



Institutional protocol for the care and protection of children, adolescents, and vulnerable adults



www.clar.org

Latin American Confederation of Religious



FOREWORD

At different times and in different settings, Pope Francis has spoken, and has acknowledged and denounced the abuse scandals committed by members of the Church. He constantly and vehemently appeals to all ecclesial instances to undertake concrete actions to avoid this type of aggression. Precisely on Thursday, November 4, 2021, he once again recalled the importance of promoting the Protection of Minors, “rediscovering our vocation as artisans of education” during the Conference “Promoting child safeguarding in the time of Covid-19 and beyond”, who took place in Rome: “May the protection of minors increasingly become an ordinary priority in the Church’s educational activity; may it be the promotion of an open, reliable and authoritative service, firmly opposed to every form of domination, violation of intimacy, and complicit silence”.

CLAR, in accordance with its statutes and its Inspirational Horizon 2018-2021, as other church institutions have done, is concerned and has made a choice to lift up the excluded people of our time; we want to walk with them, and to make the wounds of the most vulnerable people and all the victims of modern slavery our own: marginalized and excluded women, the lives of young people at this moment in history, the elderly, African and indigenous cultures, with special attention to the Amazonian reality; migrants, displaced and refugees people; victims of trafficking and abuse; gender-diverse people”. Therefore, CLAR presents this Institutional protocol for the care and protection of children, adolescents, and vulnerable adults, in its commitment to “promote the ethic of encounter and care” (CLAR, Inspirational Horizon 2018-2021, pages 9 and 16).

This document consists of seven sections: institutional declaration, scope of the protocol, rules to be taken into account, code of practice, mechanism for the hiring/onboarding of staff (employed and/or volunteer), procedures for receiving and handling complaints, periodic evaluation, an annex with an example of a personal commitment sheet and the list of the members of the care and protection commission of CLAR. The rules that all people directly involved with CLAR must follow to safeguard the integrity of the vulnerable population are then established. A Code of Practice is determined; it includes general approaches, prohibited behaviours, instructions to follow in events taking place outside of CLAR facilities, the supervision and use of technological equipment. Likewise, the mechanism for hiring or incorporating salaried and volunteer staff is detailed, and the appropriate procedure for receiving and handling complaints



is specified. Finally, the indications that will be carried out to periodically evaluate the implementation of this protocol are listed.

We would like to thank CLAR's Commission for the Care and Protection of Children, Adolescents and Vulnerable Adults, for their contribution of knowledge, experiences, and documents to the preparation of this protocol. As CLAR, we hope that this document serves as a tool enabling all its members to perform their service to consecrated life in a more evangelical way, guaranteeing a state of complete physical, mental, and social well-being of the people entrusted to their care. We also hope this document will become a reference for all the religious communities of the continent, so that they continue to address the issue of care and protection of children, adolescents, young people, and vulnerable adults, and so that we can contribute to the construction of a culture of care.

We implore the illumination of the Holy Spirit and the care and protection of Mary of Cana, so that we are able to listen to Jesus at this hour, and, with Him and like Him, we can walk towards a new way of being Church, a Church that allows itself to be transformed to serve as a disciple, prophet and missionary, also from the implementation of this protocol and the guidelines that will emanate in the future from the Magisterium of the Church and from the motions of Consecrated Life

Bogota, November 5, 2021

Board of Directors and Secretariat CLAR

Committee on Care and Protection of children, adolescents, and vulnerable adults



A. INSTITUTIONAL STATEMENT

The members of consecrated life and the brothers and sisters who have chosen a more radical commitment to follow Jesus Christ, are called to be a prophetic memory in the Church. We stand in favour of Life and Dignity of all people, particularly the most vulnerable.

As Directive of CLAR, we make a solid and resolute commitment to promote a Culture of Good Treatment and Care for boys, girls, adolescents, young people, and vulnerable adults (hereafter, BGAYPPVA¹); we offer this document as an instrument enabling to concretize this commitment to life and protection of BGAYPVA.

We acknowledge the fundamental value of the dignity of each person and their rights as beings created in the image and likeness of God (Gen 1:27). We are committed to creating safe and protective spaces for BGAYPVA in all places and activities organized by CLAR, and to do everything in our power to prevent any action that can imply any type of abuse against them.

