



CONTROL MEASURES AGAINST PAEDOPHILIA AND SEXUAL ABUSE

OCTOBER 2017



les Foyers de Charité
SPIRITUAL RETREATS

CONTENTS

OUR COMMITMENT	3
-----------------------------	----------

PREVENTION	4
-------------------------	----------

1	INFORMATION AND TRAINING
---	--------------------------

2	THE PRECAUTIONARY MEASURES TO BE APPLIED
---	--

- Unconditional welcome... and real prudence
- Required code of conduct
- Guidelines

ACT AND REACT	6
----------------------------	----------

1	IN THE EVENT OF SUSPICION OR RUMOURS
---	--------------------------------------

- Problems identified in the family of a child or a young person received at the Foyer
- Suspicions about a Foyer member (priest or lay person) or an educator working in an establishment of a Foyer de Charité
- Several possible situations

2	IN CASE OF SPECIFIC FACTS
---	---------------------------

- For acts committed by a member of the foyers de charité (priest or lay person) or by a person working/living at a foyer de charité
- In the case of an act being reported, even if it happened a long time ago

3	THE PRIORITY IS ALWAYS TO RECEIVE THE VICTIM
---	--

4	DRAW UP A LIST OF ADDRESSES AND DETAILS, AS A SAFETY MEASURE, IN ORDER TO ACT QUICKLY IN THE EVENT OF AN EMERGENCY
---	---

COMMUNICATE	11
--------------------------	-----------

1	AN ESSENTIAL ELEMENT OF THE SYSTEM FOR COMBATING SEXUAL ABUSE
---	---

2	GUIDELINES
---	------------

APPENDIX 1 GUIDELINES FOR THE LEADERSHIP of a foyer de charité when it becomes aware of sexual abuse

APPENDIX 2 FORM TO BE COMPLETED by each foyer de charité

APPENDIX 3 ROLE OF THE WELCOMING AND MONITORING unit to combat sexual abuse

APPENDIX 4 SEAL OF THE SACRAMENT OF RECONCILIATION and guidelines for confessors in the foyers de charité

OUR COMMITMENT

Protecting children and young and vulnerable people

With the universal Church, the Foyers de Charité want to examine every aspect of the scourge and suffering represented by paedophilia for all of society and the huge consequences it has on the personal life, psychology and spiritual life of those who are or have been victims of it.

“Like a loving mother, the Church loves all her children, but cares for and protects the smallest and most defenceless with a very particular affection. It is a task which Christ Himself entrusted to the entire Christian community as a whole. Aware of this, the Church dedicates vigilant care to the protection of children and vulnerable adults”

Pope Francis, 4 April 2017

(Apostolic Letter in the form of a Motu Proprio).

Our mission of hospitality and openness to all (children, young people, adults) makes us accountable for the way we take care of the smallest and most vulnerable.

Faced with the gravity of the subject and the urgency to take action, we want to implement these measures and make a real commitment to this fight against sexual abuse to ensure that the Church is “a safe and secure home”¹ for those who come seeking inward renewal.

This document intended for the members of the Foyers de Charité (priests and laity) contains a number of recommendations that must be implemented by the end of 2017 at the latest.

¹ Expression repeated by Pope Francis (5 February 2015)



PREVENTION

1 - INFORMATION AND TRAINING

- **Compulsory training in each Foyer de Charité**, for the father and all the lay members. This must include using the tools sent by the Moderator Father, the International Council and the General Secretariat.
- **Reading the “Lutter contre la pédophilie” (combating paedophilia) booklet**, published by the Conference of Bishops of France in January 2017

This document, which is comprehensive and aimed at giving greater consideration to the victims, offers sound guidelines which need to be read and implemented. A summary of the booklet is available on the luttercontrelapedophilie.catholique.fr website.

2 - THE PRECAUTIONARY MEASURES TO BE APPLIED

These simple guidelines and some common sense advice are addressed to all those (priests, deacons or lay people) who, as part of their mission, are in contact with children and young people.

It is a system that is founded on trust: reassuring the parents who entrust us with their children, working together to avoid any high-risk behaviour, protecting oneself from any unfounded suspicions or accusations.

Together, we want to make every effort to be a “safe and secure home”.

