



## **FOCOLARE MOVEMENT GUIDELINES TO PROMOTE THE WELLBEING AND PROTECTION OF MINORS AND VULNERABLE PERSONS<sup>1</sup>**

### **Focolare Movement regulations concerning the promotion of the well-being of children and young people**

#### **Introduction**

1. The Focolare Movement (Work of Mary) is an international organisation, a private association of pontifical right<sup>2</sup> with legal status. At its core is a Gospel-centred spirituality, Christian love as a way of life, and has unity and universal brotherhood<sup>3</sup> as its goals.
2. It is a religious and civil organisation involving people from every culture, language, race, and religion, spread throughout the world.
3. In all of its youth sections (in particular Gen 3, Gen 4, Teens for Unity, and the children and youth of the Parish and Diocesan Movements), through the various activities available for minors, the Focolare Movement promotes the formation of the whole person, recognized in his/her unique and unreproducible identity.
4. The Focolare Movement recognizes the dignity of every child and young person in line with the Gospel vision, helping to develop their human and spiritual capabilities and bring out the best in each individual. In activities involving minors, the Focolare Movement aims at an educational approach based on communion-fellowship that places Jesus' presence at the centre of the relationship (cf. Mt 18:20).
5. Furthermore, adopting the principles established by International Law regarding the protection of minors [cf. Articles 3 and 19 of the United Nations' *Convention on the Rights of the Child*], the Focolare Movement is committed to preventing and avoiding any type of violence, abuse,

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<sup>1</sup> These Guidelines are a revised version of the ones adopted by the Focolare Movement in April 2014, with subsequent amendments approved on 1 June 2020.

<sup>2</sup> The Focolare Movement is recognized in many nations through national bodies. These guidelines serve as guidance for the communities of the Focolare Movement in the various countries of the world; all Focolare National Centres shall ensure these guidelines are adapted to their respective cultural and legal realities.

<sup>3</sup> Cfr. art. 6 of the General Statutes of the Work of Mary.

maltreatment, and bullying<sup>4</sup> of minors, including those perpetrated by other minors, during any of these activities. It does so, first of all, by adopting the following precautionary measures:

a) Entrusting minors to people who are fully responsible for their actions and behaviour, are committed to living the Gospel in line with the Focolare Movement's Spirituality of Communion, and are trained to be with children and young people (as specified in the criteria for the promotion and protection of the wellbeing of minors in the first part of this Document);

b) Providing and ensuring safe environments for children and young people, in which they can engage in age-appropriate recreational and educational activities without psychological pressure, where their dignity is respected and safeguarded, and their development is fostered and encouraged;

c) Cultivating a culture of respect and esteem for others, safeguarding the freedom, altruism, and the equality, dignity, and autonomy of each individual, so as to prevent any form of peer-on-peer abuse;

d) Responding effectively and promptly to any report of abuse against a member of the Focolare Movement in accordance with the provisions of these Guidelines; committing to reconstruct, as far as possible, the facts of the reported allegation;

e) Informing the relevant legal authority, where the country's laws and the local Bishops' Conference require mandatory reporting;

f) Guaranteeing the Movement's unlimited support to those who have suffered abuse and to their families;

g) Offering psychological and spiritual support to any member of the Focolare Movement who has committed an offence against a child, a young person, or a vulnerable adult, in order to guarantee increased protection and safeguarding for children.

**6.** For the purposes of these guidelines, 'vulnerable persons' are considered equivalent to 'minors', the former being understood to mean any person in a state of infirmity, physical or mental deficiency or deprivation of personal freedom, that effectively, and even occasionally, limits their ability to understand, desire, or in any event, resist the offence.

**7.** In order to enable the Focolare Movement to protect vulnerable persons, their parents/carers should - before every activity - inform the leaders of the activity and document the physical and psychological condition of the vulnerable person involved.

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<sup>4</sup> According to the international definition, bullying means psychological or physical oppression, repeated over time, by a person or group of "more powerful" people towards another person who is labelled as "the weaker". In order to distinguish this behaviour from others it is important to consider: 1. Age - bullying is a form of abuse of power between peers (children and young people ) that has to be separated from other types of behaviour; for example, involving adults or adults with minors; 2. The context: bullying starts and develops mainly in the school context or through social media; 3. Other behaviour such as, for example, deviant behaviour in young people in different forms, that presuppose, in contrast to bullying, committing a crime.

**Criteria for the promotion and protection of the well-being of minors**

**8.** Given that the primary concern of the Focolare Movement is the promotion of the wellbeing and protection of minors, with this document we intend to outline a practice already in use and which shall be increasingly embedded in the Movement's activities involving minors throughout the world.

**9.** In some countries, the Focolare Movement has already produced guidelines in compliance with local laws and/or with what is required by the respective Catholic Bishops' Conferences, which are binding for the members of the Focolare Movement in those nations.

**10.** All adult members of the Focolare Movement who have been chosen, on the basis of proven maturity, to carry out activities involving minors, are required to attend a preparatory course lasting at least six hours, in which they receive training in safeguarding minors from the point of view of the guidelines provided by ecclesiastical authorities, and the legal, psychological, and family perspectives.

**11.** After verifying their acquired skills, adults must sign a declaration every three years stating that they know and intend to abide by the regulations regarding conduct towards minors. They must also declare under their sole responsibility that they have not been convicted of crimes against public morality and public decency, family morals, and moral freedom.

**12.** The course is part of a framework of permanent training, where there are subsequent refresher courses, if possible held every two years, which are also compulsory for those in charge of the Focolare houses and the Safeguarding Officers.

**13.** People who carry out activities with minors shall ensure that they have a close relationship with the minor's family, and involve the family as much as possible. Activities involving children and young people must be well prepared in advance and the local Focolare Movement communities must be informed about them (by ways and means that are possible and appropriate), along with the general programme and the topics that shall be discussed, so that the children's parents can be informed too.

