

**Congregation of the Holy Spirit**

# **Safeguarding Minors and Vulnerable Adults**



**GUIDELINES**

**2025**

Cover design by Philip Ng'oja, CSSp

Congregation of the Holy Spirit

Safeguarding  
Minors  
and  
Vulnerable Adults

**Guidelines 2025**

*Protecting the rights and well-being of minors  
and vulnerable adults:  
ensuring protection, dignity and safety for all*

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## **In the name of God, I ask that the culture of abuse be eradicated from the Church**

I cannot begin without again asking for forgiveness. Our words of repentance will never be enough to console the victims of sexual abuse at the hands of members of the Church. We have deeply sinned: thousands of lives have been ruined by those who were supposed to care for and guide them. What we do will never be enough to try to repair all the damage that we have caused.

We want to look society in the eyes and say that we are committed to combating this evil. We seek a change in the culture that served as the framework for abuse, cover-up, and lack of action for many years. We are making new normative decisions to make available the necessary tools that will help us get to the bottom of this scourge. Considering how little has been done in the past, our commitment to the future can never be too great so that these crimes will not repeat themselves, be covered up, or become entrenched. The absolute responsibility of the Church for the drama of these abuses must be a sincere “never again.” It is our duty to sit face-to-face with the victims, their families, and their whole communities and explain the steps we have taken and the changes we are working on.

The zero-tolerance policy, which began a few years ago to confront this inhuman phenomenon, must be our north star and guide. We must make the pain of the victims and their families our own, which will serve as an encouragement to reaffirm once more the commitment to guarantee the safety of minors and adults in vulnerable situations.

Merely one case in and of itself is a horror. Let us work so that there are none.

Pope Francis, *I am asking in the Name of God (Ten prayers for a future of Hope)*, Penguin Random House, 2023.





## FOREWORD

Dear Brothers, dear Lay Spiritans,

This new Guide for the Protection of Minors and Vulnerable Adults is a single edition that combines the Spiritan Guides on *The Protection of Minors* (revised edition 2016) and *Protection of Vulnerable Adults*, 2018. It continues and strengthens the work begun by the previous General Council on this subject, publishing general guidelines for the members of the Congregation accompanying the circumscriptions in the development of their own protocols.

This new document has been prepared taking into account the reforms underway throughout the Church: listening to victims, prevention, standards, developments in legislation (civil and canonical), and the experience gained in the context of the General Council's ordinary work of animation, so that every member of the Spiritan family can carry out their mission in a safe environment.

This document has benefited from the contributions of members of the Congregation's Safeguarding Commission, representing the different cultural regions of the Congregation and with complementary expertise and experience in this field. We thank them for their contributions. The document is divided into four parts: the first part provides definitions of key terms for a better understanding. The second part calls for pastoral relationships to be lived in an appropriate manner and with respect for the people we serve. The third part emphasizes the responsibilities of the major superior in the organization and animation of the circumscription. The fourth part is devoted to the procedure to be followed in the event of allegations against a member. It also provides some legal

and canonical guidelines. Some additional elements are provided at the end of the document: the work to be continued at the circumscription level, indicating the priority tasks; a list of some useful references; three appendices dealing with different aspects of the subject; and finally a prayer for victims of abuse.

As consecrated religious, proclaiming the Good News of Christ in the footsteps of our founders, the challenge for the protection of minors and vulnerable adults is indeed that of bearing credible witness to Christ today in fidelity to the charism of the Congregation. The General Chapter of Bagamoyo II considered this crucial issue to be an integral part of our mission as a Congregation today.

Our Congregation is concerned about the deviant behavior of some of its members, without geographical or cultural limits. Some of our members have been guilty of abuse of minors and vulnerable adults. In a number of cases, the inaction and/or delay of various superiors in taking appropriate measures and/or following the guidelines of the Church and the Congregation has allowed some of our members to destroy many lives.

The efforts made within the Congregation to address this “abuse crisis” and prevent it from happening again are to be commended. They underscore a new expression of the desire for change in our religious family, even though much remains to be done.

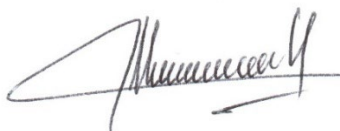
Today, the concrete challenge remains both at the level of individual confreres and at the level of the circumscriptions: the protection of minors and vulnerable adults is everyone's business. For each of us, one way to do this is to inform ourselves and receive training, to become aware of what in our institutional practices allows acts of abuse to occur and continue over time. It is also a matter of learning to identify the victims of these acts and to help them, in particular by alerting the competent professionals. For the circumscriptions, Bagamoyo II asked those that do not have policies or procedures to

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establish them as a matter of urgency (No. 78). It also insisted that those responsible for the circumscriptions regularly review and update “the Code of Conduct and policies and procedures [...] taking into account best practices and compliance with civil law and Church law.” (No. 80).

We all must welcome the guidelines contained in this new Guide, each in our own place and according to our status, in order to make our Congregation and our Church safer and to provide those we serve with a healthier environment for their growth.

Rome, April 12, 2025.

A handwritten signature in dark ink, appearing to read 'Alain Mayama', with a large, sweeping initial 'A' and a horizontal line extending to the right.

Alain Mayama, C.S.Sp,  
Superior General



*“We must make ourselves ‘the advocates,  
the supporters and the defenders of the weak  
and the little ones against all who oppress them’<sup>1</sup>”*

*Spiritan Rule of Life, 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, social and educational nature of our ministry brings us into regular contact with people of all ages, children and young people, women and men, in situations of vulnerability, fragility or weakness. These are the persons the Spiritans are called to serve and with whom Jesus himself identifies sometimes.

As Spiritans we are engaged to offer a safe environment for each person, male or female, understood as mutual respect that promotes the dignity given by God to each person.

We have to take special care to be concerned for the Safeguarding of children, young people and vulnerable adults, a vulnerability which can be permanent or occasional/temporary. Abuse in any form – physical, sexual, emotional, spiritual, of conscience, of authority or because of neglect – is totally contrary to everything we

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<sup>1</sup> Rule of 1849, N.D. X, 517.

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.

Some of the victims/survivors were strong enough to report and request for justice, others did not. To each of them we have to beg for pardon, but we also have to do everything we can to avoid definitively these unacceptable behaviours.

The task is wide and unfortunately it does not concern only western countries, where media speaks more about it. We know that it is a main challenge for the global Catholic Church today. Some reforms are at work, and we, as Spiritans, each of us and as Congregation, have to participate in it at our various levels of responsibility. The purpose of the present document is to help us by giving to each of the members of the Congregation some general guidelines.