UNCONDITIONAL WELCOME... AND REAL PRUDENCE

The Foyers de Charité are places that welcome many children, teenagers and adults, who live on site... We must know the history of those in positions of pastoral and educational responsibility and/or those who come in contact with the retreatants:

- **Requesting the criminal records of those who are committed to and/or involved with the Foyers de Charité:**

Foyer fathers and members, people welcomed on site or long-term volunteers (several months, one year), educators in the schools, employees, members of the executive boards.

Systematically request a criminal record in the event of a recruitment¹ and include this subject in the voluntary work guidelines. This document must be kept in the employee's recruitment file or in the file of the person received at the Foyer, according to the practice of the Foyer.

- **Making inquiries with the relevant bishop if a priest wishes to stay at the Foyer:**

What is his history? Why is he coming to the Foyer de Charité? What are the requested conditions for the stay? What is the scope of his ministry?

NB: It is important that the bishop knows and understands the mission and pastoral setting of a Foyer de Charité, where there are many people of all ages (children, teenagers, adults) passing through and staying. A priest who is banned from contact with minors (less than 18 years in France) or for whom proceedings have been initiated may not therefore be received without arousing controversy.

¹ One must refer to the legislation applicable in the local country in order to obtain the quality document, e.g. in France, ask for the B3 document, to be provided by the person concerned.



REQUIRED CODE OF CONDUCT

The Foyer member (priest or lay person), who is in contact with minors and/or vulnerable adults, is obliged to implement precautionary measures, for himself or anyone working in the Foyers de Charité:

General state of mind when dealing with minors and/or vulnerable adults, in order to adopt the right educational attitude.

- Have relations that are based on mutual trust and esteem
- Give them support without any kind of possessive intent
- Ensure that their rights are respected
- Foster a culture of openness, allowing them to express their concerns and problems
- Make them aware of what is acceptable and not acceptable in the personal interactions with other children and young people as well as in the presence of adults
- Treat them with respect and recognise them as individuals, with their own specific needs and rights, be attentive to their ideas and reflections, and actively involve them in decisions that affect them.

GUIDELINES

- Avoid sensitive situations that may lead to insinuations or accusations
- Conduct yourself in a chaste and responsible manner
- Be aware that certain seemingly innocuous actions (such as hugging a child, a young person or a vulnerable adult in one's arms) may be interpreted differently by the young person, child or person concerned, or by third parties
- Avoid situations where you may be on your own with children or young people, or activities where there are no witnesses. For example: do not go on a car journey alone with a minor without the presence of another adult. Car journeys with minors must be approved beforehand by the parents or guardians.
- Do not meet with minors/vulnerable people alone in a secluded place or in a space where the door is not glazed or where the door cannot be kept open, or in a room where there is a bed.
- Minors may not be received in an adult's room. It is now necessary to extend this precautionary measure to the adults who are received for personalised support.
- The confessionals must be located in an open or glazed space.
- The sleeping spaces of minors/vulnerable adults and adults must be kept separate.
- Do not be present when minors/vulnerable people are naked, i.e. changing or taking a shower.



ACT & REACT

It is essential to identify the course of action that is best for the potential victim, whether the abuse occurred recently or a long time ago.

For too long, institutions were deliberately protected by a culture of silence... Today, the subject is no longer taboo. Let us always bear in mind that there can **never** be a statute of limitations on the suffering of a victim.

The privileged setting of a spiritual retreat or a stay in a Foyer (or an associated work) can provide an opportunity for people to speak openly, sometimes many years after the event.

Principle of action:

The absolute priority is to protect children and young people. We will immediately place ourselves on the side of the victim and the most vulnerable.

“Families need to know that the Church is making every effort to protect their children. They should also know that they have every right to turn to the Church with full confidence, for it is a safe and secure home. Consequently, priority must not be given to any other kind of concern, whatever its nature, such as the desire to avoid scandal, since there is absolutely no place in ministry for those who abuse minors.(...) It is the responsibility of diocesan bishops and major superiors to ascertain that the safety of minors and vulnerable adults is assured in parishes and other Church institutions.”

(Pope Francis, 5 February 2015)

1 - IN THE EVENT OF SUSPICION OR RUMOURS

If there are rumours within the Foyers de Charité or one of the associated works (school, dispensary, etc.), everyone has the responsibility to immediately notify the Moderator Father of the Foyers de Charité and/or the Foyer coordinators³ if they live in a Foyer de Charité, of the rumours or information received.

