

Mgr Milad EL JAWICH
Évêque Éparchial

Éparchie Saint-Sauveur de Montréal
pour les Grecs Melkites catholiques au Canada

Courriel: bishopmilad@melkite.ca



Most Rev. Milad EL JAWICH
Eparchial Bishop

Eparchy Saint-Sauveur of Montreal
for the Melkite Greek Catholics in Canada

Email: bishopmilad@melkite.ca

EPARCHIAL GUIDELINES

For dealing with allegations of abuse against minors and vulnerable adults

INTRODUCTION

Eparchial authorities need guidelines to respond in a canonical and pastoral manner to presumed or confirmed cases of sexual, emotional, financial, or physical abuse committed against minors or vulnerable adults by members of the clergy (bishops, priests, or deacons), religious men or women, or lay persons who have received an official mandate from the bishop, a major superior or any legally equivalent authority.

These *Eparchial Guidelines* are intended to support and guide the eparchial authorities in their search for the truth, from the moment a wrongdoing is reported to the final conclusion of the case.

The main parties responsible for implementing these *Eparchial Guidelines* are the bishop, the bishop's delegate and his deputy, the advisory committee, and the person in charge of media relations.

These *Eparchial Guidelines* must be updated whenever legislative, universal, or eparchial changes are made, or when practices evolve, necessitating adjustments or clarifications. In any case, a revision will be performed every four years.

These *Eparchial Guidelines* are an integral part of the *Diocesan Policy on Responsible Pastoral Ministry* adopted by our Eparchy. For further information, please refer to the policy document, available on the Eparchy's website (www.melkite.ca), for details on :

- Definitions
- Fundamental values to be respected
- Code of ethics and conduct
- Guidelines for managers
- Screening process

MANAGING ALLEGATIONS OF ABUSE

1. ROLES AND RESPONSIBILITIES

1.1 The Bishop

- a. By virtue of his office as pastor, the bishop has a special obligation to ensure that all pastoral spaces in his eparchy are safe. He must carefully monitor all parishes, offices, institutions, and services under his responsibility to ensure that personnel are fully aware of, and adhere to, established standards.
- b. The bishop also has an obligation to justify his actions and account for his commitments to his community. In an effort to improve accountability, the Melkite Bishop, like most bishops in Canada, could use independent investigation.
- c. “Do not fear transparency. The Church does not need darkness to carry out her work”. Following these words of Pope Francis, the bishop is committed to communicating, with sincerity and honesty, the decisions and actions of those who are accountable in a prompt, open, effective and truthful manner, while respecting the legal norms that protect the privacy and reputation of the victim and the offender, whether presumed or not.
- d. The bishop, to preserve his freedom of judgment and to retain all the latitude he needs to respond to allegations of abuse, simultaneously appoints a bishop’s delegate and a deputy bishop’s delegate, as well as an advisory committee.

1.2 The bishop’s delegate and his assistant

- a. The bishop’s delegate is the person designated by the bishop to coordinate the eparchial response to possible allegations of abuse. He may be a priest, a deacon, or any other trustworthy person (man or woman) qualified to carry out these functions.
- b. He should have a good knowledge of issues relating to the prevention of abuse or abuse as such and enjoy a good reputation.
- c. His tasks include the following :
 - Listen attentively to victims and their families, treat them with respect, and be determined to help them spiritually and psychologically.
 - Respect legal reporting obligations, cooperate with law enforcement authorities in their investigation of allegations, and avoid any interference that may occur as a result of the canonical investigation.
 - If the situation does not require mandatory reporting by the ecclesiastical authority to the civil authorities, the delegate should nevertheless inform the victims of their right to make their own denunciation to the competent civil authorities and encourage them to do so. In Canada, all provinces and territories have laws requiring mandatory reporting of suspected or actual sexual or physical abuse of minors whether suspected or certain.
- d. The bishop’s delegate assistant exercises the role of the bishop’s delegate in the event of the latter’s inability to act for reasons of absence or otherwise; and, to this end, is endowed with the same powers and duties as the bishop’s delegate.

1.3 The Advisory Committee

- a. The Advisory Committee, made up of at least three people appointed by the bishop, should ideally include experts in the following fields: civil or canon law, medicine or psychiatry, and the various sciences of human behavior. This committee operates under the authority of the bishop's delegate.
- b. This committee ensures, among other things, that the necessary information is made public and accessible in all places where pastoral activities take place, as well as on the Eparchy's website, so that any victim of abuse can easily contact the delegate.
- c. The Advisory Committee should also be responsible for advising on the preparation, updating, interpretation, and proper application of the Abuse Protocol.

1.4 The media relations manager

- a. Christian communities in which a member of the clergy, an employee, or a volunteer has been accused of sexual, emotional, financial, or physical abuse in the course of his or her duties, and indeed society as a whole, are entitled to information and support from the very beginning of the process.
- b. The bishop appoints a media relations officer for all matters concerning allegations of abuse.
- c. Under the direction of the bishop and his delegate, this person will communicate with the media, as needed, to disseminate necessary and useful information.

