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## **EPARCHIAL GUIDELINES**

for the management of allegations of sexual abuse  
against minors  
or against vulnerable adults

### **INTRODUCTION**

The eparchial authorities need the Guidelines as a tool for canonical and pastoral response to suspected or confirmed cases of sexual abuse committed against minors or vulnerable adults by members of the clergy (eparchs, priests or deacons), non-ordained members of a religious or secular institute or lay persons who have received an official mandate from the eparch, from a major superior or from those equivalent to them in law.

These Guidelines are intended to accompany and guide the eparchial authorities step by step in their search for the truth, from the reporting of a wrongdoing to the final conclusion of the case.

The main officers responsible for the implementation of these Guidelines are: the advisory committee, the eparch's delegate and the deputy delegate, and the media relations officer.

These Guidelines should be updated whenever universal or eparchial law or practice has changed, necessitating amendments or clarifications. However, a review will be carried out every four years.

# MANAGEMENT OF SEXUAL ABUSE ALLEGATIONS

## 1. SOME DEFINITIONS

### 1.1 Sexual abuse

Sexual abuse is any physical, verbal, emotional or sexual behavior that causes a person to fear for their safety and physical, psychological or emotional well-being from an alleged abuser who knew or should reasonably have known that thus endangering the safety and physical, psychological or emotional well-being of that person.

### 1.2 Minor / vulnerable person

**1.2.1** A minor is a person under the age of 18

**1.2.2** A vulnerable person is a person in a state of infirmity, physical or psychological impairment, or deprivation of personal liberty which in fact limits, even occasionally, his capacity for understanding or will, or in any case its capacity to resist offense. According to Church law and these Guidelines, this person is equivalent in law to a minor.

## 2. ROLES AND RESPONSIBILITIES

The eparchial bishop, in order to preserve his freedom of judgment and to retain all the latitude he needs to respond to allegations of sexual abuse, simultaneously appoints an eparch's delegate and a deputy delegate to the delegate of the eparch.

### 2.1 The eparch's delegate and his deputy

The Eparch's Delegate is the person designated by the Eparch to coordinate the eparchial response to possible allegations of sexual abuse.

The person chosen must be considered trustworthy and qualified to perform this function; without needing to have any specialization, he or she should have a good knowledge of issues relating to the prevention of sexual abuse or abuse as such, and have a good reputation.

The deputy delegate to the eparch's delegate exercises the role of the eparch's delegate in the event of inability to act due to absence or other reasons; and, to do this, he is endowed with the same powers and duties as the eparch's delegate.

The delegate and his deputy can be a priest, deacon or lay man or woman.

### 2.2 The advisory committee

The advisory committee, composed of at least three people, is constituted by the eparch which appoints its members. It is preferable that the members of this committee have good expertise in one or other of the following fields: law (civil or canonical), medicine or psychiatry and the various sciences of human behavior. This committee works under the authority of the eparch's delegate.

The said committee ensures, among other functions, that the necessary information is made public and accessible to all places where pastoral activities are held as well as on the website of the eparchy so that any victim of sexual abuse can contact eparch's delegate or his deputy.

## **2.3 The media relations manager**

### **2.3.1 Designation**

The eparch appoints a person responsible for media relations - or official spokesperson - for all questions regarding allegations of sexual abuse.

This person will be neither the eparch's delegate nor his deputy; he or she will work in close collaboration with the eparch and the eparch's delegate.

### **2.3.2 Mandate and principles governing the act of the media relations manager**

The person responsible for media relations observes the following five principles regarding relations with the spoken or written press:

- a) must be available;
- b) concerned to be at least as well informed as the journalist who often investigated even before requesting an official interview;
- c) avoids being tense because nervousness easily creates the impression of an attempt at concealment;
- d) avoids falling into traps by making all the nuances and all the appropriate clarifications with the greatest respect for those involved, the law and the public;
- e) the answers should be firm without being dogmatic.
- f) circumstances may sometimes lead the eparch to intervene himself with the media.

## **3. REPORTING**

The word "report" means the communication to the eparch's delegate or any other eparchial authority of any information about suspected sexual abuse.

Any report that has reached the eparch or any other eparchial authority will be sent to the eparch's delegate as soon as possible because it is his responsibility to follow up on the report.

