accounts.
 Crisis of confrontation: Protagonist or affected by a smear campaign by a social group.
 Crisis of malevolence: Kidnapping, victim of an attack.
 Crisis due to erroneous values in the organization: Actions against the ideology, decisions taken.
 Crisis for reprehensible behavior: Sexual scandal, economic scandal, controversy over statements or social media posts.

Causes

- Complaint of victims in the media.
- Internal information.
- Information from the media.
- Information in social networks.

Preventive actions

- Protocol for the Protection and Prevention of Children and Adolescents.
- Audit of the accounts of communities and institutions.
- Care of Facilities.
- Training.
- Care of people.

VOLUNTEERS

Risk

Natural crises: Victim of an accident, illness.
 Technological crises: Victim of hacking of their bank accounts or social networks.
 Crisis of confrontation: Protagonist or affected by a smear campaign by a social group.
 Crisis of malevolence: Kidnapping, victim of an attack.
 Crisis due to erroneous values in the organization: Actions against the ideology, decisions taken.
 Crisis for reprehensible behavior: Sex scandal, economic scandal, pastoral scandal, controversy over statements or publications on social networks.

Causes

- Complaint of victims in the media.
- Internal information.
- Information from the media.
- Information in social networks.

Preventive actions

- Protocol for the Protection and Prevention of Children and Adolescents.
- Control of the accounts of communities and institutions.
- Care of Facilities.
- Training.
- Care of people.

MINORS IN EDUCATIONAL CENTERS, PARISHES OR SOCIAL PROJECTS

Risk

Natural crises: Victim of an accident or illness.
 Technological crises: Victim of hacking of their bank accounts.
 Crisis of malevolence: Kidnapping, victim of an attack.
 Crisis due to erroneous values in the organization: Victim of reprehensible decisions by the institution.
 Crisis due to reprehensible conduct: Victims of abuse by a religious, hired staff or volunteer staff; victim of violence by another minor.

Causes

- Complaint of victims in the media.
- Internal information.
- Information from the media.
- Information in social networks.

Preventive actions

- Protocol for the Protection and Prevention of Children and Adolescents.
- Control of the accounts of communities and institutions.
- Care of Facilities.
- Training.
- Care of people.

ADULTS IN EDUCATIONAL CENTERS, PARISHES OR SOCIAL PROJECTS

Risk

Natural crises: Victim of an accident or illness.
 Technological crises: Victim of hacking of their bank accounts.
 Crisis of malevolence: Kidnapping, victim of an attack.
 Crisis due to erroneous values in the organization: Victim of reprehensible decisions by the institution.
 Crisis due to reprehensible behavior.

Causes

- Complaint of victims in the media.
- Internal information.
- Information from the media.
- Information in social networks.

Preventive actions

- Protocol for the Protection and Prevention of Children and Adolescents.
- Control of the accounts of communities and institutions.
- Care of Facilities.
- Training.
- Care of people.

INSTITUCIONES, MINISTERIOS Y ORGANISMOS

Risk

Technological crises: Hacking of social media accounts or bank accounts of the institution, violation of computer security.
 Crisis of confrontation: Smear campaign by a social collective.
 Crisis of malevolence: Attack against the institution; images, videos, communications, or information that damage the reputation of the institution.
 Crisis due to erroneous values in the organization: Reprehensible decisions by the institution.
 Crisis due to reprehensible behavior: Images, videos, communications, or information published by the media themselves that damage the image or reputation of the institution.

Causes

- Complaint of victims in the media.
- Internal information.
- information from the media.
- Information on social networks.

Preventive actions

- Web security protocol.
- Control and filter of published content.
- Care of Facilities.
- Training.
- Care of people.

11. Updating of the guidelines

- These Guidelines will be reviewed once a year.
- If necessary, possible crisis scenarios will be updated.
- Meetings will be held with those in charge of each area to analyze the most common risk factors.
- Intensive monitoring of the media will be conducted.