**14.** For the safety and success of activities involving minors, at least two adults must always be present. When the group exceeds eight minors, the number of adults shall increase proportionally (depending on the nature of the group and the activities that take place). If possible, the ratio of one adult for every eight children should be respected.

**15.** As far as possible, parents shall be asked to provide transport for their children; if this is not possible, their specific consent shall be requested, even if it is not in written form.

**16.** Conversations with minors should be carried out in places that are open, accessible and visible to others.

**17.** For overnight stays, it is preferable to use large rooms and have separate areas for girls and boys.

Adults should sleep in separate rooms; these should be located close to those of the minors, to ensure appropriate vigilance.

**18.** Minors who are able to use toilets and showers on their own shall be accompanied only in emergencies or in case of the child's particular necessity.

**19.** If a minor is not self-sufficient, the help to be given shall be agreed with the family.

**20.** Parents shall have to give written consent every year allowing their children to participate in the activities provided for them. In the same way, they shall have to provide the required consent regarding the publication of minors' images and the sharing of their experiences. If the parents wish, they can request more information on the programmes and be present during activities, with due discretion.

**21.** Regarding action to be taken where there is suspicion of abuse committed by members of the Focolare Movement and/or during activities carried out within the Focolare Movement, kindly refer to the second part of this document.

### **Duties of the Co-President in his capacity as guarantor of morals regarding the protection of minors**

**22.** While fully respecting the final authority of the President, the latter, given the moral nature of the matter which is the subject of these Guidelines, shall carry out the following acts of governance, in agreement with the Co-President, as guarantor of morality and discipline according to the doctrine of the Roman Catholic Church (cf. art. 93, General Statutes of the Work of Mary)<sup>5</sup>

### **Central Commission for the Promotion of the Well-Being and Protection of Minors (the CO.BE.TU.) and the Supervisory Board**

**23.** To fulfil this commitment, the Focolare Movement has established a Central Commission for the Promotion of the Wellbeing and Protection of Minors (the CO.BE.TU.), made up of a minimum number of 5 (five) members – the number of members must always be an odd number – , all of whom have proven experience and expertise in their respective professional fields<sup>6</sup>. The coordination and representation of the Commission shall be entrusted to a member chosen by the President<sup>7</sup>.

**24.** The Commission, in full cooperation and close collaboration with the educational agencies of the Focolare Movement, shall implement the most appropriate initiatives aimed at training members of the Work of Mary, especially those who carry out activities with minors.

**25.** Moreover, and in compliance with a specific mandate of the President, the CO.BE.TU. shall take all necessary steps for internal investigation required for cases where a member of the General Council, or a lay consecrated man or woman belonging to the Focolare Movement (“focolarino” or “focolarina”), whether married or living in a focolare house, is accused of alleged abuse regarding a minor<sup>8</sup>.

<sup>5</sup> The General Statutes regulate the tasks proper to the Co-President; among them are those of caring for and ensuring that internal life conforms to the morals and discipline of the Church.

<sup>6</sup> Moral, medical, psychological, pedagogical, and legal sector.

<sup>7</sup> Added paragraph with provision by the President on 1 June 2020.

<sup>8</sup> Paragraph amended by order of the President dated 1 June 2020. The previous paragraph reads: "In addition, upon specific mandate of the President, the CO.BE.TU. shall conduct all stages of the internal procedure provided for in cases where a member of the General

**26.** Victims shall be offered medical help, which includes therapeutic help and immediate psychological support, as well as legal information and any other type of support that is necessary.

**27.** The CO.BE.TU. also has the task of supervising and assisting those in charge of the protection of minors in zones and subzones, in carrying out the tasks assigned to them, by giving them appropriate directives and guidelines.

**28.** The Focolare Movement has also set up a Supervisory Board made up of three people, appointed by the President, at least one of whom is not a member of the Focolare Movement, with the task of monitoring the protection of minors within the Movement and the activities and work done by the CO.BE.TU. For this purpose, the two bodies shall meet at least once a year, preferably in June.

**29.** The members of the CO.BE.TU. and the members of the Supervisory Board shall have a three-year term, renewable no more than three times.

### **Zone or subzone commissions for the protection of minors**

**30.** In order to achieve the objectives indicated in the introduction to this document, the delegates of the Work of Mary in the zone shall create zone commissions according to the same criteria used for the Central Commission. In the meantime, while these commissions are being set up, they shall appoint two safeguarding officers, a man and a woman, from among the members of the Work of Mary. They shall be people with suitable skills and experience. They shall carry out their tasks in complete freedom and independence and in close collaboration with the delegates of the Work of Mary in the zone and with the CO.BE.TU.

**31.** The role shall be assigned to them for a three-year period renewable no more than three times, and must be put in writing by the zone delegates (see Appendix B – Application form for mandate).

**32.** The commissions or the safeguarding officers in the zone can be helped by other specialists, if possible with previous experience in this area, including people external to the Work of Mary. When cases of sexual abuse, violence, maltreatment, and bullying against minors are reported within the zone (except in cases being dealt with by the CO.BE.TU.), the commissions or those in charge of safeguarding in the zone are responsible for carrying out the internal investigation according to these guidelines, and for engaging in effective collaboration with the local statutory authorities, who are in charge of establishing the facts and ensuring the protection of victims, while in every case maintaining the relationship with the family of the minor involved (the parents or whoever has parental authority).

**33.** Victims shall be offered medical help, which includes counselling and immediate psychological support, as well as legal information and any other type of support that is necessary.

**34.** The commissions or the safeguarding officers shall submit an annual report on their activities to the CO.BE.TU.

**35.** Where the zone is subdivided into sub-zones, the same applies as above for zones. In such a case,

any task aimed at fulfilling the objectives of these Guidelines shall be performed by the sub-zone commissions or safeguarding officers.