We hope that all the people who are in direct relationship with CLAR –the members of the Board of Directors, the administrative or support staff, the people who are part of the Commissions and any person who performs any activity on behalf of CLAR– are driven by the following fundamental values: promotion of the dignity of every person with our words and deeds, the sense of fraternity and union in the construction of the Civilization of Love that reflects the Kingdom of God, where justice, mutual love, peace, truth, freedom and solidarity prevail over other values.

The dignity of each person is a fundamental value in the proclamation of the Gospel, that's why in CLAR there is no place for exclusion, discrimination, violence, or intolerance against anyone. We are all part of God's creation: caring one another and caring for our mutual home engages us to make the Earth, and in particular our Church and its institutions, a safe place for all. We invite all the institutes of Consecrated Life and all Societies of Apostolic Life developing their apostolate in Latin America and the Caribbean, to respond to the invitation of Pope Francis and adopt a Protocol of Care

¹ Child: person under 11 years old; adolescent: person aged between 11 and 18; young people: people over 18 years old and under 25. Vulnerable adults: people who, due to their age or to a physical or health condition, or because they are in a stage of formation in religious or priestly life, depend on an adult who must provide them with care and pastoral attention.



and Protection of BGAYPVA. We hope that this instrument is encouraging and helps to do the same in each national conferences and religious families.

B. FIELD COVERED BY THIS PROTOCOL

This protocol applies to all people directly participating in CLAR: Board of Directors, employees, volunteers, members of the Commissions and people who direct any activity on behalf of CLAR.

This does not imply in any case that any other protocol or commitment that religious have in their own Congregations or National Conferences be annulled or interfered with. In the event of a dilemma, the commitments that the religious have acquired with their Congregation will prevail, without prejudice to the responsibility that may exist against the legal response (civil and canonical), because of a behaviour contrary to this protocol.

This protocol does not apply to all members of the Congregations which are part of CLAR, because CLAR is not a supra-congregation: it only applies to people participating directly in the ordinary functioning of CLAR.

We feel in communion with the efforts of the Latin American Episcopal Council (CELAM) in the prevention of all types of abuse against BGAYPVA in the Catholic Church.

C. RULES TO BE TAKEN INTO ACCOUNT

1. As responsible for the animation of Religious Life in Latin America and the Caribbean, the CLAR Board of Directors must establish a protocol that guarantees the care and protection of BGAYPVA and that applies to the people directly involved in CLAR, its commissions and its activities.
2. CLAR's Board of Directors must appoint at least three people who will make up the Care and Protection Team (hereinafter CPT) and who will manage communications related to non-compliance with the Protocol.
3. CLAR has a code of practice known by the people working in its offices, by people belonging to the Board of Directors or to the Commissions, by people developing



activities on behalf of CLAR, and by Major Superiors (men and women) and Delegates of Commissions and Congregations forming part of CLAR.

4. CLAR has a recruitment system (employees and volunteers), which guarantees that all the people directly involved in CLAR, its Commissions and its activities, do not have a record related to abuse of persons under 18 years of age, and assume an explicit commitment to the care and protection of BGAYPVA.
5. CLAR has clearly established the procedures to receive complaints about inappropriate behaviour of any person working for CLAR, belonging to the Board of Directors, or collaborating in any of its Commissions. These procedures specifically determine the people who must handle this type of information, the way in which they must proceed and notify the corresponding authorities, taking into account the laws of the countries that make up CLAR and the Code of Canon Law, if applicable.
6. CLAR promotes training and awareness activities on the care and protection of BGAYPVA every year; people working in their offices, members of the Board of Directors and Commissions and the people who participate in them must renew their commitment to the care and protection of BGAYPVA.
7. CLAR must periodically evaluate the application of this protocol with the help of people who do not belong to the Confederation: preferably, a team made up of religious men and women, or laymen specialists in childhood and youth issues (educators, psychologists, human rights experts).
8. CLAR must communicate this protocol to all the Congregations and National Conferences constituting the Confederation and must invite them to assume their own Institutional Protocol. CLAR must annually publish the list of members who have a protocol for the Care and Protection of BGAYPVA (or similar) and invite again the Congregations and Conferences that do not yet have one.



