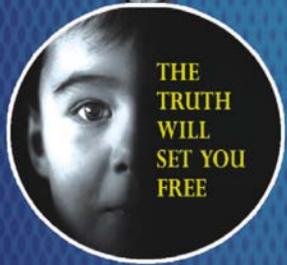
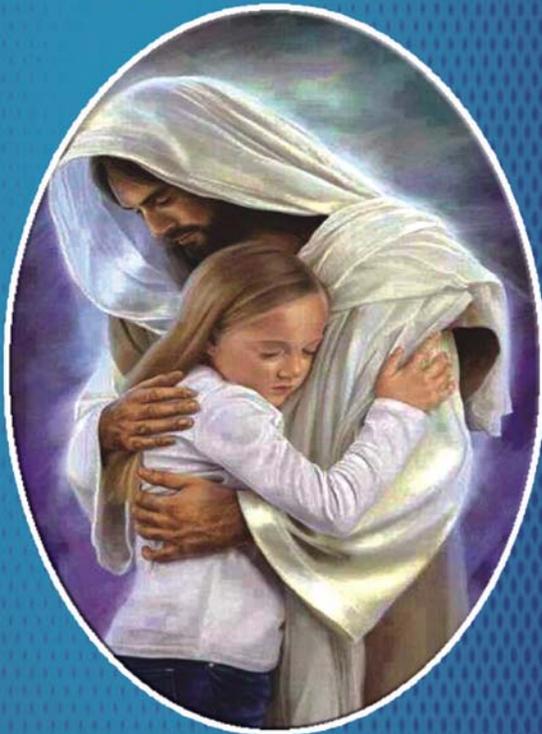


CHILD PROTECTION POLICY AND PROCEDURES ARCHDIOCESE OF PONDICHERRY & CUDDALORE



THE
TRUTH
WILL
SET YOU
FREE



**“LET THE LITTLE CHILDREN COME TO ME
AND DO NOT HINDER THEM,
FOR TO SUCH BELONGS
THE KINGDOM OF HEAVEN.”
MAT 19.14**

A PRAYER FOR CHILD'S PROTECTION



Father, I thank You that You invite us into Your protection; that when we seek You and make You our God that You promise to command Your angels to watch over us (Psalm 91:9-12).

I pray now that You would protect my children as they go throughout their days. Hem them in behind and before and lay Your hand upon them (Psalm 139:5).

Do not let any harm come to them. Keep each of my children safe beneath Your wings and guard them against any plots that are meant to harm or bring ruin to them. Be close to each of my children, Lord, surround them with Your favor as with a shield (Psalm 5:11-12).

I pray You would protect them in all the ways they walk; in their coming out and their going in. Guard them against diseases of the mind and body, accidents, predators and kinds of evil and evil-doers. Anoint each of my children with Your favor and protection, letting them rest safely between Your shoulders (Deuteronomy 33:12).

Father, as my children walk through their days, I pray You would give them clear direction in doing Your will, so they may remain within Your protection. Give them wisdom to know when to shy away from potential harm, both physically and spiritually. Then help them courageously walk away from it.

May the blood of Jesus ash over each of my children, covering them as they walk through this day and every day of their lives. In Jesus' mighty name, Amen.



CHILD PROTECTION

Dear Reverend Fathers, Brothers and Sisters

Greetings of joy and peace in the name of the Lord Jesus.

You are aware of the implications of the promise of celibacy and the public vow of chastity assumed by Clerics and Religious at the time of their ordination and profession. Consecrated celibacy is the precious ornament of Catholic ministerial priesthood, a special gift from God which facilitates our union with Christ with undivided hearts and to commit ourselves freely and generously to the service of God and humanity. Therefore, it is required that we observe perfect and perpetual continence and lead a pure life so that the integrity of the priestly and consecrated life is safeguarded, the good image of the Church is protected, the effectiveness of our ministry is ensured, any serious harm to our people is forestalled and all occasions of scandal are avoided.

