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## 1. Introduction

As a Foundation of pontifical right, ACN (Aid to the Church in Need) supports the Church in particular where it suffers as a result of persecution, oppression or poverty. ACN promotes the projects of the local churches above all in those countries where the Church cannot support itself financially or can only do so with great difficulty. The decisive criterion for the approval of project requests from all parts of the world is their pastoral dimension.

The protection of children and adolescents and likewise the protection of adults in a situation of dependency (hereafter referred to as vulnerable persons) is a priority in the work of ACN and one to which the charity is committed, both in its role as employer and as a partner in international collaboration.

Information on its policies for the safeguarding of vulnerable persons will be supplied on request by ACN to benefactors and other persons interested in the work of the charity.

While globally Aid to the Church in Need functions as a Pontifical Foundation, the international headquarters are subject to German law and are registered in Germany as a gGmbH<sup>1</sup>. This safeguarding policy applies to Aid to the Church in Need gGmbH and the final responsibility for this safeguarding policy lies with the two managing directors, Philipp Ozores and Regina Lynch.

## 2. Objectives

The objective of the present safeguarding document is to prevent all forms of sexual abuse and other forms of abuse of power against minors and vulnerable persons, as defined by the *Center for Child Protection (CCP)* of the Gregorian University, Rome and by the *Linee guida per la protezione dei minori e delle persone vulnerabili* for the Vatican City, dated 29.03.2019<sup>2</sup>, within the sphere of influence of ACN and by means of the appropriate measures to facilitate a climate of respect and mutual harmony, while fully in compliance with German law.

The safeguarding policy sets out achievable, verifiable and binding measures for the prevention of sexual abuse and other forms of abuse of power against minors and vulnerable persons. It

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<sup>1</sup> Non-profit limited liability company

<sup>2</sup> Law No. CCXCVII On the protection of minors and vulnerable persons

establishes the rules for a relationship of mutual respect and thereby enables all members of staff to interact with vulnerable persons with a high degree of discretion and security. The safeguarding policy applies without exception in the international headquarters of ACN to all staff members, both permanent and temporary, and also to trainees, auxiliary staff, contracted workers and volunteers. Each national office of ACN is obliged to develop its own safeguarding policy based on this policy by the end of the first quarter of 2020. Any necessary adaptations required by particular national legislation are to be included as appropriate.

### 3. Requirements for all areas of activity

#### 3.1. For permanent and temporary staff, trainees, contracted staff, volunteers and unpaid honorary staff:

- Every staff member must sign the declaration of commitment to the protection of vulnerable persons. This declaration shall form part of the employment contract.
- In addition to this, those members of staff who, owing to their particular field of work, have a closer and more intensive contact with vulnerable persons must be in possession of a current and extended clearance certificate.
- Should this clearance certificate contain any entries that may affect the working relationship, these must be carefully examined in regard to their legal implications and the appropriate steps taken in regard to the terms of employment. This clearance certificate must be renewed every five years. This matter is further covered in the regulations relating to the extended clearance certificate.
- All staff members are to be kept informed and trained regarding the safeguarding of vulnerable persons and should also be involved in the further development of these guidelines.
- The personnel department is to provide training sessions for the implementation of the guidelines and such further training sessions as may be required in relation to specific areas of activity. Participation in the basic training sessions is obligatory for all members of staff.
- Those members of staff whose particular area of work brings them into closer and more intensive contact with vulnerable persons should undergo further intensive training. It is the responsibility of the management to determine which particular groups should be involved.
- All job advertisements and all new employment contracts must make reference to the safeguarding document.
- All trainees, temporary staff, contracted staff, volunteers and unpaid honorary staff will likewise commit themselves, when signing contracts or verbally agreeing to collaborate with ACN, to observing the rules of conduct which will contain an appropriate section for the safeguarding of vulnerable persons.
- Where there are reasonable grounds for suspicion that the above commitment has been infringed by any member of staff, it must be immediately communicated to the management and to ACN contact person, who liaises with the safeguarding officer of the Diocese of Limburg, so that the management may undertake the necessary steps to address the situation. These include informing the civil authorities.
- In the event that a legally proven offence has been committed with regard to the endangerment, mistreatment or sexual abuse of vulnerable persons, the perpetrator can no longer be considered for employment or continue in employment with ACN.

