

PROCEDURES FOR HANDLING CASES OF ABUSE IN THE FOCOLARE MOVEMENT

1. Members to whom these Procedures are addressed

- 1.1 The procedures established by the Focolare Movement, when there is information concerning any form of abuse against its members, are necessarily varied, according to the variety and internationality of its members (cf. articles 129-140 of the General Statutes) and the consequent juridical conditions, deriving from Code of Canon Law, the General Statutes and the Regulations.
- 1.2 In the branches and movements which make up the Focolare, some members have received holy orders and the 'juridical status of cleric', others profess vows and have the 'juridical status of consecrated persons', and others are lay people with vows or spiritual commitments.
- 1.3 For the definition of abuse, please refer to Annex 1 of these procedures, which will form an integral part of the Guidelines on Safeguarding, which are in the process of being approved.

2. Competent bodies for handling cases of abuse

2.1 Independent Central Commission

- a) The Independent Central Commission is divided into two distinct sections: one responsible for preliminary inquiries to assess the situation (henceforth assessors); the other section is to further investigate and conduct the inquiry and decision-making phase of the proceedings (henceforth investigators).
- b) The Independent Central Commission is composed of a minimum number of eight members, including a coordinator, and a minimum number of three people who conduct the preliminary inquiries and four who will deal with the further investigation process all of whom have moral integrity, competence and professional experience in some of the

following fields: medical/psychiatric, psychotherapeutic, pedagogical/educational, legal or moral, of different nationalities.

They can be either members of the Focolare Movement or from outside.

They are appointed by the President ensuring, as far as possible, gender parity in the group.

Please note that the same person cannot be both assessor and investigator.

- c) Members of the Focolare Movement who hold governance positions or are members of central or local governance bodies, as well as representatives of the Movement at any level, may not be members of the Commission.

Appointed members shall be bound by obligations of confidentiality regarding any information they become aware of in the performance of their duties. This obligation shall continue even after the end of their term of office.

- d) The term of office is three years and may be renewed no more than once. It may be revoked by the President at any time for serious reasons, as provided for in the Rules of Procedure of the Independent Commission.

Coordination and representation of the Commission is entrusted to a member chosen by the members of the Commission from among themselves.

- e) The activities of the Commission are governed by rules of procedure that are periodically reviewed and updated by the Commission itself, after consultation with the Supervisory Board.
- f) The Commission is autonomous and independent of any governance body of the Focolare Movement and is subject only to monitoring regarding compliance with the Guidelines and Internal Rules by the Supervisory Board.

The Independent Central Commission performs the following functions:

- i. It receives reports of abuse, however they may be known, and through its two sections (the assessors and the investigators) conducts proceedings in cases within its competence as identified in Article 4 of these procedures.
- ii. It ensures reporting to the church and state authorities for cases within its competence.
- iii. It avails itself, if necessary, of the advice of experienced specialists, appointed from time to time.
- iv. When necessary, on its own initiative or at the request of the national commissions, it assists and supports the activities of the national commissions, providing them with the appropriate indications and guidelines, considering the cultural sensitivity of the location, in order to implement consistent criteria in the handling of cases worldwide.

- v. It draws up a report annually on the activities of both the Independent Central Commission and the independent national commissions. sending a copy to the Presidency and the Supervisory Board.

2.2 Independent National Commissions

- a) Independent National Commissions are composed of at least four members, appointed by the Zone Delegates, according to the criteria laid down for the composition of the Independent Central Commission, including a coordinator, and a minimum of one assessor and two investigators.
- b) Independent commissions will be set up in the International Little Towns of the Movement, with the same characteristics as the national commissions, and their members will be appointed by those responsible for the little towns.
- c) The national and Little Town Commissions shall carry out the functions approved by the Independent Central Commission, within the limits of their territorial and subjective competence, as stated in Article 4 below, with the appropriate adaptations to the governance structures of the zones in agreement and in a context of continuous dialogue and consultation with the Independent Central Commission. To this end, they shall inform the Independent Central Commission of any report they receive.
- d) By 30 June each year, the national independent commissions and those of the little towns shall send a report on their activities to the Independent Central Commission and the Zone Delegates.

2.3 Supervisory Board

The Supervisory Board is appointed by the President and is made up of at least five members, external to the Focolare Movement, all of proven moral integrity, competence and experience in some of these fields: medical/psychiatric, psychotherapeutic, pedagogical/educational, legal or moral, of different nationalities, ensuring, as far as possible, gender parity.