APPENDIX I

General criteria for communication in cases of allegation of sexual crimes

Given the interest that the Church is showing in the treatment of sexual crimes, the Order of Augustinian Recollects is committed to transparency and collaboration in all past, present or future cases that may arise. It is, therefore, important to have a clear, concrete criteria for action in the face of a crisis situation caused by accusations of sexual crimes.

General principles

1. Communication in the form of press releases or written communication should normally be preferred to interview or press conferences. However, press releases or press conferences may be useful at specific times, provided they are properly prepared. Press releases should be characterized by their brevity and by the use of language appropriate to the use and style of the media, avoiding an excessively doctrinal tone. It is important to know what to say, to whom, at what time and how to say it (see point VIII).

2. Unless otherwise determined in a particular case, no person or institution, with the exception of the Prior General, spokesperson or delegate, is empowered to make statements or release information to the media about the crisis situation that may have occurred. Therefore, all statements should be referred to the designated spokespersons.

3. All information provided to the media shall be prepared and distributed by the Crisis Management Committee.

4. It is not appropriate to make public statements about specific cases or persons, even more so if the details of the case are unknown. On occasion, it is important to acknowledge to the media that there is no sufficient information to respond adequately to a particular question.

5. It is necessary to always keep in mind the precise objectives of institutional communication and, consequently, the limits of thematic competence of the official or delegated spokesperson. Indeed, it is not for the spokesperson to prejudge the innocence or guilt of the accused, nor to provide information on facts, persons or specific circumstances of the case. Similarly, references to issues of a strictly legal nature should be avoided. That task corresponds to the civil judicial instances or to the defense of the accused. The fundamental task of institutional communication is to present clearly:

- a) The Order of Augustinian Recollects' clear condemnation of any act of mistreatment or sexual violence against minors and its actions to prevent and punish these cases.
- b) The solidarity of the Order of Augustinian Recollects with the victims, with their families and with the ecclesial communities affected.
- c) The willingness of the Order of Augustinian Recollects to collaborate with the civil authorities, while respecting their own competencies, in the course of the investigation.
- d) Reiterate the Church's call to report cases of sexual abuse or mistreatment of minors.

6. No fault or responsibility, direct or indirect, should be accepted for alleged criminal acts that are the sole responsibility of the accused.

7.7. Do not be intimidated by the media or by the sensationalist tone that, on many occasions, characterizes the news coverage of this type of situation. It is good to understand that, although journalists may be inopportune or uncomfortable when formulating their questions or opinions, they should not be considered a priori as "enemies". Ordinarily, they meet the requirements of their profession. They must always be treated with respect, fostering an environment of mutual trust.

8. It is advisable that the provinces, taking into account the peculiarities of each country, draw up a crisis control plan. It is also advisable to assess the criterion of opportunity, providing due attention to media time. Action should therefore not be taken hastily or extemporaneously, but rather in a timely, strategic, and organized manner, with due regard to the urgency of the situation.

9. It should be borne in mind that, even if an effective response to the crisis has been provided, its consequences will not necessarily disappear immediately. Permanent and constant work is required, in the medium and long term, to heal wounds and clean up the distorted image that the media and the various publics have been able to create about the Church, the Order and about the accused persons.

Some practical criteria

1. In the face of possible cases of sexual abuse, incorporating the general and practical criteria set forth in this text, adapting them to their own circumstances. In this way, they will be able to act more quickly and effectively.

2. The Superior Major or his delegated spokesperson must be informed, as soon as possible, of the essential elements of the case of sexual abuse referred to, in order to transmit to the public clear and truthful information, as well as to make decisions.

3. It is necessary to have a database with updated information of the journalists and media present in each country in order to contact them in a timely manner, especially those who are most recognized for their trajectory and impact on the audiences.

4. The director of the Communication Office or the person in charge of coordinating the meetings with the representatives of the media, favoring a permanent contact, very necessary when the image and reputation of the Church and of the Order are affected.

5. To attend to the media in a well-lit, open, or soberly decorated place, which favors the transmission of an image of institutional transparency. Statements on issues related to the sexual abuse of minors within churches or chapels should be avoided.