Let's hope that these Guidelines, as well as being a help for the Superiors to promote safe pastoral relations in their Circumscriptions and to give right responses to the allegations of inappropriate behaviours, will also be a help for the Circumscriptions to renew their Policies and procedures for their original ecclesial and cultural context.

## I. DEFINITIONS

### 1.1 Individuals

This booklet deals mainly with two groups of individuals susceptible to be victims of sexual abuse or of other forms of abuse : *minors* and *vulnerable adults*.

1.1.1 A minor is a human being who has not yet reached 18 years of age<sup>2</sup>.

The Canon law includes also in this category every vulnerable person who « has only the habitually imperfect use of reason or to whom the law recognizes equal protection»<sup>3</sup>.

1.1.2 “*Vulnerable adult/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. »<sup>4</sup>

These are persons in a permanent state of handicap/disability or persons momentarily impaired or bound by circumstances (such as bereavement, depression, sickness, loneliness, drunkenness or being on drugs), or a setting with a high level of trust (confession, relation to formators in religious houses of formation, spiritual direction).

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<sup>2</sup> This definition is based on *Normae de Gravioribus Delictis* (Art. 6, 1.1) and is separate from legal age allowed for sexual consent in certain countries. In some countries, this age limit is under 18.

<sup>3</sup> Cf. Canon 1398 §1.

<sup>4</sup> *Motu Proprio Vos estis lux mundi*, Title I., Article 1 §2b.

### 1.2 Features describing abuse

In a general sense, there are three main features of *abuse* <sup>5</sup>:

- *Power* roles or *authority* relationship
- *Taking advantage* of a situation where a person is overly dependent on another
- *Unagreed consent*, produced by a distorted relationship (age, physical inequality or psychological trauma).

### 1.3 When is there informed consent?

Free consent is essential for an action to be borne out of free will.

As regards persons under 18, the age criteria excludes any consent.

The consent of an adult is considered valid only if:

- he/she has the ability to agree to something, i.e., he/she can understand and evaluate the necessary information in order to make a decision and face the consequences arising from this decision;
- he/she has received sufficient information, in a proper way, to decide ;
- his/her consent has been given freely, without pressure into doing or negative influence.

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<sup>5</sup> Cf. Report of the CIASE (Independent Commission on Sexual Abuse in the Church), *Les violences sexuelles dans l'Église catholique (France 1950-2020)*, 2021, p. 82.



### 1.4 Types of sexual abuses

1.4.1 *Sexual harassment*: « Sexual harassment includes unwelcome sexual advances, requests for sexual favors, as well as verbal, written, physical or visual conduct of a sexual nature. »<sup>6</sup>

1.4.2 *Sexual violence*: « The term « sexual violence » covers situations in which a person forces upon another acts or an intention of having sex which had not been asked for. This expression includes sex or attempts to force sexual intercourse, sexual touching or forced kisses, exhibiting once nakedness or sexual harassment.»<sup>7</sup>

1.4.3 *Sexual abuse* <sup>8</sup>: « any relationship where a person, even over the age of legal majority, placed under the authority of someone else, is subjected to sexual violence. »<sup>9</sup>

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<sup>6</sup> Congregation of the Holy Spirit, *Safeguarding Vulnerable Adults*, Rome, 2018, p. 11. This text gives moreover some examples: “*Sexual harassment can be:*

a. *Verbal: sexually demeaning comments or statements, slurs, and jokes.*

b. *Written: suggestive or obscene letters, online materials, such as notes or invitations.*

c. *Physical: unwelcome physical touching or contact, assault/rape.*

d. *Visual: leering, sexual gestures, showing of sexually suggestive photos/objects/images.”*

<sup>7</sup> Cf. Report of the CIASE (Independent Commission on sexual abuse in the Church), *Les violences sexuelles dans l’Église catholique (France 1950-2020)*, 2021, p. 82.

<sup>8</sup> While in some languages there is legitimate criticism of the use of the term “sexual abuse”, we have retained it because of the technical meaning defined here. It also echoes the other types of “abuse” specified below.

<sup>9</sup> Report de the CIASE (Independent Commission on sexual abuse in the Church), *Les violences sexuelles dans l’Église catholique (France 1950-2020)*, 2021, p. 83. Sexual abuse precises the context in which some acts of violence are taking place.

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It includes acts of a sexual nature committed without violence, coercion, threat or surprise.<sup>10</sup>

It should also be noted here that every catholic religious, be he a cleric or not, is considered, by virtue of his official status and his link with the ecclesial institution, as a person exercising authority.<sup>11</sup>

**1.4.4 Child pornography:** This refers to the acquisition, possession (even temporary) or distribution of pornographic images of minors, through any means or through any technology.<sup>12</sup>

This crime also extends to situations where a « person has only the imperfect use of reason or is a vulnerable adult ».<sup>13</sup>

All the situations described above are not only canonical offences, but are usually equally qualified as offences or crimes by the civil legislations.

### 1.5 Other types of abuses

Apart from sexual violence and in addition or not to them, there exists other types of abuse which can be described as a process of domination and exploitation of vulnerable persons, be they minors or adults:

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<sup>10</sup> Some examples : exposure of one's sexual organs; performance of any sexual act (masturbation or sexual intercourse whether oral, vaginal or anal) intentionally performed with or in front of the concerned person; intentionally touching a minor or a vulnerable person for the purposes of sexual arousal or gratification; showing sexually explicit material or pornography to a child.

<sup>11</sup> Or a « power » with the meaning used before (see 1.2. Features describing abuse).

<sup>12</sup> Dicastery for the Doctrine of Faith, *Vademecum*, 2.0 (2022), n° 6.

<sup>13</sup> Motu Proprio, *Vos estis lux mundi*, I., art.1,1a (2023).

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1.5.1 *Psychological abuse* or emotional abuse can be expressed by threats of harm, or losing one's job, bullying, cyber harassment, grooming<sup>14</sup>, intimidations, humiliations or reproaches.

1.5.2 *Abuse of authority* or abuse of power corresponds to a moral constraint made by a person who has authority or exerts a moral influence and who exceeds his powers.

1.5.3 "*Spiritual abuse* occurs when there is a manipulation of the emotions and affects that involves religious and spiritual issues and harms a person's relationship with God." <sup>15</sup>

1.5.4 "*Abuse of conscience* is the controlling and dominating of the victim's conscience in such a way that the latter believes that he or she is acting correctly morally when, in fact, he or she is merely acting in accordance with the interests and guidance of the manipulator." <sup>16</sup>

1.5.5 *To have hold on someone is a* mechanism where ascendancy and psychological control take place over time and gradually lead to a greater affective dependency of the victim and

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<sup>14</sup> Grooming is an act of building up a trusting and emotional relationship with someone, usually with the purpose of sexual exploitation, gratification or harming.