The term of office is three years, renewable no more than once. The appointment is always revocable by the President for serious reasons.

The Supervisory Board:

- a) Monitors the correct application of procedures by the Independent Central Commission and the national independent commissions, without being able to enter into the merits of their evaluation of individual cases.
- b) Meets at least twice a year with the Independent Central Commission.
- c) Supervises the safeguarding policy of the Focolare Movement, indicating appropriate recommendations as necessary.
- d) Evaluates and expresses an opinion on complaints lodged by people who have been abused or people accused of abuse, or by anyone with a legitimate interest in the

work of the Independent Central Commission and the independent national commissions, and on the implementation of the Focolare Movement's prevention policies and its response to abuse.

- e) Draws up an annual report on its activities, which will be sent to the President, the Co-President and the Independent Central Commission.
- f) Any complaints may be sent to the Supervisory Board at: supervisoryboard.cobetu@gmail.com.

3. Management of abuse reports

3.1 Everyone in the Focolare Movement who is spontaneously confided in by a person claiming to be a victim of abuse is obliged to:

- a) listen to him/her carefully, using special attention if they are a child¹, without asking directed questions, letting them tell what they personally experienced without putting any pressure on them.
- b) be as calm and natural as possible and remember that the person abused has only decided to talk about the alleged abuse they have received because they trust him or her.
- c) in the case of a child invite him/her to inform his/her parents of the incident, unless the report of abuse by the child is against a parent or guardian and unless it poses a new risk for him/her.
- d) Invite the person, or his parents or guardians in the case of a child, to immediately refer the case to the commission tasked with dealing with the specific case, in accordance with the rules set out in Article 4 below.
- e) Any member of the Movement who knows facts or has come to know, personally or through others of a possible abuse, has an absolute duty of confidentiality and must report it to the commission responsible for handling the specific case, in accordance with the rules set out in Article 4 below. Even if the alleged victim does not intend to report and wishes to remain anonymous, the report should still be made, taking care to ensure anonymity and in absolute compliance with the duty of confidentiality.
- f) The obligation, if the national legislation requires it, or the right of each member of the Focolare Movement to make an accusation or a report to the competent judicial authority independently, always remains valid.

3.2 If the report of alleged abuse reaches the Listening Point, those in charge are required to:

¹ "Child" means any person under eighteen years of age. A person who habitually has an imperfect use of reason is equated with a child by canon law (cf. *Normae de delictis reservatis*, art. 6 § 1, 1°).

- a) put in writing, as precisely as possible, all the information - name, address, telephone number and the account of what the person said, keeping to the exact words as far as possible.
- b) if the alleged victim intends to proceed with the report, immediately convey the documentation and information acquired to the competent commission for the handling of the specific case, in accordance with the rules set out in Article 4 below.
- c) in the event that the alleged victim does not wish to proceed with the report, the Listening Point will only convey the report of the alleged abuse to the competent commission, taking care to ensure the anonymity of the victim.
- d) explain - in the case of abuse of a child or vulnerable person² - to both parents or guardians, the procedure for reporting to or notifying the competent authorities.

3.3 If the report reaches the Independent National Commission, the Co-ordinator is obliged to:

- a) ensure that they have in writing all the information relating to the reported incident: name of the alleged victim, address, telephone number, location, time, name of the alleged abuser.
- b) indicate to the person reporting the possible procedures to be initiated, depending on the nature of the facts reported and the identity of the alleged victim and alleged abuser: civil proceedings with accusation to the competent authority, an internal procedure within the Focolare Movement, ecclesiastical proceedings by reporting to the local Ordinary.
- c) notify the Independent Central Commission of the report. If the Independent Central Commission is responsible for handling the report, in accordance with the rules set out in Article 4 below, they should forward the report itself to the Independent Central Commission.

4. Remit for conducting internal proceedings

4.1 Independent Central Commission

- a) The Independent Central Commission, through its two sections (assessing and investigative) has the remit to conduct the internal procedure in cases of reports concerning members of the General Council of the Focolare Movement, as well as men and

² 'Vulnerable person' means any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty that in fact, even occasionally, restricts his or her capacity to understand or will or to resist the offence (cf. *Vos estis lux mundi*, Art. 1, § 2, b).

women focolarini, whether living in the focolare or married, including during their entire period of formation.