Therefore the Law of the Church enjoins on the Diocesan Bishop to put in place certain measures to prevent offences in this area of our life and ministry and

to deal with any unfortunate violations effectively and without delay.

Accordingly I hereby approve and promulgate this document titled **POLICY AND PROCEDURES REGARDING SEXUAL MISCONDUCT, ABUSE AND HARASSMENT BY THE DIOCESAN PRIESTS, DEACONS AND RELIGIOUS IN THE ARCHDIOCESE OF PONDICHERRY-CUDDALORE**. The policy shall come into force from 1st June 2020.

The above norms are based on the provisions of the Code of Canon Law of 1983, the *motu proprio* ***Sacramentorum Sanctitatis Tutela*** of April 30, 2001, revised on May 21, 2010, CBCI document called **“Procedural Norms for dealing with cases involving sexual abuse of Minors (2015) and especially the norms given by Pope Francis with his *Vos estis lux mundi* of 07th May 2019.**

I request all the Clerics, Religious and the lay faithful of the Archdiocese to observe this document carefully and make this an occasion for consecrating themselves once again to a life of transparency, integrity and honesty as servants of the Word of God and as ministers of the Sacraments in building up the Local Church in the service of faith and fullness of life in Christ for all.

I have full confidence that Blessed Virgin Mary the example and protectress of consecrated life and mother of all priests and religious will intercede for us with her Son

to bestow on all of us plentiful graces to live the commitment we have made to the Lord to be His worthy and faithful friends, whatever be the struggle, whatever be the sacrifice, whatever be the suffering.

Assuring each one of you of my prayerful support as you walk this steep and narrow path of priestly celibacy with courage, prudence, confidence and generosity. God bless you all.

Fraternally yours in Christ.

Most Rev. Dr Antony Anandarayar
Archbishop of Pondicherry -Cuddalore

CHILD PROTECTION POLICY AND
PROCEDURES REGARDING SEXUAL
MISCONDUCT, ABUSE OF MINORS AND
HARASSMENT BY THE DIOCESAN
CLERGY, AND RELIGIOUS OF THE
ARCHDIOCESE OF PONDICHERRY-
CUDDALORE

1. Statement of Policy

- i. Sexual misconduct by a priest/deacon/religious is contrary to Catholic moral teaching and a violation of Canons 277 and 599 of the Code of Canon Law. Sexual misconduct abuses the power and authority of the pastoral role committed by the priest and violates the rights and dignity of the persons affected by such misconduct. Sexual misconduct with a child (under 18 years of age) or a vulnerable adult inflicts special grave harm upon the victim and subjects the perpetrator to both criminal prosecution and civil liability. Sexual Abuse of minor (under 18 years of age) by clerics is a grave offence reserved to the Holy See (Congregation for the Doctrine of Faith).
- ii. Sexual abuse by a priest, deacon or religious violates human dignity, clerical and religious commitment and the very mission of the Church. It diminishes and, at times, destroys the relationship of trust that is necessary for ministry.
- iii. Hence the Archdiocese of Pondicherry-Cuddalore is bound to safeguard the sacredness of life, justice, ethic

and integrity in ministry and is committed, as a policy of paramount importance, to make every possible effort to prevent the occurrence of heterosexual or homosexual misconduct, abuse or harassment of persons of any age or gender, by any of its members. The Archdiocese needs to deal promptly and effectively with any allegation of sexual misconduct, abuse of harassment, with compassion and care for both affected victims and those against whom such allegations are made, offering assistance for their healing and reconciliation, and taking steps to prevent further occurrences of such behavior, in full compliance with the Law, both civil and canonical. The Archdiocese recognizes that the interests of the affected victim are of the utmost importance and hence will make every effort to do what is best for the victim, while offering the accused the appropriate support and assistance with due regard for his right of defence.