**36.** These regulations are applicable also in the “little towns” (or “Permanent Mariapolis”) of the Focolare Movement<sup>9</sup>.

**37.** It shall be the responsibility of the zone and subzone delegates to ensure that the aims and the tasks contained in the Guidelines are fully implemented in the various parts of the zone. In a zone or subzone, until such time as the Commissions or the Safeguarding Officers have been appointed or the persons responsible for the protection of minors have been identified, in the case of allegations, at least two people, a man and a woman, who have the required requisites, shall be appointed to verify facts and to follow the procedures contained in these Guidelines.

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<sup>9</sup> By “cittadelle” (the Italian word for ‘little towns’) the Focolare Movement means “Examples of modern towns (...) where members of the various vocations of the Work of Mary live permanently” (Article 44 of the General Statutes). Due to the uniqueness of the little towns with respect to the other zones of the Focolare, it shall be possible to proceed with a specific regulation that regulates their specific activities.

## SECOND PART

### Procedure to follow when allegations of sexual abuse, violence, maltreatment, and bullying of minors are reported

#### Notifications of illicit conduct and procedures to follow

**38.** It must be emphasised that the Work of Mary is aware of the legal obligation, on the part of those in charge, to take all necessary measures to prevent any kind of abuse concerning minors occurring within it.

**39.** The Work of Mary also recognises that every member has a moral duty to report their knowledge or suspicion of any kind of alleged abuse regarding minors and any situation in which they perceive that a child with whom they have come into contact is experiencing harmful or neglectful behaviour.

**40.** In the fulfilment of this duty, anyone can be called upon to provide information useful for the reconstruction of the reported facts. Therefore, whoever is heard as a person acquainted with the facts has a moral duty not to affirm the falsehood or deny the truth, nor to keep silent, in whole or in part, about their knowledge of the facts in question<sup>10</sup>.

**41.** In fulfilling this duty, the paramount well-being of the child must be kept in mind as a primary concern. For this reason, the members of the Focolare Movement are under obligation to report every form of alleged sexual abuse<sup>11</sup>, stalking<sup>12</sup>, violence, maltreatment, and bullying of minors, by adults who are in charge of their care, or by other minors, who are members of the Focolare Movement, or by other people.

**42.** Anyone who receives a spontaneous confidential disclosure by a minor, who claims to be a victim of any of the abuses listed above, is obliged to:

- a) listen carefully to the minor without asking specific questions, letting the minor tell what he or she has experienced without putting pressure on him/her<sup>13</sup>;
- b) remain as calm as possible, remembering that the minor has decided to disclose the abuse received due to the trust placed in the adult;
- c) accompany the minor to his/her parents to inform them of exactly what they said, unless the minor's disclosure of abuse is against his/her parent or guardian, and unless doing so would mean putting the minor in danger;
- d) make sure, as far as possible, that the minor urgently receives all the care needed;
- e) explain—where appropriate—to both parents or to guardians the procedure for reporting to the relevant authorities;

<sup>10</sup> Added paragraph with provision by the President on 1 June 2020.

<sup>11</sup> According to the WHO definition, sexual abuse means "the involvement of a child in sexual acts, with or without physical contact, to which he or she cannot freely consent because of the age or prominence of the abuser, the sexual exploitation of a child or adolescent, child prostitution and child pornography".

<sup>12</sup> Stalking or harassing stalker syndrome is the set of persecutory, obsessive, and repetitive acts directed against a person, which are expressed in the form of harassment, repeated messages and phone calls, espionage, continued harassment, etc.. This situation creates a forced and controlled relationship between the persecutor and the victim, thus generating in the latter a state of vulnerability, anxiety, and fear that affects his/her daily life.

<sup>13</sup> For how to listen to the disclosure of a minor, see Appendix C.

- f) write down, as precisely as possible, all the information – name, address, telephone number, and the report of what the minor has said, keeping - as far as possible - the exact words used by the minor;
- g) immediately inform the Commissions or the Safeguarding Officers about the place where the alleged abuse has taken place. In the absence of these, the Delegates of the Work of Mary in the zone shall urgently appoint two members, a woman and a man, to manage the case.

**43.** If the confidential disclosure is made to a minor, the minor shall inform the youth assistant as soon as possible of what has happened, if that person is present, or inform an adult whom they trust as soon as possible. In this way, it is possible to proceed promptly as set out in this document.

### **Duties entrusted to the Commissions or the Safeguarding Officers for the Protection of Minors: obligations and preliminary investigation**

**44.** The Commissions or the Safeguarding Officers, after receiving the disclosure, have the task of ensuring - as far as possible - that the minor urgently receives all necessary assistance, and immediately inform the Delegates of the Work of Mary in the zone/subzone, the CO.BE.TU. as well as the Co-President.

**45.** From the moment they receive the disclosure, the Commissions or the Safeguarding Officers, except those cases that are being dealt with by the CO.BE.TU., have the task of managing the case. Therefore, any request or information concerning this disclosure, from anyone, must be immediately sent to the former. All information must be treated with the utmost confidentiality.

**46.** If a disclosure is reported regarding the members of the General Council of the Work of Mary, the women and men Focolarini living in a focolare house who have taken perpetual vows, or the women and men married Focolarini who have taken promises, even if it is during their formation period, the CO.BE.TU. shall coordinate and manage the case having been given this specific mandate by the President of the Focolare Movement<sup>14</sup>.

**47.** In this case, all of the disclosure must be sent to the Co-President who shall send it to the CO.BE.TU., asking them to begin the internal investigation, or directly to the CO.BE.TU.<sup>15</sup>

**48.** In the event that the accused person is a diocesan priest, a male/female religious, a deacon, or a consecrated person, the Co-President, the delegate of the Work of Mary in the zone, or the person in charge of the Focolare's "little town" (in the case of abuse taking place in one of the Focolare Movement's "little towns"), shall inform the Bishop of the diocese in which the accused priest is incardinated or the General Superior of the Institute to which the accused male or female religious belongs.

