



Protocol for the management of an allegation of sexual abuse of a minor in an ecclesiastical context

Abridged version

March 31, 2021

The Most Reverend Paul-André Durocher, Archbishop of Gatineau, aware of the need to respond respectfully, fairly and promptly to any allegation of sexual abuse of a minor committed in an ecclesiastical context, has updated the Archdiocese of Gatineau's protocol for handling such situations. This update fully complies with criminal law, the Quebec Civil Code, Church law and the recommendations of the Vatican and the Canadian Conference of Catholic Bishops. The protocol presents a transparent and objective approach, which ensures respect for the rights of those involved (both victim and accused), notably the right to privacy and the right to reputation.

The full version of the protocol, which is quite detailed and technical, is available on the archdiocesan website in French only. Here is an abridged version, followed by a synopsis of the procedure.

Scope of application

This protocol applies to situations in which sexual abuse of the following persons by a priest, deacon, pastoral agent or worker is reported:

- A minor (under 18)
- A vulnerable adult

Although the sexual abuse is alleged, for the sake of brevity, these persons will be referred to as "victims" in this protocol.

Sexual abuse is defined as:

- Any physical, verbal, emotional or sexual behavior or act that causes a person to fear for his or her safety or physical, psychological or emotional well-being;
- Sexual abuse includes:
 - Consensual and non-consensual sexual relations, inappropriate gestures of a sexual nature, exhibitionism, masturbation, incitement to prostitution, conversations and advances of a sexual nature in person or on social networks.
 - Production, exhibition, possession and distribution of child pornography;
 - Recruiting and inciting a person to participate in pornographic activities.

Persons concerned

This protocol concerns the following persons:

- Anyone who knows or suspects that a minor has been abused in an ecclesiastical context;
- Any priest, deacon or lay employee of the diocese or one of its parishes who knows or has reasonable grounds to believe that a minor or vulnerable adult is being or has been abused in an ecclesiastical context;
- The victim him/herself.

Roles and responsibilities

The Dicastery for the Doctrine of the Faith (part of the Roman Curia)

- Receives the final report of the investigation with the bishop's recommendations;
- Tells the bishop what follow-up action will be taken in a given situation: judicial criminal proceedings, extrajudicial criminal proceedings, or other alternatives, including concluding that the allegation is unfounded and thus terminating the proceedings;
- Receives and files the report of an unfounded allegation.

The Archbishop

- Appoints a delegate and a deputy delegate to coordinate the diocesan response to allegations received;
- Appoints an advisory committee;
- Appoints a person responsible for communications with communities and the media;
- Ensures that no member of the Church forces a person to remain silent about the alleged abuse;

- If the report is unfounded, informs the person reporting and the person accused, and sends a note to this effect to the Congregation for the Doctrine of the Faith;
- If necessary, orders an investigation and appoints the person responsible;
- Imposes on the accused, at any time deemed appropriate during the investigation, measures to ensure the safety and protection of the public, the victim and his or her family (e.g.: leave of absence from ministry, removal of faculty to preach, suspension of faculty to hear confessions, etc.).
- Ensures follow-up as determined by the Dicastery for the Doctrine of the Faith.

The delegate or, in his or her absence, his or her deputy

- Receives the report, records it in a register and immediately informs the Archbishop and the Advisory Committee;
- Informs the superior in question if the accused belongs to another diocese or religious institute;
- Informs the archbishop if the accused is one of the suffragan bishops of Gatineau;
- Informs the senior suffragan bishop if the accused is the Archbishop of Gatineau;
- Informs the metropolitan archbishop of the place where the bishop in question resides if he is a bishop emeritus;
- Prepares a written report of the report for presentation to the bishop and the advisory committee;
- Presides at meetings of the Advisory Committee.

The Advisory Committee

- Is informed of a report of alleged sexual abuse in an ecclesiastical context;
- Receives and analyzes the report of the person in charge of the preliminary investigation;
- Makes recommendations to the Archbishop on follow-up action to be taken during the investigation, if required, and at the end of the investigation.

The duty to report

Anyone who knows or suspects that a minor is being sexually or physically abused must report the matter to the DPJ (*Direction de la protection de la jeunesse*). Failure to report will result in penal sanctions.

Any person mandated or employed by the diocese or one of its parishes who is aware of a suspected situation of sexual abuse in an ecclesiastical context must report it as soon as possible to the delegate.

Preliminary investigation

In the case of a person who is still a minor, the investigation is the responsibility of the DPJ. If the person is no longer a minor, the diocesan protocol sets out the procedure to be followed.

If a report is deemed likely, the bishop orders a preliminary investigation to establish the facts and circumstances of the alleged abuse. The investigation is carried out diligently and confidentially. Every effort is made to obtain the victim's and the accused's version of events as quickly as possible. The investigator has access to all the files and archives of the diocese concerned.