D. CODE OF PRACTICE

General criteria

CLAR staff as well as all the people working in its facilities and in the activities promoted by CLAR, must:

1. Treat BGAYPVA with respect.
2. Set an example of good behaviour to other people.
3. Behave in accordance with ecclesial principles and established guidelines and procedures.
4. Report any abusive behaviour or any behaviour indicative of abuse or that they consider may occur.
5. Develop a culture where BGAYPVA can talk openly about their personal contacts with the staff.
6. Respect each child's boundaries and help them develop a sense and awareness of their rights and how to proceed if they perceive a problem.
7. Show interest in knowing and adhering to this Policy of Care and Protection of BGAYPVA.
8. In general, it is inappropriate to:
 - a. Spend excessive time alone with BGAYPVA away from other people and/or not visible to others.
 - b. Take the BGAYPVA home, especially when they are alone and there are no other people.
 - c. Use private spaces for meetings with BGAYPVA without having an independent observation point (open glass doors or accessible windows, for example).
9. CLAR staff must never:
 - a. Hit, use force, or physically abuse BGAYPVA.
 - b. Consent to inappropriate conduct, even if it is the minor who requests it.
 - c. Have sex with BGAYPVA.
 - d. Have relationships with BGAYPVA that could be considered abusive or exploitative.
 - e. Act abusively or putting a BGAYPVA at risk of being abused.
10. CLAR staff must avoid actions or behaviours that could be a sign of inappropriate or potentially abusive practice. For example, they must never:
 - a. Use inappropriate or offensive language or make inappropriate or offensive suggestions or advice.
 - b. Behave physically inappropriately or sexually provocative.



- c. Sleep in the same room or bed with a minor with whom they are working.
 - d. Do things with BGAYPVA of a personal nature that they can do by themselves.
 - e. Allow BGAYPVA to do or participate in illegal, unsafe, or abusive activities.
 - f. Intentionally act to insult, humiliate, belittle, or demean.
 - g. Discriminate, or show a different treatment, or favour some BGAYPVA over others.
11. Risks must be prevented, and safe activities must be carried out with BGAYPVA. For it:
- a. All possible risks when working with NNAJYAV must be evaluated, especially activities that involve spending time outside their homes.
 - b. BGAYPVA must be adequately supervised and always protected during the development of projects or activities.
 - c. There should be guidelines for appropriate use of information technology (such as mobile phones, emails, digital cameras, and access to websites) to ensure that BGAYPVA are not in a dangerous situation and/or exposed to abuse and exploitation.
12. It is important to identify the specific activities (groups, trips, overnight stays, pilgrimages and retreats, etc.). A detailed examination must be made of the type of activity or event; security situations must be considered, as well as the people participating in them (see numbers 24 to 29).

Prohibited behaviours

- 13. Using, possessing or being under the influence of illegal drugs in the presence of BGAYPVA.
- 14. Using, having, or being under the influence of alcohol while supervising BGAYPVA.
- 15. Offering or allowing the BGAYPVA the consumption of alcohol or illegal drugs.
- 16. Speaking to BGAYPVA in a way that a third party may perceive as insulting, threatening, intimidating, humiliating or inappropriate.
- 17. Discussing sex with BGAYPVA, unless it is a specific job requirement and the person has been trained to address such issues.
- 18. Engaging in sexually oriented conversations with BGAYPVA, unless the conversations are part of an appropriate adolescent lesson or talk on human sexuality. On such occasions, the lessons should include the teachings of the Roman Catholic Church on this subject. If BGAYPVA have additional questions, they should be referred to their parents or guardians for further clarifications or advise.
- 19. Being naked in the presence of BGAYPVA.



20. Having, showing, or exchanging printed or digital material of a sexual nature or that is morally inappropriate (magazines, letters, videos, films, photographs, clothing, etc.).
21. Sleeping in the same beds, sleeping bags, or small tents with BGAYPVA.
22. Maintaining sexual contacts with BGAYPVA. For the purposes of this code of practice, sexual contact is defined as vaginal, anal, or oral penetration or any touching of another person's erogenous zones (including, but not limited to, the genitals, pubic areas, and /or breasts) for a sexual or gratifying purpose.