**49.** In these cases, no preliminary investigation shall be undertaken, because it is the responsibility of the local Catholic bishop according to the norms of Canon Law.

**50.** All the aforementioned individuals are obliged to preserve the confidentiality of all information communicated to them by the Commissions or by the Safeguarding Officers of the zone/subzone.

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<sup>14</sup> Paragraph amended by order of the President dated 1 June 2020. The previous paragraph reads: "In the event of a report concerning the members of the General Council of the 'Opera di Maria', as well as focolarini and focolarine with vows, focolarini and focolarine married with promises, the coordination and management of the case will be the responsibility of the CO.BE.TU., by virtue of the specific mandate given by the President to the latter".

<sup>15</sup> Paragraph amended by order of the President dated 1 June 2020. The previous paragraph reads: "In this case, all reports shall be addressed to the Co-Chairman who shall send them to the CO.BE.TU. with a request to initiate internal proceedings".



**51.** It is necessary to avoid giving credence to information that is clearly untrue or defamatory; for this reason the Commissions or the Safeguarding Officers shall ensure that the privacy of all those involved is respected.

**52.** Except in cases of manifest groundlessness of the reported facts, the Commissions shall start the internal procedure according to the procedure indicated, foreseen for the case of disclosure regarding Members of the General Council of the Work of Mary and men and women focolarini (cf. *infra* Appendix A of these Guidelines), ensuring contact with the parents of the minor or their guardians, except in cases where situations of family hardships or difficulties emerge or where the integrity of the minor is at risk due to his/her family environment.

### **Procedure regarding communication to the relevant judicial authorities**

**53.** The Focolare Movement, in relation to its obligation to report to the statutory authorities, shall abide by the criminal law of each country or nation in which it operates and follow the directives of the relevant Catholic Bishops' Conference. Therefore, in order to satisfy this obligation, at the end of the internal investigation carried out by the CO.BE.TU. or by the zone/ subzone's commissions, when the abuses have been verified and confirmed, those in charge of the "little town" or zone/subzone where the abuse has taken place shall send a complaint to the relevant authorities, providing a detailed report of what took place and guaranteeing their close collaboration and the sharing of all the information they have.

**54.** No communication shall be made to the relevant authorities only in those cases where the parents of the minor have good reason to disagree with this procedure, and state their reasons in writing. The reasons must relate to concerns regarding the safety of the minor. In this case, once the persons in charge receive the letter of disagreement to proceed referred to above, the Focolare Movement shall not take any legal action and the documentation shall be stored in the respective archives, along with a statement of the events and the reasons for this decision. However, in countries or nations where abuse has taken place and the criminal law requires mandatory reporting, the complaint shall be sent to the relevant authorities in all cases without exception.

**55.** Independently of any obligation to proceed legally, the Focolare Movement shall encourage victims, if they are already of age, or their parents/guardians, to report abuse directly to the judicial authorities, accompanying them and guaranteeing their support to the victim and their family.

**56.** If an internal investigation reveals a situation of abuse within the family, for the sake of safeguarding the minor it is necessary to inform the relevant judicial authorities.

**57.** The right of each member of the Focolare Movement to submit, independently, a complaint or notification to the relevant judicial authority remains valid.

## **Internal Procedures in the Work of Mary**

### **Internal procedures in the sections and branches of the Work of Mary**

**58.** The procedures established in the Work of Mary, when there is disclosure of a possibility of alleged sexual abuse, violence or maltreatment and bullying of minors committed by its members, are necessarily different, taking into account the variety and international nature of the people who belong to it (cf. articles 129-140 of the General Statutes) and the consequent legal conditions deriving from Canon Law, the General Statutes, and the Regulations.

**59.** Within the sections and branches making up the Work of Mary, some members have received Sacred Orders and the legal status of “cleric”. Others have made vows and have the legal status of “men/women religious,” and others have juridical status as “lay people” with vows or promises or spiritual commitments.

**60.** The members of the Work of Mary who are ordained priests may belong to the Focolarini Men, the Diocesan Priest and Permanent Deacon Focolarini branch, the Diocesan Priest and Permanent Deacon Volunteers branch, the “Gen’s” branch, or the Male Religious branch.

#### **A) Procedure for clergy, deacons, male religious, and consecrated women<sup>16</sup>**

**61.** In canonical penal law, as well as in civil law, sexual abuse of a minor committed by a cleric is considered a crime.

**62.** In the event of a disclosure of alleged sexual abuse, violence or maltreatment regarding minors, committed by a cleric who is a member of the Focolarini men, the priest Focolarini branch, the priest Volunteers or the Diocesan Permanent deacons, whether Focolarini or Volunteers, the Co-President of the Work of Mary shall inform the Bishop of the diocese where the cleric or the deacon who is accused is incardinated, and the bishop shall follow the procedure indicated by Canon Law.<sup>16</sup>

**63.** In the case where the accused person is a cleric, a non-cleric male religious belonging to the branch of male religious, or a consecrated woman belonging to the consecrated women branch, the Work of Mary delegate in the zone, or the Co-President, when the accused is entirely at the service of the Focolare Movement, shall inform the Superior General of the Institute of Consecrated Life or the Society of Apostolic Life to which the accused belongs, in order to enforce the legal penal procedure<sup>17</sup> for the members of Institutes of Consecrated Life and Societies of Apostolic Life.

**64.** While the investigation carried out by the Church and State authorities is pending, the Superior of the accused person must remove that person from the tasks in which they are in contact with minors, directly or indirectly, and give that person a different role where there is no such risk.

**65.** The Superior shall also use his/her authority to encourage the accused person to undergo a psychological test or to obtain medical and/or legal advice.

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<sup>16</sup> The terms ‘male religious’ and ‘consecrated women’ refer to members of Institutes of Consecrated Life, Societies of Apostolic Life and new forms of consecrated life (cf. Can. 605 of the CIC).