In all cases - whatever the date of the act committed - the Moderator Father and the anti-abuse unit must be notified.

The coordinators of the Foyer concerned or those delegated to this task must gather the first elements of information with all the necessary caution and sensitivity.

If the person bearing the information agrees to be identified, their statements will generally be deemed more credible.

³ The “Foyer coordinators” refers to the Foyer father, the lay coordinator and the president of the “Foyer de Charité” association of the site.



PROBLEMS IDENTIFIED IN THE FAMILY OF A CHILD OR A YOUNG PERSON LIVING AT THE FOYER

A child may show certain warning signs⁴ which alert an educator or Foyer member to a potential sexually-related problem in the child's family.

After assessing the pertinence of this concern with the team designated by the coordinators of the community to coordinate this issue, the Foyer member must alert one of the social services responsible for child protection as soon as possible:

For example, in France:

- The doctor of a PMI (maternal and child protection) centre to which each town/village is attached;
- A CMPP (medical and psycho-educational centre);
- The social workers of the sector, through the intermediary of the town hall or the local social centre;
- The department of social services for children (ASE) of the General Council of each département;
- The unit for the collection, evaluation and processing of information of concern of the General Council.

Certain call centres are also able to give advice and guidance.

The social services work with families to assess the situation. If there are specific problems and the family refuses to cooperate, the judicial authorities will be alerted. Family support will also be provided by these services if there are psychological or financial difficulties.

The educator or Foyer member can contact these services himself or advise the parents of the child to do so if they are open to the process. Without any specific information that would make an accusation possible, this approach has the merit of not turning a blind eye to a serious problem, but of entrusting it to specialists who are better equipped to manage them, while respecting of all concerned.

SUSPICIONS ABOUT A FOYER MEMBER (PRIEST OR LAY PERSON) OR AN EDUCATOR WORKING IN AN ESTABLISHMENT OF A FOYER DE CHARITÉ

The suspicions may come from rumours, information of a more or less specific nature, anonymous letters or, more simply, from a feeling of unease regarding the educational practices of the person concerned or the type of relationship he or she forms with the children and young people.

As in the previous cases, it is important, while always treating rumours with caution, not to keep one's concerns to oneself. The information must be shared with the team designated by the coordinators of the community to coordinate this issue, in order to evaluate its pertinence.

The coordinators⁵ of the Foyer de Charité of the alleged abuser must be alerted and integrated into the following process.

⁴ In "Lutter contre la pédophilie" (combating paedophilia) by the French Conference of Bishops (January 2017), pages 34-35

⁵ See note 3 on the definition of "coordinators" to be alerted about these situations



If these suspicions relate to an identified child or children, the families and one of the child protection services must be notified as mentioned above.

Secondly, it would be desirable to share this concern – always as a group – with the educator, the lay member or the priest in question, always making sure that the purpose of the interview is to help him the children and young people as much as possible. One should also be resolutely respectful of the people involved and the consequences that will have to be drawn if necessary.

Several possible situations:

- The reasons why the priest, lay person or educator has difficulties in dealing with children are unrelated to paedophilia: a meeting can be organised to help him understand and identify the attitudes that need to be changed.
- On the other hand, if the person feels guilty about something, the meeting may take a turn for the worse depending on how balanced or perverted he may be. The person concerned may not acknowledge his problems and even attempt to manipulate his interlocutors.
- If such a meeting is not possible, or if it has been held and has not resolved the doubts, then the person responsible for the party concerned will take charge of the case.

In the event of any uncertainty about the person to be notified, it is always possible to contact the Moderator Father and the unit set up by the Foyers de Charité to combat sexual abuse.

2 - IN THE CASE OF SPECIFIC FACTS

In the case of specific facts – even if they occurred a long time ago –, it is essential to inform the following:

- The police;
- The Moderator Father of the Foyers de Charité;
- The anti-abuse unit set up within the Foyers;
- The communications department of the Foyers de Charité;
- The bishop of the diocese where the events took place.