Events that take place outside the CLAR facilities

23. It is forbidden for CLAR staff to transport BGAYPVA without the written authorization of their parents or guardians. In the event that transportation is necessary and/or urgent, CLAR staff must request authorization by phone or by text and another adult must accompany them.
24. When traveling in a vehicle, CLAR staff are prohibited from having any unnecessary and/or inappropriate physical contact with BGAYPVA.
25. The BGAYPVA must be taken directly to their destination. There will be no unplanned stops.
26. The areas for changing clothes, toilets, and showers for CLAR staff must be separated from the areas for toileting and changing clothes for BGAYPVA.

Physical contact

27. CLAR staff is prohibited from using physical disciplinary actions to control the behaviour of BGAYPVA. Physical punishment is absolutely unacceptable; whipping, hitting, pinching, or the use of physical force to correct or punish inappropriate behaviour is prohibited.
28. Life in evangelizing or solidarity action considers that an appropriate affection between CLAR staff and the BGAYPVA is positive. Hugs, handshakes, and any type of cultural expression appropriate to the circumstances are proper expressions of affection.
29. Some expressions of physical affection by adults involve inappropriate touching. To maintain order and an environment as safe as possible for the BGAYPVA, we present several examples that should not be imitated by CLAR staff: giving inappropriate and prolonged hugs; giving kisses on the mouth or inappropriate kissing according to different cultural customs; sitting on the lap BGAYPVA older than four years; carrying BGAYPVA on shoulders; wrestling; touching genital and/or



public areas; touching the breasts; showing affection to BGAYPVA in isolated areas, such as bedrooms, closets, areas reserved for teachers or private places; sitting or lying on the bed next to a minor; touching the knees or legs of a minor; rough-and-tumble play with BGAYPVA; tickling; doing massage (a minor to an adult and vice versa), and any form of unwanted or rejected affection by the minor.

Supervision

30. It is important to calculate how many adults are needed to supervise the BGAYPVA, and how many people are needed to help in a group, event, activity, or trip. Initially, a specified number of adults should be established locally for an approximate number of BGAYPVA. There must be at least two adults at each event; depending on the number of BGAYPVA participating, that number should increase.
31. There are some guidelines that guarantee that individual persons do not have the opportunity to harm the BGAYPVA:
 - a. Carrying out planned activities in open spaces, where no one can take the BGAYPVA aside and where adults are visible to other adults.
 - b. Maintaining a culture of awareness among adults and BGAYPVAs present to ensure that everyone has a clear idea about their roles and responsibilities, and that everyone can prevent and report any inappropriate behaviour that occurs with BGAYPVA.
 - c. Explaining the BGAYPVA how to report their complaints.
 - d. Maintaining good supervision of staff and volunteers.
 - e. Ensuring feedback and evaluation after the events.

Health and safety

32. Numerous health and safety considerations allow risk assessment of events and activities. When planning an activity or event some elements must be reviewed:
 - a. What kind of spaces are recommended to guarantee health and safety?
 - b. Are there adequate areas for changing clothes and/or restrooms?
 - c. Is there first aid material available in case of BGAYPVA accidents?
 - d. Are the trips and/or excursions carefully planned? Is safe and adequate transportation provided?
 - e. Have the necessary measures been taken so that bedtime can be done appropriately in activities that involve spending the night away from home?
 - f. Are insurances up to date?



Consent of the parents or adults responsible for the BGAYPVA

33. CLAR must ensure that it has a signed consent from the parents or responsible adults of the BGAYPVA before they participate in any activity or event organized by CLAR.
34. CLAR must request an emergency consent form (how to contact and who to contact in case of emergency) and request authorization for BGAYPVA to receive treatment if necessary.
35. CLAR must ask parents or guardians for any type of specification regarding the diet, medical condition or any other special necessity of BGAYPVA.

Use of technological equipment

36. CLAR guides and analyses the forms of communication of the BGAYPVA with the staff, the volunteers and among themselves, through the internet, chats, mobile phones and emails.
37. Guidelines should be developed that reduce the risk of BGAYPVA participating in online activities in which they:
 - a. Are blackmailed by paedophiles.
 - b. Suffer cyberbullying.
 - c. Access or are exposed to inappropriate or harmful material.
 - d. Offer personal contact details that are not secure.
 - e. Upload personal images and use them without consent.
38. It is important to offer guidelines (including local adaptations) to staff and volunteers on the use of BGAYPVA images (photographs, videos) in posts or on internet websites. When it happens it is important to clarify and verify that:
 - a. The content of the photographs or videos is appropriate.
 - b. The photographs and images do not mention the full name of the BGAYPVA and their postal address.
 - c. The parents or guardians and the BGAYPVA have left written consent for the use of the image and/or recording.
 - d. Parents or guardians and BGAYPVA know how the images will be used.and. One-on-one photo sessions with BGAYPVA are supervised.