<sup>17</sup> Can. 1395 §2 CIC which refers to can. 695 §1.

66. In proven cases of sexual abuse of children, the accused person cannot be elected to positions of responsibility. Depending on the outcome of the canonical process, the internal procedure against the accused person shall begin, following the procedures noted in the Regulations of the section or the branch to which he/she belongs at the time of the disclosure.

## **B) Procedures regarding lay members**

### **For the members of the General Council, and men and women Focolarini**

67. If the President or the Co-President of the Focolare Movement receive a notification stating that a man Focolarino or a woman Focolarina, whether living in a focolare house or married, and even if they are still in their period of formation, is accused of alleged abuse of minors, they must immediately submit to the CO.BE.TU. - within 10 days of receipt of the notification – a written request to begin the preliminary investigation according to the procedures set out in these guidelines – for the purpose of verifying whether the facts in the disclosure are true.<sup>18</sup>

68. In the event that the report reaches the CO.BE.TU. directly, the latter shall immediately inform the President and the Co-President, as well as the Section to which the accused person belongs and the person in charge of his/her zone, as well as the International Centre of the branch to which the accused belongs.<sup>19</sup>

69. In this phase, it may be necessary and duty bound to take precautionary measures to allow the investigation to proceed in complete freedom, first and foremost in order to prevent further abuse as well as to avoid scandal.

70. For this reason, those responsible for the accused person, while waiting for the investigation's outcome, shall forbid that person to have any type of contact with minors, so that he/she shall not undertake any activity that may put minors at risks.

71. In communicating this precautionary measure and in order to satisfy the above noted objectives, the person responsible for the accused person shall avoid referring to the content of the disclosure, the victim, and the names of any other people involved. He/she shall only state that the precautionary measure is justified due to a "*safeguarding concern involving a minor*".

### **Preliminary investigation and internal procedures**

72. Upon receipt of the notification, the CO.BE.TU. coordinator shall appoint, in writing, two people, a man and a woman, to be chosen preferably from among the members of the CO.BE.TU. or among the members of the commission of the zone in which the alleged abuse was committed.<sup>20</sup>

73. At the beginning of the preliminary investigation, the two people in charge shall determine whose statements should be heard during the investigation and shall assess on a case-by-case basis what

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<sup>18</sup> Paragraph amended with the approval of the President on 1 June 2020. The previous paragraph reads: "If a report states that a member of the General Council or a focolarino or a focolarina, common-life or married, is presumed to be a perpetrator of child abuse, the Co-President shall immediately send to the CO.BE.TU., within ten days, a written request to open a preliminary investigation in accordance with the provisions of these Guidelines, the purpose of which will be to verify whether the facts contained in the report are well-founded."

<sup>19</sup> Paragraph added by order of the President dated 1 June 2020.

<sup>20</sup> Paragraph amended by order of the President dated 1 June 2020. The previous paragraph reads: "The CO.BE.TU., having received the request and the documentation from the Co-President, shall appoint, by written deed, two persons, a man and a woman, to be selected preferably among its members or among those of the commission of the zone where the alleged abuse was committed".

is necessary in order to achieve the aims of the investigation.

**74.** At this stage, it should be considered necessary to interview the *presumed victim* (this shall happen only in exceptional cases if he/she is still a minor, and with the help of a psychologist) in order to determine the facts, as well as to interview *any witnesses* indicated by the victim (above all to verify that the allegations are well founded).

**75.** In cases where the facts are in themselves clear and certain, it is preferable, instead, to proceed directly to the next step.<sup>21</sup>

**76.** At the end of the preliminary investigation, the alleged perpetrator of the abuse must be summoned, with a notice of at least ten days, and informed of the charges against him or her, so that they can prepare their defence, assisted if they wish by a lawyer of their own choosing. An internal member from the same section or branch or from the corresponding men or women section or branch may not act as a defence counsel either on behalf of the accused person or on behalf of the alleged victim.<sup>22</sup>

**77.** It must be ensured that the accused person and his/her lawyer have access to the relevant files in order to prepare their defence.

**78.** In the event of a serious and real impediment, and maintaining the possibility of filing a written plea, the alleged perpetrator of abuse may request that the hearing in his/her defence is postponed. The hearing can be postponed only once, in which case there should be a corresponding extension of the deadline for the conclusion of the preliminary investigation.

**79.** If deemed relevant for the purposes of the decision, the exculpatory evidence indicated by the accused person, as well as any other official documents issued by the court, shall be admitted.

**80.** The acquisition of the admitted evidence shall take place during the cross-examination of the parties (injured party and accused person) with the assistance of their defence lawyers if appointed.

**81.** The preliminary investigation must be carried out within 90 days of receipt of the documentation by the two people in charge; before the deadline, for justified reasons, they may request that the CO.BE.TU. grant an extension for a maximum of 60 days.

**82.** At the end of the preliminary investigation, those who conducted the investigation must send the documents to the CO.BE.TU., along with their own *Report* in which they set out the investigative measures taken, the choices made in this regard, and the results obtained.

**83.** The CO.BE.TU., having received the Report, depending on the outcome of the activity carried out in the preliminary investigation, shall issue a *Reasoned Opinion* within 60 days on the decision to be taken against the accused.

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<sup>21</sup> This may be the case, for example, where the victim has submitted a detailed written report or attached a complaint to the judicial authority.

<sup>22</sup> Paragraph amended by order of the President dated 1 June 2020. The previous paragraph reads: "At the end of the preliminary investigation, the alleged perpetrator of the abuse must be summoned, with a notice of at least ten days, and informed of the charges against him/her, so that he can indicate elements in his/her own defense, assisted if he/she so wishes, by a lawyer of his/her own choosing".