<sup>15</sup> UISG & USG & The Pontifical Commission for the Protection of Minors, *A Culture of Care and protection – New Challenges for Consecrated Life*), Milano, Paoline, 2023, 250 p., p. 168.

<sup>16</sup> UISG & USG & The Pontifical Commission for the Protection of Minors, *A Culture of Care and protection – New Challenges for Consecrated Life*), Milano, Paoline, 2023, 250 p., p. 168.

to a loss of his/her freedom. This permanent process of fascination can lead to a feeling of deep dehumanization.

### Conclusion: A necessary vigilance

As regards cases of sexual abuse of adults in a religious context, there usually is a symbiosis between some of these different types of abuse.<sup>17</sup> Owing to the high level of expectancy and its specific issues, the religious field can be considered as a “facilitator of abuses”<sup>18</sup>, which is dramatic.

Moreover, it is possible that inappropriate or even perverted interpretations of some biblical texts or of spiritual traditions serve as arguments to justify the practice of manipulations of persons.

Beware particularly of the phenomenon called « *cognitive distortion* » which, in the mind of the abuser, is a game of the mind, which transforms reality to make it acceptable or bearable.

As Spiritans, we need to be constantly watchful, as individuals and as community, and continue our formation to practical ethics and strengthen our determination to fight against all these downward slides.

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<sup>17</sup> In his *Letter to the People of God*, 2018, Pope Francis associates “sexual abuse, abuse of power and of conscience”. In other interventions, he considers that in an ecclesial context sexual abuse is made possible by an abuse of power that precedes it.

<sup>18</sup> Véronique Margron, *Un moment de vérité*, Albin Michel, Paris, 2019, 192 p.

## II. THE PASTORAL RELATIONSHIP

### 2.2 For a Safe Pastoral Relationship

#### 2.1.1 Leadership and professional standard

In diverse cultural contexts, Spiritans provide leadership in communities and administer or participate in educational, social and development projects. We seek actively to proclaim the good news of Jesus, provide pastoral care and leadership in the celebration of the sacraments, work for those who suffer, and promote justice, peace and the integrity of creation. We touch people's lives in many ways, especially in moments of joy and celebration, sickness and grief. It is therefore natural that people look to us for assistance and support in times of crisis and situations of vulnerability. We are present to them and do all these services/ministries as priests or religious within a professional pastoral relationship, which means that our focus must be that of enabling people to relate to God as a source of healing, compassion, wholeness and ultimately life everlasting.

Consequently, the relationship between a Spiritan as pastoral care-giver/minister and the person who receives pastoral care in whatever context or form carries with it responsibilities as well as gifts and blessings.

<p>A professed Spiritan or a lay spiritan associate has to guarantee that the environment where he lives and works is safety and comfortable, which means that dignity and freedom of each person is fully respected.</p>
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### 2.1.2 The requested maturity

As Spiritans, we believe that God has called us to serve and not to be served, to make more transparent the values to which all humans aspire as part of God's creation. Our call to minister to and care for God's people challenges us, as professional pastoral agents, to develop relationships characterised by the love, integrity, trust and compassion that Jesus showed. To carry out our ministry in a professional and accountable manner demands that we have reached a certain level of human development and integration as well as a mature Christian faith.

### 2.1.3 To take in consideration the diversity of Cultures

A layer of complexity for us Spiritans is that we come from many different cultural backgrounds and serve in many cultural contexts often very different from our own. Each culture has its own expression of what is acceptable and unacceptable in relationships and community, and this forms an important part of the exercise of ministry. Consequently, for Spiritan missionaries to be effective ministers, learning, respecting and understanding these cultural expressions as well as the context of the local Church and society are essential.

### 2.1.4 Friendship and affectivity

As pastoral relationships often occur in an intimate setting, friendships may develop; these for the most part are positive and healthy. Nonetheless, some of these relationships will, at times, challenge us to discern the boundaries of our pastoral role over and against our personal need for friendship and emotional support. The challenge, to put it another way, is on the one hand to discern when to offer appropriate professional pastoral care, and on the other to recognize when a certain relationship is overstepping the appropriate level of pastoral care and friendship. *"In particular, we*

*must refrain from exploiting the trust and dependency of others, not using them to satisfy our personal needs for acceptance, affection, and intimacy.”*<sup>19</sup>

### 2.2 A Code of Conduct in Ministry

Since as missionaries we live and work in international and transcultural situations, it is imperative that we familiarize ourselves with the norms of acceptable behavior and cultural boundaries that vary from culture to culture.

Each Spiritan must be aware of and be careful to maintain clear and appropriate boundaries in his pastoral relationships at all times.

These boundaries include, but are not limited to, the following:

- a) In addition to the commitment to chastity, never to engage in sexual relations with persons with whom they have a pastoral relationship. This includes forced physical contact, the showing of pornographic materials and having sexually explicit conversations not related to counseling issues. The nature of pastoral relationships means that exploitation (and abuse) is involved if such acts are committed, regardless of who initiates the sexual contact.
  
- b) Never to engage in inappropriate intimate contact in pastoral relationships, as such acts are inconsistent with the intent to provide a safe and comfortable environment.

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<sup>19</sup> Congregation of the Holy Spirit, *A love that is genuine (1 Jn 3,18) – A Call to Integrity in our Relationships*, 2003, p. 3.

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c) Never using one's role in ministry to degrade or humiliate another person.

d) Never disrespecting a person's personal boundaries, taking into account the cultural context of what is appropriate regarding touch and conversations.

e) Conducting ministry in appropriate settings and at appropriate times. Ministry will never be conducted in the private living quarters or bedrooms of Spiritans. Meetings with individuals will never be held in places or times that would tend to cause confusion about the nature of the relationship for the receiver of the pastoral attention.

f) Saying "no" to any substantial gifts for oneself which could create a dependency relationship.

g) Being alert to the potential development of unhealthy dependency, for example, giving gifts with the intention of reciprocation.

h) Maintaining confidentiality regarding information disclosed in the pastoral relationship, except when required by law or there are compelling reasons otherwise. Exceptions may include imminent danger to self or others, the sexual abuse of minors or their welfare. These exceptions do not include knowledge gained in the sacrament of reconciliation.

i) Avoiding situations where there is a conflict of interest. Conflicts of interest exist when a confrere takes advantage of a pastoral



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relationship in order to further his own personal, religious, political, or financial interests.

j) Upholding professionally recognized standards and local laws in counseling, spiritual direction and the pastoral guidance of individuals.