- b) The Independent Central Commission also has the same remit, subject to the constraints of Article 5 below, in cases of reports concerning clerics belonging to the section of the focolarini or the branches of the priests focolarini or volunteer priests as well as the diocesan permanent deacons, whether focolarini or volunteers; men religious, whether priests or brothers of the branch of the religious or consecrated women of the consecrated women's branch.
- c) The Independent Central Commission will also coordinate the activities of the National Commissions

4.2 Independent National Commissions

- a) The independent national commissions are responsible for conducting proceedings concerning reports of abuse regarding the other lay members of the Focolare Movement (Volunteers, Gen 2, Gen's, members of the youth sector of the branches of the men and women religious, members of the wide-ranging movements, adherents, and sympathisers).
- b) In the absence of an independent national commission, the various stages of the internal proceedings will be conducted by the Independent Central Commission, which may make use of professionals from the place where the events took place or where the persons to be heard are present.
- c) For members of the independent national commissions, the assessors and investigators cannot hold both roles.
- d) The independent national commissions will promptly and constantly inform the Independent Central Commission of the outcome of the various stages of the proceedings and will endeavour to consult it in order to have a common approach in taking ahead investigations and evaluating responsibility. They will Periodically, on a six-monthly basis, they will send a report on their activities and the cases they have dealt with.

5. Internal Procedure

5.1 Preliminary internal investigation

- a) The preliminary internal investigation is initiated upon receiving the report or the acquisition of knowledge of unlawful conduct in any other way.
- b) The report must contain sufficiently precise facts regarding the time and place of the events, the persons involved or informed, and all other circumstances that may be useful to ensure sufficient reconstruction of what happened and the assessment of its plausibility.

- c) On receipt of the report, or having acquired the information, the coordinator will first check whether or not the facts reported constitute an offence according to the law of the country where they occurred and whether or not there is an obligation to report them to the judicial authorities.
- d) In the case of abuses for which there is an obligation to report, the coordinator will immediately communicate the report to the competent judicial authority and will await the judicial outcome before beginning a preliminary assessment. The same communication will be made if the criminal relevance of the reported facts emerges in the course of the preliminary assessment, which will then be suspended.
- e) Moreover in view of the legal status of the person accused, where that person is a cleric belonging to the section of the focolarini or to the branches of the priests focolarini or of the volunteer priests as well as of the diocesan permanent deacons; whether the person accused is a focolarino or a volunteer, or a priest or brother religious from the branch of the men religious or a consecrated woman of the branch of consecrated religious, the same provisions remain applicable without prejudice to the above concerning the obligation to report to the judicial authorities. The coordinator, where the facts constitute criminal offences according to canon law, shall communicate the report immediately to the Co-President of the Movement, with an invitation to forward the report to the Ordinary of the place where the accused person is incardinated, or to the Supreme Authority of the Institute of Consecrated Life or Society of Apostolic Life the person belongs to, to commence the procedure provided for by canon law, and at the same time suspend the internal proceedings.
- f) In the cases referred to in points (d) and (e), internal proceedings will be commenced after hearing the final outcome (final judgment or closure) of the criminal proceedings or of the ecclesiastical proceedings.
- g) Apart from the cases referred to in points (d) and (e), the coordinator shall, within five days of receiving a report or information of unlawful conduct, or of the closing of the proceedings before a judicial or ecclesiastical authority, be required to commence the internal preliminary assessment.
- h) For this purpose, it will assign one or more assessors to verify the probability of the facts and any risk of danger to the victim or other persons.
- i) If, in the course of the assessment, it becomes necessary to listen to a child or person treated as such/ or equivalent to a child, the civil laws of the country and practices appropriate to their age and status, allowing, for example, the child to be accompanied by an older person in whom he or she trusts and avoiding any direct contact with the accused person.
- j) If, during the internal assessment, other situations of abuse become known committed by the same accused person, they shall be examined in the same assessment.

- k) During the assessment, the good reputation of the persons involved must be protected (the person reported, alleged victims, witnesses), as well as the presumption of innocence of the person reported, so that the accusation cannot generate prejudice, retaliation, or discrimination. Those who carry out the internal assessment must therefore have this specific care, taking every precaution to that end.

However, where the collective common good is in serious danger, consideration will be given as to whether the dissemination of information about the existence of an accusation is absolutely necessary so as to prevent greater harm, even if this may in some way constitute a violation of the good reputation of the accused person.

