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CONGREGATION OF THE HOLY SPIRIT

SAFEGUARDING MINORS

GUIDELINES



REVISED EDITION 2016

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Foreword

This document on the safeguarding of minors was produced at the request of the General Chapter which asked that we re-work and deepen the reflections on the subject presented at Bagamoyo. It is a very important document which necessitated the collaboration of several people and many months of work, before, during and after the Chapter.

It is essential to understand the purpose of the document: while giving general guidelines principles for an overall policy in the Congregation, its aim is to assist the circumscriptions in producing their own policies and procedures for the safeguarding of minors and vulnerable adults. Several useful reference points are given in the document but the most important work still remains to be done. A number of circumscriptions are already quite advanced in this regard; others are only beginning to discover the importance of the issues involved. For reasons of professional ethics as well as consistency with our missionary objectives, but also in view of the recent urgent request of the Congregation for the Doctrine of the Faith that all dioceses- and by implication all religious congregations – formulate a clear protocol for the safeguarding of minors, it is vital that we take action and develop strict policies to ensure that minors whom we encounter in our everyday life and ministry are guaranteed a safe and protected environment, and detailed procedures for effective action in the case of allegations of abuse.

From the various media accounts in relation to this matter, some may conclude that the issue of sexual abuse of minors only concerns certain circumscriptions in Europe and North America. This is not the case! Every diocese and every congregation throughout the world must work to create conditions that promote trust and safety for the children and young people in our Church and to combat the evil of paedophilia. The scandal of sexual abuse is a call to mission: to heal, to liberate, and to protect the “little ones” loved by the Lord

in a context of sincere humility in the knowledge that we also have to plead for forgiveness.

We consulted several confreres before completing the task entrusted to us and we are deeply grateful to them for their contribution. In general, we were able to integrate into the text the more fundamental reflections that were proposed but a number asked for the inclusion of some more particular elements that, in the end, were not taken into account. We concluded that these latter suggestions were related to the local cultural, pastoral and juridical context of the circumscription concerned. We cannot expect this document, which is essentially a general policy for the entire Congregation, to cover every possible aspect. It should be used, rather, to address the particular local questions to which it gives rise and to produce a policy adapted to the local reality. The final page of the document provides some useful reflections which will help in the elaboration of the document that is to be produced in each circumscription. All circumscriptions are requested to submit their individual policies and procedures to the Generalate before **31st December 2013**.

The Bagamoyo Chapter cautioned us against long texts that, in the final analysis, are not used. It is very important that this document - as well as those produced in the various circumscriptions - is not simply a dead letter. The issue of the safeguarding of minors is an invitation to authentic ongoing formation and to conversion in order that we can respond more freely and more generously to our Spiritan vocation.

Rome, December 2012



John Fogarty, CSSp.
Superior General



Pierre Jubinville, CSSp.
1st Assistant General

REVISED EDITION 2016

Since the initial publication of these guidelines in December 2012 much has been achieved in the Safeguarding of Minors within the Congregation, however, there still remains a lot to be done. Safeguarding is the responsibility of every Spiritan, and minors are best protected when all confreres are clear about their responsibilities and work effectively with others for the safety of those we serve in our various ministries. Consequently these guidelines seek to outline the key interventions that should be followed and provide signposts in helping confreres understand the issues in ensuring safe environments where all can feel safe.

As part of the ongoing commitment of the General Council to strengthening the Safeguarding of persons (minors and adults) these guidelines have been reviewed and revised in the light of new developments and insights in preparation for the Enlarged General Council of June 19 to July 2, 2016. Following best practice, it is proposed that separate guidelines for the Safeguarding of Vulnerable Adults be written by the Generalate. In encouragement and support of the efforts being made to further learning and build competency, these revised guidelines for Safeguarding Minors were approved by the General Council and are to be made available to all members of the Congregation.

Rome, 6 April 2016



John Fogarty, CSSp.
Superior General

SAFEGUARDING MINORS GUIDELINES FOR THE MEMBERS OF THE CONGREGATION OF THE HOLY SPIRIT

*“We should make ourselves ‘the advocates,
the supporters and the defenders of the weak
and the little ones against all who oppress them’”*
(Rule of 1849, N.D. X, 517) (SRL 14).