- iv. All sexual misconduct is contrary to Christian principles and ministerial priesthood. The sexual abuse of minors and vulnerable adults is particularly reprehensible and constitutes a profound violation of trust, causing pain and injury to the abused, their families, the *Presbyterium* and the faith community. Sexual harassment too is not in keeping with the Gospel values. Homosexual practice is contrary to the law of the Church. Therefore the Archdiocese unambiguously condemns all forms of sexual misconduct, particularly with minors and vulnerable adults, even when it is consensual, and commits to

provide an environment where minors and vulnerable adults are safe, secure and protected from all forms of abuse. Any Priest/deacon/religious of the Archdiocese proved guilty of sexual misconduct even consensually, or to have subjected any person to sexual harassment is to be brought under prompt and effective disciplinary action. The Archdiocese will comply with the normal requirements of canonical and civil laws while at the same time providing for the spiritual and psychological wellbeing of the victims and the alleged offender.

- v. When the accused cleric is a member of a religious institute, his superiors will be contacted immediately and informed of the allegation. If the accused cleric is a diocesan priest/deacon/religious from another diocese, his diocesan bishop will be contacted as early as possible and informed of the allegation. In these cases, it is the responsibility of the Superior of the congregation/Bishop of that diocese to which the cleric / deacon belongs to investigate the allegation in accordance with the policies of his own congregation or his own diocese.
- vi. The Archdiocese recognizes that nothing humanly possible can fully compensate for the injury caused to a victim of sexual misconduct, abuse and harassment, least of all any material or monetary recompense, which can indeed lead to a proliferation of allegations motivated by a desire for material gain

and also give rise to accusations of attempts being made to buy silence.

- vii. The Archdiocese will accept no responsibility for a criminal act of the clerics and religious living and exercising apostolate here. The criminal liability will be that of the perpetrator of the crime. Any punishment meted out, any compensation and/or damages awarded by a criminal court shall be the liability of the perpetrator of the offence. The Archdiocese will not accept any civil liability in such matters. The liability will be that of the perpetrator alone.
- viii. The Archdiocese calls upon all its priests/deacons/religious to reflect on their identity as men and women of God, who have freely chosen their vocation to the priesthood or religious life in the Archdiocese of Pondicherry-Cuddalore. Therefore the Archdiocese as a whole and each of its members individually needs to adhere to their spiritual, canonical, civic and legal obligations. Hence the procedures described in this Policy are a guide to assist the Archdiocese in dealing with allegations of sexual misconduct by any member. The Archdiocese intends to be in conformity with the requirements of the canonical and civil laws as well as the policy guidelines that are issued by Regional Bishops / CCBI / CBCI and the Holy See. Accordingly the Archdiocese may, from time to time, modify these guidelines.

2. Clarification of Terms

- i. **Minor** means and includes any person, of any gender, male or female, who has not completed 18 years of age.
- ii. **Vulnerable Adult** means and includes any person of any gender, male or female, who has completed 18 years of age who, because of impairment of mental or physical function, or deprivation of personal liberty or on account of a trusting or dependent relationship, is unable to understand or unwilling or unlikely to report sexual misconduct or abuse, unless assisted in doing so. The examples of those in dependent or trusting relationships are employees, colleagues, formees, retreatants, counselees, spiritual directees, penitents, students, beneficiaries of our services, relatives and those being mentored by alleged offender.
- iii. **Sexual misconduct** is any sexual act of any kind, by a person outside the bond of marriage, with mutual consent or otherwise, such as sexual contact, sexual molestation, sexual abuse, sexual harassment or sexual exploitation of another, whether physical injuries are sustained or not.
- iv. It also includes all kinds of sexual acts, both heterosexual and homosexual, or propositions, permitting, encouraging, coaxing or coercing another to participate in any sexual activity, exposing the other to pornographic material or engaging in any act with

the other aimed at providing sexual stimulation and satisfaction to one or the other or both parties.