✶ FOR ACTS COMMITTED BY A MEMBER OF THE FOYERS DE CHARITÉ (PRIEST OR LAY PERSON) OR BY A PERSON WORKING/LIVING AT A FOYER DE CHARITÉ:

Go to appendix no. 1 for the full procedure

The police must be notified

« When someone is aware of a crime (remember that rape is a crime) or specific facts regarding the improper treatment or sexual assault of minors, they must notify the police. In such a case, no distinction can be made according to the identity of the alleged abuser. Whether it is a priest, lay educator or member of the victim's family, the acts must be reported⁶. »⁷

⁶ In France, articles 434-1 and 434-3 of the Criminal Code, not reporting such acts is an offence and is punishable by imprisonment for 3 years and a fine of €45,000

⁷ In "Lutter contre la pédophilie" (combating paedophilia), Conference of Bishops of France (January 2017), pages 42-43



Reporting involves passing on the information available to the relevant authorities. This can be done either by sending a letter (with acknowledgement of receipt) to the public prosecutor at the Tribunal de Grande Instance (in France) or the relevant judicial authority, or in writing or verbally at the police station or gendarmerie.

Whenever there is specific knowledge of the facts (even if they occurred a long time ago), it is absolutely essential and compulsory that they be reported...

It must be handled with caution when the situation is unclear. Other ways of helping a child/vulnerable adult may be more appropriate.⁸

WHEN REPORTING FACTS, EVEN WHEN THEY OCCURRED A LONG TIME AGO

The following two types of situation can occur:

- **The implicated person is alive**, but the time stated by the victim as the time when the abuse occurred would appear to be subject to the statute of limitations. The facts must still be reported to the police, given that time limit will be decided by the judge.
- **The implicated person has died**. In this case, death puts an end to any possibility of legal action.

In situations where justice can no longer operate, it will be necessary to receive the victim(s) and to carry out investigations, to hear the witnesses and study the archives in particular. In many cases, it will be necessary to refer to the services mentioned below.

All this will be done as part of the collaboration between the Moderator Father of the Foyers de Charité and the other bodies involved (institution, association, board of directors, parents' association or alumni association).

This process aims at encouraging people to speak openly so that the truth may be known, which is an essential means of release for the victims; it may also lead to additional measures being taken in order to improve prevention.

A testimony or a complaint must immediately be sent to the reception and anti-abuse unit

ANTI-ABUSE UNIT
Les Foyers de Charité
85 rue Geoffroy de Moirans
26330 Châteauneuf de Galaure, France

paroledevictime@lesfoyersdecharite.com

⁸ In "Lutter contre la pédophilie" (combating paedophilia) Conference of the Bishops of France (January 2017), pages 45



3 - THE PRIORITY IS ALWAYS TO RECEIVE THE VICTIM

Guidelines for gathering the revelations of a child:

Always bear in mind that **it is not for the Foyer member (or educator) to conduct an investigation by himself**. This falls within the remit of the social services or the police.

Do not doubt the person's word: acknowledge what he has experienced, say what is right and or wrong, thank him for placing his trust in you...

Keep an accurate written description of the facts and statements of the child. Do not ask the child to repeat his account several times because he may gradually back down when he realises the gravity of the claims and the emotion aroused, to the point of becoming silent.⁹

EMERGENCY MEASURES

- Warn the child that it may not be possible to keep the secret because adults are obliged to take action when a child is in danger.
- Never bring the child and the abuser face to face. This will be a matter for the police. Also avoid any confrontations with witnesses and/or the media.
- Surround yourself with a crisis unit of two or three people (competent people assigned to this task by the Foyer coordinators) and ask someone to take part in the interview with the alleged abuser to avoid being manipulated.
- When describing the facts within a community setting, never mention the abuser by name, but refer to the statement made by the child (until the adult is convicted, he is presumed innocent).

4 - FOR PREVENTIVE PURPOSES, PUT TOGETHER A LIST OF ADDRESSES AND CONTACT DETAILS SO THAT ACTION CAN BE TAKEN QUICKLY IN THE EVENT OF AN EMERGENCY

(SEE APPENDIX 1)

- Contact details of the public prosecutor or the competent judicial authority
- Juvenile magistrate
- Hospital social services
- Toll-free number for children at risk: 119 (France)
- Bishop of the diocese
- Moderator Father
- Communications of the Foyers de Charité
- Unit for combating paedophilia (Foyers de Charité)
- Unit for combating paedophilia (national)

⁹ In "Lutter contre la pédophilie" (combating paedophilia) Conference of the Bishops of France (January 2017), pages 49-50



COMMUNICATE

Within the framework of the fight against paedophilia, communications¹⁰ play an important role. As a set of techniques, communications are part of the system for combating paedophilia.