INTRODUCTION

Founded in 1703 for the evangelization of the poor, the Congregation of the Holy Spirit serves today in over 60 countries around the world. The pastoral and educational nature of our ministry brings us into regular contact with children and young people, who are often among the poorest and most abandoned we are called to serve as Spiritans. The abuse of minors in any form – physical, sexual, emotional or neglect – is totally contrary to everything we stand for as followers of Jesus Christ in the footsteps of our founders who dedicated themselves to the most vulnerable in society. Tragically, some of our members have been found guilty of such abuse and, in a number of cases, successive failures on the part of those in leadership to take the appropriate action and to follow the prescriptions of canon and civil law have permitted these individuals to destroy numerous lives.

On May 3rd, 2011 a circular was published by the Congregation for the Doctrine of the Faith - *To assist Episcopal Conferences in developing guidelines for dealing with cases of sexual abuse of minors*

*perpetrated by clerics.*¹ In the opening paragraph of the letter there is a reminder that the bishop has “the task of assuring the common good of the faithful and, especially, the protection of children and of the young” and has the duty to give an appropriate response to the cases of sexual abuse of minors by clerics in his diocese. As the letter goes on to say explicitly, the responsibility of bishops clearly extends also to superiors of religious congregations. It is essential that each circumscription in the Congregation have a rigorous set of procedures detailing the manner in which allegations of sexual abuse of minors by a member of the circumscription are responded to, the assistance to be given to victims of sexual abuse, and the safeguards that must be put in place to ensure the protection of minors wherever Spiritans or their employees are living or working. These procedures must make provision for the implementation of the appropriate canon law and the requirements of civil law in the particular country.

The purpose of the present document is to give some general guidelines for such procedures throughout the Congregation, in the knowledge that culturally acceptable practices and legal requirements vary somewhat from country to country and, in some cases, from state to state within the same country. The individual circumscription policy documents will need to be completed and adapted to reflect the local reality.

¹http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfai_h_doc_20110503_abuso-minori_en.html

I. SOME PRELIMINARY CONSIDERATIONS

1.1 A MINOR

For present purposes a minor is any human being who has not reached the age of 18 years.²

1.2 SEXUAL ABUSE OF A MINOR

Sexual abuse of a minor is generally defined as the action which occurs when a minor is used by an adult for his or her gratification or sexual arousal or that of others.³ This includes accessing, acquiring, possessing and distributing pornographic images of minors by whatever means or using whatever technology.

1.3 CRIMINAL ACTIVITY

It is to be noted that the sexual abuse of a minor is not only a canonical delict but it is also a crime prosecuted by civil law.

² This definition follows the norms of *Gavioribus Delictis* (Art.6, 1.1) and is independent of the legal age of sexual consent in a particular country which may be less than 18 years.

³ Examples of the sexual abuse of a minor would be:

- the exposure of one's sexual organs or performance of any sexual act intentionally performed in the presence of a minor;
- intentionally touching or molesting a minor for the purposes of sexual arousal or gratification ;
- masturbation of oneself or the involvement of a minor in an act of masturbation;
- sexual intercourse with a minor whether oral, vaginal or anal;
- sexual exploitation of a minor which includes solicitation, recording of sexually explicit material or showing sexually explicit material to a child.

II. RESPONDING TO ALLEGATIONS OF SEXUAL ABUSE

2.1 Care and compassion for the survivors of sexual abuse must always be our primary concern. Allegations of sexual abuse by a member of the circumscription must be listened to fully and compassionately and assurance given that the Congregation is committed to the spiritual and psychological healing of all victims of sexual abuse. Survivors have often carried the burden of abuse and its devastating consequences for many years before coming forward.⁴

2.2 When the major superior receives an allegation of sexual abuse against a minor by a living Spiritan member, or of the acquisition, possession, or distribution of paedophile pornography, he must carefully determine through an independent preliminary investigation the credibility of the facts and circumstances of the case, “unless such an inquiry seems entirely superfluous” (Can. 1717 §1)⁵. During the preliminary investigation the major superior should place the confrere on administrative leave⁶ and also apply appropriate cautionary measures. The Superior General, the General Council correspondent for the circumscription and the local bishop should be informed and, where applicable, the major superior of the member’s circumscription of origin, and kept up to date with developments. The confrere must also be given the opportunity to defend himself and care is taken to ensure that the good name of anyone is not endangered.