The investigator meets the victim in a spirit of empathy and seriousness. He or she encourages the victim to lodge a complaint with the police and supports them in this step, if necessary. He informs the victim of the procedure to be followed by the archdiocese and keeps them informed of the progress of the case.

The investigator meets the accused in complete confidentiality and informs them of the allegations made against them. The investigator asks for the accused's version of events, in a spirit of pastoral and psychological support. The investigator informs the accused of the procedure to be followed by the archdiocese and ensures that the accused knows or is informed of their rights. He will keep them informed of the progress of the case. The investigator asks the accused not to contact the victim or his family. He informs them that the Archbishop may impose measures to protect the public; normally, he or she will be removed from ministry for the duration of the investigation.

The investigator may meet with any other person who may be able to provide insights and information relevant to the investigation.

At the end of the investigation, the investigator draws up a report which he or she presents to the delegate and the advisory committee, who in turn present their comments to the bishop. The Bishop forwards this report to the Dicastery for the Doctrine of the Faith with his observations and recommendations. He awaits the Dicastery's directives for further action.

Dealing with the victim

During the investigation, all meetings and conversations with the victim are marked by respect and empathy. The investigator demonstrates trust and compassion, while remaining objective. It is important to remember that an adult who discloses that he or she is or has been a victim of ecclesiastical abuse is emotionally stressed and may present with a great deal of anxiety and emotional fragility. If the victim so wishes, he or she can be accompanied by a person of their choice.

Interventions are carried out with a view to compassionate pastoral care. If necessary, outside professional help can be offered to the victim (counseling, spiritual guidance, support groups or other psychosocial services). In such cases, a formal agreement is signed between the victim and the diocese stipulating the terms of this assistance.

Dealing with the accused

Despite the seriousness of the charges, the accused is entitled to the presumption of innocence. He or she has the right to be heard, to be defended and to have their reputation protected.

Conversations with the accused are also characterized by respect and empathy. The accused may require external psychosocial support services, in which case a formal agreement is signed between the victim and the archdiocese stipulating the terms of such support.

If the accused is removed from paid duties during the investigation, the diocese continues to pay their salary and all benefits. Depending on the findings of the investigation and the recommendations of the Congregation, the accused will be informed of their future position within the ministry. If the accused is a priest who can no longer exercise ministry, the diocese ensures that he has access to the minimum resources needed to live (unless he is dismissed from the clerical state altogether).

Community intervention

Disclosing an allegation of sexual abuse in an ecclesiastical context is delicate. During the investigation and until the report is processed, the bishop must ensure both the safety of the public and the presumption of innocence of the accused. Each situation must be studied by the advisory committee to decide what information should be disclosed to the community concerned (and possibly to the media) and when.

Synopsis of the procedure

I. Reporting clerical sexual abuse

A victim or third party reports the abuse of a minor to the bishop's delegate or to a member of the parish or diocesan staff, who must forward the report to the delegate.

- i. If the victim is still a minor, the third party, the staff member and the delegate must report the case to the DPJ. All diocesan procedures will be suspended pending information from the DPJ or the police.
- ii. If the victim has reached the age of majority, the likelihood of the report is assessed.

II. Assessing the likelihood of the report being true

The delegate presents the report to the advisory committee and to the bishop, who listens to the committee's advice.

- i. If the bishop deems that the complaint is not credible, the delegate informs the victim or the third party who made the report, as well as the Doctrine of the Faith. The file is closed.
- ii. If the bishop deems that the complaint is likely, he orders a preliminary investigation, normally led by the delegate.

III. Preliminary inquiry

The delegate establishes the facts as far as possible. He or she meets with the victim, reminding them of their right to file a complaint with the police. He or she meets the accused and any witnesses. He or she draws up a report and submits it to the bishop in the presence of the council, which gives its opinion. The bishop forwards the report to the Doctrine of the Faith with his own comments and recommendations and awaits the dicastery's directions. The delegate informs the victim or the person who made the report, as well as the accused.

IV. The Dicastery of the Doctrine of the Faith

The Doctrine of the Faith considers the various options open to it.

- i. If the Dicastery decides to handle the case itself, it will render its verdict to the bishop who will carry it out.
- ii. If the Dicastery determines that the bishop should judge the case, it will indicate the process to be followed to determine a verdict.

V. Verdict

At the end of the procedure, one of two verdicts is possible.

- i. If the verdict is not guilty, the delegate informs the victim or their next of kin, as well as the accused. The file is closed.
- ii. If the verdict is guilty, the sentence is applied by the bishop. This may go as far as dismissal from the clerical state.