1 - AN ESSENTIAL ELEMENT OF THE SYSTEM FOR COMBATING SEXUAL ABUSE

It is essential to use the appropriate tools for each specific audience (media, website, e-mails, social networks, diocesan newspapers, Christian radio, meetings, paper tools, etc.) This is how communications can contribute to various aspects of the fight against paedophilia: awareness building, information, prevention; but also alerting, providing explanations or even putting forward the defence, providing reassurance or even forgiveness. It is important to understand how these tools work in order to integrate them into our systems.

- As a general rule, the people responsible for communications are the heads of the institution concerned (bishop, superior of the congregation, movement leader, etc.) ; in this case, it is therefore the Moderator Father of the Foyers de Charité who has authority on this issue.
- Communications should be seen as an aid and not just as a constraint.
- As actors in the fight against paedophilia, we are also actors in communications, i.e. we issue information. Whether we are at the origin of the information or we are forced to issue it, we are always responsible for the messages issued.
- Communicating requires technical resources, work and anticipation. It is essential to know how to surround yourself with competent people.

¹⁰ In "Lutter contre la pédophilie" (combating paedophilia) Conference of the Bishops of France (January 2017), pages 61-62



2 - GUIDELINES

Faced with a situation, it is necessary to establish what happened as accurately as possible (without replacing or hindering the work of the investigators). Our work must be uncompromising in throwing light on the situation.

Although the communications should not seek to excuse, they should seek to explain.

In substance, our communications must reflect our deep concern. The information must be ranked in the following order of priority:

- 1 - Concern for the victims**
- 2 - A factual description of what we know**
- 3 - Statement of the measures taken**
- 4 - Our collaboration with the police**
- 5 - Allusion to the principle of the presumption of innocence (if applicable)**

In addition to the relationship with the media, it is necessary to plan communications activities within the circles closest to the Foyer de Charité concerned, the diocese or even the work of the Foyers as a whole.

Our communications on such subjects must be a work of truth. It plays an important role in the fight against abuse.

Obviously, under no circumstances should our communications seek to defend the institution; we must be prepared to acknowledge the flaws and even the errors committed.



Actions to be taken by the coordinators*

of a Foyer de Charité when they are made aware of the sexual abuse of a minor by a cleric or lay person, who is a member of the Foyers de Charité.



In all cases, it is necessary to act quickly and to inform the Moderator Father of the work of the Foyers de Charité

IN THE EVENT OF SUSPICION



The first step is to verify the **likelihood, coherence and probability** of the information



Implementation of precautionary measures:

- or the potential victims
- for the witnesses
- for the Foyer member (father or layperson)
- uphold the course of justice



The Moderator Father and the Foyer coordinators may enlist a few people whose expertise is required for this process

IN THE EVENT THAT THE CLAIMS ARE CREDIBLE



The Foyer coordinators or the Moderator Father must ask:

- **the victim or his legal representatives to file a complaint** with the Public Prosecutor.
- **the Foyer member (father or lay person) to give himself** up to the civil authorities.



The Moderator Father must make sure that the victim has lodged a complaint.



At this point, the Moderator Father must notify the bishop of the diocese where the Foyer de Charité is located (as well as the Congregation for the Doctrine of the Faith if it is a priest or Foyer member)

WARN THE STATE AUTHORITIES

(if there is no confirmation of a complaint being lodged by the victim or a voluntary confession by the Foyer member)



If the Foyer coordinators are aware of specific facts, they must immediately refer the case to the public prosecutor.



If the victim is under the age of 18 when the Foyer coordinators become aware of the facts and that the latter are not specific but sufficiently worrying with regards to the child, they must pass the information on to the child welfare office (ASE in France) of the département where the child lives.



The canonical proceedings regarding the case can only begin after the criminal proceedings have finished. When the judgement of the judicial authority is known, the bishop will send it to the Congregation for the Doctrine of the Faith.

*they are the Foyer father, the lay coordinator and the president of the association of the Foyer concerned.