2. REPORTING

2.1 Filing and receiving reports

- a. The term "reporting" refers to the transmission to the bishop's delegate of any information relating to suspected abuse, in any form whatsoever.
- b. Any report addressed directly to the bishop or to any other eparchial authority will be forwarded to the bishop's delegate as soon as possible.
- c. Reporting procedures must be clear, accessible and duly published. Contact details of the bishop's delegate (telephone number, e-mail address, etc.) should be prominently displayed on the eparchy's website.
- d. The presumed offence could be reported either by a letter addressed to the bishop's delegate, or by a visit or telephone call to the eparchial offices.
- e. The anonymity of the author of a report should not be taken as an indication that the allegations are false, but for obvious reasons, caution should be exercised when examining this type of alert.
- f. The person making the complaint, or failing that, the bishop's delegate who receives the complaint, must draw up a written report, within 48 hours of the report being made, detailing the facts reported. This report, which will be included in any preliminary

investigation, will contain precise details such as the time and place of the incident, the names of the persons involved or informed, and any other circumstances enabling a precise assessment of the facts.

- g.** Whenever allegations involve a minor, the bishop's delegate must inform the police or other designated civil authorities and cooperate fully with them during the investigation of criminal offenses.
- h.** The obligation to report any kind of abuse is incumbent on any cleric or lay employee with knowledge, direct or indirect, of abuse within the church, whether committed by a cleric, lay employee or volunteer. In the case of a minor victim, any person with knowledge of abuse must inform the Direction de la Protection de la Jeunesse in Quebec, or similar authorities in other Canadian provinces, regardless of the source of the information.
- i.** From the outset, it is essential to listen carefully to the person making the complaint, to treat him or her with respect and, if necessary, to commit to providing spiritual and psychological support (if he or she is the presumed victim).
- j.** Reporting abuse must not, under any circumstances, result in prejudice, retaliation or discrimination against the person making the complaint. Nor should it interfere with any canonical, administrative or criminal investigation. Similarly, any attempt to silence the content of the report is forbidden.
- k.** If the bishop knows of ongoing sexual or physical abuse of a minor, but remains silent, he may be held criminally responsible and prosecuted for protecting the offender. If the bishop comes to know this information during a sacramental confession, either of the victim or of the abuser, the secrecy of the confession remains inviolable.

2.2 Evaluating reports

- a.** Once the report has been received, the bishop's delegate must, within 48 hours of the complaint, inform the Bishop and the Advisory Committee.
- b.** The Advisory Committee is given one week to examine the report and submit its recommendations to the bishop who, after evaluating the complaint, will decide whether or not to open an investigation.
- c.** If the case requires an investigation, this may be carried out by the bishop's delegate himself or, if the case so requires, by the police or an outside professional agent.
- d.** The bishop's delegate will inform, in an appropriate manner, the person who has filed the complaint, as well as the person against whom the complaint has been filed, of the various stages of the procedure, taking care not to reveal information of professional confidentiality, the dissemination of which could be prejudicial to third parties.
- e.** Reported allegations will only be considered implausible if it is manifestly impossible to proceed according to the norms of canon law (for example, if the person complained against was not a cleric at the time of the offence or was not present on the premises where the offence took place). In such case, both the person who filed the complaint and the person against whom it was filed will be informed of the decision taken, while the former will be informed of his or her right to appeal to the police or other civil authorities.

- f. If the allegations are deemed credible and involves a person who was a minor at the time the assault took place, the bishop must order a preliminary investigation unless this seems totally superfluous.
- g. If the allegations, deemed likely, present reprehensible and imprudent but not criminal behavior, and do not involve a minor, the bishop will take administrative measures to protect the common good of the faithful, such as ministerial limitations, and impose the penal sanctions provided for in canon 1427 of the CCEO (*Code of Canons of the Eastern Churches*).
- h. In the event of an allegation of a serious offence, in accordance with canon 1453 of the CCEO “against the sixth commandment of the Decalogue”, the bishop will apply the procedure laid down in canons 1468-1485 of the CCEO. For less serious offences, he will follow the legal channels appropriate to the circumstances.
- i. If pastorally possible and appropriate, it would also be important to keep the faithful informed of developments during the preliminary investigation, while respecting the requirements of due process and confidentiality.

2.3 Canonical measures to be taken in parallel with the preliminary investigation

- a. Once the preliminary investigation has begun, the bishop systematically evaluates the canonical measures to be applied with regard to a presumed aggressor. These measures must be adapted to the presumed aggressor’s canonical status. They may include restrictions on residence, administrative leave, i.e. temporary suspension of the faculties to exercise the ministry, or prohibition of any public exercise of the ministry.
- b. Whatever the restrictions imposed in the course of disciplinary or penal proceedings, the offender, if a cleric, must be granted a dignified and equitable means of subsistence. If the cleric has been dispensed from the obligations of his ministry, “the bishop will see to it that provision is made, in the best possible way, for the real needs in which the deposed person finds himself by reason of his sentence”. (CCEO, 1410).
- c. During secular proceedings, a member of the clergy may request dispensation from the obligations of the clerical state. However, it is recommended that no permanent canonical measures be imposed until all secular criminal proceedings have been completed.
- d. During both canonical and secular proceedings, the bishop will adopt, even temporarily, measures necessary to guarantee the safety and physical integrity of the presumed victim, to keep the person against whom the complaint has been lodged away from the presumed victim or other minors, to prevent the repetition of the presumed crimes, and finally to protect the person who has lodged the complaint and his or her family from intimidation or reprisals.
- e. After the preliminary investigation, the bishop is obliged to inform the Holy See, in particular the Congregation for the Doctrine of the Faith, when an allegation of sexual abuse involves a member of the clergy, even if the incident is not reported to the civil authorities and must await its directives on how to proceed canonically.