⁴ The devastating effects of child sexual abuse on the victim are well described in the attached appendix.

⁵ An investigation may be unnecessary where there is an admission of guilt, the presentation of indisputable evidence or where there is no semblance of truth. A semblance of truth means that there is only an outward or external appearance or possibility that an allegation could be true, in which case a preliminary investigation seeks to establish if the allegation is credible.

⁶ ‘Administrative leave’ means temporarily relieving a person of his normal responsibilities and removing him from his work environment for the purposes of carrying out an investigation.

The sexual abuse of a minor or the acquisition, possession, or distribution of paedophile pornography is a canonical crime and depending on the particular laws of each country may also be a civil crime. Where the local civil law requires, the allegation must be reported at once to the statutory civil authorities. Normally, if there is a police investigation, it takes precedence over the ecclesiastical investigation which is suspended until the police have completed their work.

2.3 If, based on the ecclesiastical investigation, the accusation is deemed credible⁷ the confrere must be suspended from public ministry and placed under supervision in a Spiritan community without unaccompanied access to minors, according to a written safety plan. Local procedures for reporting to the civil authorities must be strictly followed. The accused may be requested to undergo a professional assessment where such facilities are available in the country. The case will be presented to an independent advisory board (cf. 3.3 below) for their recommendations and an appropriate written monitoring plan put in place for the accused confrere. A dossier on the case must be sent to the General Council for transmission either to the Congregation for the Doctrine of the Faith in the case of a cleric or to the Congregation for Religious in the case of a brother, which will indicate the further steps to be taken.

2.4 In the case of a credible accusation, healing and justice for the survivor must be the primary concern. This involves the assurance that the confrere is removed from contact with young people and the provision of appropriate support and assistance, including counselling and therapy where available, to those who have been

⁷ An allegation is deemed to be credible if, based upon the evidence presented by the investigative team and where available the recommendation (s) of an Advisory Board, in the judgment of the major superior the sexual abuse of a minor has actually occurred. In other words, while the falsity of the accusation is still possible, the superior judges that this is highly unlikely or improbable.

harmed. In certain cases it may be necessary to extend this support to the family members of the survivor who have been affected.

2.5 Should the accusation be deemed credible, every effort must be made to determine if there are other survivors and to ensure that they too are offered the same support and assistance.

2.6 If a member is found guilty of the sexual abuse of a child – either in a civil court or through an internal Congregational investigation – he will be seriously restricted or permanently removed from ministry as determined by the Congregation for the Doctrine of the Faith⁸ or the Congregation for Religious. The member concerned will be assured of ongoing spiritual and psychological accompaniment.

2.7 Where a historical complaint is concerned and the alleged perpetrator is deceased, the survivor should be offered support and assistance, including counselling/therapy in so far as this is possible in the country concerned. Every effort should be made to determine the existence of other possible survivors and to reach out to them with care and compassion should they be identified. The allegation should be reported to the civil authorities in accordance with the local legal requirements.

2.8 In all cases the accused confrere is presumed innocent until the contrary is proven. He will be assured of appropriate spiritual and psychological assistance and be given every opportunity to defend himself. He is entitled to receive independent advice in church and civil law. In consultation with the major superior he will be assigned an adviser and he will be kept informed of developments. Should the allegation be shown to be false, the superior will ensure that every effort is made to restore the good name of the confrere concerned.

⁸ Cf. Circular Letter of May 3, 2011, Section II.

III. RESPONSIBILITIES OF CIRCUMSCRIPTION SUPERIORS

3.1 The primary responsibility for dealing with all matters pertaining to the sexual abuse of minors belongs to the major superior. He is responsible for ensuring that allegations are fully and compassionately listened to, that prompt and appropriate action is taken as outlined in section 2 above, and that the prescriptions of canon and civil law are strictly adhered to. The superior is also responsible for keeping himself abreast of developments in the understanding and treatment of sexual abuse and in the canonical and civil legal requirements.