### 2.3 Specific norms to consider when in relation with Minors<sup>20</sup> and Vulnerable Adults

Recommended behavior	Avoidable behavior
Realistic, positive and responsible view of life: <i>be positive role models</i>	<i>Assuming your educational role with negligence and casualness;</i> Consuming or offering substances such as alcohol, drugs, etc., to minors or vulnerable people;
Show prudence and respect	<i>Giving gifts to a minor without right intention and without parents' agreement;</i> Forcing physical contact with people, such as forced hugs, caresses or others that may cause discomfort; <i>Placing a minor in a situation that is potentially humiliating or dangerous to their mental or physical safety;</i> Putting yourself in other situations that may give rise to suspicions, comments and/or false accusations;

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<sup>20</sup> Specific norms concerning Minors are written *in italics* in the following table.

## SAFEGUARDING MINORS AND VULNÉRABLE ADULTS

	Approaching a person in an offensive manner or engaging in inappropriate or sexually suggestive behavior
When in the presence of minors or vulnerable person, always be visible to others	Staying alone with a minor or vulnerable person; Transporting a minor or vulnerable person alone; Inviting or bringing a minor or vulnerable person alone to the Spiritan community
<i>Inform of any potentially ambiguous or dangerous behavior to the responsible person or authority</i>	<i>Keeping silence if you have any concerns about the welfare of a child, or feel someone is behaving inappropriately around a child.</i> <sup>21</sup>
Respect the private sphere of minors and vulnerable adults	Allowing people to enter dormitories, except for people of legal age to perform some necessary service with prior consent
<i>Inform parents about the proposed activities, as well as their practical provisions</i>	Lack of transparency
<i>Exercise due caution when communicating with minors, including by phone or on social media</i>	<i>Photographing or filming a minor without the written consent of their parents or guardians;</i> <i>Publishing or disseminating, even via the web or social networks, images in which a minor appears in a recognizable way without the consent of parents or guardians;</i>

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<sup>21</sup> To keep silence in some of these situations can be a delict.

## SAFEGUARDING MINORS AND VULNÉRABLE ADULTS

	Engaging in conversations and viewing inappropriate content (for example: sexualized, violent, offensive or discriminatory), whether face-to-face or via ICT
Integration and participation of all, welcoming and valuing difference	<p>Gestures and behaviors that can be read as ambiguous, humiliating, aggressive, threatening, offensive;  <i>Discriminating against a minor or a group of minors;</i></p> <p>Having preferential relationships and gestures that can be read as ambiguous, dominating, exclusive or discriminating against others;  <i>Establishing a preferential relationship with a certain minor</i></p>
To cultivate open and transparent communication habits	<p>Creating or maintaining unauthorized affective or professional ties with minors or the vulnerable outside the institutional framework;  <i>Asking a minor to keep a secret</i></p>
To cultivate peaceful conflict resolution	<i>Inflicting corporal punishment of any kind</i>
Practice the culture, values and measures of protection and care recommended by the Congregation and the Circumscription	Ignoring the Code of Conducts and training proposed by the Congregation or the Church

### 2.4 Self-Care in Ministry

The fact that we have committed ourselves to a life of “chastity in the single state as a God-given gift” (SRL 60) does not negate our need for affection, intimacy and fulfillment in life. We not only need to recognize our natural human needs, but also that we are fragile beings and therefore, as St. Paul indicates, we rely on God’s power at work in our human weakness (cf. 2 Cor 12:9). For us, as religious and priests, just as for people in many other paths in life, *“prudence, self-discipline, and self-denial are essential for achieving personal integration and maturity.”*<sup>22</sup> As experience has shown, self-care is necessary amid the many demands sometimes made upon our time and energy in attending to other people’s needs. There is need for humility in accepting our own limitations and failures, and that we cannot do everything or fulfill all requests or expectations of others. We need at times to seek the advice and assistance of others.

It is important therefore that each Spiritan:

- a. knows his personal needs and how to care for them outside of the pastoral/ministerial context;
- b. develops resources for his spiritual and emotional development;
- c. takes care of his physical and mental health;
- d. recognizes the warning signs of boundary violations;
- e. seeks help and supervision when needed;
- f. accepts feedback from colleagues who may have concerns about his relationships or pastoral issues;

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<sup>22</sup> Congregation of the Holy Spirit, *A love that is genuine (1 Jn 3,18) – A Call to Integrity in our Relationships*, 2003, p. 3.

- g. is open to regular evaluation and accompaniment;
- h. accepts regular training.

Additionally, self-care includes the elements of:

- a. a lifestyle balanced between work, recreation and prayer;
- b. genuine friendships, both within and outside the Congregation, with lay men and women;
- c. a community of shared life, faith and work that nurtures a sense of belonging, mutual support and encouragement.<sup>23</sup>

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<sup>23</sup> Congregation of the Holy Spirit, “Community Life”, *Anima Una* 65 (2017), pp 27-35.



### **III. RESPONSIBILITIES OF THE MAJOR SUPERIOR AND REQUIRED STRUCTURES FOR SAFEGUARDING IN THE CIRCUMSCRIPTION**

The current challenge against Sexual Abuses in the Church requests an awareness and participation of all, with decisions to take and concrete procedures to implement, as well it calls for a global changing of “culture”. In the same way, at the level of the Congregation and of each Circumscription, if responsibilities are different, the challenge requests a clear participation of all to the reforms undertaken.

#### **3.1. The responsibilities of the Superior of the Circumscription**

The primary responsibility for dealing with all matters pertaining to the sexual abuse of minors or vulnerable adults 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, 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.

Under no circumstances should the superior of the Circumscription:

- 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 and vulnerable adults which, in many jurisdictions, is a criminal offense. Since 2016, this reason as well as an unjustified delay to manage the situations of sexual abuses on minors or vulnerable adults is considered as a legitimate reason to dismiss a major superior.<sup>24</sup>

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.

Moreover, 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.

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<sup>24</sup> Pope Francis, Apostolic Letter in form of “Motu Proprio”, *As a loving Mother*, 6 June 2016, Art. 1, §1 to 4: “§1. The diocesan Bishop (...) 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 (...) 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 (...).”



### 3.2 The Delegate for Safeguarding

While the superior should remain open and available at all times to the survivors of sexual abuse, it is necessary that a suitably trained confrere or lay person be appointed as the delegate of the Circumscription<sup>25</sup> and survivor assistance coordinator to deal with these matters. He/she will be provided with a clear description of his/her responsibilities.<sup>26</sup> 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 Role of an Advisory Board

The superior should appoint an independent Advisory Board (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

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<sup>25</sup> Or, depending on the situations, at the level of the Union of Circumscriptions. See Congregation of the Holy Spirit, *General Chapter of Bagamoyo II* (2021), n° 69 and 72.

Some Circumscriptions prefer to speak about a Safeguarding Officer or a Lead, instead of a Delegate.