- v. Sexual misconduct can also be contact by verbal or nonverbal sexual suggestions, stimulation and/or satisfaction, including voyeurism, exhibitionism, pornography, fondling and other explicit sexual acts. It also includes any communication with a sexual connotation through sounds, words, visuals, pictures, films, gestures, jokes, writing, email, SMS, Whatsapp messages, telephone and other means or social networks.
- vi. **Sexual Abuse** is sexual misconduct with minor and vulnerable adults, as defined in “The Protection of Children from Sexual Offences Act, 2012” (POCSO) as amended from time to time.
- vii. **Sexual Harassment** is any physical contact and advance of a sexual nature; a demand or request for sexual favors; sexually colored remarks, showing pornography; or any other unwelcome physical, verbal or non-verbal conduct of sexual nature, through blandishments or threats or mental and emotional pressure. In the workplace sexual harassment may take the form of promises or threats regarding continuation, confirmation or promotion in employment in return for sexual favour and creation of hostile environment when sexual favors are refused and sexual advance are repulsed.

viii. Consensual Sexual Activity is when two adults by a free decision and with mutual consent, indulge in Sexual Misconduct.

ix. Ministry means pastoral and spiritual counselling, spiritual direction, retreat apostolate, confessions, psychological counselling, social-developmental works and student mentoring or mentoring of all kinds.

3. Binding Principles

Every member of the Archdiocese shall, following the call to “love tenderly, act justly and walk humbly” (Micah 6:8) before the Lord, be bound by these guidelines, and shall, in his life and ministry, witness to God’s love for every human person:

- i. By sensitivity, reverence and respect in his relationships treating all people with respect and courtesy and maintain sexual and professional boundaries.
- ii. By exercising prudent judgment in initiating or responding to any physical contact, always keeping the wellbeing of the other person as the only goal.
- iii. By respecting the physical and emotional space of those he works with, ministers to, socializes with or relates to in any way.
- iv. By exercising ministry only in places that offer sufficiently safe environment with openness and visibility.

- v. By exercising prudent judgment in the expression of and response to affection and tenderness, avoiding all forms of over familiarity or inappropriate language.
- vi. By ensuring whenever reasonably possible that another adult is present or close by, when ministering to a minor or a vulnerable adult, always in a place visible to other, particularly when one is aware of one's weakness.
- vii. By becoming aware of the risks involved in entering into a personal relationship with those one ministers to, particularly a minor or a vulnerable adult, as also in ministering to those who are already one's personal friends.
- viii. By regularly examining himself regarding his ministry and relationships, both individually and with the help of a mentor, and by reviewing how effectively he maintains the boundaries between his ministry and his personal relationship.
- ix. By establishing relationships that are able to develop and mature within the context of the Gospel value and ministerial Priesthood, characterized by openness, honesty and integrity.
- x. By giving himself wholeheartedly to a vibrant prayer life, nourished by the Word of God and the Sacraments, regular spiritual direction, and sacramental reconciliation.
- xi. By seeking professional help when he observes in himself persistent and irresistible sexual attraction to or acting in

a sexual manner with someone he mentors, teaches, directs, supervises works with or ministers to.

- xii. By avoiding any behaviour that could reasonably be interpreted as sexual misconduct, abuse, harassment or irresponsibility, even with the consent of the other person.
- xiii. By shunning any and all sexual contact even with consenting adults
- xiv. By not misusing power, authority and influence to establish a sexual relationship.
- xv. To the extent necessary and with the necessary modifications, these provisions are binding including the seminarians of the Archdiocese.

4. Preventive Measures

- i.** Every priest/deacon/religious is obliged to bring to the notice of the Ordinary any instance of sexual misconduct, abuse or harassment on the part of any priest/deacon/religious of the Archdiocese which has come to his knowledge, and no member of the **presbyterium** shall bring direct or indirect pressure on the Ordinary to ignore such allegations, be lenient or mitigate sanctions.
- ii.** The Ordinary shall take firm steps at the very first instance of sexual misconduct, abuse or harassment coming to his notice, without any leniency or compromise.