6. The Senior Superior or spokesperson will attend to the media sitting or standing, avoiding making statements on the subject about sexual abuse of minors while walking.

7. Always present himself dressed in dignity and simplicity, avoiding presenting himself dressed in liturgical ornaments before the media. The habit, or failing that, clerical vestments may be worn.

8. Speak calmly and in simple language, offering an image of serenity and control of the situation that favors trust in the person who transmits the message

9. Maintain eye contact with the audience (through the camera) and maintain a tone of voice, capable of transmitting conviction and commitment to the message expressed. The good use of gestural language – especially of the hands – is important to emphasize those most relevant aspects of the message. Facial gestures should be consistent with the feelings expressed in the statement or statements.

10. In the face of unwelcome or uncomfortable questions, they should always be answered calmly and with respect. Journalists should not be denied answers; it is better to say that a note on that subject will be sent in due course.

11. Make a permanent monitoring of the media, to know what is being published and the positioning and reactions that our actions are generating.

12. Avoid being distracted by other topics of interest to journalists, but that have nothing to do with the content of the message that is being presented. Due to its importance, the sexual

abuse of minors requires the convening of press conferences or interviews devoted to dealing exclusively with this matter.

13. In their appearances before the media, if the situation so requires it, the Senior Superior or spokesperson may be accompanied by an expert.

14. The Director of the Press Office or head of communication must record all statements that the Senior Superior or spokesperson offers to the media. This practice helps to clarify before the public opinion any possible manipulation or misunderstanding.

APPENDIX II

Examples of communications in reputational crises



COMUNICADO DE SALESIANOS MARÍA AUXILIADORA VIGO

Vigo, 23 julio 2019.

Ante la denuncia presentada por posibles abusos a menores contra un salesiano de esta casa salesiana durante un campamento, la Dirección Salesianos María Auxiliadora Vigo desea manifestar:

.- El pasado sábado 20 de julio por la mañana, varios chicos de Salesianos María Auxiliadora de Vigo, que participaban en un campamento, pusieron en conocimiento de una educadora algunos comportamientos inadecuados por parte de un salesiano contrarios al Código de Conducta para la protección de menores y adultos vulnerables que se aplica en todos nuestros centros.


.- Inmediatamente se apartó de su trabajo con los menores al salesiano implicado y se trató de aclarar lo denunciado por los jóvenes, en diálogo con ellos, y poder así, en su caso, poner en marcha las medidas correspondientes y se habló con las familias.

.- El domingo 21, el Provincial Salesiano y el Director salesiano de la casa se encontraron con padres de los menores para presentarles su consternación ante lo sucedido, ponerse a su disposición y ofrecerles el acompañamiento especializado que pudieran necesitar sus hijos, recordarles su derecho a denunciar los hechos e informarles de que la institución iniciaría inmediatamente el expediente informativo. Por su parte, el Provincial salesiano ha abierto la investigación previa prevista en el procedimiento canónico.

.- El lunes 22 se ha reunido la Comisión local de protección de menores para seguir el desarrollo de este caso.

.- Consternados porque hechos así se hayan podido dar entre nosotros, nos ponemos a disposición de la policía y las autoridades judiciales, que ya se han hecho cargo de la investigación, para colaborar con ellas en todo lo que sea preciso.

.- Por último, nos gustaría destacar que nuestra preocupación, es ofrecer un ambiente de confianza y seguridad a todos los alumnos, trabajando por su desarrollo integral como personas. Esta actitud se refleja en nuestro estilo educativo, nuestras normas internas, en el trabajo de cada día que bien conocen los miembros de la comunidad educativa. Bajo ningún concepto toleramos comportamientos que menoscaben la integridad de los chicos y chicas que las familias nos han confiado.