<sup>26</sup> Somehow, as Congregation, we have to face the same challenges as the dioceses and since 2019, « *the Episcopal Conferences and (...) the Dioceses, individually or together, must provide for institutions or offices that are easily accessible to the public for the submission of reports. The reports are to be submitted to these ecclesial institutions and offices.* » (Pope Francis, *Motu Proprio Vos estis lux Mundi*, Title 1, art. 2 §1).

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to the Advisory Board without compromising the right of the member concerned relating to confidentiality<sup>27</sup>.

### 3.4 Prevention and training for the members of the Circumscription

#### 3.4.1. A Policy and procedures adapted in each Circumscription

The Superior is responsible for ensuring that every member of the Circumscription, both by origin and by appointment, is provided with a written copy, regularly updated<sup>28</sup>, of the policies and procedures of the Circumscription in regard to the Safeguarding of minors and vulnerable adults. Each member will attest to know the content of the document and be responsible for its application<sup>29</sup>.

It is very important that all of those to whom we minister are aware of our commitment to Safeguarding minors and vulnerable adults and of our policies and procedures in this regard. Information to this effect should be made available on the website of the Circumscription or any other support 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.

#### 3.4.2. The need of ongoing formation

The superior 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 and vulnerable adults through seminars, workshops and other means of ongoing formation, which

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<sup>27</sup> The name of the member concerned is not revealed to the Advisory Board.

<sup>28</sup> Congregation of the Holy Spirit, *General Chapter of Bagamoyo II* (2021), n° 80.

<sup>29</sup> Congregation of the Holy Spirit, *General Chapter of Bagamoyo II* (2021), n° 68 and 76.

can often be done in collaboration with the local diocese or other religious institutes.

If nothing is organised in the local Church, the major superior will ensure and organise at least once a year such a training or workshop<sup>30</sup>.

### 3.4.3. Initial Formation

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 tendencies to unhealthy/inappropriate relations or 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. This kind of training becomes now obligatory as it is a way to contribute to Safeguarding.

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<sup>30</sup> Congregation of the Holy Spirit, *General Chapter of Bagamoyo II* (2021), n° 67.

### 3.4.4. Formators

The preparation of confreres as specialists in the field of initial and ongoing formation will include training in Safeguarding <sup>31</sup> and about all kinds of abuses.

A confrere accused allegations of sexual abuse cannot be put in situation of formator.

### 3.4.5. When being transferred to or visiting another Circumscription

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 or vulnerable adults.

As Spiritans are generally called to serve in cultures different to their own, it is very important that suitable orientation programs<sup>32</sup> are arranged by the Congregation or in relation with the local Church 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.

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<sup>31</sup> Congregation of the Holy Spirit, *General Chapter of Bagamoyo II* (2021), n° 65.

<sup>32</sup> Congregation of the Holy Spirit, *General Chapter of Bagamoyo II* (2021), n° 68.

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### 3.4.6. Lay spiritan associates

The dynamic of covenant which unites professed members and lay spiritan associates to respond to the challenges of evangelization of our time and for the defence of the weak and the poor, leads us to include lay spiritan associates in the workshops and training in matters of Safeguarding of minors and vulnerable adults, taking into account the variety of types of commitment.

### 3.5 Co-workers and employees

The policies and procedures of the Circumscription in regard to the Safeguarding of minors and vulnerable adults 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 and vulnerable adults.

### 3.6 Spiritan Institutions

Spiritan institutions and especially 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 and vulnerable adults in keeping with the local educational and ecclesial norms and standards.<sup>33</sup>

Minors entrusted to us in our institutions, their parents and guardians, and vulnerable adults, should be made aware of their rights, how to protect themselves, to whom they can address and what to do if they are in danger or have suffered abuse.

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<sup>33</sup> Congregation of the Holy Spirit, *Spiritan Guide for Education*, 2016, 8.1 and Congregation of the Holy Spirit, *General Chapter of Bagamoyo II* (2021), n° 79.

*The only way we can respond to this evil [of sexual abuse] that has ruined so many lives is as a duty that mobilises everyone and belongs to all of us as God's people. This awareness of feeling part of a people and a common history will allow us to recognise our sins and mistakes of the past with a penitential openness that can allow us to be renewed from within. All that is done to eradicate the culture of abuse in our communities without the active participation of all the members of the Church will not succeed in creating the necessary dynamics to achieve a healthy and effective transformation.*

Pope Francis, *Letter to the People of God*, 2018, no. 2.

## IV. RESPONDING TO ALLEGATIONS OF SEXUAL ABUSE

### 4.1 Welcoming and listening to the victims/survivors

Survivors have often carried the burden of abuse and its devastating consequences for many years before coming forward.<sup>34</sup> So care and compassion for the survivors of sexual abuse and for their families must always be our primary concern, whether the accused confreres be alive or already departed.

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 help the spiritual and psychological healing of all victims of sexual abuse. This engages as well the survivors as the leaders of the Congregation in a long term process and accompaniment/support.

For the welcoming and listening of the victims/survivors, the Motu Proprio *Vos estis lux mundi* (2023) indicates :

« Article 5 § 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.*

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<sup>34</sup> The devastating effects of child sexual abuse on the victim are described in Appendix 1.

§ 2. *In any case, the good name and the privacy of the persons involved, as well as the confidentiality of their personal data, shall be protected.»*

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.

Overall, we have to work for justice for the victims. This is the only way to participate in their process of healing. We will come back to this point later on when speaking about restorative justice (see 4.5.), but we have to present simultaneously the current canonical procedures.

### 4.2 Procedures

Since 2020, a new development in matters of canonical procedures to be followed in case of sexual allegations is the publication, by the Dicastery for the Doctrine of Faith of the Vatican, of a major reference document, already updated and in free access: the *Vademecum on certain Points of Procedure in Treating Cases of Sexual Abuse of Minors Committed by Clerics*.<sup>35</sup> Let's present its main guidelines.

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<sup>35</sup> Dicastery for the Doctrine of the Faith, *Vademecum on certain Points of Procedure in treating Cases of Sexual Abuse of Minors committed by Clerics*, (Ver. 2.0.) (5 June 2022).



### 4.2.1 Duty to report

Usually the allegation of a sexual abuse is presented by the victim person herself/himself. Nevertheless this information can sometimes be indirect or presented to a confrere who is neither the major superior nor the delegate for Safeguarding in the Circumscription. There is now obligation for every person to transmit quickly the information about the allegation to the Ordinary, i.e., to the major superior<sup>36</sup>, except in the case of an information received during “exercising the ministry on internal forum”<sup>37</sup>.

### 4.2.2 Form and content of a report

Even coming from diverse roots<sup>38</sup> of information, incomplete report or coming from doubtful roots, a memo has to be written and the case has to be considered.