3.2 While the superior should remain open and available at all times to the survivors of sexual abuse, it is recommended that a suitably-trained confrere or lay person be appointed as the delegate of the circumscription to deal with these matters (survivor assistance coordinator) and that he/she be provided with a clear description of his/her responsibilities. Since there are both pastoral and legal aspects to this role which may be in potential conflict, it is recommended, where possible, that these responsibilities be assigned to two separate people, one for the pastoral role, and another for the legal dimension.

3.3 The superior should appoint an independent advisory board⁹ (sometimes called a review board) including suitably qualified people in the psychological, legal (both civil and canonical) and related fields to advise him as to the course of action to be taken in the case of each allegation against a member of the circumscription. It is important that there be full disclosure of the facts of each case to the

⁹ This is an advisory group of individuals appointed by the superior of the circumscription and his council with knowledge, expertise and experience in the area of the sexual abuse of minors. They provide advice and recommendations to the major superior involving allegations of sexual abuse by a member of the circumscription.

advisory board without compromising the right of the member concerned relating to confidentiality.¹⁰

3.4 The superior will ensure that accurate and up-to-date files are kept in regard to each allegation and that all communications with the parties concerned are faithfully recorded and filed. These files should be locked and protected from possible damage from fire and climatic conditions.

3.5 It may happen that the local legislation is inadequate to deal with the problem, or that the civil authorities, for whatever reason, do not take appropriate action, or that there is a culture of secrecy surrounding the issue of the abuse of a minor in the local society. However, this in no way exonerates the superior and the circumscription from their responsibility to take effective action to remove a member who is a danger to minors, to refer the matter to the General Council for transmission to the CDF or Congregation for Religious in the case of a credible allegation, and to implement a comprehensive policy of safeguarding minors.

3.6 Under no circumstances should the superior:

- Allow a member about whom there are suspicions in this area to continue indefinitely in ministry without a full and thorough investigation;
- Transfer to another work or another circumscription a member against whom an allegation has been made or about whom there are serious suspicions until the matter has been fully investigated and clarified.

Such actions are tantamount to the reckless endangerment of minors which, in many jurisdictions, is a criminal offense. If the superior of the circumscription fails to take appropriate action, the Superior General has a responsibility from his mandate to intervene directly where a crime is suspected.

¹⁰ The name of the member concerned is not revealed to the advisory board.

3.7 The superior is responsible for ensuring that every member of the circumscription, both by origin and by appointment, is provided with a written copy of the policies and procedures of the circumscription in regard to the safeguarding of minors. He will also ensure that members are kept up to date with important developments in regard to the reality of the sexual abuse and the safeguarding of minors through seminars, workshops and other means of ongoing education (cf. 5.2 below).

3.8 The superior is also responsible for ensuring that candidates for the Spiritan life are given a comprehensive and in-depth formation by competent personnel in the area of sexuality and relationships during the formation program (cf. 5.1 below).

IV. RESPONSIBILITIES OF MEMBERS OF THE CIRCUMSCRIPTION

4.1 A member who knows of or suspects inappropriate behaviour on the part of another member in his relationships with minors must report the matter without delay to the major superior or the delegate named for this purpose. He should also inform the community superior, who in turn, must take prompt and decisive action and remove the member from ministry and from contact with minors pending an investigation.

4.2 If the local civil law requires, the member should report the matter directly to the appropriate civil authorities, in particular to the police and child protection services.

4.3 If a member is approached directly by a person alleging sexual abuse by another member, he should listen to the complainant compassionately, assure him/her of the commitment of the Congregation to healing and justice for survivors, and provide the person with

the contact details of the major superior or his delegate. He should also personally inform the major superior without delay.

4.4 If the person accused is the superior of the circumscription, the member who received the complaint should refer the matter directly to the Superior General. The Superior General will temporarily remove the superior and empower his first assistant to carry out the investigation.

4.5 All members arriving in another circumscription whether for an appointment, a study program, temporary ministry or a vacation must be in possession of a letter of good standing from their major superior, explicitly stating that they have nothing in their background that would indicate unsuitability to work with minors.