- l) When the news becomes public and it is necessary to make public statements on the matter, great caution must be exercised in providing information on the facts, for example by using an essential and concise form, avoiding sensational statements, refraining altogether from any advance judgement as to the guilt or innocence of the person accused (which will only be established by the relevant, disciplinary or criminal process, aimed at verifying the basis of the accusation which may take place), adhering to any wish to respect the confidentiality expressed by the alleged victims.
- m) During the investigation, the Focolare Movement will work to ensure that the alleged victim their family and all those who have been involved in any way in the matter (e.g. communities of the Movement etc.) are treated with dignity and respect, offering them openness, listening and accompaniment, including through specific services, as well as spiritual, medical and psychological assistance, and economic support, as appropriate.
The same can be done with regard to the person accused.
- n) Where state or church structures exist to provide information and support to the alleged victims, reference may also be made to them, if those concerned prefer recourse to such structures.
- o) It is absolutely necessary at this stage to avoid doing anything that could be interpreted by the alleged victims as an obstacle to the exercise of their civil rights before the state authorities.
- p) In the case of anonymous reports, the coordinator will prudently assess the need to initiate an assessment to verify possible responsibility and imminent and real danger for children or vulnerable persons.
- q) Knowing the findings of the civil or ecclesiastical investigation (or of the entire trial before the state or ecclesiastical court) may render superfluous the internal preliminary assessment. This could also be superfluous in the case of well-known crime where there is no doubt regarding guilt, (e.g., a confession by the person accused). In such cases, the pre-trial phase will be initiated directly.

5.2 Duration and conclusions of the preliminary internal assessment

- a) The preliminary internal assessment shall be carried out within 30 days of receipt of the report or acquisition of the allegation of abuse.
- b) At the end of the preliminary internal assessment, the assessor who conducted it must forward the files to the coordinator within 10 days, accompanied by their own report outlining the activities carried out.
- c) Alternatively, the coordinator, upon receipt of the report, depending on the outcome of the preliminary internal assessment, will, within 10 days, take the following measures:
 - if the plausibility of the reported facts could be excluded or the information acquired is insufficient, they will file the case.
 - if however the report is found to be plausible, they will take the following steps:
 - In the case of abuses constituting criminal offences under the law of the country where they occurred, even if there is no obligation to report it under the law of the country where the facts occurred, the coordinator shall immediately transmit a statement to the competent judicial authority and at the same time await the outcome before initiating internal proceedings.
 - The coordinator shall not file the statement in the event of express opposition, duly documented and reasonably justified, by the victim (if he/she has reached the age of majority in the meantime), by his/her parents or legal guardians, and always without prejudice to the overriding interest of the child.
- d) Apart from the cases under c) the coordinator will initiate the internal procedure.
- e) In every case, in the presence of any risks for the victim or the community, the coordinator will ask the Section or person responsible for the accused person's Section or Branch to take precautionary measures that are appropriate and proportional to the risk to be avoided, as described in Article 5.3 below.

5.3 Precautionary measures

- a) At the conclusion of the preliminary assessment it may be necessary and proper to adopt precautionary measures to prevent the recurrence of abuses, to protect the good reputation of the persons involved, and of the common good, as well as to avoid other acts (e.g. the protection of other possible victims, the activation of threats or other conduct aimed at diverting the alleged victim from exercising his or her rights, the spread of scandal, the risk of concealment of future evidence). In the presence of these risks, and in response to them, the coordinator of the Independent Central Commission, may address a request to the person responsible for the accused person's Section or Branch to

immediately prohibit him/her from participating in those activities that entail risks with regard to the alleged victim, or other children or vulnerable adults (e.g. removal from activities with children and vulnerable adults, suspension from positions of leadership and/or responsibility, restriction of public representation of the Movement, prohibition to stay in a certain place or territory,...)

- b) The precautionary measures do not imply any acknowledgement of liability and will be taken in such a way that the confidentiality of the ongoing proceedings is guaranteed.
- c) The person directly responsible for the accused person shall be responsible for ensuring that the accused person complies with the precautionary measures. He/she shall immediately notify the commission of any violations.

Failure to comply with the agreed or imposed precautionary measures may lead to their still more stringent measures.

At this stage, as at all other stages of the proceedings, the accused person may make use of an accompanying person, as described in the G.L. on Listening and Accompaniment.