**84.** Therefore, the CO.BE.TU. shall adopt the following measures, alternatively:

- a) if the truthfulness of the reported facts can be excluded or the information acquired is insufficient, they shall propose the closure of the case;
- b) if the suspect has admitted guilt or the complaint was found to be justified, they shall write their written opinion with the proposal of a disciplinary measure to be imposed on the accused.

**85.** Exceptionally, where there is a need for evidential integration, the above must be carried out in public discussion by the parties, within 30 days of the request.

**86.** The opinion of the CO.BE.TU. shall be immediately communicated to the section or branch to which the accused person belongs, to the President and Co-President of the Work of Mary, as well as to the persons in charge of the procedure, if they are not members of the CO.BE.TU.

**87.** The central delegate of the section with his/her council, having taken note of the reasoned opinion of the CO.BE.TU., shall adopt immediately, and in any case in no later than 30 days, the final decision under the respective Regulations. The measure adopted by the section or branch to which the accused belongs must be communicated immediately, and in any case no later than 10 days after its adoption, and at the same time to the CO.BE.TU., to the accused person and his/her lawyer, and to the person who is currently in charge of the zone where the accused lives.<sup>23</sup>

**88.** The notification to the accused person must indicate the time limits and procedures for appeal provided for in points 92 et seq.<sup>24</sup>

**89.** The CO.BE.TU. shall immediately inform those in charge of the “little town”, the zone, or subzone in which the abuse happened, so that, if the conditions are met, they can immediately file a complaint with the relevant judicial authority.

**90.** Subsequently, having ascertained the communication of the measure to the above subjects, the CO.BE.TU. shall ensure that the victim is informed. In cases where the victim is still a minor, his/her parents or guardians shall be informed.

**91.** The violation of the terms and provisions for the internal procedure, without prejudice to the eventual responsibility of the subjects to which it is attributable, does not determine the withdrawal of the same or the invalidity of the sanction imposed, provided that the right of defence of the accused person is not irrevocably compromised.

## **Appeal**

**92.** An appeal against the final decision may be lodged within 30 days of the measure’s acknowledgement.<sup>25</sup>

**93.** The request for withdrawal or modification must be addressed in the first instance to the President. This appeal automatically brings about the suspension of the sanction. The President shall

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<sup>23</sup> Paragraph amended by order of the President dated 1 June 2020. The previous paragraph reads as follows: "The central delegate of the Section with his Council, having taken note of the reasoned opinion of the CO.BE.TU., will adopt immediately, and in any case no later than the end of the year, the final decision in accordance with the respective Regulations. The measure adopted, by the Section or branch, shall be immediately, and in any case no later than 10 days after its adoption, communicated at the same time to the CO.BE.TU., the accused person, and his/her defence counsel".

<sup>24</sup> Paragraph added by order of the President dated 1 June 2020.

<sup>25</sup> Paragraph amended by order of the President dated 1 June 2020. The previous paragraph reads: "An appeal against the final decision may be lodged within 15 days of knowledge of the measure".

decide within 30 days of the appeal.

**94.** If the answer is negative or considered unsatisfactory, despite the President having corrected the decision or not having taken any action, it is possible to make a hierarchical appeal to the *Vatican Dicastery for the Laity, the Family, and Life*, within 30 days of acknowledgement of the new decision or after the 30th day in the case of a failed decision.<sup>26</sup>

**95.** If the outcome of this initiative remains similar to the initial decision, i.e. unsatisfactory for the plaintiff, the latter may make administrative recourse to the Supreme Tribunal of the Apostolic Signatura.

### **Practices to follow in the case of criminal investigations and prosecutions by the judicial authorities**

**96.** During criminal investigations, it is necessary to proceed with the utmost prudence and to evaluate, together with the investigating authority, the suitability of possible actions. At this stage, the Focolare members in charge shall not start any formal internal investigation (unless the circumstances make it necessary), also to avoid possible overlapping with the judicial authority. This is all the more true if the collaborative attitude of the accused reduces the possibility of repetition of abuse to a minimum.

**97.** This type of cooperative attitude also entails the willingness of the accused to leave, at least temporarily, any tasks entrusted to him or her, and to avoid participating in public events and conferences organised by the Focolare Movement.

**98.** It is necessary to be cautious in making *public statements* and it is desirable to appoint a spokesperson for the Focolare Movement, if needed.

**99.** Where necessary, the accused shall be helped to find a *lawyer of his/her own choosing*, on the understanding that criminal responsibility is a personal issue.

**100.** In case of simultaneous pending criminal proceedings and internal proceedings, the CO.BE.TU. may suspend the latter until the end of the pending criminal proceedings. In this case, the internal proceedings suspended may be reactivated within 120 days of receipt of a judicial decision, even if this decision is not final.<sup>27</sup>

### **Reopening of procedures and revision of the previously adopted decision<sup>28</sup>**

**101.** If the internal procedure, which is not suspended, ends with the imposition of a sanction and, subsequently, the criminal procedure is defined with an irrevocable sentence of acquittal, the President, at the request of the person concerned, shall reopen the internal procedure to modify or confirm her decision in relation to the outcome of the criminal proceedings. The request must be submitted within 120 days<sup>29</sup> of the irrevocable criminal verdict.

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<sup>26</sup> Paragraph amended by order of the President dated 1 June 2020. The previous paragraph reads: "If the answer is negative or considered unsatisfactory, despite the fact that the President has corrected the decision or has not done anything about it, a hierarchical appeal may be lodged with the Dicastery for the Laity, Family, and Life, competent of the Apostolic See, within 15 days from knowledge of the new measure or from the 30th day in case of failure to take a decision".

<sup>27</sup> Paragraph amended by order of the President dated 1 June 2020. The previous paragraph reads as follows: "In cases of particular complexity in the assessment of the reported facts and when the outcome of the internal investigation has not revealed sufficient elements to justify the imposition of the sanction, the CO.BE.TU. may suspend the internal proceedings until the end of the pending criminal proceedings. In this case the internal proceedings suspended may be reactivated, if further sufficient elements are acquired to conclude the proceedings, also on the basis of a non-final judicial decision".