**COMPAÑÍA DE MARÍA
MARIANISTAS**

PROVINCIA DE ESPAÑA

Ante la información aparecida en el periódico El País de hoy, día 13 de febrero de 2019, sobre los abusos a menores del religioso marianista Manuel Briñas, la Provincia de España de la Compañía de María desea manifestar lo siguiente:

1. Los religiosos marianistas expresamos nuestro estupor y consternación ante estos hechos de los que no teníamos noticia hasta este momento. Condenamos rotundamente cualquier tipo de abuso a las personas, y muy especialmente los abusos sexuales a menores. Nuestra vocación educadora se opone frontalmente a estos abusos, contrarios a nuestros principios y, por lo tanto, inadmisibles en cualquier circunstancia.
2. Pedimos perdón a la persona que sufrió los abusos por parte de este religioso y a su familia. Aunque sabemos que nada podrá borrar lo ocurrido, queremos encontrarnos con ella, escucharla, pedirle personalmente perdón, y ofrecerle nuestra ayuda en la medida de nuestras posibilidades.
3. Nos comprometemos en el total esclarecimiento de lo ocurrido, para lo que abriremos una investigación, respetando siempre la voluntad de las posibles víctimas y el derecho de presunción de inocencia, y en función de los resultados se tomarán las medidas oportunas. Para ello ofrecemos nuestra completa colaboración con todas las instancias que sean competentes en el asunto.
4. Compartimos con el papa Francisco y con toda la Iglesia el esfuerzo por superar malas prácticas y mentalidades equivocadas, que en el presente o en el pasado, han servido para encubrir estos hechos tan lamentables.
5. Renovamos nuestro compromiso de contribuir al bien de la sociedad con una educación inspirada en el evangelio y en la mejor tradición humanista, tal y como han hecho y continúan haciendo tantos educadores en nuestros colegios.
6. Pedimos a las familias de nuestros colegios confianza en nuestra labor ante la seguridad de que atajaremos cualquier hecho de este tipo que pudiera surgir, y con la tranquilidad de que trabajamos cada día para proteger a los menores y hacer de nuestras escuelas espacios seguros.



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COMPAÑÍA DE MARÍA
MARIANISTAS

En relación con todo lo ocurrido en torno al religioso marianista Manuel Briñas, y como continuación del comunicado difundido el día 13 de febrero, la Provincia de España de la Compañía de María desea comunicar lo siguiente:

1. Desde la aparición de las primeras noticias sobre abusos cometidos por este religioso, nuestra prioridad fue, es y será la atención a las víctimas. Hemos escuchado a todas las que han querido ponerse en contacto con nosotros, les hemos pedido personalmente perdón, y nos hemos ofrecido para ayudarles y acompañarles en la medida de nuestras posibilidades. Seguimos estando a su entera disposición.

2. Hemos llevado a cabo una investigación interna en los ámbitos en los que este religioso desarrolló su actividad educativa. Con los datos y la información a la que hemos tenido acceso, no nos consta ninguna denuncia a los órganos de dirección de los colegios ni a los de la Provincia en esos años. Sin embargo, ahora que hemos tenido la posibilidad de hablar con las víctimas, hemos podido constatar la veracidad de sus testimonios.

3. Por ello, y aunque los hechos han prescrito en el ámbito de las leyes civiles, la Compañía de María ha activado todos sus mecanismos procesales internos. Así, dada la total incompatibilidad de estos comportamientos con la vocación a la vida religiosa y con nuestros principios educativos, y atendiendo a la justicia debida a las víctimas, hemos decidido iniciar el proceso de expulsión de Manuel Briñas de la Compañía de María. Se trata de un procedimiento reglamentado, con sus correspondientes plazos de ejecución, que puede demorarse en el tiempo. En cualquier caso, y en atención a su avanzada edad y a sus actuales condiciones físicas y mentales, la Compañía de María garantizará que reciba los cuidados que su estado de salud requiere.

4. Hacemos un llamamiento a que todas aquellas personas que deseen comunicarnos cualquier asunto relacionado con abusos a menores en nuestros ámbitos educativos, se pongan directamente en contacto con nosotros por medio de esta dirección de correo electrónico: sm@marianistas.org.

5. Seguiremos aplicando con rigor en nuestras instituciones educativas todas las normas y protocolos ya establecidos, dirigidos a la protección de los menores. Además, vamos a redoblar nuestros esfuerzos con el asesoramiento de entidades especializadas en este campo para garantizar los ambientes seguros que nuestros alumnos y toda la comunidad educativa merecen.