- d) Precautionary measures may be revoked at any time during the proceedings by the investigators at the request of the accused person, if the cause that prompted them ceases to exist. They may be modified (made more stringent if circumstances so require, or less stringent, if this is possible and if the person accused requests it).
- e) In the event of disagreement as to whether to grant, modify or revoke precautionary measures, the person concerned may appeal to the Supervisory Board. The appeal does not suspend the measure in place.
- f) Precautionary measures cease automatically when the disciplinary proceedings are terminated by the decision of the competent authority.

5.4 Commencement of proceedings and preliminary acts

5.4.1 The **internal procedure** is initiated by the coordinator and will last for a maximum of six months, which may be extended by a further one month in particularly complex cases.

5.4.2 The **document initiating the procedure** will have the following content:

- a) The identification of the person(s) allegedly responsible.
- b) The facts at issue in the proceedings.
- c) The findings of the two assessors Clearly indicating how to object to them.
- d) Setting out provisional precautionary measures proposed by the coordinator at the request of the assessor at the outcome of the preliminary assessment.
- e) The commencement of proceedings must also indicate the rights and entitlements of the person accused, as specified below:

- the right of access to investigative papers.
 - the right to submit observations and to be heard during the proceedings, with an indication of the time limits for exercising this right.
 - the right to present exculpatory evidence and to intervene in the processing of all the evidence.
- f) The commencement of proceedings is notified to the two appointed assessors, the investigator, the accused person, the alleged victim.

5.4.3 Acceptance of investigators and possible objection

- a) Upon receipt of the notice of commencement, each investigator shall, within three days, declare in writing his or her acceptance of the assignment when there are no causes for abstention, acceptance which he/ she shall specify in writing. The investigator shall abstain when specific, stated, conditions exist which do not ensure their objectivity and impartiality.
- b) The accused may challenge the appointment of the investigators who accepted the appointment indicating the reasons to the coordinator of the commission within five days. This suspends the term of the proceedings until the coordinator of the commission, after hearing the investigator, decides on the application for objection, **no later than 5 days** from the same.
- c) Before initiating the proceedings, the assessors shall verify that the person charged has received the notice initiating the proceedings; if not, he or she shall make a new notification.
- d) Within the term of 10 days from the notification of the commencement of proceedings, the affected person and the other parties to the proceedings **may submit pleadings, provide documents and propose the evidence they deem appropriate for their defence**, if necessary by means of a lawyer or other person of trust who may assist them throughout the proceedings. The investigators shall assess their relevance and admissibility for the purposes of establishing the facts.

Evidence that is irrelevant to the facts of the accusation, evidence that is irrelevant because it is unsuitable to contribute to proving the facts, evidence that is illegal because it does not comply with the law or its outcome and evidence that is inadmissible because unusable.

- e) This is without prejudice to the possibility of admitting, also ex officio, evidence considered relevant.
- f) If the person who is at first accused acknowledges his or her guilt, the investigators, without any further activity, and if there is no doubt as to the veracity of the confession, shall notify the coordinator of the final report to be submitted to the commission for the final reasoned opinion.

- g) At any time, the person charged may address a reasoned request to the investigators for revocation or modification of the precautionary measures taken by the coordinator.

5.5 Investigation and decision-making phase

The accused person is considered innocent until proven guilty.

- a) The evidence admitted will be heard in the cross-examination of the parties to the proceedings, the accused and the alleged victim.
- b) The evidence admitted will be heard in the cross-examination of the parties to the proceedings, the accused and the alleged victim. Evidence obtained, directly or indirectly, by violating the fundamental rights or freedom of the parties shall have no validity. In particular, evidence obtained by coercion, deception, violence or intimidation is not valid. The illegitimacy of evidence entails the nullity of the sanction as of right, if the illegitimate evidence was a determining factor for the imposition of the sanction.
- c) Testimony and accusations collected from outside the internal proceedings have no value as evidence unless they are ratified during the proceedings themselves and in the presence of the accused.
- d) Testimonies given anonymously during the preliminary investigation may not be used for the purpose of assessing the facts reported in the subsequent investigation phase.
- e) If a decision of the criminal court or ecclesiastical authority has been made, it will be taken into account in the evaluation of the evidence on the same facts.
- f) The investigators should notify the interested party of the place, date and time of when the taking of evidence will take place sufficiently in advance, at least three days. Evidence shall be taken on pain of being unusable, in accordance with the criteria contained in this procedure.
- g) The accused person may also participate in the taking of evidence with the assistance of a lawyer or trusted person who may put questions to the person giving evidence.
- h) If documents are produced during the proceedings, the accused person shall be entitled to inspect them and to file additional documents.
- i) The testimony of persons who may have a direct or indirect interest in the facts that are the subject of the proceedings, by reason of kinship, friendship or enmity with the accused or the alleged victim, will be assessed with caution.
- j) If several witnesses are proposed, they shall testify separately and in succession and may not communicate with each other or attend each other's depositions.
- k) When scientific or technical knowledge is necessary and appropriate for the assessment of a fact or circumstance, the investigators may make use of an advisor.