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<sup>36</sup> To be very concrete, the Spiritan provides the person with the contact details of the major superior or his delegate. He should also personally inform the major superior without delay.

<sup>37</sup> Pope Francis, Apostolic Letter in form of « Motu Proprio », *Vos estis lux mundi*, 25 March 2023, Title I. art.3.1. In the Case of Confession, the *Vademecum*, n° 14 indicates : “A confessor who learns of a delictum gravius during the celebration of the sacrament should seek to convince the penitent to make that information known by other means, in order to enable the appropriate authorities to take action.”

<sup>38</sup> For example : “it can be formally presented to the Ordinary (...), orally or in writing, by the alleged victim, his or her guardians or other persons claiming to have knowledge about the matter; it can become known to the Ordinary (...) through the exercise of his duty for vigilance; it can be reported to the Ordinary (...) by the civil authorities through channels provided for by local legislation; it can be made known through the communications media (including social media); it can come to his knowledge through hearsay, or in any other adequate way.” (*Vademecum*, 2022, n° 10)

### 4.2.3 The receipt of an allegation of sexual abuse and the beginning of a preliminary investigation

When the major superior receives an allegation of sexual abuse against a minor or a vulnerable adult by a living<sup>39</sup> 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”<sup>40</sup>.

### 4.2.4 Who has to be informed ?

After receiving an allegation as already presented, the major superior informs, confidentially and without delay, the Superior general, the correspondent of the Circumscription in the General Council and the Ordinary of the concerned place<sup>41</sup> as well as the superior where the alleged abuse occurred. If the confrere is originally from another Circumscription, he informs also the concerned superior. He tracks and documents the developments of the case and informs the other concerned superior.

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<sup>39</sup> Most of the approach described here can also be followed in the case of an already departed confrere, but no canonical procedure can be developed. (Cf *Vademecum*, 2022, n° 160)

<sup>40</sup> The inquiry is superfluous if there is recognition of guilt or by presentation of indisputable proofs. There are also sometimes cases of improbability, but this exception has to be considered carefully. For example « *if it is a well-known fact that the person accused could not have been present at the place of the delict when the alleged actions took place* » (*Vademecum*, 2022, n° 18) The *Vademecum* (n° 19) precises that “*even in these cases, however, it is advisable that the Ordinary (...) communicate to the Dicastery for the Doctrine of Faith the notitia de delicto and the decision made to forego the preliminary investigation due to the manifest lack of the semblance of truth.*”

<sup>41</sup> The Bishop of the Diocese.

### 4.2.5 Content and form of a preliminary investigation

For each allegation, the superior or his delegate 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.

In the preliminary investigation, *“the important thing is to reconstruct, to the extent possible, the facts on which the accusation is based, the number and time of the criminal acts, the circumstances in which they took place and general details about the alleged victims, together with a preliminary evaluation of the eventual physical, psychological and moral harm inflicted.”*<sup>42</sup>

As part of a canonical process, the preliminary investigation requires some specific procedures : opening decree of the investigation, nomination of an investigator, of a notary, collection of written or oral documents, drawing up of reports of interviews, etc. The preliminary investigation closes with the *Votum* (opinion) of the major superior, then the complete file is send to the General Council for transmission to the Dicastery for the Doctrine of Faith (DDF) for a cleric or to the Dicastery for Institutes of Consecrated Life and the Societies of Apostolic Life, which will indicate any further steps to be taken.

The timeline for these procedures presumes a short period of time for the preliminary investigation.<sup>43</sup>

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<sup>42</sup> *Vademecum*, 2022, n° 34.

<sup>43</sup> *“It is recommended, for the sake of equity and a reasonable exercise of justice, that the duration of the preliminary investigation correspond to the purpose of the investigation (...). An unjustified delay in the preliminary investigation may constitute an act of negligence on the part of ecclesiastical authority.”* (*Vademecum*, n° 66)

### 4.2.6 Collaboration with civil authorities

Local procedures for reporting to the civil authorities must be strictly followed.<sup>44</sup> Normally, if there is a police investigation, it takes precedence over the ecclesiastical investigation which is suspended until the police have completed their work.<sup>45</sup> However in some contexts the superior can investigate simultaneously with the police investigation.

### 4.2.7 Precautionary Measures

At any time during the preliminary investigation, the major superior may take precautionary measures. It becomes obligatory if there is a probability of scandals and if there is need of measures of prudence to avoid “the risk of concealment of future evidence, the presence of threats or other conduct meant to dissuade the alleged victim from exercising his or her rights, the protection of other possible victims”<sup>46</sup>. A precautionary measure or restriction can be for example to withdraw the accused person from sacred ministry or of any responsibility, to prohibit for example any relation with minors, to impose or to forbid his sojourn in a determined territory,

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<sup>44</sup> “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, (...) and to implement a comprehensive policy of safeguarding minors.” (Congregation of the Holy Spirit, *Safeguarding minors – Guidelines for the members of the Congregation of the Holy Spirit*, revised edition 2016, 3.5, p. 14)

<sup>45</sup> Congregation of the Holy Spirit, *Safeguarding minors – Guidelines for the members of the Congregation of the Holy Spirit*, revised edition 2016, 2.2, p. 9. See also *Vademecum*, 2022, n° 48 to 50.

<sup>46</sup> *Vademecum*, 2022, n° 58.

even to forbid the participation to any public ministry, including the celebration of Eucharist. These precautionary measures have to be imposed by a particular precept.

The victim will be informed of any precautionary measures that have been taken.

It is important to indicate to the accused confrere that these precautionary and temporary measures are neither an anticipated judgement, nor the formulation of a sentence<sup>47</sup>. Any decision of penal sentence needs the process to be concluded, if the grave allegation is founded.

### 4.2.8 The rights of the accused person

« *Any person is considered innocent until the contrary is proved.* »<sup>48</sup>  
This principle of right includes the reputation of the person. To save it, the major superior has to respect confidentiality, but he can speak about the allegation to his Council, as well as to the superior of the local community of the confrere, requesting from all confidentiality. This confidentiality must be carefully preserved, because deficiencies on this point often result in destruction of the reputations of confreres, settling of scores and serious divisions in the Circumscriptions.

The request of silence does not concern the complaining parties.

It is usually preferable, during the time of the preliminary investigation, to inform the concerned confrere about the allegation

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<sup>47</sup> However, in case of non-respect of the precautionary measures by the accused person, he shall be punished.

<sup>48</sup> Canon 1321 § 1.

presented against him. But to consider the case strictly, there is no obligation for the superior to do it.<sup>49</sup>

If the confrere is informed, the superior will assure an appropriate spiritual and psychological assistance is proposed to him and be given every opportunity to defend himself. If he wants it, he is entitled to receive independent advice in church and civil law.