Contact forms

to be filled in and kept by each Foyer de Charité



MODERATOR FATHER

Father Moïse Ndione
The Foyers de Charité
85 rue Geoffroy de Moirans
26330 Châteauneuf de Galaure, France
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COMMUNICATIONS DEPARTMENT OF THE FOYERS DE CHARITÉ

The Foyers de Charité
85 rue Geoffroy de Moirans
26330 Châteauneuf de Galaure
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The Foyers de Charité
85 rue Geoffroy de Moirans
26330 Châteauneuf de Galaure
E-mail: paroledevictime@lesfoyersdecharite.com



UNIT FOR COMBATING PAEDOPHILIA (NATIONAL)

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BISHOP OF THE DIOCESE

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PUBLIC PROSECUTOR OF THE REPUBLIC OR COMPETENT JUDICIAL AUTHORITY

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JUVENILE MAGISTRATE

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HOSPITAL SOCIAL SERVICES

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CHILD PROTECTION HOTLINE

Toll-free number in France: 119

Role of the reception and monitoring unit to combat situations of sexual abuse

At the initiative of Moderator Father and the International Council of the Foyers, a reception and monitoring unit to combat situations of sexual abuse was created in June 2017.

It is composed of men and women who are members of the Foyers de Charité, and takes advice from professionals in the legal and psychological domains.

The tasks of this unit are as follows:

- **Put forward campaigns to build awareness and prevent the abuse of people within the Foyers de Charité.**
- **Provide all those who turn to the unit for help with a response and receive them if they wish.**
- **In cases where the justice system can no longer operate, carry out the necessary investigations (meet witnesses, consult archives, carry out any research on other people, etc.) in order reveal the truth with greater clarity.**
- **Advise the Moderator Father on the measures to be taken.**

THE CELL MAY BE CONTACTED AT ANY TIME



paroledevictime@lesfoyersdecharite.com

Cellule de lutte contre les abus

Les Foyers de Charité
85 rue Geoffroy de Moirans
26330 Châteauneuf de Galaure

Seal of the sacrament of reconciliation

and guidelines for confessors

in the Foyers de Charité*

The Catholic Church considers that the confessor is under the obligation not to disclose anything that is said within the context of the sacrament of reconciliation.

With regards the fight against paedophilia and with the aim of protecting the most vulnerable, a priest, who is a member of the Foyers de Charité and is faced with a situation of abuse, will refer to the following guidelines:

IF HE HEARS A PERSON CONFESS TO ABUSING A MINOR OR VULNERABLE ADULT, HE WILL ENDEAVOUR TO:

- make the penitent realise the gravity of the acts committed;
- require the penitent to report the acts to the judicial or administrative authorities as soon as possible so as to avoid any risk of harm to the children;
- convince the penitent – religious, seminarian or priest – to immediately make known his acts to his religious superiors so that they can keep him away from the children;
- convince the penitent to seek treatment.

In this case, absolution is normally conditional on the penitent's sincere acceptance to respect the aforementioned requirements and, particularly, the obligation to report himself to the public authorities. He will clearly explain to the penitent that «the absolution is conditional» upon the above requirements. Should the confessor have any doubt about the penitent's firm resolution to give himself up, he may defer the absolution to the moment when the person actually gives himself up. The only exception to this would appear to be in articulo mortis.