- l) All tests and their results are recorded in the administrative file on a documentary or telematic medium.
- m) Once the evidence phase is concluded, the investigators will grant the parties a period of 15 days to examine the documents and file a statement of defence.
- n) At the end of this period, the investigators shall forward the proceedings to the coordinator, accompanying them with their own Report outlining the work carried out and the conclusions to be proposed to the commission meeting in plenary.
- o) The coordinator, upon receipt of the Report, will convene the commission in plenary within 10 days for discussion and deliberation of the Considered Opinion.

5.6 Conclusion and Closure Phase of the Proceedings

The Commission shall, within 20 days of receipt of the aforementioned Report, issue a Considered Opinion to be adopted regarding the person accused in the following manner:

- a) when the truth of the facts reported has been excluded or the elements acquired are insufficient; when it has not been possible to identify the alleged wrong doers if they are exempt from liability and cannot be held liable, or if it considers, at any time, that the offence is time-barred according to canon law it will order the case to be closed. **The statute of limitations is in any case inapplicable in cases of abuse of children or vulnerable persons, consistent with the principles and guidelines of the Church in this matter.**
- b) if the person accused has admitted their guilt or the report was otherwise well-founded, the commission shall issue a written opinion proposing sanctions.
- c) Exceptionally, should the need for further evidence be identified, it shall be carried out, in cross-examination of the parties, within 10 days of the request. and before the same investigators.

In that case, the time limit for the proceedings is suspended until the necessary completion of the additional investigation.

The opinion of the Commission, with the evaluation of the ascertained facts and the proposal of sanctions, will be immediately transmitted to the President and Co-President of the Focolare Movement, as well as to the Person Responsible for the section or branch to which the person accused belongs, who will immediately (and in any case in no later than 20 days) make the final decision concerning the person accused according to the provisions of the respective regulations. The measure adopted shall be immediately (and in any case no later than 5 days from its adoption), communicated to the President, the Co-President, the Independent Central Commission, the person accused and the alleged victim.

At the same time, zone delegates will be informed both where the sanctioned person resides and where the acts were committed.

The communication to the sanctioned person shall indicate the terms and methods of appeal provided for in Section 5.9 below.

5.7 Time limits

The time limits that establish the various stages of the internal procedure are tentative and not binding, so that their violation does not entail the nullity of acts performed outside those time limits.

By contrast, the deadlines set out in Section 5.9 below are mandatory.

5.8 Disciplinary Sanctions

The sanctions, which may be imposed at the conclusion of the internal procedure, will correspond to the seriousness of the conduct:

For **conduct of minor gravity**, the sanctions are - with due adaptations - those contained in canons 1339-1340 of the Code of Canon Law, namely:

- **Warning:** An invitation to amend behaviour.
- **Rebuke:** An authoritative rebuke for behaviour that causes scandal or gravely disturbs order.
- **Penance:** The imposition of one or more works of religion, piety or charity.

For **serious and very serious conduct**, the sanctions are - with due adaptations - those contained in Canon 1336 of the Code of Canon Law, namely:

- **Injunction:** to live in a certain place or territory.
- **Prohibition:** to live in a certain place or territory; to exercise all or some of the offices, positions, ministries or functions, or to exercise only some of the tasks inherent in offices or positions, in or outside a particular place or territory; to have an active or passive voice in canonical elections and to participate with voting rights in church councils and colleges.
- **Deprivation:** of all or some of the offices, assignments, ministries or functions or only some of the tasks inherent in the offices or assignments.
- **Expulsion** from the association.

The above sanctions, with the exception of expulsion, may, depending on their severity, be temporary or permanent.

In the event of more than one offence, the penalty for the most serious one will be applied.

In the event of a repetition of minor offences the penalties laid down for serious misconduct will be applied; in the event of a repetition of serious misconduct, the penalties laid down for very serious conduct will be applied.