E. MECANISM FOR THE RECRUITEMENT OF STAFF AND VOLUNTEERS

1. Any person who wants to join CLAR as an employee (that is, in exchange for a salary or contribution from CLAR), must receive a copy of this protocol and attend a training workshop on this protocol. In addition:

- 1.1. If the applicant is RELIGIOUS: he/she must present a letter from his/her Major Superior or from the Delegate of the Major Superior of his/her Congregation authorizing her/his participation. This letter specifies that the postulant religious has no history of inappropriate behaviour with BGAYPVA, and that he/she complies with the requirements that the legislation of the corresponding country requires.
- 1.2. If the applicant is LAY: he/she must present two letters of reference from religious indicating that there is no record that the applicant has engaged in any inappropriate behaviour with BGAYPVA. The applicant must also present a criminal record issued by the competent authority certifying that he/she has no criminal record. He/she must abide by the requirements that the legislation of the corresponding country requires.
- 1.3. Both RELIGIOUS and LAY: they must sign a document stating that they are aware of this Protocol, that they commit to the Care and Protection of BGAYPVA, and that they abide by the requirements that the legislation of the corresponding country requires.

2. Any person who wants to join CLAR as a member of any of its Commissions or as a Volunteer for any specific activity, must receive a copy of this protocol and attend a training workshop on this protocol. In addition:

- 2.1. If the applicant is RELIGIOUS: he/she must present a letter from her Major Superior or from the Delegate of the Major Superior of his/her Congregation authorizing her/his participation. This letter specifies that the postulant religious has no history of inappropriate behaviour with BGAYPVA, and that he/she complies with the requirements that the legislation of the corresponding country requires.
- 2.2. If the applicant is LAY: he/she must present two letters of reference from religious in which it is indicated that there is no record that the applicant has engaged in any inappropriate behaviour with BGAYPVA. The applicant must also present a criminal record issued by the competent authority certifying that he/she has no criminal record. He/she must abide by the requirements that the legislation of the corresponding country requires.



- 2.3. Both RELIGIOUS and LAY: they must sign a document stating that they are aware of this Protocol, that they commit to the Care and Protection of BGAYPVA, and that they abide by the requirements that the legislation of the corresponding country requires.

The Major Superior or the Delegate of the Major Superior of the Congregation that are part of CLAR must sign, every year, a document of adherence to this Protocol and commitment to Care and Protection of BGAYPVA.

E. PROCEDURES FOR THE RECEIPT AND HANDLING OF COMPLAINTS

1. Any person from the Board of Directors, employees, volunteers, members of the Commissions and people who direct any activity on behalf of CLAR, must report suspected or known abuses by BGAYPVA to any member of the Care and Protection Team (CPT).
2. The members of the Board of Directors, employees, volunteers, members of the Commissions and the people who direct any activity on behalf of CLAR must also report the known or suspected possession, distribution, download and/or intentional visual exposure of pornography, real or virtual, of BGAYPVA.
3. Reports of suspected or known abuse can be made confidentially (unless identity is required by canon or civil law) or through an anonymous report, through a verifiable and concrete letter of concern sent to a CPT member. Anonymous concerns will be investigated whenever possible, in accordance with the available information.
4. The person from the CPT who receives the communication will request the other two members of the team to meet within a period of no more than 24 hours to monitor the case and make the appropriate decisions. The CPT will inform the civil authorities within a period of less than 48 hours after the report, if necessary.
5. All reports of possible sexual abuse committed by CLAR members, employees or volunteers will be reported to the civil authorities in the jurisdiction where the abuse took place, in accordance with the legislation in force in each country. The Ordinary of the place will also be informed.
6. The information will be handled confidentially by the members of the CPT. If the report involves a religious or priest, the CPT must communicate with the Major Superior of his/her Religious Congregation and/or with the Bishops of the Dioceses, and follow the procedures established by Canon Law and Civil Law².