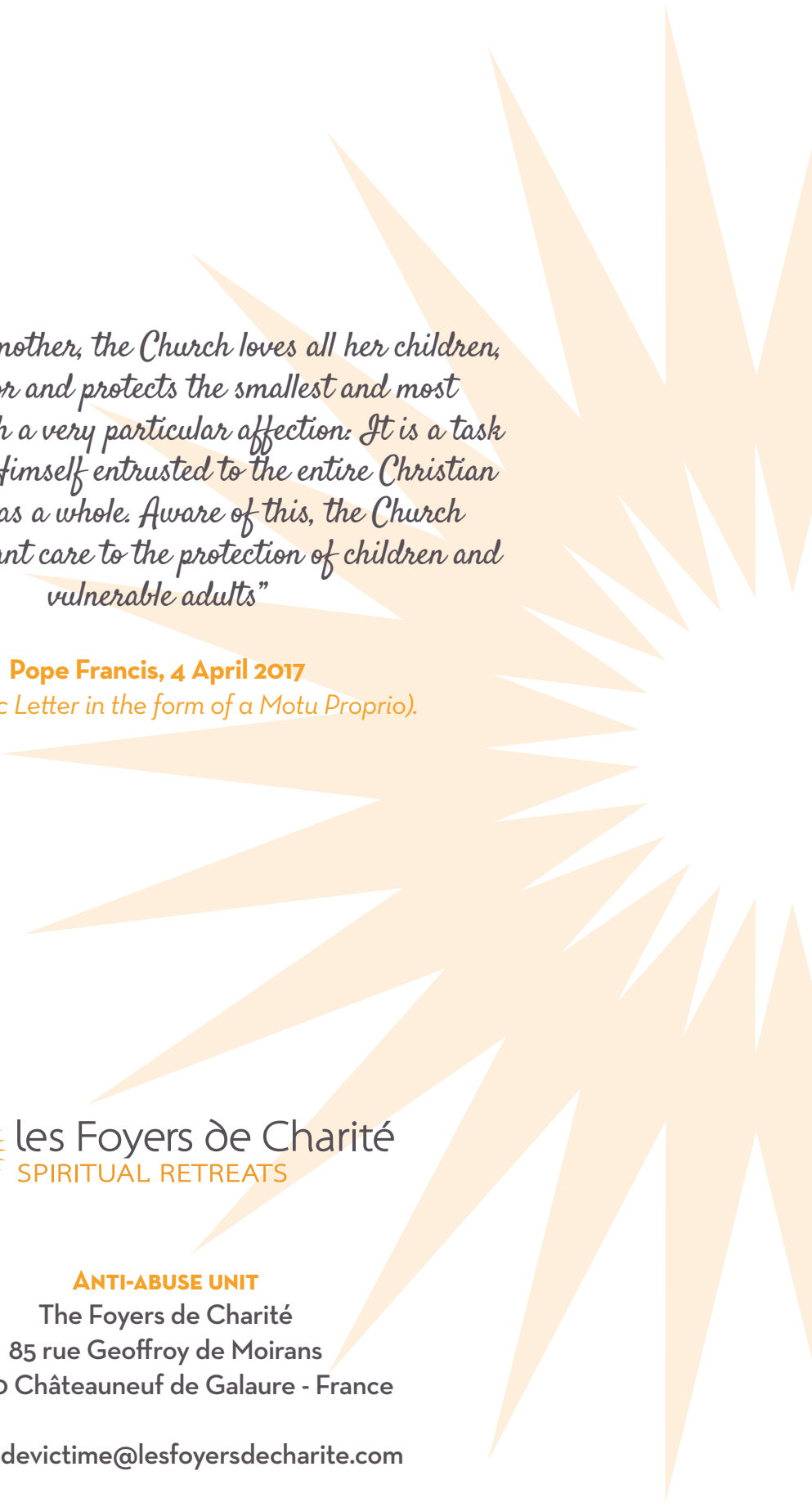
IF HE HEARS THE CONFESSION OF A PENITENT, WHO IS A VICTIM OF ABUSE, HE WILL ENDEAVOUR TO:

- express his utter horror of the acts committed
- urge him to lodge a complaint with the judicial or administrative authorities so that the perpetrator of the offences or crimes is put out of harm's way. The priest must be all the more insistent because the abuser is still in a position to harm children;
- urge him to notify any superiors of the person guilty of the offence or crime;
- mention to him that there are centres set up in the dioceses, episcopal conferences and/or in the Foyers de Charité that are available to provide help, counselling and advice.

IF HE HEARS THE CONFESSION OF A WITNESS (NOT THE ABUSER OR THE VICTIM) OF SEXUAL ABUSE:

He will endeavour to remind the penitent that he has the responsibility of informing the competent authorities. (He will gently remind the person, without excessive insistence, that a false accusation is a serious offence in the eyes of the law and is punished by the law.)

* These guidelines are drawn from the document of the Jesuits of the Province of France «Face aux situations d'abus sexuels, préventions et actions» (Faced with the situations of sexual abuse – prevention and measures).



*“Like a loving mother, the Church loves all her children,
but cares for and protects the smallest and most
defenceless with a very particular affection. It is a task
which Christ Himself entrusted to the entire Christian
community as a whole. Aware of this, the Church
dedicates vigilant care to the protection of children and
vulnerable adults”*

Pope Francis, 4 April 2017

(Apostolic Letter in the form of a Motu Proprio).



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