Each accused religious or cleric can, in conscience, ask the Pope, through the competent Dicasteries, to be dispensed from his vows or laicized.

### 4.3 Toward a judgement of the Case: the role of the Dicastery

After transmission of a file of sexual abuse allegation to the competent Dicastery, this one determines the actions to be taken in view of establishing a judgement<sup>50</sup> on the case and possibly inflict a penalty.

At this level, depending on the kind of canonical procedures used, the accused person can – and sometimes it is an obligation – have an advocate to defend him.<sup>51</sup>

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.<sup>52</sup> He will also be accompanied carefully in the process of interior healing.

It is nevertheless obvious that this can only be done at the completion of the procedures.

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<sup>49</sup> *Vademecum*, 2022, n° 52 to 54.

<sup>50</sup> There are three orders of judgement : conviction (*constat*), acquittal (*constat de non*) or dismissal (*non constat*).

<sup>51</sup> Cf. *Vademecum*, 2022, n° 98.

<sup>52</sup> Congregation of the Holy Spirit, *General Chapter of Bagamoyo II* (2021), n° 64.

### 4.4 Prescription

In cases of sexual abuses as well as for other crimes, the law can provide some delays of prescription. These delays can be different if referred to civil law or to canon law. For canon law, prescription occurs currently, and depending on the cases, 20 years after the facts or 20 years after the 18<sup>th</sup> birthday for a minor (cf. canon 1362 §2). Some exceptions exist however, so it's better not to focus on a possible prescription, civil or canonical, taken as argument not to applicate the procedures presented already.

### 4.5 Restorative justice

The experience in matters of treatment of sexual abuses, as in other domains, shows easily that if the treatment of the cases by civil and canonical justice are necessary and contribute to a better world, it doesn't resolve all of the difficulties and often keeps open wounds for the survivors. Moreover, in some cases, like after the death of the perpetrators or in case of prescription, the ordinary justice fails to bring appropriate closure for the survivor.

Especially in these situations, but also sometimes at the term of the judicial process, the logic of a « restorative justice » can help to go further. By restorative justice, we consider a justice which starts from the needs expressed by those who were victims of violence. It takes time, requests confidence, skills, collaboration with others and perseverance. The last General Chapter encourages us to enter, when possible, into this kind of approach.<sup>53</sup> Pope Francis also engaged us in this kind of open and direct relation with the survivors when he introduced as criteria of the relation with them the possibility of being side by side or being able to look them « face to

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<sup>53</sup> Congregation of the Holy Spirit, *General Chapter of Bagamoyo II* (2021), n° 60.

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face »<sup>54</sup>, i.e., looking forward with them, with humility and franchise, to act as fairly as possible.

*« Our listening to the victims and our desire to finally act justly towards them is in keeping with the charism of our Congregation, which sees the poor as the first recipients of the Good News.»*

General Chapter of Bagamoyo II, n° 61.

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<sup>54</sup> See the text in introduction to this document.



## V. A WORK TO BE CONTINUED AT THE LEVEL OF THE CIRCUMSCRIPTIONS

The General Council is aware of the strong work accomplished in our Congregation since the 2012 General Chapter in matters of Safeguarding of Minors and Vulnerable adults. Concrete Policies and Procedures were published in each Circumscription<sup>55</sup>, some confreres or lay spiritan associates followed specialized studies, the treatment of the complaints is quicker and the welcoming of the survivors is in progress, as well as an effort of global training of confreres occurred in many places. The present document shows us nevertheless, if needed, that the work of reform – at the level of the Congregation and at the level of the Church – is not completed, all the more that the way to understand the gravity and the emergency of Safeguarding depends strongly on the ecclesial and cultural contexts where we work.

These are now the priority tasks to be accomplished, without delay, in the Circumscriptions:

1. Based on this new document of the General Council which reminds us of the overall commitment to Safeguarding, but which presents also some new developments in matters of understanding the reality of abuses (sexual, of power, spiritual, etc.) as well as it presents the numerous changing in Canon Law and in procedures to be followed in the Church, each Circumscription has now to introduce the necessary updates in its Policy and Code of Conduct.<sup>56</sup>

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<sup>55</sup> In some small Circumscriptions, it was allowed to use the Policies and procedures of Bishop's Conferences or of dioceses in which we work.

<sup>56</sup> Congregation of the Holy Spirit, *General Chapter of Bagamoyo II* (2021), n° 74, 75 et 80.

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2. Particular attention should be paid to the procedures to be followed, so that everyone knows, at his own level, how to effectively react to a situation and do so in a timely manner. This step is necessary to move from theoretical knowledge to truly improved practice.

3. So that these documents can play their role, « each circumscription will include in its overall plan for ongoing training, training in personal protection and refresher training for all members. »<sup>57</sup> Moreover, « each member will sign the document and be responsible for its application. »<sup>58</sup>

4. To continue to propose specialized studies to confreres or to lay spiritan associates in matters of Safeguarding of minors or of vulnerable adults, to have resource persons for the trainings to give and for assuming the responsibility of Officer of Safeguarding at the level of the Circumscriptions.

5. To update the list of competent persons and institutions that you can refer to, together with their contact details.

6. It's the responsibility of the Superior and of the Council of the Circumscription to realize an annual evaluation of the implementation of the measures taken in matters of Safeguarding and to give an account to the General Council.<sup>59</sup>

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<sup>57</sup> Congregation of the Holy Spirit, *General Chapter of Bagamoyo II* (2021), n° 67.

<sup>58</sup> Congregation of the Holy Spirit, *General Chapter of Bagamoyo II* (2021), n° 76.

<sup>59</sup> Congregation of the Holy Spirit, *General Chapter of Bagamoyo II* (2021), n° 81.

## SOME USEFUL REFERENCES

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- Pope Francis, Apostolic Letter in form of “Motu Proprio”, *As a loving Mother*, 6 June 2016
- Pope Francis, *Letter to the People of God*, 20 August 2018
- *Norms regarding Delicts reserved to the Congregation for the Doctrine of the Faith*, 11 October 2021
- Dicastery for the Doctrine of the Faith, *Vademecum on certain Points of Procedure in treating Cases of Sexual Abuse of Minors committed by Clerics*, (Ver. 2.0.) 5 June 2022
- Pope Francis, Apostolic Letter in form of “Motu Proprio”, *Vos estis lux mundi*, 25 March 2023

### B) Documents of the Congregation

- Congregation of the Holy Spirit, *A love that is genuine (1 Jn 3,18) – A Call to Integrity in our Relationships*, 2003, 8 p.
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## APPENDIX 1

### **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*

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*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.*

## APPENDIX 2

### COMMON PERSONAL RISK FACTORS <sup>60</sup>

List of risk factors that can be used for a possible self-assessment for prevention of deviance and sexual abuse.