### 3.2. Media and publicity work

An indispensable part of the media and publicity work of ACN is the reporting on the projects, campaigns and other events supported or sponsored by the charity. Such work may from time to time focus in particular on vulnerable individuals. In order to guarantee their dignity at all times and adequately protect their integrity, ACN commits all its staff engaged in such work, in addition to observing the above-mentioned rules of conduct, to further adhere to the following ethical criteria:

- Children and their families are to be portrayed as individual personalities with their own strengths and potentialities in the context of their social, cultural and economic environment.
- Individuals may not be portrayed in photos or films in a sexually suggestive manner, and photographs and videos may not show any explicit sexual features.
- At no time may children and their family environment be placed at risk or exposed to discrimination as a result of ACN's reporting work.
- Photographers, journalists and film crews working on behalf of ACN will be given a document informing them of the protection standards for vulnerable individuals, to which they will be obliged to adhere. Journalist will likewise be reminded again in a detailed personal briefing about the need to maintain these standards.
- ACN staff will observe the appropriate moderation of forums and blogs and commentaries on social networks as well as the use of appropriate filters and security features and be careful in their handling of sensitive data in accordance with the relevant national data protection guidelines.
- ACN will update information regarding ongoing measures and projects for the protection of vulnerable persons and groups of persons.

### 3.3. Project partners

As a rule ACN is not itself the legal party responsible for the projects it supports and therefore has no direct responsibility towards the personnel involved in the implementation of such projects. However, the contractual nature of its support and the moral responsibility for the welfare of vulnerable persons affected by these projects obliges ACN to exercise a special degree of care and sensitivity in their regard. Should staff members become aware of suspicions in connection with a given project, then the procedural steps given in Section 4 shall apply.

In addition to this, the following basic principles shall apply:

- Staff are obliged to raise the issue of safeguarding vulnerable individuals with their project partners.
- In the application procedure and the subsequent project evaluations the project partners will be asked about the safeguarding standards for vulnerable individuals.
- In ACN's aid criteria the safeguarding of vulnerable individuals will be included as a fundamental and specific aspect of its project support.
- The project agreements will contain a section outlining the obligation to safeguard vulnerable individuals.

### 3.4. Project and fact-finding trips and visits to project partners

- Individuals visiting ACN's project partners and/or projects on behalf of ACN will be provided with a document informing them of the charity's guidelines for the safeguarding of vulnerable persons and outlining the particular aspects of such trips abroad. The document will give guidance as to the appropriate way to behave in regard to vulnerable persons in connection with the projects promoted by ACN.
- Individuals travelling in the name of ACN must additionally sign a declaration of personal commitment to these guidelines.
- Staff members leading or accompanying such journeys will be given special training.

### 3.5. Working with collaborating partners

- Prospective partners in any collaboration must be informed of the safeguarding measures.
- Such partners must also commit to observing essentially equivalent general measures.

## 4. Procedure in the event of suspected endangerment of vulnerable individuals

### 4.1. General principles

- The safeguarding of vulnerable individuals must take first priority in regard to all necessary investigative measures, over and above the actual investigation of the allegations themselves.
- Any suspicion of abuse of vulnerable individuals must be taken seriously, followed up and documented.
- In doing so a careful distinction must be made between a suspicion and a proven case of abuse, in order to avoid any pre-judgement of the person or persons accused.
- The person making the accusation is likewise entitled to every possible protection.
- All staff members are under an obligation to immediately inform the persons named below in 4.2. and 4.3, in the event of any well-founded suspicion of endangerment of the welfare of any vulnerable individual within the sphere of ACN's operations – whether it be by other members of staff, project partners or other persons. In this particular instance, staff members are freed of their normal contractual obligation of confidentiality.
- All staff members who have had direct contact either with perpetrators or their victims, or who have otherwise been obliged in the course of their official duties to deal closely with the issue of sexualized violence or abuse, have the right to be accompanied by a mentor. On a preventative basis, appropriate discussions with mentors will likewise be offered by ACN.

#### 4.2. Suspected cases within the international headquarters

In the event of any suspicions in regard to their colleagues – whether permanent or temporary staff, trainees, contracted staff, volunteers or other unpaid honorary helpers - staff members must inform the managing directors of ACN and the ACN contact person, who liaises with the safeguarding officer of the Diocese of Limburg.

Should their suspicions relate to one of the managing directors, then staff should instead inform the Executive President of ACN and the ACN contact person, who liaises with the safeguarding officer of the Diocese of Limburg.