- iii.** Any touching of another should be appropriate, modest and devoid of any sexual overtone. This is to be particularly strict in the case of females, minors and vulnerable adults.
- iv.** All sexually stimulating and erotically satisfying physical touch, gestures and works, jokes, songs and stories, even when they look innocent and socially acceptable, are inappropriate, particularly when a female, minor and vulnerable adult is involved.
- v.** If one-to-one ministering to a female, a minor or a vulnerable adult should be necessary, meeting in isolated environments and closed rooms with poor visibility should be avoided.
- vi.** All visitors are to be entertained in parlours and reception areas which are open, accessible and visible to all. The office, parlours and counselling rooms should be provided with doors and windows with transparent glasses.
- vii.** Normally female guests are not to be provided accommodation in the presbytery unless they are very closely related to the priest concerned such as mother, sister or aunt.
- viii.** The priest should be careful not to cause public scandal.
- ix.** All trips, tours, picnics, parties, camps, vacations, overnight trips or sports outside and other such activities must have the prior written approval of parents or

guardians or appropriate institutions, and more than one adult must accompany the participants in such activities. Whenever girls and women are taken on such tours, at least one lady staff must accompany the group. Separate dormitories and sanitary rooms should be provided to males and females during these trips. When such tours are a compulsory requirement of the curriculum, a separate written consent shall be obtained from the parents or the guardians at the time of admissions, and these shall be carefully filed.

- x.** Excessive communication through e-mail, telephone, SMS, Whatsapp and other means of social networks, which may lead to inordinate relationships are to be avoided.
- xi.** No inordinate friendships are to be established, either with men or with women.
- xii.** Topics, vocabulary, recordings, messages, films, games, jokes, stories or the use of the computer software, internet websites or any other form of interaction or entertainment that would normally cause embarrassment on account of their sexual overtone are not appropriate to be employed with females, minors and vulnerable adults. Sexually explicit or pornographic material is never appropriate.

5. Responding to Allegations of Sexual Misconduct or Abuse or Harassment

- i.** All authentic allegations sent to the Local Ordinary will be taken seriously and they will be examined, considering their motives and sources.
- ii.** The requirements of civil and canonical laws shall be complied with.
- iii.** The primary concern shall be for the affected victim who shall be offered compassionate care even before the allegations are proved.
- iv.** No financial compensation shall be offered to the affected victim or the victim's family by the Archdiocese. Any damages assigned by a court of law would be the responsibility of the offender. However if the allegations are proved true, then the Archdiocese shall stand ready to bear any reasonable and necessary expenses involved in providing needed treatment and therapy to the victim to the extent possible.
- v.** The alleged offender is to be presumed innocent until proved guilty, and shall not be bound to incriminate himself by admitting his guilt. But, if ***prima facie*** the allegations appear to carry some weight, then, during the pendency of investigations, the alleged offender shall be temporarily freed from his responsibility and sent on administrative leave, during which he will be entitled to his congrua/maintenance allowance

provided he abides fully by the directives of the Ordinary.

- vi.** Confidentiality and respect for the privacy of the affected victim, the victim's family, the complainant and the alleged offender shall be strictly maintained.
- vii.** The seal of the Sacrament of Reconciliation shall in all circumstance remain absolutely inviolable.
- viii.** Efforts shall be made to provide all necessary emotional, spiritual and professional assistance to the affected victim, the alleged offender, and the accuser.
- ix.** If the Ordinary on his own or through someone else comes to know of sexual misconduct by any member of the ***presbyterium*** /deacon/religious and finds information *prima facie* credible, he shall immediately get the matter investigated and adopt appropriate remedial, preventive and disciplinary measures.
- x.** In case of false accusation against the clergy or religious, the accused is free to seek necessary remedy to defend his reputation in accordance with civil and canon law