### **3.1 To whom to report and how**

The alleged offense may be reported to the eparch's delegate or to any other eparchial authority either by letter to the eparch's delegate, or by a visit to the eparchial offices or by a telephone call to the eparchial offices.

Information for direct access to the eparch's delegate can be found on the website of the eparchy.

## **3.2 The obligation to report**

The report must be made without delay to the eparch's delegate or any other eparchial authority.

If the victim is still a minor, the report must also be made to the Director of Youth Protection; the delegate must ensure that the report has been made to the DPJ in Quebec, **or to similar authorities in the other Canadian provinces**; Otherwise, he must do it himself if the alleged victim does not; neglecting this obligation results in sanctions according to secular law.

### **3.2.1 Direct knowledge**

The obligation to report sexual abuse falls primarily on any cleric or lay employee of the eparchy or one of its parishes who knows - or suspects - that a person is - or has been - sexually abused by a cleric, or a lay employee or volunteer in the service of the Church.

### **3.2.2 Indirect knowledge**

Anyone who has knowledge of an act of sexual abuse other than by themselves should report this fact to the eparch's delegate or other eparchial authority.

However, in the case of an alleged victim who is still a minor, anyone must report this fact to the Director of Youth Protection, regardless of the source of their knowledge.

## **3.3 Reception of the report**

### **Anonymous source**

The anonymity of the author of a report should not systematically lead to the allegations being regarded as false; however, for easily understandable reasons, caution should be exercised when considering this type of report.

### **Listening and respect**

From the starting point, it is especially important to listen carefully to the reporting person, to treat that person with respect, and to be determined when necessary to help that person spiritually and psychologically.

### **No interference**

The fact of having reported an abuse must not entail for the person making the complaint any prejudice, retaliation or discrimination attempting to interfere in a canonical, administrative or criminal investigation, which could be punishable by a canonical penalty. This also applies to any interference whatsoever in an investigation by the secular authority.

It is also prohibited to attempt to impose a constraint on silence on the content of the report.

## **Written report**

The person making the complaint - or, failing that, the eparch's delegate receiving the complaint - must prepare a written version of the report which will be incorporated into a possible preliminary investigation.

This report must contain the most detailed elements possible of the reported facts, such as:

- Indications of time and place;
- The designation of people involved or informed;
- Any other circumstance that may be useful to ensure an accurate assessment of the facts.

As soon as he has received a report, the eparch's delegate informs the eparch and the advisory committee.

### **3.4 Assessment of the report**

This assessment rests with the eparch, after he has listened to his delegate and the advisory committee.

#### **3.4.1 Implausible allegations**

The reported allegations will only be considered implausible in the event of manifest impossibility to proceed according to the norms of canon law (e.g. the person concerned by the complaint was not a clerk at the time of the offense, or could not be on the places where the crime took place, etc.).

In this case, the person who made the complaint is informed, as well as the person concerned by the complaint.

#### **3.4.2 Plausible allegations**

##### **In the case of an alleged victim who is a minor**

If the allegations are found to be credible and relate to a person who was a minor at the time of the assault, the eparch must order a preliminary investigation unless such investigation appears to be totally superfluous.

##### **In the case of an alleged victim who is not a minor**

If the allegations present in a manner deemed likely reprehensible and reckless behavior but they do not concern a minor, the eparch will take care to protect the common good and avoid scandals by taking administrative measures against the person concerned by the complaint (for example, ministerial limitations) and by imposing on person concerned by the complaint the penal remedies mentioned in canon 1427 of CCEC in order to prevent offenses according to canon 1312, § 3. In the event of an allegation of an offense according to canon 1453 of CCEC " against the sixth commandment of the Decalogue ", the eparch will apply the procedure provided for in canons 1468 to 1485 of CCEC.

If less serious crimes have been committed, the eparch should follow the legal channels appropriate to the circumstances.

### **Process to follow**

The eparch will the complainant and the person concerned by the complaint in the appropriate manner, of the various stages of the procedure, taking care not to reveal any information relating to the professional confidentiality, the disclosure of which could be prejudicial to third parties.