² In this regard, it is very useful to know the document CONFERRE (2015), *NORMAS Y PROCEDIMIENTOS EN CASO DE ACUSACIONES DE CUALQUIER NATURALEZA EN MATERIA ECLESIASTICA CONTRA*



7. The person who has been reported for behaviour contrary to what is stipulated in this protocol must be provisionally withdrawn from their responsibilities in CLAR, until the situation has been satisfactorily clarified.
8. The members of CPT will oversee coordinating the periodic training (at least once a year) of CLAR staff that may have contact with BGAYPVA, so that they are able to recognize situations of potential danger of abuse.
9. The members of CPT should also ensure that people who have suffered sexual abuse are referred to suitable persons capable of providing psychological, legal, and pastoral care. The CPT can request financial support from the CLAR Board of Directors to cover expenses related to this attention to the victims.

G. PERIODIC ASSESSMENT

1. CLAR Board of Directors will define the frequency of the periodic assessment of the implementation of this Protocol, which must be done at least once every other year.
2. The CPT will propose a group of at least 4 people, not belonging to CLAR and who have known experience in the field of care and protection of BGAYPVA; this group will become the Assessment Group. The Board of Directors must approve the CPT proposal and appoint one of the CPT members as liaison with the Assessment Group.
3. The Evaluation Group will make an assessment proposal (objectives, methodology, final report and recommendations) and send it to the Board of Directors for suggestions. The Evaluation Group is free to accept or reject the suggestions that the Board of Directors makes to this proposal.
4. The Evaluation Group will carry out the assessment within a period not exceeding one month and will present a public report, with recommendations, which will be sent to the Latin American Episcopal Council, the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life. and to other entities deemed appropriate.
5. The CPT will follow up on the recommendations of the Assessment Group, which must be implemented, to the extent possible, by the Board of Directors.

RELIGIOSOS Y RELIGIOSAS. Orientaciones para el servicio de las Superiores y los Superiores de los IVC y SVA de Derecho Pontificio. Chile [Norms and procedures in case of accusations of any type against religious. Guideline for the service to Superiors of the Institutes of Consecrated Life and Societies of Apostolic Life of Pontifical Right. Chile].



H. ANNEXES

MODEL FORM OF PERSONAL COMMITMENT

Hereby, I _____

Lay / Religious, Congregation _____

Assert that:

1. I have taken part on the training on Childhood protection and prevention of abuse in CLAR;
2. I have received the document *Institutional protocol for the care and protection of vulnerable children, adolescents, and adults*, containing the code of practise for members of CLAR.
3. I agree to follow the procedural guidelines in the treatment of children and adolescents, avoiding any behaviour that may cause them any harm; I also promise to denounce any situation that goes against the protection and care of children, adolescents and vulnerable adults.

Made for legal statement, I sign in (place) _____ on the (date) _____

Signature

ID number



CARE AND PROTECTION COMMISSION

Sister Nancy Negrón Ortiz, MBP (Missionary Sisters of the Good Shepherd)

Sister Alejandra Patricia Elbaba, HDSNJ (Dominican Sisters of the Most Holy Name of Jesus)

Brother Jesús María García Las Heras, OFMCap (Friars Capuchin Minors)

Sister María Rosaura González Casas STJ (Company of Saint Teresa of Jesus)

Brother César Antonio Henríquez Leiva, FMS (Marist Brothers of Education)

Fr. Daniel Medina, OAR (Order of Augustinian Recollects)

Sister Marcela Isabel Sáenz Escobar, ACI (Slaves of the Sacred Heart of Jesus)

Brother Leonardo Enrique Tejeiro Duque, FSC (Friars of the Christian Schools)

Sister Nancy Negrón Ortiz, MBP (Missionary Sisters of the Good Shepherd)

Sister Alejandra Patricia Elbaba, HDSNJ (Dominican Sisters of the Most Holy Name of Jesus)

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Brother Leonardo Enrique Tejeiro Duque, FSC (Friars of the Christian Schools)

EMAIL TO REPORT BEHAVIOR CONTRARY
TO THIS DOCUMENT, CONCERNS, SUGGESTIONS...

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