6. Concrete Practical Procedure

- i.** When an allegation of sexual misconduct, abuse or harassment is made against any member of the ***Presbyterium***/deacon/religious to the Ordinary with all the details, the Ordinary shall appoint a Committee

of three competent persons to make a preliminary investigation of the entire matter to ascertain whether prima facie there is a semblance of truth in the allegation. Even if a civil investigation is initiated by competent authorities, the internal investigation by the Archdiocese shall be continued and brought to completion.

- ii.** The complaint alleging a case of sexual abuse/misconduct /harassment should clearly state the name and address of the victim, together with the name and address of the alleged offender. It should be dated, state the date of the offence, whenever possible, and the age of the victim, (with, if possible his/her date of birth) at the time of the offence, its frequency, and needs to be signed by the petitioner.
- iii.** During the period of investigations by those appointed for the purpose by the Ordinary, the accused individual shall not attempt to have any contacts with the affected victim or the accuser, without the prior permission of the Ordinary.
- iv.** If *prima facie* the case is established as sufficiently grave, then the accused member of the **Presbyterium** shall be relieved of all public ministerial function and barred from all access to minor and vulnerable adults and such other persons with whom the similar misconduct is likely to occur. He will be sent on administrative leave, to the place chosen by the Ordinary, with his entitlement to the congrua/maintenance

allowance being intact provided that he fully abides by the directives of the Ordinary.

- v.** All cases of sexual misconduct and sexual harassment are not sent to the Congregation for the Doctrine of Faith. Only in the case of the sexual abuse by clergy of those below the age of 18 years and child pornography, the Ordinary will refer the matter to the congregation for Doctrine of Faith in Rome with all dossiers, for advice and follow the directives when received.
- vi.** Besides being a canonical delict, many such cases are also civil offences. Hence civil authorities should never be hampered in their investigation of the case. The Ordinary is obliged to give the police and other state bodies full cooperation. Confidentiality should never be invoked in these cases.
- vii.** In cases of accusations that involve the sexual abuse of women minors, the Indian Supreme Court directives in the **Vishaka** Case could be kept in mind (five member committee with a Women Chairperson and comprising at least three women members, including one representative of the Government recognized NGO). The Government itself has recently promulgated legislation regarding sexual abuse of minors (POCSO). The provisions of this Act will be observed strictly.
- viii.** In the cases of the Sexual Abuse of Minors, where the Congregation of the Doctrine of Faith has directed the Ordinary to process with a further examination of the case, or, in cases of sexual misconduct or sexual

harassment which are not sent to the Congregation, but are dealt with directly at the diocesan level, the case is entrusted to a special Sexual Offences Committee. The Committee comprises three persons, at least one of whom shall have expert knowledge of Canons law. The responsibility of the Sexual Offences Committee is to investigate the case and advise the Ordinary whose responsibility it is to take a decision. In the cases of sexual abuse of minors, or when permanent penalties have to be imposed on the offender, the decision has to be taken in consultation with the Holy See. The Norms for Procedure as given in the Codes of Canon Law are to be observed. In cases of a special nature, the Ordinary may appoint a Committee comprising five persons.

- ix.** If the Congregation for the Doctrine of the Faith instructs the Ordinary to undertake a penal process, the carrying out of the said process would be outside the scope of the Sexual Offence Committee.
- x.** The members of the Sexual Offences Committee will have a three year term and are appointed by the Diocesan Bishop.
- xi.** In case the victim is a girl, this committee should comprise of at least two women among whom should be, where possible, a member of a Government recognized NGO. A senior priest should be part of this committee. If necessary, an ad hoc Commission could be appointed for a case where the victim is a girl.

xii. The Sexual Offence Committee is to proceed in its investigation as follows:

- 1.** The complainant and the alleged offender are to be heard. The alleged offender has the right to know the accusation, the conclusions of the Preliminary Enquiry Committee and the Directives of the Holy See.
- 2.** Witnesses presented by both parties are to be heard.
- 3.** The Committee may call witnesses ***Suo Motu*** (on their own).
- 4.** Documentary evidence: letters, emails, audio-video recordings, Photographs, may also be called for and examined.
- 5.** If necessary, the opinion of experts may be obtained.
- 6.** All acts are to be notarized.

xiii. The final report and conclusions of the Sexual Offences Committee should be submitted to the Ordinary within ninety days of the dossier being handed to them. For special reasons the Committee may request an extension of this period from the appointing authority.

xiv. The conclusions of this Committee are to be communicated to the petitioner and alleged offender by the Ordinary with the clear understanding that this is an ecclesiastical process and its conclusions are not binding in Civil Law. The bishop is free to take all precautionary measures in accordance to Can. 1722 of the Code of

Canon Law and article 19 of the above ***Motu Proprio Sacramentorum Sanctitatis Tutela***.

- xv.** If the Ordinary, after studying the results of the investigation by the Sexual Offences Committee, concludes that the alleged offender is guilty and constitutes a risk for minors, vulnerable adults and the community, the offender is to be immediately relieved of all offices he has been holding and it should be examined whether he needs to be advised to request to be reduced to the lay state; he has the option of asking the Holy Father to dispense him from all obligation connected with the clerical state, including celibacy; else a procedure may be initiated for his dismissal from the clerical state. Penal remedies may also be imposed. It is to be kept in mind that the authorization of a penal process falls within the competence of the Congregation for the Doctrine of the Faith. Reassignment to ministry or transfer to another diocese is excluded, if the cleric poses a risk to minors, vulnerable adults and to the community.
- xvi.** Strict confidentiality shall be maintained at all times by all, who shall not divulge these details to anyone who has no right or need to know.
- xvii.** An accurate, detailed and comprehensive record of persons, places, dates, offences and other significant details shall be maintained in a confidential file in the Curia.

xviii. The Ordinary shall immediately initiate actions to prove reasonable help to those who have been proved to be the victims of sexual misconduct, abuse and harassment by a member of the ***Presbyterium*** /a deacon/ a religious, to deal with, get over, and be healed of and to be freed from the trauma and the scars inflicted by the offender, even by means of psychological and family counselling if necessary, at the expenses of the Archdiocese to the extent possible.

7. Conclusion

In the interests of those to whom we minister at all times we strive to preserve, protect and promote the integrity and inviolability of every individual to provide an environment of safety and security from all harm. Despite our best efforts, therefore, if incident of sexual misconduct, abuse and harassment are reported, then, we as a Archdiocese are committed to ensure a diligent and thorough investigation of the case; appropriate action against those found guilty; on-going accompaniment of the victims through pastoral care; psychological assistance and other supportive programmes and sustained efforts towards healing and reconciliation of all those affected.

sd/- **Rev. Fr. Melchizedech**

Chancellor

sd/-

+ Most Rev. Dr. Antony Anandarayar
Archbishop of Pondicherry-Cuddalore.

Prayer for Priests

O Jesus, eternal Priest,
keep Your priests within the shelter of
Your Sacred Heart,
where none may touch them.

Keep unstained their anointed hands,
which daily touch Your Sacred Body.

Anointed Hands

Keep unsullied their lips,
daily purpled with Your Precious Blood.

Keep pure and unearthly their hearts,
sealed with the sublime mark
of the priesthood.

Let Your holy love surround them and
shield them from the world's contagion.

Bless their labours with abundant fruit
and may the souls to whom they

minister be their joy and
consolation here and in

Heaven their beautiful and
everlasting crown. Amen.

Mary Help of Christians, Mother of Priests - Pray for us.



St. John Marie Vianney
Pray for us