5.9 Appeal

Against the disciplinary decision, anyone with a legitimate interest, pursuant to cann. 1734-1739 of the Code of Canon Law, may:

- within 10 days of the lawful communication of the sanction, request the author of the decision to revoke or change it.
- within 15 days from the notification of rejection or unsatisfactory answer, or at the end of the 30th day in case of silence, proceed to appeal to the President and, in case of rejection or silence, to the Dicastery for the Laity, Family and Life.

An appeal on justified grounds automatically suspends the sanction until a final decision is taken.

6. Collaboration with Church authorities

- 6.1 When the obligations established by the canonical order provide for recourse to the procedures before the ecclesiastical authorities (cf. can. 1398 nov. for offences committed by members of Institutes of Consecrated Life or Societies of Apostolic Life, and any faithful who have a position or hold an office or function in the Church), the Co-president of the Focolare Movement is obliged to report the case to the Ordinary of the place where the facts occurred.
- 6.2 The Focolare Movement undertakes to cooperate fully with the Ordinary of the relevant place, whether the case is a judicial canonical criminal trial or whether it is an extrajudicial canonical criminal trial.

7. Collaboration with civil authorities and reporting to judicial authorities

- 7.1 The Focolare Movement undertakes to comply with all the requirements of the state laws of the country in which it carries out its activities. In particular, it makes every effort to ensure transparent, effective and responsible handling of the reports it receives, also in collaboration with specific local agencies.
- 7.2 During criminal investigations, the utmost caution should be exercised, and the appropriateness of any action should be assessed with the investigating authority; at this stage, the commission will avoid initiating a formal internal investigation also to avoid possible confusion and overlapping with the judicial authority.

- 7.3 In the event of the simultaneous of both criminal proceedings and internal proceedings pending, the Central and National Independent Commissions will suspend the latter until the end of the pending criminal proceedings. In such a case, the suspended internal proceedings may be reactivated upon knowledge of a court order, even if not final . The suspension may include the proposal of precautionary measures concerning the accused person.
- 7.4 The Focolare Movement will comply with the legislation of each country or nation and the directives of the local bishops' conference regarding the obligation to report to the judicial authorities.
- 7.5 When state laws impose an obligation to report, one is obliged to do so even if it is expected that, according to state law, there will be no proceedings (e.g., due to a statute of limitations or other provisions regarding the type of crime).
- 7.6 Where there is no obligation to report, the Focolare Movement will encourage victims, if they are already of age, or their parents/guardians, to make the report directly to the judicial authorities, accompanying them and guaranteeing to support them.
- 7.7 Even in the absence of an explicit legal obligation, the Focolare Movement undertakes to lodge a complaint with the competent civil authorities whenever it considers this to be indispensable in order to protect the alleged victim and others from the danger of further criminal acts.
- 7.8 If the preliminary internal investigation reveals situations of abuse within the family, for the greater protection of the child, a complaint to the competent authorities will still be necessary.

8. Interpretation and application of the Procedures

In the event of a disagreement on the correct interpretation and/or application of the rules of these procedures, those with a legitimate interest may appeal to the Supervisory Board (mail: supervisoryboard.cobetu@gmail.com).

Pending the opinion of the Board, the procedure remains suspended with interruption of the time limits.

9. Approval and Duration

These procedures were approved *ad experimentum* on the 28th March 2023 by the President, Margaret Karram and by the Copresident Jesús Morán, after consultation with the General Council.

They will take effect on 1st May 2023 until 30th June 2024.

APPENDIX: DEFINITION OF ABUSE³

The internal procedures adopted by the Focolare Movement deal with reports of any form of abuse committed by members belonging to the Focolare Movement, or by other persons during activities organised by the Focolare Movement or in any way related to it.

For the purposes of internal procedures, abuse means:

a) Abuse o abuses in general

'Abuse' in itself means misuse or even bad use of something or someone.⁴

Thinking of abuse in interpersonal relationships, abuse is generally defined as an act that makes use of force, psychological or physical, with the aim of dominating the other and that results in harm to the other. There are various types of abuse: the abuse of power and sexual abuse, which are usually quite obvious. There is also spiritual abuse, abuse of conscience, emotional or sensitivity abuse, which are usually more subtle. The abuse of a child is different from the abuse of a vulnerable adult.

b) Sexual abuse

There is still no universal definition of sexual abuse, and this is due to cultural differences and the different standards set by individual nations, which therefore make it difficult to standardise, even scientifically, the criteria. In this regard, the World Health Organisation states: 'Sexual abuse is defined as the involvement of a child in sexual acts that he or she does not fully understand, for which he or she is unable to consent or for which the child has not yet reached an appropriate level of development, or which violate the law or social taboos. Children can be sexually abused either by adults or by other children who are, by reason of their age or level of development, in a position of responsibility, trust or power over the victim' (WHO, World Report on Violence and Health, 2002).