V. ENSURING A SAFE ENVIRONMENT FOR MINORS

5.1 FORMATION FOR SPIRITAN LIFE

The importance of careful discernment throughout the formation process in regard to the suitability of candidates for the Spiritan way of life cannot be overstated. Candidates need to be challenged about all signs of incapacity to live the chaste celibate life proper to members of the Congregation. Members of formation teams shall be trained to recognize early warning signs that a candidate may have abnormal tendencies and may be prone to deviation or perversion. Where possible, psychological assessment of candidates should be sought prior to profession. Any candidate who shows signs of aberrant or perverse behaviour will not be accepted for profession in the Congregation.

Educational workshops, courses, and sessions with competent experts in the areas of sexuality, relationships, and boundary issues in ministry must be provided throughout the formation programme to

ensure that all Spiritans learn to develop healthy relationships and integrate their sexuality in a mature and balanced fashion.

5.2 ONGOING SPIRITAN FORMATION

As Spiritans are generally called to serve in cultures different to their own, it is very important that suitable orientation programs are arranged for newly arrived members in the circumscription. These should address the issues of culturally acceptable and unacceptable practices in the locality with particular reference to the potential for boundary violations in one's ministry. Local and regional meetings can provide a useful opportunity for a frank discussion on these issues. Young confreres should be given support and accompaniment during their initial years of appointment and assisted to evaluate their ministry on a regular basis.

Every member of the circumscription must be familiar with its policies and procedures in regard to the safeguarding of minors and be in possession of a personal copy of this written document. Provision will be made for ongoing education in this area through workshops, seminars etc., which can often be done in collaboration with the local diocese or other religious institutes.

5.3 CO-WORKERS AND EMPLOYEES

The policies and procedures of the circumscription in regard to the safeguarding of minors must be communicated in writing to all co-workers and employees. Where possible they too should have the possibility of participating in ongoing educational workshops related to the safeguarding of minors.

Educational institutions belonging to the Congregation or run by the Congregation must have a separate policy and set of guidelines for appropriate behaviour towards minors in keeping with the local educational and ecclesial norms and standards.

5.4 EMPOWERMENT OF MINORS, PARENTS AND SURVIVORS

It is very important that all of those to whom we minister are aware of our commitment to safeguarding minors and of our policies and procedures in this regard. Information to this effect should be made available on the website of the circumscription and displayed publicly in all our works, indicating the person to be contacted, together with the contact details, should anyone wish to make a complaint. Similarly minors entrusted to us in our educational institutions, as well as their parents and guardians, should be made aware of their rights, how to protect themselves and what to do if they are in danger or have suffered abuse.

VI. CONCLUSION

The issue of sexual abuse brings with it a heavy burden of pain, shame, and anger - in a traumatic way to the people who have suffered the abuse but also to us as a Congregation as we acknowledge the crimes committed by some of our members and the failure of leadership over the years to deal adequately with the problem. It challenges our responsibility as a collective body in the service of our Spiritan mission. It challenges us to rediscover our personal and institutional responsibilities. We must recognize that we are also tempted by individualism, a false sense of privacy, and fragmentation. We are called to live our relational life in a way that is truly authentic and to grow together, as a body, *cor unum et anima una*, towards “a love that is genuine” (1Jn 3,18).

SOME USEFUL REFERENCES:

1. Normae de Gravioribus Delictis, Pope Benedict XVI – 21 May 2010 (http://www.vatican.va/resources/resources_norme_en.html)
2. Circular letter: *To assist Episcopal Conferences in developing guidelines for dealing with cases of sexual abuse of minors perpetrated by clerics* from The Congregation for the Doctrine of the Faith – 3 May 2011 (http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20110503_abuso-minori_en.html)
3. The letter of Pope Benedict to the people of Ireland 2010 (http://www.vatican.va/holy_father/benedict_xvi/letters/2010/documents/hf_ben-xvi_let_20100319_church-ireland_en.html)
4. Pedophilia: Mgr. Scicluna's ten commandments against child abuse (11/3/2011) (<http://www.news.va/en/news/full-text-of-msgr-sciclonas-address-on-the-churchs>)
5. *A love that is Genuine* (Generalate document 2003)
6. UNICEF – Convention on the Rights of the Child (<http://www.unicef.org.uk/UNICEFs-Work/Our-mission/UN-Convention/>)
7. *“Safeguarding Children” Standards and Guidance Document for the Catholic Church in Ireland* : From the National Board for Safeguarding Children in the Catholic Church. (<http://www.safeguarding.ie/wp-content/uploads/2011/11/Standards-and-Guidance.pdf>)
8. *‘Twelve Things the Bishops have Learned from the Clergy Sexual Abuse Crisis’* (United States Conference of Catholic Bishops- USCCB May 10, 2010) (<http://old.usccb.org/ocyp/cupich-12things.shtml>)
9. *Towards the Prevention of the Sexual Abuse of Children*, Cornelius T. McQuillan, CSSp, Psy.D., Puerto Rico. In English: (<http://www.slideshare.net/neilmcq/prevention-of-the-sexual-abuse-np-english>)

SOME INDICATIONS TO HELP THE CIRCUMSCRIPTIONS TO BUILD THEIR OWN GUIDE OF PROCEDURES:

In groups such as circumscription councils, regional meetings, assemblies....:

1. Make sure you know the local civil legislation and that you are familiar with the policies and procedures in the local Church. Gather the documents and study them in the group.
2. Consult people who are knowledgeable in civil and canon law, in psychology, in media communication, and who have pastoral experience in dealing with issues of abuse.
3. Compile a list of competent persons and institutions that you can refer to, together with their contact details.
4. Drawing on the above guidelines, build your own set of policies and procedures. Include:
 - A short but profound reflection on the motivations to address this issue.
 - A code of proper and improper behaviour.
 - What to do when there are suspicions of unacceptable behaviour.
 - What to do when there are allegations of sexual abuse.
 - Concrete measures to ensure the priority of providing justice and healing for the victims.
 - The responsible persons: the superior, the delegate, the advisory board, the members, others... Give a detailed list of their responsibilities and tasks.
 - Make specific references to local legislation.
5. Write it down simply and thoroughly. And send a copy to the Generalate.

6. Communicate the information. Organize events for the conferees to become aware of and to reflect on the subject. Take time to let the issues sink in, to come to local awareness, so that the members may see the seriousness of the problem and the practical consequences of a safeguarding policy.
7. Participate in intercongregational, inter-faith and civil reflections and initiatives on this topic. Ask for help and guidance; share your own work and experience.

APPENDIX

The Effects of Child Sexual Abuse

The negative impact of sexual abuse on children should never be underestimated or minimised. Such abuse has the potential to affect the child victim physically, emotionally and spiritually, both in the short and long term. As well as the possibility of direct physical effects from the abuse itself, confusion can be created in the child victim about sexual norms and standards, leading to blurring of role boundaries. The child's emotional well-being may also be affected, whereby feelings of guilt and shame are engendered in the child, leading to a loss of a sense of self-worth, to a development of a low self-esteem and to an impaired ability to trust. Awareness and acknowledgement, at an early stage, that a child has been abused allows for appropriate intervention to help the child victim deal with the abuse experience.

If a child's abuse is not revealed and if appropriate help is not provided, the effects of that abuse can be long-lasting and can contribute to a variety of difficulties in adult life, including emotional, relationship and sexual problems. Even in adulthood, victims may feel stigmatised by having been abused in childhood. They may experience a deep sense of isolation.

While needing the care and support of others, they may feel unable to reveal the fact that they have been abused even to close family or friends, fearing that their revelations may be disbelieved or not met with understanding.

A particular effect of abuse by a priest or religious is the harm which may be done to the person's religious faith. The shattering of trust by a priest or religious who abuses may destroy the person's trust in the Church and confidence in its ministers. Distrust of priests may result in the experiencing of significant difficulties in

participating in the Eucharist and receiving the other sacraments. Indeed, the victim may feel unable to continue to be a member of the Church. Abuse may even damage or destroy belief in God.

CHILD SEXUAL ABUSE Framework for a Church Response - Report of the Irish Bishop's Advisory Committee on Child Sexual Abuse by Priests and Religious, 1996, p.12.



CASA GENERALIZA
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00136 ROMA