6. En estos momentos tan dolorosos y complejos, debemos agradecer las muestras de apoyo y de confianza que hemos recibido de tantas personas que conocen de cerca y valoran nuestra labor educativa.

Madrid, 6 de marzo de 2019



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Nota de premsa

La provincia eclesiástica de Barcelona se dotará de un equipo de expertas y expertos para atender a víctimas de abusos

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BARCELONA, 7 de marzo de 2019.- La provincia eclesiástica de Barcelona, formada por las diócesis de Barcelona, Terrassa y Sant Feliu de Llobregat, han acordado dotarse de un equipo de técnicos laicos, interdisciplinario e independiente, para poder desarrollar una tarea de recepción, mediación, acompañamiento, atención y apoyo a las víctimas de abusos sexuales. Estos expertos, mujeres y hombres de los campos de la psicología, el acompañamiento o el derecho, ayudarán a todas aquellas personas que se dirijan a cualquiera de las tres diócesis, que reúnen aproximadamente a la mitad de la población de Cataluña.

En principio está previsto que, además, ayude al análisis de los casos y, posteriormente, acompañe a la persona a afrontar el proceso canónico y el civil. También, evidentemente, para afrontar su futuro. El cardenal arzobispo de Barcelona, Joan Josep Omella, cree que este equipo podría empezar a funcionar en poco tiempo. "El Papa, con la cumbre de protección a los menores, nos ha puesto las pilas a todos y de ella emanarán nuevas directrices. De momento, sin embargo, nosotros queremos avanzar. "

Omella cree que el ámbito de actuación de este equipo de laicos puede ponerse al servicio también de las órdenes religiosas del territorio y, por extensión, podría replicarse a otras diócesis si ellas así lo consideran. El cardenal opina que "en este problema global tenemos que hacer todo lo posible para rearmar moralmente la iglesia y en la sociedad. Lo quitaremos de la iglesia, esperemos, pero tenemos que trabajar también para erradicar este drama de toda la sociedad".

Sobre l'Església Arxidiocesana de Barcelona. La presència de l'Església a Barcelona es remunta a l'edat antiga. Actualment, l'obra pastoral de l'Església Arxidiocesana de Barcelona comprèn tota la regió metropolitana de la capital catalana, que té prop de 3 milions d'habitants. El cardenal Joan Josep Omella és l'Arquebisbe Metropolità de Barcelona, amb dues diòcesis sufragànies que són Terrassa i Sant Feliu de Llobregat.



Statement on Holy See's Report on Theodore McCarrick Most Reverend José H. Gomez Archbishop of Los Angeles President, United States Conference of Catholic Bishops

NOVEMBER 10, 2020 | BY PUBLIC AFFAIRS OFFICE



EN ESPAÑOL

I welcome the report of the Holy See's investigation into its knowledge and decision-making regarding Theodore McCarrick during his long career as a priest, bishop, and cardinal. We are studying these findings, and we are grateful to our Holy Father Pope Francis for his pastoral concern for the family of God in the United States and his leadership in calling the Church to greater accountability and transparency in addressing issues of abuse and the mishandling of abuse claims at every level.

This is another tragic chapter in the Church's long struggle to confront the crimes of sexual abuse by clergy. To McCarrick's victims and their families, and to every victim-survivor of sexual abuse by the clergy, I express my profound sorrow and deepest apologies. Please know that my brother bishops and I are committed to doing whatever is in our power to help you move forward and to ensure that no one suffers what you have been forced to suffer.

To all those who have suffered abuse by a priest, bishop, or someone in the Church, I urge you to report this abuse to law enforcement and to Church authorities. You can find detailed information on how and where to report abuse at www.usccb.org/committees/protection-children-young-people/how-report-abuse.

This report underscores the need for us to repent and grow in our commitment to serve the people of God. Let us all continue to pray and strive for the conversion of our hearts, and that we might follow Jesus Christ with integrity and humility.

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