The constituent elements of sexual abuse are as follows:

³ For definitions of abuse see "Subsidy for formators to the priesthood and consecrated life and for young people in formation, 3/ Initial formation in times of abuse edited by Fr Amedeo Cencini and Stefano Lassi". See also <https://tutelaminori.chiesacattolica.it/wp-content/uploads/sites/51/3-La-formazione-iniziale-in-tempo-di-abusi.pdf>

⁴ From the Latin word '*abusus*' and the verb 'ab-uti', composed of the particle 'ab', which refers to the idea of distancing oneself from something/someone, or from a certain logic or norm, and thus, by extension, makes one think of something excessive/transgressive; and also composed of the verb '*uti*', which means to use. One could therefore literally translate it as 'that which departs from correct usage', or 'that which exceeds in use' (Abuse, in Pianigiani's Etymological Vocabulary, <https://www.etimo.it/?term=abuso>, consulted on 31/10/2020).

- treatment of the other, on the physical-genital and affective-emotional levels, which are improper and seriously disrespectful, targeted and with traits of perversion,
- using methods that are explicitly or implicitly impositional-violent,
- which originates, in the abuser, from an exploitation of his or her role, of their prestige or position of authority vis-à-vis the abused person,
- and leads to the exploitation of the latter, involving genital-sexual acts, where he or she is used as an object at the service of the abuser's needs/demands, and increasingly reduced to becoming his or her possession. The abuse, therefore, causes serious harm, real or potential, to the victim, to their general, mental and sometimes even physical health, their moral-spiritual integrity and dignity.

c) Different forms of sexual abuse

The forms of sexual abuse are fundamentally of two types:

- **Actions without physical contact:**
 - talking with sexual innuendos that have the effect, at least for some people, of verbal harassment and provocation,
 - showing pornographic material (images, texts ...),
 - engage in sexual provocation such as exhibitionism, fetishism, voyeurism...
 - forcing children to undress, to reveal themselves, to present themselves in sexually provocative poses, and then possibly filming this material and using it and disseminating it on social media,
 - making phone calls and/or sending ambiguous and then increasingly obscene messages (sexting),
 - encouraging and/or carrying out actions to promote child prostitution (passing on information, making contacts...).
- **Actions with physical contact:**
 - Actions involving sexual contact: various intentional touching of intimate parts, erogenous zones, breasts, inner thighs, genitals by the abuser of the child or vulnerable adult, in a more or less explicitly coercive form.
 - Penetrative actions: all attempted or performed actions of vaginal or anal penetration with the penis, fingers or objects, as well as all contacts between the mouth and genitals.

d) Abuse of power

Abuse of power is any behaviour by a person who, exploiting their role of authority, fails to respect the dignity and autonomy, freedom and responsibility of another person; especially if that person is fragile. It consists in [the abuser] inculcating in the [victim] m, in a more or less obvious way, their

own way of understanding and wanting, and in fact forcing that person to act by being at [the abuser's] service in various ways.

e) Spiritual abuse

Spiritual abuse is *any relational manipulation of an emotional nature, but with religious-spiritual content ('in the name of God'), which affects a person's sensitivity to the divine.* Such manipulation contaminates and distorts *the image of God*, disorients and damages the person's *faith life*, and more generally the person's relationship with his or her inner world of values and beliefs. As such, spiritual abuse is a form of abuse of power.

f) Abuse of conscience

The abuse of conscience remains within the ambit of authority-power abuse. It is a form of violation of another person's inner life and consists in inculcating [the Italian translated as inducing] in the other person t one's own way of judging and one's own criteria of discernment, or one's own moral (and penitential) sensitivity. This is a further form of violence regarding the other person and their freedom, in what is considered the most sacred part of the human being, their individual conscience, that which enables them to distinguish between good and evil and to discern - on the level of belief - 'what is good, pleasing to God'. In the case of abuse, conscience is in danger of being replaced or annulled. Pope Francis very appropriately reminds us that the role of those who accompany people, is to be called to 'form consciences, not to presume to replace them'.⁵

⁵ Pope Francis, *Amoris laetitia*, 37

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