<sup>28</sup> Title added with provision by the President dated 1 June 2020.

<sup>29</sup> Paragraph amended by order of the President dated 1 June 2020. The previous paragraph reads: "The request must be submitted within

**102.** If the internal procedure ends with a dismissal and the criminal trial ends with an irrevocable judgement of conviction, the President shall request the reopening of the internal procedure to adapt its final decision to the outcome of the criminal trial. The internal procedure shall also be reopened if the irrevocable conviction results in a lesser penalty than that which has been applied.

**103.** In the cases referred to above, the internal proceedings shall be resumed or reopened, respectively, by renewal of the charge, within 120 days of receipt of the new evidence or of receipt of the request for reopening. The proceedings shall be conducted with a full new time frame, as envisaged, for their conclusion.

**104.** The appearance of new and significant facts not known at the time of the decision shall entitle the parties concerned to submit to the President, at any time, a request to reopen the internal proceedings within the time limits and in the manner set out in the preceding paragraphs, with a petition for revision of the decision already taken. The decision shall be taken by the President, after a preliminary investigation, if she deems it necessary, and after hearing the opinion of a competent trustworthy person.

### **For other lay members**

**105.** The zone or subzone Commissions for safeguarding minors shall adopt the regulations and procedures for reporting cases concerning members of the General Council, men and women Focolarini, with the necessary adaptations and as far as applicable, for cases within their competence concerning other lay members of the Work of Mary (Volunteers, Gen 2, Gen's, members of the youth sector of the branch of men religious and consecrated women, people who belong to the wide ranging movements, adherents, and sympathisers).

**106.** The zone or subzone commissions shall inform the CO.BE.TU. regularly and without delay of the outcome of the various phases of the procedure, and they shall follow its instructions.

**107.** In the case of disagreement and dissent from these indications, the zone or subzone commissions shall communicate their reasons.

**108.** In the case of irreconcilable and enduring conflict, the CO.BE.TU. shall take over the management of the case, taking the necessary measures to complete the internal procedure.

**109.** This shall also be the case in the event of serious irregularities committed by the zone or subzone Commissions for the Safeguarding of Minors, in conducting cases submitted for their attention.

### **For minors participating in Focolare Movement activities**

**110.** The Focolare Movement - recalling the commitments made in the introduction to these Guidelines – encourages a culture of respect and esteem for others among children and young people who participate in the activities of the Movement.

**111.** For this reason, it is committed to developing activities directed towards prevention and combatting all forms of child abuse, taking an approach that is educational and not punitive.

**112.** If there is a disclosure that a minor has committed alleged sexual abuse, violence, maltreatment,

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sixty days of the irrevocability of the criminal ruling."

or acts of bullying towards another minor, in accordance with the laws in force in the country where they live, while waiting for the internal investigation, the suspect minor shall be suspended from any task and any activities that may pose risks to his/her peers.

**113.** The verified criminal guilt of a minor is incompatible with the requirements for participating in the life and the activities of the Movement in which minors participate.

**114.** If conditions allow, in collaboration with the family, the minor shall be helped to start a process to make him/her aware of the gravity of the acts he/she carried out, which shall allow him/her to participate again in the Focolare activities.

**115.** If during the course of an event (congress, summer camp, workshop, Mariapolis...), a minor behaves in a way contrary to the principles contained in these Guidelines and if the misdemeanour is not so serious as to deem it necessary to initiate the internal procedure, the persons in charge of the event, in an open and sincere dialogue with the minor, shall immediately try to shed light on what has happened and shall help the minor become aware of his/her behaviour - inviting them to accept responsibility for their actions. The parents of the child shall be immediately informed of what has happened.

**116.** If, despite the above efforts by the persons in charge, the minor's negative attitude persists, the initiation of an internal investigation shall be evaluated, according to the rules contained in these Guidelines.

### **Guarantees**

**117.** During the internal investigation, defendants must be assured of their ability to exercise their right of defence.

**118.** During this phase, where the conduct of that person is not known, all appropriate caution must be taken to avoid measures that may endanger the good reputation of the accused. In particular, it shall not be necessary to make known the motives for the measures taken, unless there is good reason to do so.

**119.** It remains true and possible – for all those who have a real and relevant interest - to request information about the outcome of the internal investigation. However, the evaluation of this request is at the sole discretion of the Commission.

**120.** If the internal member who is considered the author of the illicit behaviour is transferred to another location, the new person in charge shall be informed of any proceedings regarding that member.

**121.** Copies of all documents produced and used in the internal proceedings must be kept in a confidential file room kept by the CO.BE.TU. and by the zone or subzone commission.



## APPENDIX B

## Letterhead of the Work of Mary/Focolare Movement

## Application Form for Mandate

Dear Mr./Mrs.

**APPOINTMENT TO THE TASK OF AFEGUARDING OFFICER**

The undersigned \_\_\_\_\_, born at \_\_\_\_\_ DOB \_\_\_\_\_ resident at \_\_\_\_\_  
 \_\_\_\_\_ telephone:

Delegate of the Focolare Movement – Work of Mary – for the zone/subzone of \_\_\_\_\_,

-with regard to the content of the "Focolare Movement Guidelines to Promote the Well-Being and Safeguarding of Minors",  
 - since, from information taken, the undersigned has verified that

Mr / Mrs \_\_\_\_\_ born in \_\_\_\_\_  
 DOB \_\_\_\_\_ resident at \_\_\_\_\_ te

is in possession of the requirements for carrying out the tasks entrusted to the "Safeguarding Officer"; hereby

**AUTHORIZES**

the aforementioned person to carry out the tasks and functions assigned to the "Safeguarding Officer" for the zone/subzone of \_\_\_\_\_.