The following procedure is to be adopted:

- Any suspected cases of abuse should be reported to the ACN contact person, who informs the managing directors of the allegations. They in turn inform the Executive President. The case should be documented from the very beginning.
- When there are reasonable grounds for suspicion, the person accused must be immediately placed on administrative leave until the definitive conclusion of the investigation. Steps must be taken to ensure that the accused person does not return to the offices of ACN until the conclusion of the investigation. This is both for the protection of the possible victim as well as for the presumption of innocence of the alleged abuser until proven guilty. All company-owned computer equipment and mobile telephones are to be handed over to the employer.
- The ACN contact person, who liaises with the safeguarding officer of the Diocese of Limburg, should endeavour as far as possible to speak with the alleged victim. At the same time, wherever possible, the parent(s), guardian(s) or legal representative of the person concerned should also be involved. Depending on the particular situation and the perceived need, other experts (doctors, psychologists, lawyers) may also be involved in these conversations. Detailed notes, or minutes, must be taken of this meeting and signed – if willing – by all parties involved.
- Should the parties to the discussion be unable to agree on the content of these conversations, then each individual participant has the right to offer an alternative report, which must be recorded and minuted.
- Minutes of the meeting are to be sent to all parties involved in the discussion, at the same time notifying them of their right to present an alternative version. This alternative version must be submitted within an appropriate time frame, which is to be specified.
- Should no such alternative version be received within the agreed period, then this fact must be recorded and documented.
- If it is not possible in these discussions to clear up the allegations against the person accused, then the parties involved must consult with the President of the Foundation as to how to proceed further.
- Should the suspicions appear to be founded, then the managing directors must ensure that legal/criminal proceedings are initiated. This can be done either by urging the accused person to make a voluntary statement to the authorities or else – should the person concerned be unwilling to do this – by reporting them to the relevant legal authorities.
- If the accused person is found not guilty by the civil authority and exonerated by canon law, then their term of suspension/administrative leave must be lifted

immediately.

- If on the other hand the accused person is found guilty of an offence (as detailed in the declaration contained in the employment contract) they are to be dismissed with immediate effect.

#### 4.3. Suspected offences by a project partner

The matter is to be referred to the head of the Projects Department. The procedure to be followed:

- The Director of the Projects Department must document the matter and submit this documentation to the Executive President and the Secretary General, together with a recommendation for any further action to be taken.
- In cases where there is an urgent need for action, it is sufficient for either the Executive President or the Secretary General to agree on the action to be taken. Should neither of these be available, then the Director of the Projects Department should take any necessary emergency measures.
- The Director of the Projects Department is to implement the measures approved by the Executive President and Secretary General, informing the relevant persons involved, delegating any necessary measures, fully documenting the matter and supporting any further investigation into it.
- The head of the relevant project section for the country concerned must straight away inform the direct superior of the project holder of the concerns that have been raised – unless the information came from the direct superior - and ask this person for any available information in regard to the matter and, where relevant, about any steps already taken to deal with it.
- The direct superior will be asked to confirm that they are acting in compliance with the norms of the Motu Proprio „*Vos Estis Lux Mundi*“ of 7 May 2019.<sup>3</sup>
- The protection of the alleged victim is of the greatest importance, as is adherence to the provisions of Canon Law and respect for the basic principles of the rule of law, namely the presumption of innocence until proven guilty.
- ACN must urge the direct superior of the suspected abuser to report the suspected abuse to the relevant criminal authority in keeping with the legal provisions of the country concerned. In case of doubt ACN shall inform/consult with the Congregation for the Doctrine of Faith.
- The direct superior of the suspected abuser will be expected to keep ACN as the official funding partner informed, regarding the eventual outcome of the measures undertaken, and will likewise actively pursue such measures.
- In the event that the direct superior fails to deal adequately with the matter, ACN reserves the right to take further steps in regard to any future collaboration. This should be decided on a case-by-case basis together with the Director of the Project Department and the Executive President and Secretary General. These steps may include any of the following measures:
  - Repayment of subsidies already paid;
  - Withholding payment of subsidies already approved;

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<sup>3</sup> [http://w2.vatican.va/content/francesco/en/motu\\_proprio/documents/papa-francesco-motu-proprio-20190507\\_vos-estis-lux-mundi.html](http://w2.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio-20190507_vos-estis-lux-mundi.html)

- Termination of the project agreement;
- Termination of any further collaboration on project work;
- Refusal of further follow-up requests

Königstein, 30.08.2019



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Managing Director



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Managing Director