## **4. THE RIGHTS OF THE PERSONS INVOLVED**

### **4.1 The alleged victim**

#### **Assistance**

If necessary, assistance is offered to the alleged victim in a compassionate manner, for example: counseling, spiritual support or any social or community service.

Such assistance cannot be an admission of responsibility or personal guilt; it would be terminated if, in the course of the process, it turns out that the complaint is unfounded.

#### **Rights**

The alleged perpetrator of sexual abuse enjoy the presumption of innocence.

The alleged victim must be informed of his/her rights and, if he/she so requests, of the results of the various stages of the procedure.

The alleged victim must be informed of the adoption and termination, for any reason whatsoever, of any interim or final measure restricting the personal freedom of the person concerned by the complaint.

The alleged victim can provide evidence directly or through a third party and ask to be heard.

The alleged victim has the right to the protection of her reputation and privacy, as well as the confidentiality of her personal data.

The alleged victim the right to the adoption of appropriate measures to prevent direct contact with the alleged offender, without prejudice to imperative procedural requirements.

The alleged victim must be informed that the Church cannot guarantee the confidentiality of depositions and documentation collected in the canonical forum in the event of judicial sequestration or requisition of investigative acts by the public prosecutor.

#### **Temporary measures**

In view of these rights, the eparch will adopt, even temporarily, the necessary measures:

- To guarantee the safety and physical integrity of the alleged victim;
- To remove the person concerned by the complaint from the alleged victim or other minors if applicable
- To prevent the repetition of the alleged crimes; and finally, to protect the person who made the complaint and his family from any intimidation or reprisals.

## **4.2 The person concerned by the complaint**

### **4.2.1 Preliminary investigation**

If the allegations which reached the eparchy's delegate appear credible, the eparchy must order a preliminary investigation.

#### **Presumption of innocence**

The presumption of innocence founded in both state law and canon law requires that the person concerned by the complaint does not have to be tried before any verdict of guilt; this person has the right to be heard and defended, and their reputation must be protected.

As for the alleged victim, the eparchy will offer assistance: counseling, spiritual accompaniment, any social or community service.

### **4.2.2 Criminal judicial proceedings**

In administrative or judicial proceedings, the judge must invite the alleged perpetrator to avail himself of the assistance of a lawyer specializing in canon law; if he does not, the judge himself must assign him a court-appointed lawyer.

#### **Guilty verdict**

If the accused is found guilty, his place in the ministry will have to be determined in accordance with the principles of justice and fairness.

In the case of a cleric, the eparchy will continue to provide him with an honest subsistence, unless he is dismissed from the clerical state. In such a case, " the eparchy is to see to it that the deposed who is truly in need because of the punishment is provided for in the best way possible " (CCEC 1410).

#### **Declaration of innocence**

If, on the contrary, the accused is cleared, the eparchy will seek to restore his good reputation as much as possible. How to proceed in this matter will depend to a large extent on the publicity surrounding the allegations and charges and the trial before the prosecution.

## **4.3 Communities and society**

Driven by a concern for transparency and respect for people, the advisory committee will offer the eparchy's delegate support paths for communities marked by the reporting of a crime:

press releases, meetings with the faithful, listening and counseling sessions, for members more directly affected.

## **Rights**

Christian communities in which a minister, employee or volunteer accused of sexual abuse in the performance of their duties has worked have a right to information and support from the beginning of the process.

Society also has the right to relevant information when the safety of children is threatened. For this reason, the Media Relations Officer, under the direction of the Eparch's delegate, will communicate regularly with the media in order to diffuse the necessary and useful information. The advisory committee will give its opinion on this matter and the eparch, his approbation.

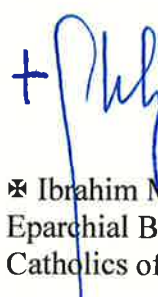
In any case, especially when we have to publish press releases on the issue, we will use a sober and succinct style:

- Sensational announcements should be avoided.
- To strictly refrain from any advance judgment concerning the guilt or innocence of the person reported.
- To comply with the desire to respect confidentiality expressed by the alleged victims.

## **5. Recourse**

Depending on the type of procedure followed, both the person accused and the victim have several options for recourse or appeal.

Signed in Montreal on June 3rd, 2021

  
✠ Ibrahim M. Ibrahim  
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