2.4 Amicable settlement

- a.** If applicable, it is possible to resort to mediation, which is a less confrontational out-of-court procedure. This approach enables both parties to reach an amicable settlement without going to trial, offering a more practical solution during the dispute.
- b.** Agreements reached in mediation are the fruit of negotiations and compromises in which the parties act in good faith, with the help of a competent legal mediator. This underlines the need for expert legal counsel in both canon and secular law. The aim is to achieve a result that satisfies the need for accountability and transparency, while appeasing all parties.

3. THE RIGHTS OF THE PERSONS INVOLVED

3.1 The presumed victim's rights

- a.** The presumed victim must be informed of his or her rights and, if so requested, of the outcome of the various stages of the procedure.
- b.** The presumed victim must be informed of the adoption and termination, for whatever reason, of any provisional or definitive measure restricting the personal liberty of the presumed offender.
- c.** The presumed victim may provide evidence directly or through a third party and ask to be heard.
- d.** The presumed victim has the right to the protection of reputation and privacy, and to the confidentiality of personal data.
- e.** The presumed victim has the right to adopt appropriate measures to prevent any direct contact with the presumed offender, without prejudice to the imperative requirements of procedure.
- f.** The presumed victim must be informed that the Church cannot guarantee the confidentiality of depositions and documentation gathered in the canonical forum in the event of judicial sequestration or requisition of investigative acts by the Public Prosecutor's Office.
- g.** If necessary, compassionate assistance will be offered to the presumed victim, such as counseling, spiritual guidance or any social or community service. Such assistance in no way constitutes an admission of responsibility or personal guilt, and will be discontinued if, in the course of the process, the complaint is found to be unfounded.

3.2 Rights of the presumed offender

- a. The presumed offender is presumed innocent.
- b. The presumed offender must be informed of the preliminary investigation and of his or her right to the assistance of a lawyer (both in canon law and in secular law) and of the possibility of seeking the advice of a spiritual director and a psychologist during the preliminary investigation.
- c. The presumption of innocence of the accused and the right to a fair and impartial hearing, which are the foundations of Canada's criminal justice system, sometimes require that public access to certain information be limited.
- d. One possibility is to ban the offender from public ministry and public office in the Church altogether, or at least from any contact with minors. In this case, treatment and support for the offender would be offered in a restrictive and controlled environment, ensuring that young people and others are out of harm's way.
- e. If the seriousness of the offences justifies it, the alternative is to impose harsher ecclesiastical penalties and expel the offender from the clerical or religious state.
- f. If the presumed offender is falsely accused of sexual abuse, the bishop will take appropriate measures to restore his or her good name as far as possible, taking into account the advice of the Holy See. The way this is done will depend largely on the publicity surrounding the allegations and accusations and the trial before the public prosecutor.



4. HEALING PROCESS

As an example, here are some thoughts on the healing process that should follow sexual abuse within the Church.

- a. Motivated by a concern for transparency and respect for people, the Advisory Committee will propose to the bishop's delegate ways of accompanying for the communities affected by the report of a crime, such as communiqués, meetings with the faithful, and listening and counseling sessions for the members most directly affected.
- b. Healing from sexual assault wounds does not happen in isolation; it requires community effort and, in particular, the specialized intervention of professionals who can address the victim's needs on several levels: the mind (memory and emotions), the soul (the capacity for transcendence), the heart (the ability to respond emotionally to others and the world), and the body (physical wounds and the person's relationship with his or her own body and sexuality).
- c. Psychological healing: counseling enables victims to discern their personal wounds and makes the treatment of related mental disorders such as post-traumatic stress, extreme anxiety, depression, and addictions more effective.
- d. Spiritual healing: Since faith can bring healing to victims, it is essential to offer them all the spiritual and pastoral resources (the warm welcome of a community of believers, prayers, sacraments, etc.) they may need to restore their spiritual life.

- e. Forgiveness: achieving and receiving forgiveness is a long process. Although forgiveness is an essential part of the path to reconciliation and a useful means of achieving a deeper sense of peace, it can only be achieved when victims are ready to commit themselves to this path.
- f. Community support: the support of a caring community is essential for victims. Community members have various ways of coming together to support victims and combat the effects of sexual abuse on their lives.

Signed in Montreal on December 20, 2024

✠ Milad El Jawich
Eparchial Bishop of the Melkite Greek
Catholics in Canada