According to the aforementioned Guidelines, the appointment has a duration of three years and, upon expiry, shall be automatically renewed with the same duration (3 years) in the absence of revocation by the delegate and/or resignation by the Safeguarding Officer.

(date) \_\_\_\_\_, at \_\_\_\_\_

**Embossing Stamp of the  
Work of Mary**

**ACCEPTANCE OF APPOINTMENT AND  
DECLARATION OF COMMITMENT BY THE  
SAFEGUARDING OFFICER**

The undersigned \_\_\_\_\_, born in \_\_\_\_\_  
 DOB \_\_\_\_\_ and resident at \_\_\_\_\_  
 \_\_\_\_\_ telephone: \_\_\_\_\_,

- having seen the act of appointment dated \_\_\_\_\_ with which the Delegate of the Focolare  
 Movement – Work of Mary - of the zone / subzone \_\_\_\_\_  
 has entrusted to the undersigned the tasks and functions of "Safeguarding Officer" for the zone / subzone of \_\_\_\_\_

**DECLARES**

- acceptance of this appointment by committing him/herself to carry out its duties according to his/her conscience, in full freedom and autonomy, in cooperation and close collaboration with the Delegates of the zone / subzone, the other members of the Commission, and in accordance with the "Focolare Movement Guidelines for the Promotion of the Well-being and Safeguarding of Minors", of which he/she declares full knowledge;

- that he/she has not been convicted of crimes against public morality and good conduct, family morality, moral freedom and against the personality of the individual.

The undersigned commits him/herself to keeping strictly confidential all the news and information of which he/she shall become aware in the conduct of his/her duties;

(Date) \_\_\_\_\_, at \_\_\_\_\_

**Signature**

## How to listen to the child who spontaneously discloses to you having suffered abuse

### APPENDIX C

#### RELATIONSHIP WITH THE MINOR

Cases in which the disclosure of abuse is made by the victim him/herself are very rare. Frequently the perpetrator, through violent verbal and non-verbal behaviour, keeps the victim under his/her power and control, thus taking the lead-role in their relationship. Within this complex relationship, a series of dynamics and defence mechanisms come into play, which very often put the minor in a position where he/she cannot rebel, or does not feel the need to report abuse, remaining in a passive and silent attitude.

More often and likely, the reality of abuse is determined through signs of distress that the behaviour of the minor shows as a consequence of the abuse itself.

#### Signs of Distress

The behaviour of the minor is particularly significant. Case studies show that there are no specific indicators that make it possible to state with certainty whether a minor has been the victim of abuse or violence. There are signs that the minor expresses through his or her behaviour. These have to be interpreted very carefully with the help of specialists, who can identify that the child is in an uncomfortable situation.

Physical violence leaves visible signs on the victim's body. Instead, for other types of abuse or other forms of violence the signs are not so clear. In these cases, minors often show a sudden change in behaviour, different from their usual reactions. Care must be taken in particular, when he/she:

- is confused, finds it difficult to express himself/herself in words;
- is sad and tends to isolate himself/herself from others;
- has frequent crises of anger or crying;
- is particularly aggressive or hyperactive;
- suddenly changes his/her habits, way of playing, drawing, etc.;
- continuously complains of pains that do not have a medical cause (e.g. headache, stomach ache, tiredness);
- has regressive behaviours (e.g. enuresis, which is the involuntary emission of urine in children over 5-6 years old; shows fears that are characteristic of previous developmental stages; has extreme dependence on the adults responsible for them);
- has problems with ordinary biological functions (e.g. sleeping and eating disorders);
- shows loss of interest and concentration at school and has poor results;
- shows seductive behaviour with adults and/or plays games with inappropriate sexual content with peers;
- is afraid of being alone; is afraid of adults (or of some adult in particular);
- develops new fears.

Naturally, every child can exhibit such behaviours; however, when these signs are **frequent and excessive** they can become indicators of a serious problem.

## **How to listen to the child who spontaneously discloses to you having suffered abuse**

### **How to listen to a minor who spontaneously reports an act of violence**

If a minor, given the particular trust they put in an adult, should disclose having been the victim of abuse, violence, mistreatment, or acts of bullying, an attitude of attentive care is necessary in the person hearing the disclosure. The adult should listen without asking questions, paying close attention to what the minor wants to say. Invasive and inappropriate questions should be avoided, because they have a negative effect on a person who has already suffered devastating experiences. If it is necessary to give some input during the dialogue with the victim, we suggest using some of their own words to encourage them to continue (e.g. "you said that day you were at home ...").

In such conversations it is important for the adult to have control of his/her emotions. It is essential, while listening, that the adult successfully controls his/her emotions, even when the situation scares us because of its seriousness. The minor should perceive that the adult is close to him/her, non-judgemental, supportive, giving a sense of security while they listen; otherwise the minor might close him/herself in his/her suffering and his/her sense of guilt and shame could grow. If the adult has this attitude, the minor shall feel free to speak and shall also have the opportunity to experience another way of relating to adults.

It is not the task of the adult to whom the minor is making a disclosure to determine the truthfulness or accuracy of their story, and even less so to make a diagnosis. The adult must rather create the conditions in which the minor can express him/herself and be recognized as a victim - a fundamental starting point for setting out a possible journey of personal healing.

**For this reason, it is absolutely forbidden to record the interview with the minor or to arrange further interviews with him/her. For further guidance please refer to the specific procedures set out in these Guidelines.**

### **How to listen to an adult victim who spontaneously reports an act of violence suffered in his/her childhood and/or adolescence**

Victims often break their silence many years later, when the mechanisms of adaptation to the situation of abuse no longer work and some new situation brings up the past. In fact, it can happen that a young person - or an adult - reports about the facts of violence that they experienced as a minor.

The criteria for listening to the underage victim described above are also applicable when the victim is of age: free listening without specific questions, control of the emotions of the person listening to the victim, and the act of communicating the disclosure immediately to the relevant child safeguarding officer.