- Isolation
- Record use of substances (alcohol, drugs)
- Members with variables resistant to intervention and change
- Opportunity to engage in boundary violations
- Cognitive dissonance (complex interplay of unmet emotional and sexual needs and the rationale for deviant behaviors)
- Emotional exhaustion
- Preoccupation with meeting one's own needs rather than caring for the needs of others
- The combination of motivating psychological factors and disinhibiting factors
- The need for sexual or emotional gratification
- Feeling overwhelmed, underappreciated or cut off from an intimate, healthy support system
- Disconnection with one's own emotional needs

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<sup>60</sup> Inspired by James A. Flavin, *Risk and Prevention of Boundary Violation Between Clergy and Religious*, 2018.

## SAFEGUARDING MINORS AND VULNERABLE ADULTS

- Feed negative emotions, which easily lead to rationalization of negative behaviors
- Too much familiarity
- Deficient empathy skills
- Community failure
- Lack of personal discipline and self-control
- Low spiritual and prayer life
- Casual approach to matters of faith
- Poor religious and priestly identity
- Wrong intention for priesthood and religious life
- Clericalism (sense of self-importance because you are ordained)
- False beliefs contrary to the gospel values



## APPENDIX 3

### MAIN ARTICLES OF CANON LAW ON SAFEGUARDING

The current important reform in the Church on the matter of Safeguarding of Minors and Vulnerable Adults explains the recent modification of some articles of Canon Law. When the situations to consider are some years old, the lawyer will sometimes have to come back to the articles as formulated when the facts happened.

#### *Responsibilities of the Ordinary (2021)*

**Can. 1311- § 1.** The Church has its own inherent right to constrain with penal sanctions Christ's faithful who commit offences.

**§ 2.** The one who is at the head of a Church must safeguard and promote the good of the community itself and of each of Christ's faithful, through pastoral charity, example of life, advice and exhortation and, if necessary, also through the imposition or declaration of penalties, in accordance with the provisions of the law, which are always to be applied with canonical equity and having in mind the restoration of justice, the reform of the offender, and the repair of scandal.

#### *Delicts (2021)*

**Canon 1395 - § 1.** A cleric living in concubinage, other than in the case mentioned in can. 1394, and a cleric who continues in some other external sin against the sixth commandment of the Decalogue

which causes scandal, is to be punished with suspension. To this, other penalties can progressively be added if after a warning he persists in the offence, until eventually he can be dismissed from the clerical state.

**§ 2.** A cleric who has offended in other ways against the sixth commandment of the Decalogue, if the offence was committed in public, is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants.

**§ 3.** A cleric who by force, threats or abuse of his authority commits an offence against the sixth commandment of the Decalogue or forces someone to perform or submit to sexual acts is to be punished with the same penalty as in § 2.

**Canon 1398 §1.** A cleric is to be punished with deprivation of office and with other just penalties, not excluding, where the case calls for it, dismissal from the clerical state, if he:

1° commits an offence against the sixth commandment of the Decalogue with a minor or with a person who habitually has an imperfect use of reason or with one to whom the law recognises equal protection;

2° grooms or induces a minor or a person who habitually has an imperfect use of reason or one to whom the law recognises equal protection to expose himself or herself pornographically or to take part in pornographic exhibitions, whether real or simulated;

3° immorally acquires, retains, exhibits or distributes, in whatever manner and by whatever technology, pornographic images of minors or of persons who habitually have an imperfect use of reason.

**§2.** A member of an institute of consecrated life or of a society of apostolic life, or any one of the faithful who enjoys a dignity or performs an office or function in the Church, who commits an offence mentioned in § 1 or in can. 1395 § 3, is to be punished according to the provision of can. 1336 §§ 2-4, with the addition of other penalties according to the gravity of the offence.

*The case of confession (2021)*

**Canon 1385.** A priest who in confession, or on the occasion or under the pretext of confession, solicits a penitent to commit a sin against the sixth commandment of the Decalogue, is to be punished, according to the gravity of the offence, with suspension, prohibitions and deprivations; in the more serious cases he is to be dismissed from the clerical state.

*Case of Dismissal (2022)*

**Canon 695 §1.** A member must be dismissed for the delicts mentioned in cann. 1395, 1397, and 1398, unless in the delicts mentioned in cann. 1395 §§ 2-3 and 1398 § 1, the major superior decides that dismissal is not completely necessary and that correction of the member, restitution of justice, and reparation of scandal can be resolved sufficiently in another way.

**§ 2.** In these cases, after the proofs regarding the facts and imputability have been collected, the major superior is to make known the accusation and proofs to the member to be dismissed, giving the member the opportunity for self-defence. All the acts, signed by the major superior and a notary, together with the responses of the member, put in writing and signed by that member, are to be transmitted to the supreme moderator.

*Prescription (2021)*

**Canon 1362 §1.** A criminal action is extinguished by prescription after three years, except for:

1° offences reserved to the Congregation for the Doctrine of the Faith, which are subject to special norms;

2° without prejudice to n. 1, an action arising from any of the offences mentioned in cann. 1376, 1377, 1378, 1393 § 1, 1394, 1395, 1397, or 1398 § 2, which is extinguished after seven years, or one arising from the offences mentioned in can. 1398 § 1, which is extinguished after twenty years.

*On Inquiry*

**Canon 1717 § 1** Whenever an ordinary has knowledge, which at least seems true, of a delict, he is carefully to inquire personally or through another suitable person about the facts, circumstances and imputability, unless such an inquiry seems entirely superfluous.

**§2.** Care must be taken so that the good name of anyone is not endangered from this investigation.

**§3.** The person who conducts the investigation has the same powers and obligations as an auditor in the process; the same person cannot act as a judge in the matter if a judicial process is initiated later.

## Prayer for the Victims of Abuse

Father of our Lord Jesus Christ, source of all consolation and hope.

By your Son's dying and rising He remains our light in every darkness, our strength in every weakness.

*Show your mercy and compassion to all who have suffered the injustice of violence, the humiliation and pain of abuse - sexual, physical, emotional, spiritual.*

Be their refuge and guardian, comfort them and send healing for their wounds of body, soul and spirit.

Be their strength when speaking the truth and in seeking justice, rescue them from bitterness and shame.

Heal the brokenness in all victims of abuse and revive them in your love.

*Give grace, sensitivity and wisdom to all who minister to the victims and survivors of abuse.*

Make us all one in love and respect for the dignity of every human life.

Help us to follow your Holy Spirit in drawing good from evil, life from death.

We humbly ask these things in the name of Jesus Christ, our Saviour, in the unity of the Holy Spirit. Amen.







Casa Generalizia  
Clivo di Cinna 195  
00136 ROMA  
ITALIA